



CITY of NOVI CITY COUNCIL

Agenda Item 6
June 27, 2016

SUBJECT: Approval of the request of Pulte Homes for Dixon Meadows, JSP 14-46, with Zoning Map Amendment 18.709, to rezone property in Section 10, located on the east side of Dixon Road, north of Twelve Mile Road from RA (Residential Acreage) to RT (Two-Family Residential) subject to the related Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Plan. The property totals 22.36 acres and the applicant is proposing to construct a 90-unit single family residential detached site condominium.

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Burb}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The petitioner is requesting a Zoning Map amendment for a 22.36-acre property on the east side of Dixon Road, north of Twelve Mile Road (Section 10) from RA (Residential Acreage) to RT (Two Family Residential) utilizing the City's Planned Rezoning Overlay (PRO) option. The applicant states that the rezoning request is necessary to allow the development of this site. The City Council tentatively approved the rezoning, and the petitioner has now brought forward the Planned Rezoning Overlay Agreement.

The applicant has proposed a 90-unit single-family development. The PRO Concept Plan shows one on-site detention pond near the southwest corner of the site with an open space/park area located near east, north east and North West corners of the site. One boulevard access point is proposed off Dixon Road with a stub street connection proposed at the northeast corner of the site.

The applicant has indicated that the site's historical use was an orchard, and numerous pesticides were utilized that contained chemicals that are now banned for commercial application. The applicant indicates that remediation plans have been prepared by Pulte and their soils consultant. Soils that contain arsenic levels that exceed residential use standards are proposed to be removed from the site. The plan shows a significant amount (83 percent) of the regulated woodland trees on site will be removed along with those soils to allow for the proposed development. A detailed woodland survey was presented with this application and reviewed by the City's Woodland consultant.

Ordinance Deviations Requested

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

The deviations requested are the following:

1. Lot Size and Width: Per Section 3.1.7.B of the Zoning Ordinance, one-family detached dwellings are to be reviewed against the regulations for the R-4 Zoning District. The minimum lot size in the RT District, when single family detached homes are built, is 10,000 square feet and the minimum lot width is 80 feet (equivalent to the R-4, One-Family Residential District). The applicant has proposed a minimum lot size of 5,400 square feet and a minimum width of 45 feet. The overall density at 4.2 units to the acre is most consistent with the RT Zoning District (maximum density is 4.8 units to the net site area).
2. Setbacks: The minimum side yard setback for a single-family dwelling in this district is 10 feet with an aggregate of 25 feet. The minimum front yard setback is 30 feet and the minimum rear yard setback is 35 feet. The applicant has proposed a minimum 5 foot side yard setback (with an aggregate of 10 feet) and a minimum 20 foot front yard setback and a minimum 30 foot rear yard setback.
3. Lot Coverage: The maximum permitted lot coverage per the Zoning Ordinance is 25 percent of the total site. The applicant is proposing 40 percent lot coverage for the smallest lots. Please note, the previous review letter indicated the maximum lot coverage requested was 35 percent. The following statement was provided by the applicant's attorney as a means of explanation:

Lot Coverage Issue. The lot coverage issue (changing 35% to 40%) is the result of an oversight by Pulte's engineers in stating the lot coverage in the plans submitted. 35% was a carryover from a prior project, and did not take into consideration the diversity of building types required by the City and desired by Pulte. The four different floor plans and accompanying elevations presented by Pulte and approved by the City providing diversity of building types, including the popular options for a sunroom or gathering room, will result in the following lot coverages—31.1%, 37.2%, 36.7% and 39.1%. Pulte would like to obtain City Council approval to correct this technical change to 40% lot coverage as part of the PRO approval.

4. Design and Construction Standards (DCS) Waiver: A DCS waiver is required for the lack of paved eyebrows. See the Traffic Engineering Review letter for additional information.

Public Benefit under PRO Ordinance

Section 7.13.2.D.ii states that the City Council must determine that the proposed PRO rezoning would be in the public interest and the public benefits of the proposed PRO rezoning would clearly outweigh the detriments. Applicant suggests the following as public benefits:

1. Maximum number of units shall be 90.
2. Minimum unit width shall be 45 feet and minimum square footage of 5,400 square feet
3. Paving of 1,800 linear feet of Dixon Road.
4. Planting of woodland replacement trees along the Dixon Road frontage.
5. Remediation of on-site arsenic contamination.
6. Pocket parks/tree preservation within the development.
7. Housing style upgrades as shown on the elevations enclosed with the PRO Application.
8. Dedication of public right-of-way along Dixon Road.
9. Construction of a meandering five feet wide concrete sidewalk along east side of Dixon Drive extending approximately 850 feet south from the subject property to

the existing sidewalk just north of Twelve Mile Road, provided City secures the required easements. Alternatively, if the City is not able to require the easements by donation, the applicant has offered to contribute the amount for the anticipated sidewalk construction to the City for future construction of any sidewalk as set forth in the City's Non-Motorized Master Plan.

As a part of the review process, the applicant has offered to plant woodland replacement trees in the adjacent Liberty Park Open Space, along Dixon Road. The attached Open Space Preservation Easement, signed by the Liberty Park Condominium Association Board of Directors representative, ensures that the replacement trees will not be removed or cut down by the Liberty Park Association. The language of the easement is acceptable to the City Attorney's Office; additional details may need to be addressed in its final form before recording of the easement and PRO documents.

Public Hearings and Planning Commission Recommendation

The rezoning and concept plan first appeared for public hearing with the Planning Commission on August 26, 2015. The Planning Commission voted to postpone consideration to allow the applicant time to address certain concerns that had been identified.

The Planning Commission reviewed the Concept Plan and Rezoning request at the January 13, 2016 meeting and, following a public hearing, recommended approval of the plan as submitted at that time subject to a number of conditions.

Following the public hearing in January, residents from Liberty Park contacted planning staff to further review the request. Staff invited the resident's representatives and the applicant to a meeting on February 4, 2016 at which time the resident's concerns were discussed. The applicant provided an alternate plan following that meeting, and another public hearing was scheduled and held by the Planning Commission on March 9, 2016. At that meeting, the Planning Commission recommended approval of the rezoning request and Alternate Plan with a motion consistent with the motion provided below.

Previous City Council Consideration

On March 14, 2016, the City Council tentatively approved the rezoning request with PRO, and directed the City Attorney's office to prepare a PRO Agreement.

City Council Action

Because the attached draft PRO Agreement is consistent with the rezoning with PRO requested tentatively approved by the City Council at the March 14, 2016 meeting, the City Council is now asked to consider the actual text of the Planned Rezoning Overlay Agreement and give final approval of the agreement, the PRO plan and the rezoning. Following Council's final approval, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures.

RECOMMENDED ACTION:

Final approval of the request of Pulte Homes for Dixon Meadows, JSP 14-46, with Zoning Map Amendment 18.709, to rezone property in Section 10, located on the east side of Dixon Road, north of Twelve Mile Road from RA (Residential Acreage) to RT (Two-Family Residential) with a Planned Rezoning Overlay and **subject to the related Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Plan**, subject to the conditions listed in the staff and consultant review letters, and with any changes and/or conditions as discussed at the City Council meeting, and any final minor alterations required in the

determination of the City Manager and City Attorney to be incorporated by the City Attorney's office prior to the execution of the final agreement, for the following reasons:

- a. The applicant has presented a reasonable alternative to the proposed Master Plan designation of a maximum of 1.65 units/acre to an actual 4.2 units/acre, and which supports several objectives of the Master Plan for Land Use as noted in the planning review letter.
- b. The proposed density of 4.2 units/acre provides a reasonable transitional use and density between the lower density Liberty Park – Single Family development to the west (approximately 3.5 units/acre), and the higher density Carlton Forest development to the east (approximately 5.6 units/acre), and given the PRO Conditions, as well as the required remediation, the integration of this development to the area results in an enhancement of the overall area that would not be required without the PRO.
- c. The roadways and surrounding intersections are expected to maintain acceptable levels of service with the addition of the site generated traffic, and the proposed paving of approximately 1,800 linear feet of Dixon Road from the existing terminus point at Twelve Mile Road to the northern entrance of the proposed development may be seen as a public benefit to the potential residents of the new development, as well the residents who currently use Dixon Road.
- d. The site will be adequately served by public utilities.
- e. The City's Traffic Engineering Consultant has reviewed the Rezoning Traffic Impact Study and notes a minimal impact on surrounding traffic as a result of the development as the current traffic volume on Dixon Road is relatively low.
- f. Submittal of a concept plan, and any resulting PRO Agreement, provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed, and with the PRO Conditions as proposed, the overall development is more restrictive than would otherwise be required within the RT District.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Burke				
Council Member Casey				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

Maps
Location
Zoning
Future Land Use
Natural Features

JSP 14-46 Dixon Meadows

Location

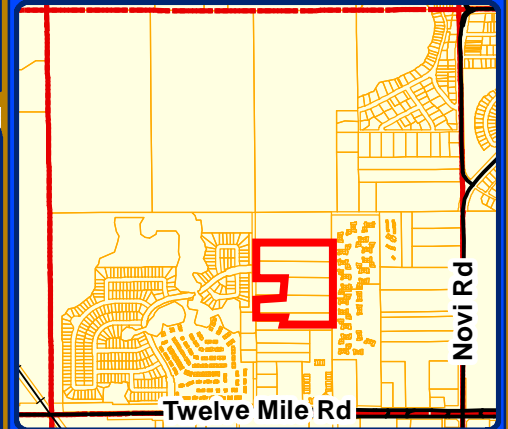
Twelve 1/2 Mile Road

Dixon Road

Subject Property

Section 10

Carlton Way Drive



Legend

 Sections



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Sri Komaragiri
Date: 08/20/15
Project: JSP14-46 Dixon Meadows
Version #: 1



1 inch = 233 feet



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

JSP 14-46 Dixon Meadows

Zoning

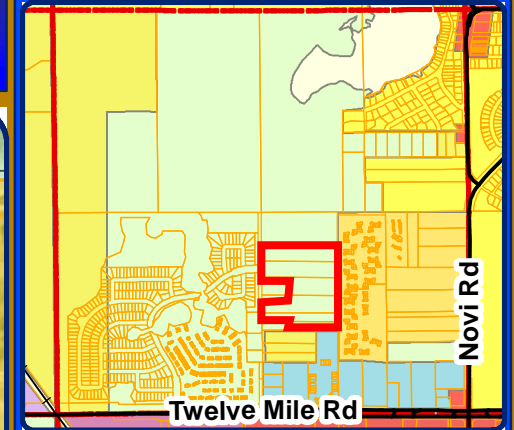
Twelve 1/2 Mile Road












Dixon Road

Subject Property

RA: Residential Acreage

Carlton Way Drive



-  Sections
-  R-A: Residential Acreage
-  R-1: One-Family Residential District
-  R-2: One-Family Residential
-  R-4: One-Family Residential District
-  RM-1: Low-Density Multiple Family
-  B-3: General Business District
-  I-1: Light Industrial District
-  OS-1: Office Service District
-  OST: Office Service Technology
-  RC: Regional Center District



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Sri Komaragiri
Date: 08/20/15
Project: JSP14-46 Dixon Meadows
Version #: 1



1 inch = 233 feet



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

JSP 14-46 Dixon Meadows

Future Landuse

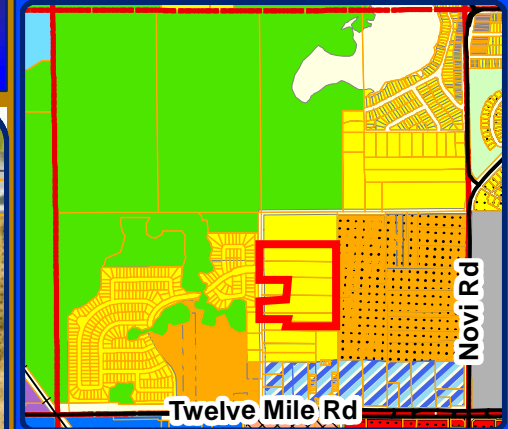
Twelve 1/2 Mile Road

Dixon Road

Subject Property

Single Family

Carlton Way Drive



	SINGLE FAMILY
	PUD
	MULTIPLE FAMILY
	PD1
	COMMUNITY OFFICE
	OFFICE RES DEV TECH
	INDUSTRIAL RES DEV TECH
	LOCAL COMMERCIAL
	REGIONAL COMMERCIAL
	PD2
	PUBLIC
	PUBLIC PARK
	PRIVATE PARK
	CEMETERY



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Sri Komaragiri
Date: 08/20/15
Project: JSP14-46 Dixon Meadows
Version #: 1



1 inch = 233 feet



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

JSP 14-46 Dixon Meadows

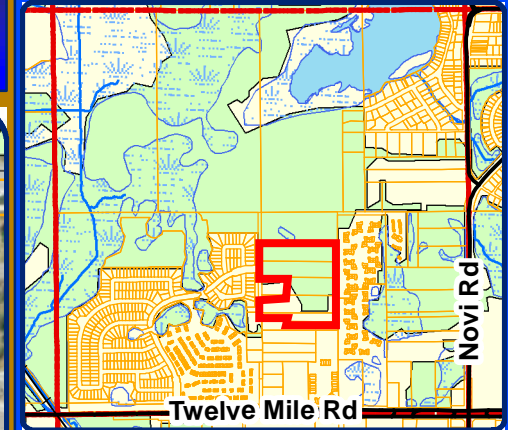
Natural Features

Twelve 1/2 Mile Road

Dixon Road

Carlton Way Drive

Subject Property



Legend

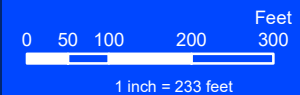
-  Sections
-  Wetlands
-  Woodlands



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Sri Komaragiri
Date: 08/20/15
Project: JSP14-46 Dixon Meadows
Version #: 1



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

CONCEPT PLAN

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

Revised Concept Plan submitted on February 16, 2016



Seating / Litter
Bike Rack
Play Structure

Play Structure



Play Structure by Superior Play Model #PS3-31765

Pergola



Seal: _____

Title:
Landscape Plan

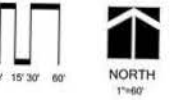
Project:
**Dixon Meadows
Novi, Michigan**

Prepared for:
Pulte Homes
100 Bloomfield Hills Parkway, Suite 140
Bloomfield Hills, 48304

Revision:	Issued:
Review	February 27, 2015
Submission	March 6, 2015
Revised	June 16, 2015
Revised	September 12, 2015
Revised	November 14, 2015
Revised	November 24, 2015
Revised	February 8, 2016
Revised	February 29, 2016

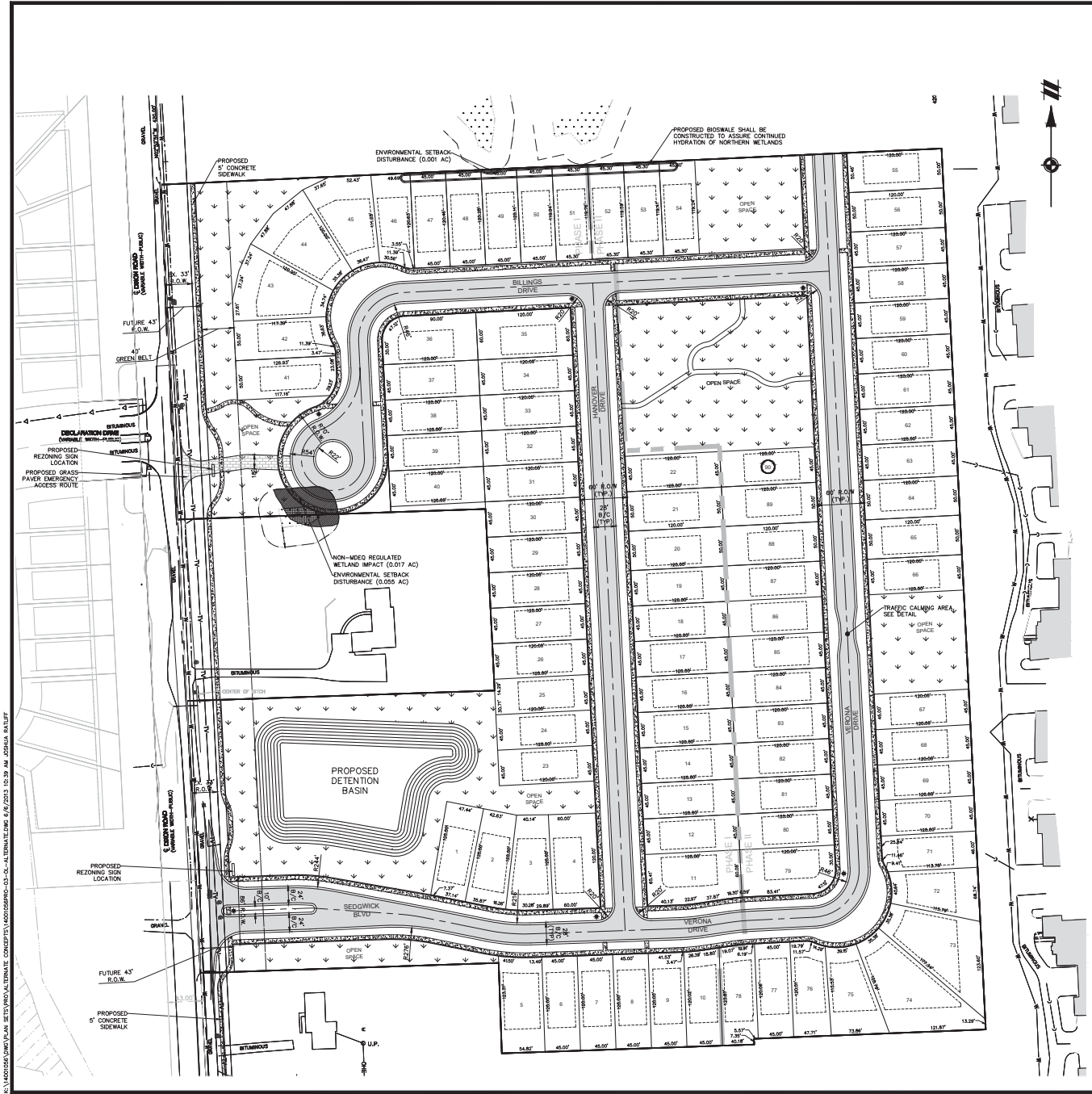
Job Number:
14-042

Drawn By: _____ Checked By: _____
jca jca



Sheet No. _____





Parcel #	Area
1	5515
2	5681
3	6035
4	7199
5	5400
6	5400
7	5400
8	5400
9	5400
10	5469
11	7692
12	5400
13	5400
14	5400
15	5400
16	5400
17	5400
18	5400
19	5400
20	6000

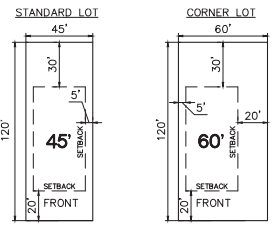
Parcel #	Area
21	6000
22	5400
23	5400
24	5400
25	5400
26	5400
27	5400
28	5400
29	5400
30	5400
31	5400
32	5400
33	5400
34	5400
35	7200
36	7007
37	5400
38	5400
39	5400
40	5400

Parcel #	Area
41	6283
42	6065
43	8135
44	7787
45	7303
46	5400
47	5425
48	5417
49	5409
50	5401
51	5429
52	5421
53	5400
54	5405
55	4028
56	6000
57	5400
58	5400
59	5400
60	5400

Parcel #	Area
61	5400
62	5400
63	5400
64	6000
65	6000
66	5400
67	5400
68	5400
69	5400
70	5400
71	5446
72	6055
73	9886
74	10994
75	6366
76	5463
77	5413
78	5678
79	7007
80	5400

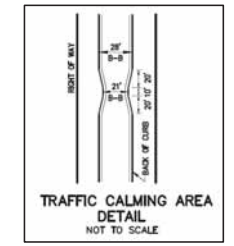
Parcel #	Area
81	5400
82	5400
83	5400
84	5400
85	5400
86	5400
87	5400
88	5400
89	6000
90	5400

TOTAL LOT AREA: 523,065.23 SQ. FT.
 AVG. LOT SIZE: 5,811.84 SQ. FT.
 PHASE I = 51 LOTS
 PHASE II = 39 LOTS



TYPICAL LOT DETAILS

NOTE: LOT WIDTH IS THE STRAIGHT LINE DISTANCE BETWEEN THE SIDE LOT LINES, MEASURED AT THE TWO POINTS WHERE THE MINIMUM FRONT YARD SETBACK LINE INTERSECTS THE SIDE LOT LINES.

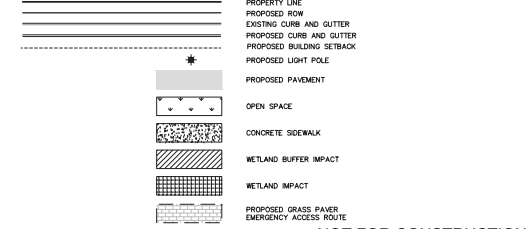


TRAFFIC CALMING AREA DETAIL NOT TO SCALE

- NOTES**
- SEE DETAIL SHEET FOR NON-PAVED EYEBROW DIMENSIONAL DETAIL.

- PROPOSED IMPROVEMENT NOTES:**
- MUNICIPAL SEWER TO BE PROVIDED BY CONNECTING TO AN EXISTING SANITARY SEWER ON THE WEST SIDE OF DIXON ROAD AT DECLARATION DRIVE.
 - MUNICIPAL WATER TO BE PROVIDED BY CONNECTING TO EXISTING 24" WATER MAIN LOCATED IN DIXON ROAD. ALL PROPOSED WATER MAIN SHALL BE 8".
 - STORM WATER DETENTION SHALL BE PROVIDED ON SITE. THE DETENTION PONDS WILL DISCHARGE TO AN EXISTING CITY WETLAND PROPERTY LOCATED ON THE WEST SIDE OF DIXON ROAD WHICH FLOWS NORTH, AND CONTIGUOUSLY WITH THE NORTH NOVI REGIONAL DRAINAGE BASIN.
 - 5' WIDE CONCRETE SIDEWALKS SHALL BE CONSTRUCTED ON BOTH SIDES OF ALL INTERIOR ROADWAYS. A 5' WIDE CONCRETE SIDEWALK SHALL BE CONSTRUCTED ACROSS THE PROPERTY FRONTAGE ALONG DIXON ROAD. ALL WALK STUBS SHALL BE PROVIDED WITH RAMPS AND DETECTABLE WARNING SURFACES.
 - ALL ROADWAYS TO BE PUBLIC.
 - A CITY OF NOVI RIGHT-OF-WAY PERMIT IS REQUIRED FOR WORK WITHIN ANY PUBLIC ROAD RIGHT-OF-WAY.
 - DIXON ROAD IMPROVEMENTS - THE DEVELOPER IS PROPOSING TO PAVE APPROXIMATELY 1800 LINEAR FEET OF DIXON ROAD, FROM TWELVE MILE ROAD UP TO THE ENTRANCE OF DECLARATION DRIVE. A 24" WIDE ASPHALT ROADWAY WILL BE PROPOSED, CONSISTING OF 10' ASPHALT LANES WITH 2" CONCRETE CURBS AND GUTTER. PULTE IS PREPARED TO COMMIT FOR THE FUNDING OF A FIVE (5') FEET WIDE CONCRETE SIDEWALK ALONG THE EAST SIDE OF DIXON DRIVE, STARTING FROM OUR SOUTH PROPERTY LINE SOUTH AND EXTENDING APPROXIMATELY 850' SOUTH TO THE EXISTING SIDEWALK AT THE BANK/OFFICE BUILDING AT THE CORNER OF 12 MILE ROAD. PULTE WILL PROVIDE THE FUNDING FOR THE DESIGN AND CONSTRUCTION OF THE SIDEWALK, IF THE CITY WILL SECURE THE NECESSARY EASEMENTS FROM THE PROPERTY OWNERS ALONG DIXON DRIVE. IF EASEMENTS ARE NOT SECURED AT THE TIME OF SITE DEVELOPMENT OF THE DIXON MEADOWS RESIDENTIAL COMMUNITY, THE CONSTRUCTION FUNDING PORTION WILL BE PAID TO THE CITY FOR FUTURE CONSTRUCTION OF THE WALK BY OTHERS. THE INTENT OF THE WALK WOULD BE TO MEANDER AROUND EXISTING HEALTHY TREES AND ENSURE REASONABLE TREE PRESERVATION ALONG THE ROUTE.

LEGEND



811
 Know what's below.
 Call before you dig.

ATWELL
 248.447.2000
 1000 WEST WILSON AVENUE
 TROY, MICHIGAN 48068-1700
 248.447.2000

SECTION 10
 TOWN I NORTH, RANGE 8 EAST
 CITY OF NOVI
 OAKLAND COUNTY, MICHIGAN

PULTE HOMES - MICHIGAN
 DIXON MEADOWS
 PLANNED REZONING OVERLAY
 ALTERNATE LAYOUT
 DIMENSIONAL PLAN

DATE: FEB. 15, 2016

REVISIONS

SCALE: 1" = 60 FEET
 DRAWN BY: C.R. / W.H.
 CHECKED BY: J. KNE
 P.L.M.: J. ACKERMAN
 JOB #: 14001056
 FILE CODE: -
 SHEET NO. 03A

ALL INFORMATION SHOWN ON THIS SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE INFORMATION PROVIDED BY THE CLIENT. THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE INFORMATION PROVIDED BY THE CLIENT. THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE INFORMATION PROVIDED BY THE CLIENT.

NOT FOR CONSTRUCTION

Scale: _____



Title:
Landscape Plan

Project:
**Dixon Meadows
 Novi, Michigan**

Prepared for:
 Paula Herman
 188 Oriented Hills Parkway, Suite 140
 Oriented Hills, 48064

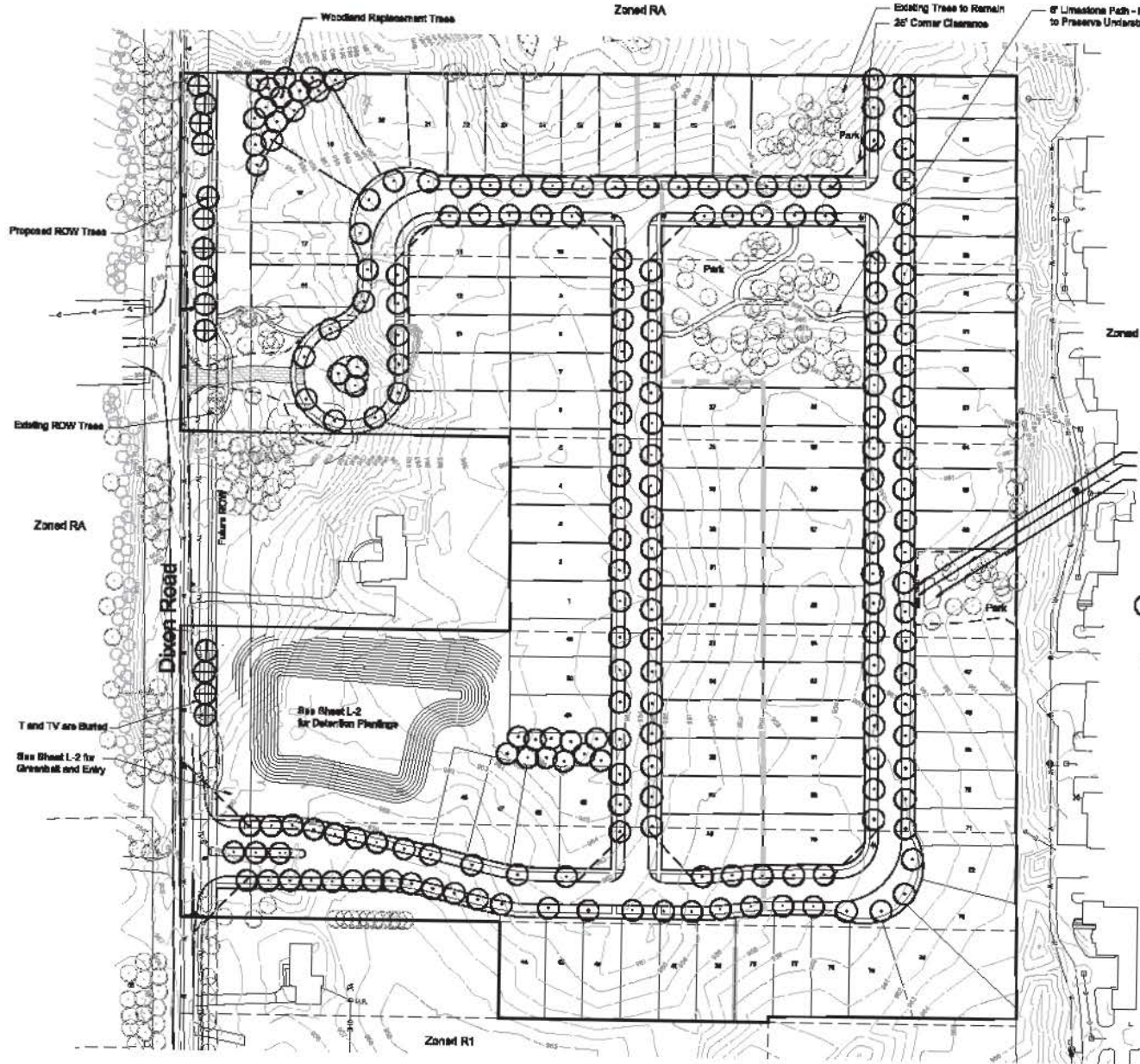
Revision:	Issued:
Under Submission	February 27, 2015
Revised	March 5, 2015
Revised	June 18, 2015
Revised	September 12, 2015
Revised	November 14, 2015
Revised	November 24, 2015
Revised	January 26, 2016
Revised	February 26, 2016

Job Number:
 14-003

Drawn By: _____ Checked By: _____
 JM JM



Sheet No. _____



Play Structure



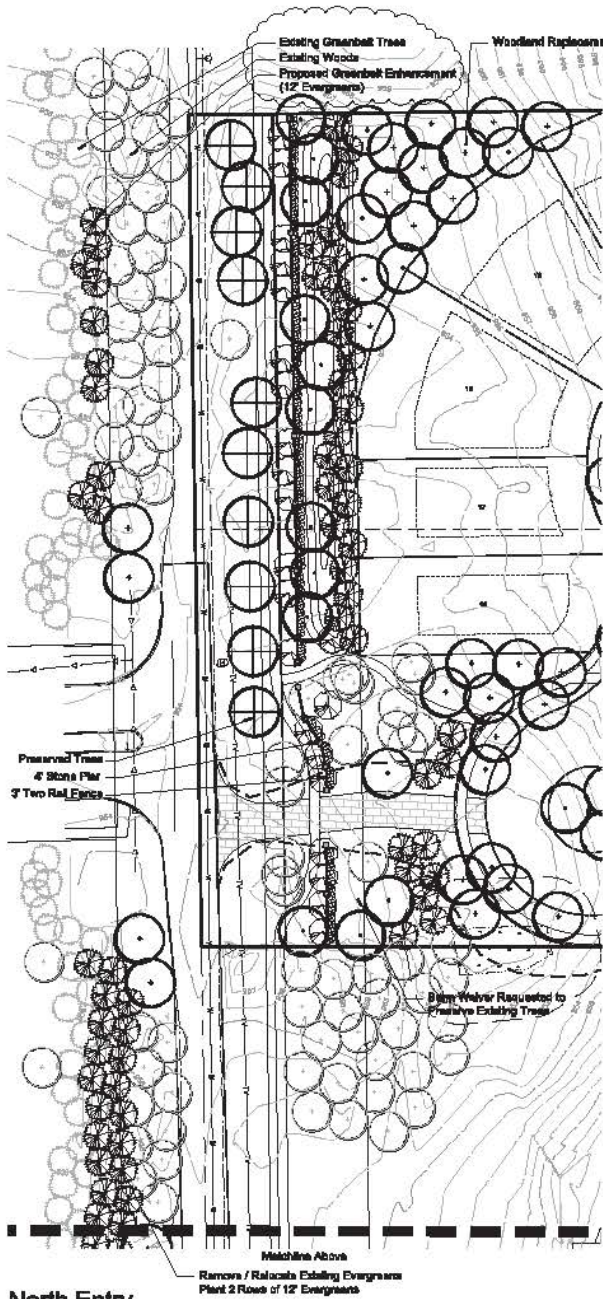
Play Structure by Superior Play Model #P83-91708

Benching / Litter Bin Rack / Play Structure

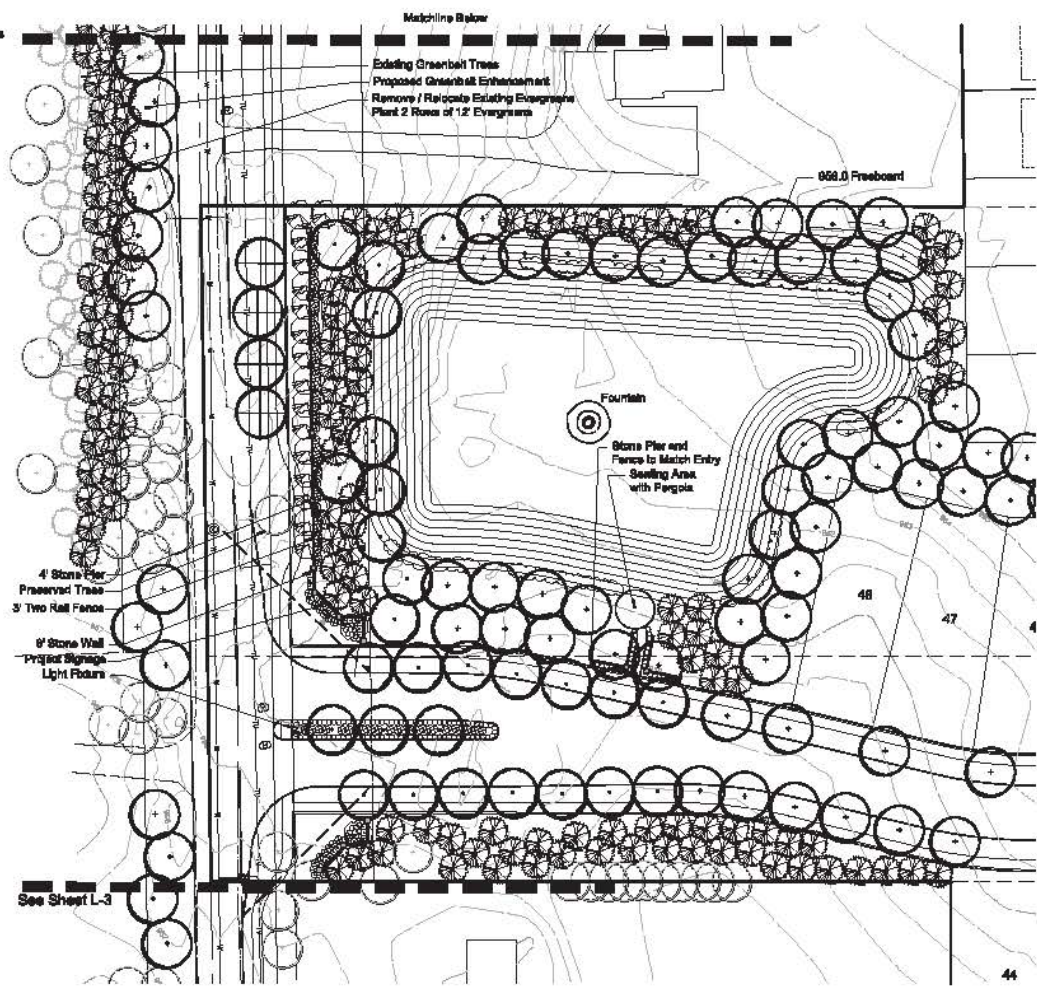
Landscape Summary

Street Trees	Total Labeled: 70	82 Labeled
Circle Lined	6 Labeled	6 Labeled
Trees Required	104 Trees (82 + 8 x 2 Trees)	104 Trees (82 + 8 x 2 Trees)
Trees Provided	172 Trees (86 Additional Trees to be Created Towards Windward Replacement)	172 Trees (86 Additional Trees to be Created Towards Windward Replacement)
Street Lawn	Total Street Frontage: 770 L.F.	770 L.F.
Trees Required	22 Trees (770 / 35)	22 Trees (770 / 35)
Trees Provided	22 Trees (5 Existing)	22 Trees (5 Existing)

- Notes:
- No Overhead Lines Exist
 - Trees Shall be Planted 10' from Utility Structure
 - Snow Shall be Deposited Adjacent to Drives and within the Curb Lawn



North Entry



South Entry

Landscape Summary

Greenbelt Perforage	778 LF
Total Street Perforage	22 Trees (70 / 30)
Canopy Trees Required	22 Trees
Canopy Trees Provided	30 Trees (70 / 28)
Sub-Canopy Trees Required	38 Trees
Sub-Canopy Trees Provided	38 Trees
Detention Pond Plantings	708 LF
High-Water Elevation	857 LF (708 = 70%)
Retained Ponds	858 LF (70%)
Planting Provided	

Woodsland Replacement	852 Trees
Replacement Provided	86 Trees
Replacement Provided	34 Trees
Additional Street Rd. Improvement	58 Trees (355 shrubs / 6')
38' Shrubs	
Trees Planted in Liberty Park Greenbelt	16 Trees
5.0' Deciduous	16 Trees (16 Trees @ 1.5 c/1 Plant)
12' Evergreens	78 Trees
On-Site Deciduous	155 Trees (128 Trees @ 1.8-1.1 Ratio)
On-Site 12' Evergreens	338 Trees
Total Trees Provided	423 Trees
Trees to be Plant into Fund	

* Shrubs Used in Calculations are Additional from Required Plantings.
Trees Planted in Liberty Park Greenbelt are Subject to HCA Approval.

Pergola



Title:
Greenbelt Plan

Project:
**Dixon Meadows
Novi, Michigan**

Prepared for:
Pella Homes
190 Stonerfield Hills Parkway, Suite 110
Stonerfield Hills, MI 48304

Revision:	Issued:
Number	February 21, 2016
Revision	March 9, 2016
Revised	June 18, 2016
Revised	September 12, 2016
Revised	November 16, 2016
Revised	November 21, 2016
Revised	February 18, 2018

Job Number:
1404

Drawn By: JM
Checked By: JM



Sheet No.



L-2

Sent: _____



Title:
Dixon Road Mitigation

Project:
**Dixon Meadows
 Novi, Michigan**

Prepared for:
 Julie Herman
 180 Stonerfield Hills Parkway, Suite 110
 Stonerfield Hills, IN 46304

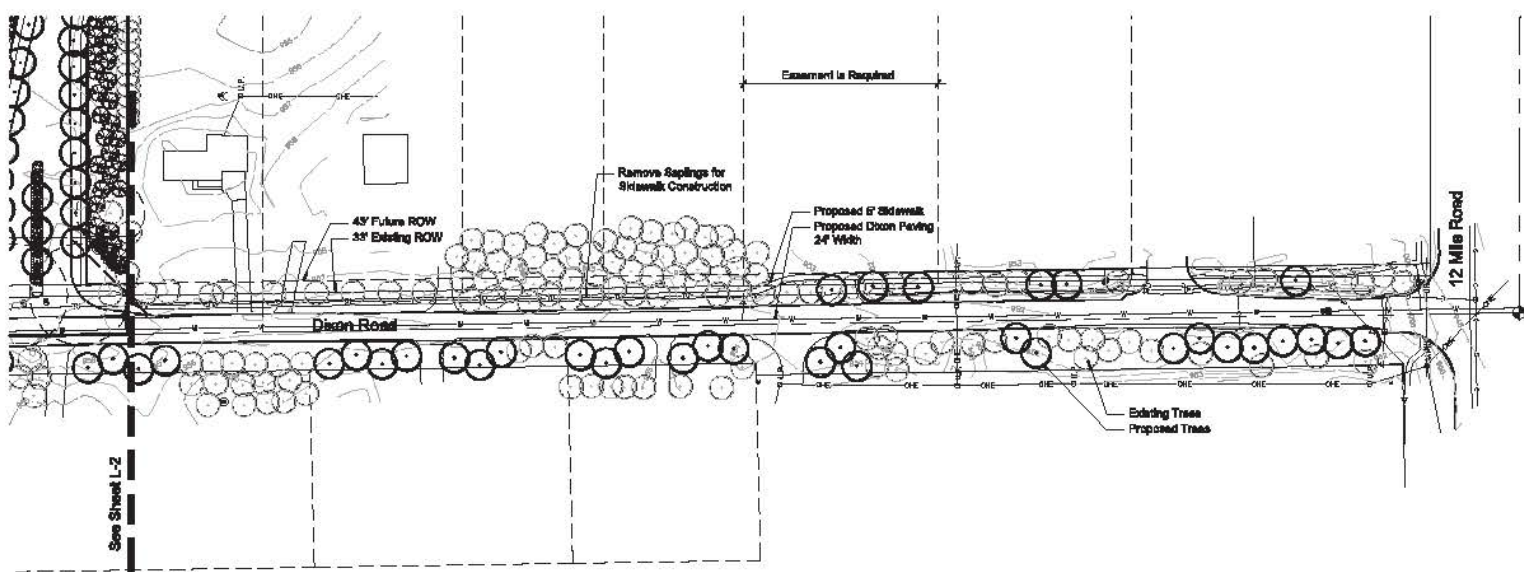
Revision:	Issued:
Forbid	February 27, 2016
Revised	March 9, 2016
Forbid	June 16, 2016
Forbid	September 12, 2016
Forbid	November 16, 2016
Forbid	November 21, 2016
Forbid	January 26, 2017
Forbid	February 16, 2017

Job Number:
 14-04

Drawn By: _____ Checked By: _____
 jm jm



Sheet No. _____



Landscape Summary

Dixon Road Mitigation Trees Provided on Sheet L-2 34 Trees

Sidewalk and Off-Site Mitigation Notes:
 Pulls will construct paving of a five (5) foot wide concrete sidewalk along the east side of Dixon Drive, starting from the south property line and extending approximately 850' south to the existing walk at the bank located on the corner of 12 Mile Road. Pulls will provide the funding for the design and construction of the sidewalk if the City will secure the necessary easements from the property owners along Dixon Drive. If easements are not secure at the time of the development of the Dixon Meadows residential community, the construction funding portion will be paid to the City by future construction of the walk by others. The intent of the walk is to maintain around existing healthy trees and secure reasonable tree preservation along route.

Mitigation Trees will be provided on both sides of Dixon Drive to enhance the rural character of the street. The cost of tree replacements will be coordinated with City staff during the final design phase.



APPLICANT'S SUBMITTAL:

- **CONCEPT PLAN SUBMITTAL COVER LETTER 2/16/16**
- **PULTE HOMES SUMMARY LETTER DATED 2/12/16**
- **TRAFFIC IMPACT STUDY ADDENDUM 2/16/16**
- **LIBERTY PARK GREENBELT – SUPPLEMENTAL PLANTINGS**



ONE COMPANY.
INFINITE SOLUTIONS.

February 16, 2016

Ms. Barbara Macbeth, Community Planner

CITY OF NOVI

45175 W. Ten Mile Road

Novi, Michigan 48375

Re: Dixon Meadows Residential Development – Alternative Plan revisions
East side of Dixon Drive, north of Twelve Mile Road
Revised PRO Submittal

Dear Barb,

Pursuant to meetings set up with residents of the adjacent Liberty Park development on February 4th and a subsequent follow up meeting with the City of Novi on February 9th, we are providing you the attached alternative plan for your review. The specific sheets that comprise the alternate plan are the dimensional plan (sheet 3) and the landscape plans (sheets L-1 to L-9.) These additional 10 sheets have been added to the back of the Conceptual PRO Plan that was approved at your January 13th Planning Commission meeting and is being resubmitted with the following additional items:

- Cover Letter from Atwell - explains the specific revisions in detail
- Pulte Homes summary letter dated 2/12/16
- Traffic Impact Study Addendum from Fleis and Vandenbrink dated 2/16/16

Specifically, the Alternative Plans contain the following options for consideration, from the Planning Commission approved PRO plans:

1. Relocation of Dixon Meadows Entry Boulevard

The centerline of Dixon Meadows' boulevard entrance has been moved south by approximately 175 feet, and the storm water detention pond was shifted to the north side of the entrance road. Minor revisions were made to lots along the southern and western perimeter of the development, and provided the ability to increase the small pocket park between lots 66 and 67 by approximately 5,000 sf. A wooden pergola and pedestrian seating area are still proposed with the detention basin to ensure that this area provides an amenity for the development.

2. Landscaping Along Dixon Road

The landscape plans have been revised to reflect comments from feedback from the Planning Commission as well as from a select few residents of the neighboring Liberty Park development. In



ONE COMPANY.
INFINITE SOLUTIONS.

particular, we have incorporated an alternating double row of oversized 12' evergreen trees behind the Liberty Park homes that back up to Dixon Road adjacent to the proposed Dixon Meadows development. The following images provide a realistic idea of what this landscape treatment will look like from Dixon Road after being installed:

Before



After



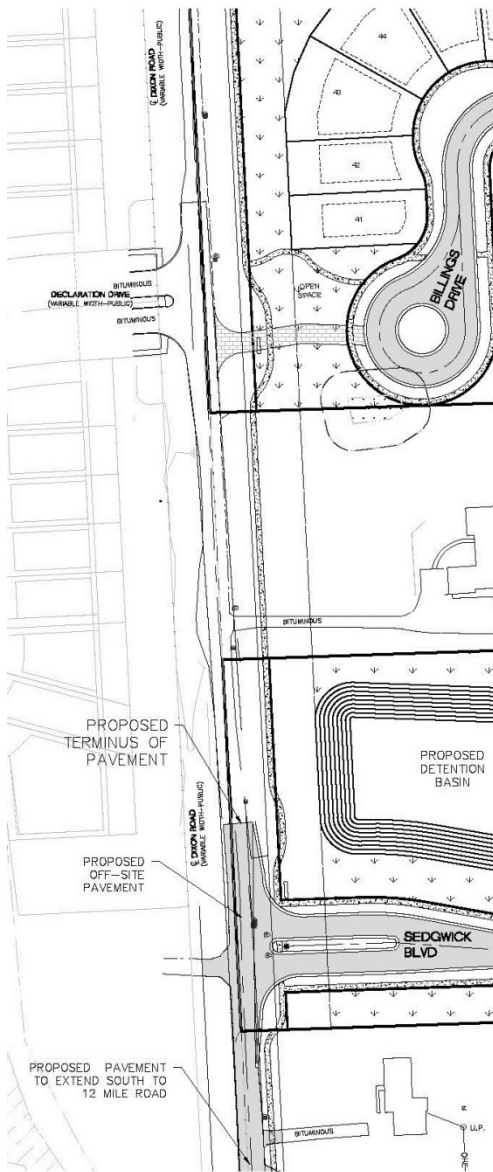


ONE COMPANY.
INFINITE SOLUTIONS.

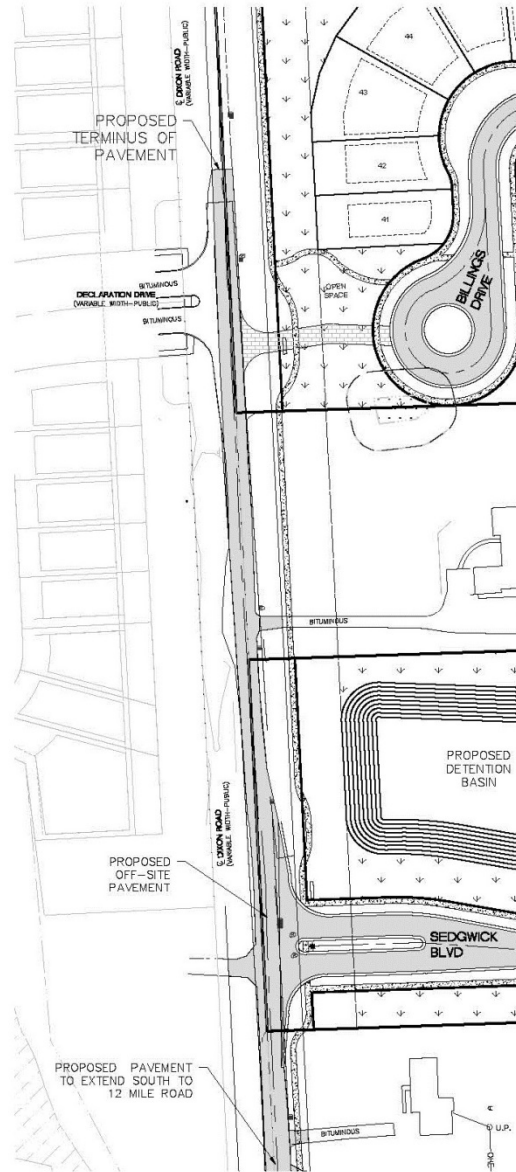
In addition to the Liberty Park landscape planting, additional deciduous trees and shrubs have been proposed in natural planting schemes along the frontage of Dixon Meadows and in other select locations along Dixon Road to the south.

3. Dixon Road Paving Alternatives

Currently Pulte is proposing to pave Dixon Road from the 12 Mile Road terminus pavement point, to the Liberty Park Boulevard entrance at Declaration Drive. The residents expressed their desire to terminate the paving of Dixon Road at the entrance to Dixon Meadows. The two options are shown as follows:



OPTION 1:
PAVING DIXON ROAD FROM SEDGWICK BLVD TO 12 MILE ROAD



OPTION 2:
PAVING DIXON ROAD FROM DECLARATION DRIVE TO 12 MILE ROAD



ONE COMPANY.
INFINITE SOLUTIONS.

Pulte is willing to construct either option and is looking to the City representatives to provide their formal input as to where to terminate the paving of Dixon Road.

As discussed with staff at the February 9th meeting, all three design alternatives have been designed and presented as an avenue to appease concerns from select residents from the neighboring Liberty Park development without compromising the integrity of the PRO plan that was previously approved by the City's Planning Commission. It is our understanding that each of these alternatives will be individually addressed by the Planning Commission on March 9th. These recommendations will be sent to the City Council for discussion and action on March 14th.

If you should have any questions or need any additional information, please contact us.

Sincerely,
Atwell

A handwritten signature in blue ink, appearing to read "John Ackerman", with a long horizontal flourish extending to the right.

John Ackerman
Project Manager

Xc: Robert Halso, Pulte Homes

February 13, 2016

Re: Dixon Meadows

Barbara McBeth
Deputy Director Community Development
City Hall
45175 10 Mile Road
Novi, MI 48375

Dear Barb,

I want to thank you and Sri for arranging the meeting on February 4th with Charu and Sanjay from Liberty Park. I have to admit that at this late juncture I was surprised at their requests. Sanjay attended the January 13th Planning Commission meeting and expressed his concerns. As you know after hearing his concerns the Planning Commission recommended approval of the plan at that meeting. In any event, it was good to meet them in a smaller group and have the opportunity to talk.

I believe there were three main concerns that we were asked to consider; (1) Relocation of the Dixon Meadows entry boulevard, (2) landscaping specifics on Dixon Rd and (3) a request to terminate the proposed Dixon Rd paving just north of our entry as opposed to north of the Liberty Park entry on Dixon. These items generally pertain to the request conveyed by Charu and Sanjay to reduce the traffic activity and screening behind the Liberty Park homes that back to Dixon Rd.

Immediately following the meeting we commissioned Atwell to evaluate moving the entry further south. As you know this also required relocating the detention pond. An "Alternative" plan was evaluated from an engineering perspective and prepared for your consideration.

We appreciate your efforts to again arrange a meeting with staff on February 9th to evaluate this Alternative plan. I believe it is fair to say that at that meeting this Alternative concept plan was deemed acceptable to City planning, engineering and woodlands. At that meeting you asked us to consider formally resubmitting this Alternative plan for formal City staff review as well as Planning Commission review.

Pulte has agreed to resubmit an Alternative plan for your review and for consideration by the Planning Commission. The schedule we agreed to calls for this resubmission to be made on February 16th. Planning Commission will consider this Alternative at its March 9th meeting and the City Council will consider the Commission's recommendations at its March 14th meeting.

I want you to know that I did arrange to meet with Charu and Sanjay on February 11th at her home. We reviewed and discussed the Alternative plan and concept landscape plan thoroughly. I left a large-scale copy of the plan with them for their further consideration.

The landscape elements of this Alternative plan were generally developed in response to the suggestion from the Planning Commission when they recommended Dixon Meadows for approval. We added an alternating double row screen of evergreens behind the Liberty Park homes backing on Dixon as well as numerous other plantings along Dixon Rd to enhance the interest and beauty of the streetscape.

The specific location and extent of screening behind the Liberty Park homes depends in part on the Liberty Park HOA approving additional plantings in their current landscaped common area. We are very flexible on this point and willing to work with staff and the neighbors on a specific plan. I think we all see this as an opportunity and not a problem.

As to the terminus point of the proposed paving we will defer to direction from the City. We originally proposed paving to the north side of the Liberty Park entrance essentially at the direction of the City. As you know we worked with engineering on a specific cross section that would serve to calm speeds on the newly paved stretch of road as well as the addition of sidewalks for non-motorized users of Dixon Rd.

Finally, I would like to reiterate that we are in complete agreement with you that it is important to keep this Alternative plan in context. We have worked together to offer this as an Alternative in an effort to satisfy neighboring concerns without prejudice to the plan originally recommended by the Planning Commission for approval. Each of the three points raised above can be addressed individually or collectively as alternatives to the originally approved plan. We will comply with the Planning Commission's recommendations as to each of these alternatives or move forward with their original recommendation as they may direct.

Thank you for your consideration,



Robert J Halso

Asset Management
Pulte Homes of Michigan

Memo

VIA EMAIL

To: **Mr. Joe Skore**
Pulte Group

From: **Michael J. Labadie, PE**
Julie M. Kroll, PE, PTOE
Steven J. Russo, E.I.T.
Fleis & VandenBrink

Date: **February 16, 2016**

Re: **Proposed Dixon Meadows Residential Development**
City of Novi, Michigan
Traffic Impact Study Addendum

Introduction

This memorandum is intended as an addendum to the original Traffic Impact Study (TIS) dated March 5, 2015 completed by Fleis & VandenBrink (F&V) for the proposed Dixon Meadows development in the City of Novi. This memorandum includes a summary of the site access and density revisions to the site plan and resulting traffic operations impact on the study intersections. The revised site plan includes 90 single family homes and one site driveway to Dixon Road.

Site Trip Generation and Assignment

The number of AM and PM peak hour vehicle trips that would be generated by the proposed residential development was forecast based on data published by the Institute of Transportation Engineers (ITE) in *Trip Generation, 9th Edition*. The revised site plan includes 90 single family homes, which is a reduction from the 95 single family homes evaluated in the March 5, 2015 TIS. The changes in the site trip generation forecast is summarized in Table 1.

Table 1: Trip Generation Comparison

Site Plan	Land Use	ITE		Units	Average Daily Traffic	AM Peak Hour			PM Peak Hour		
		Code	Amount			In	Out	Total	In	Out	Total
Original TIS 3/2015	Single-Family Residential	210	95	DU	1,002	19	57	76	63	37	100
Revised TIS 2/2016	Single-Family Residential	210	90	DU	953	18	55	73	60	36	96
Difference			-5		-49	-1	-2	-3	-3	-1	-4

Future Conditions

The revised site plan includes only one site access driveway to Dixon Road. The proposed site driveway is located approximately 600 feet south of Declaration Drive and 640 feet north of the Ellery Lane access road. Future peak hour vehicle delays and LOS **with the proposed development** were calculated at the proposed site driveway on Dixon Road based on the proposed lane use and traffic control, the proposed site access plan, the future traffic volumes, and the methodologies presented in the HCM. The results of the future conditions analysis are attached and shown in Table 2.

Table 2: Future Intersection Operations

Intersection	Control	Approach	AM Peak		PM Peak	
			Delay (s/veh)	LOS	Delay (s/veh)	LOS
6. Dixon Road & Site Road	STOP (Minor)	WB	8.8	A	9.2	A
		NB	Free		Free	
		SB LT	7.3	A	7.4	A

The results of the future conditions analysis indicate that the proposed site driveway is expected to operate adequately during the peak hours. In addition, the reduction in site generated trips with the revised site plan will reduce the impact of the site traffic on the adjacent study intersections.

Turn Lane Warrants

The City of Novi warrants for right turn deceleration and left turn passing lanes were evaluated for the proposed site access locations with Dixon Road. The analysis was updated to reflect the changes in trip generation and the revised site plan with the one proposed site driveway.

The future ADT used in the turn lane warrant evaluation was calculated by adding the forecast 953 daily trips to the 250 vehicle trips on Dixon Road (from the original TIS calculations) resulting in a total future ADT of 1,203 vehicles per day. The results of the turn lane warrant evaluation based on the future ADT volume and the projected site-generated trips shown on the attached Figure, indicate that neither a left turn passing lane nor right turn deceleration lane or taper are required at either site access location. The turn lane warrant analyses are attached.

Conclusions

The conclusions of this Traffic Impact Study Addendum are as follows:

1. Future traffic operations **with the proposed development** at the proposed site driveway will be adequate.
2. The adjacent study intersection operations will be similar to existing conditions and minor increases in vehicle delays will not be discernable. In addition, the reduction in site generated trips with the revised site plan will reduce the impact of the site traffic on the adjacent study intersections.
3. Neither a left turn passing lane nor right turn deceleration lane or taper are required at the proposed site access points.

Any questions related to this memorandum, study, analyses, and results should be addressed to Fleis & VandenBrink.

Attached: Traffic Volume Figure
 Synchro Results
 Novi Turn Lane Warrants

SJR:JMK:mjl

000/000
AM/PM PEAK HOUR

CABARET DRIVE

12 MILE ROAD

DIXON ROAD

BANK DRIVE

NOVI ROAD

12 1/2 MILE ROAD

19/9
5/23



16/14
39/22

SITE ROAD

4/16
13/37

SITE



FUTURE TRAFFIC VOLUMES

DIXON MEADOWS RESIDENTIAL DEVELOPMENT - CITY OF NOVI, MI

LEGEND



SIGNALIZED INTERSECTION



UNSIGNALIZED INTERSECTION



TRAFFIC VOLUMES (AM/PM)



ROADS



NORTH
SCALE: NOT TO SCALE

Intersection	
Int Delay, s/veh	4.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Traffic Vol, veh/h	39	16	4	13	5	19
Future Vol, veh/h	39	16	4	13	5	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	200	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	60	60	60	60
Heavy Vehicles, %	0	0	2	0	0	2
Mvmt Flow	42	17	7	22	8	32

Major/Minor	Minor1	Minor2	Major1	Major2	Major3	Major4
Conflicting Flow All	66	18	0	0	28	0
Stage 1	18	-	-	-	-	-
Stage 2	48	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	944	1066	-	-	1599	-
Stage 1	1010	-	-	-	-	-
Stage 2	980	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	939	1066	-	-	1599	-
Mov Cap-2 Maneuver	939	-	-	-	-	-
Stage 1	1010	-	-	-	-	-
Stage 2	975	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.8	0	1.5
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	939	1066	1599	-
HCM Lane V/C Ratio	-	-	0.045	0.016	0.005	-
HCM Control Delay (s)	-	-	9	8.4	7.3	0
HCM Lane LOS	-	-	A	A	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0.1	0	-

Intersection	
Int Delay, s/veh	3.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Traffic Vol, veh/h	22	14	16	37	23	9
Future Vol, veh/h	22	14	16	37	23	9
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	200	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	60	60	60	60
Heavy Vehicles, %	0	0	2	0	0	2
Mvmt Flow	24	15	27	62	38	15

Major/Minor	Minor1	Minor2	Major1	Major2	Major3	Major4
Conflicting Flow All	150	58	0	0	88	0
Stage 1	58	-	-	-	-	-
Stage 2	92	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	847	1014	-	-	1520	-
Stage 1	970	-	-	-	-	-
Stage 2	937	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	826	1014	-	-	1520	-
Mov Cap-2 Maneuver	826	-	-	-	-	-
Stage 1	970	-	-	-	-	-
Stage 2	914	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.2	0	5.3
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	826	1014	1520	-
HCM Lane V/C Ratio	-	-	0.029	0.015	0.025	-
HCM Control Delay (s)	-	-	9.5	8.6	7.4	0
HCM Lane LOS	-	-	A	A	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0	0.1	-

DIXON ROAD & SITE ROAD LT LANE WARRANT

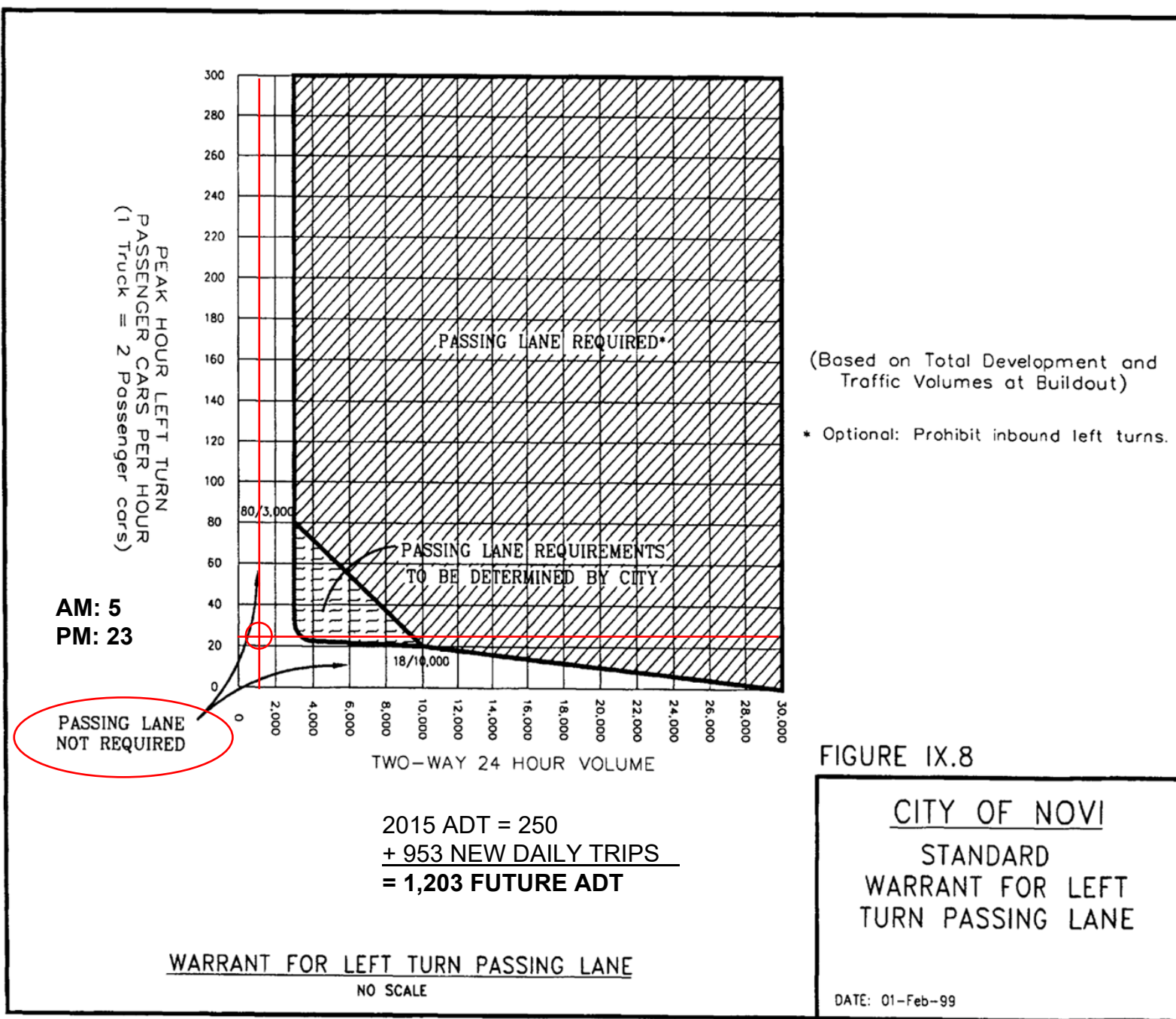


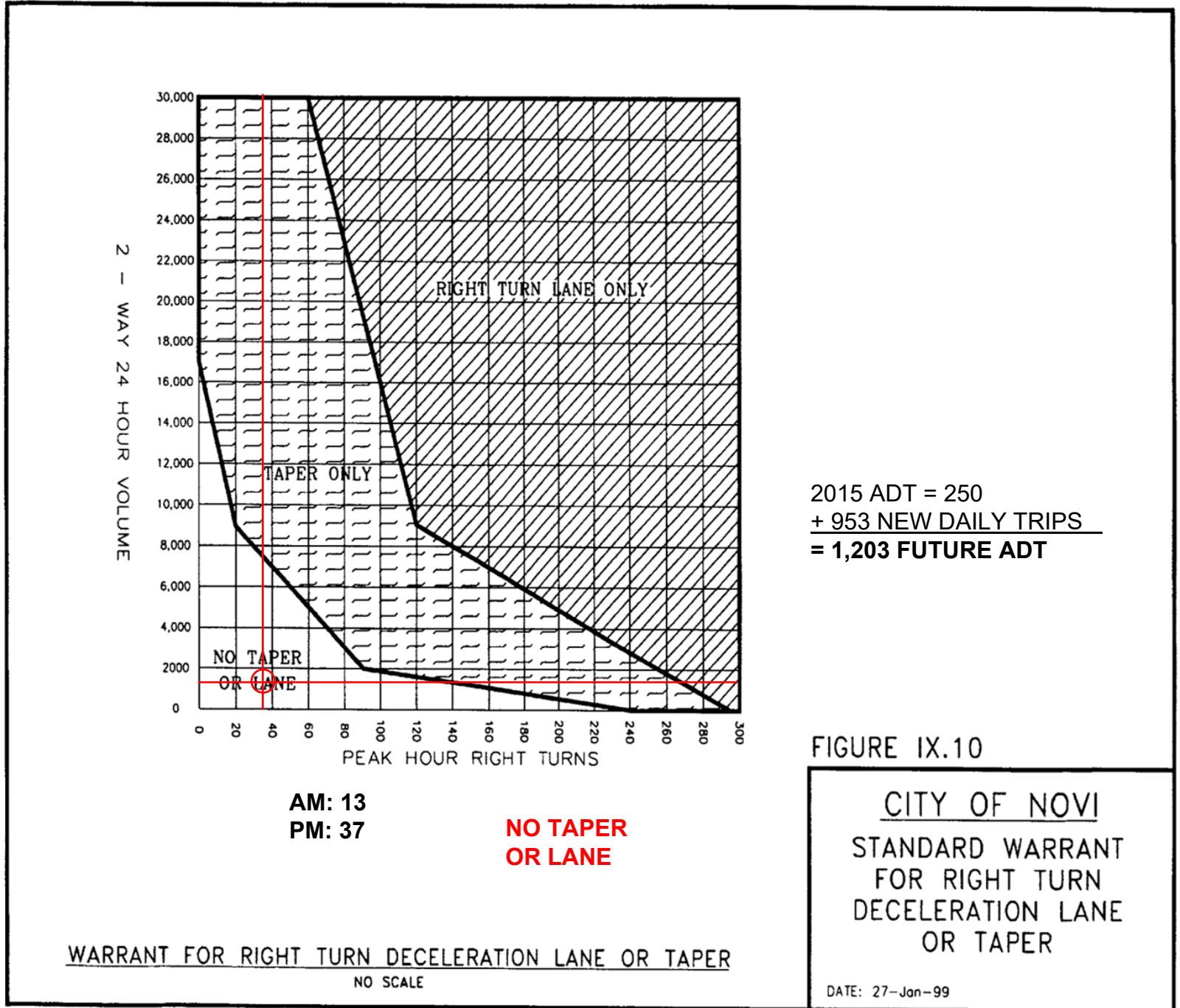
Figure IX.8

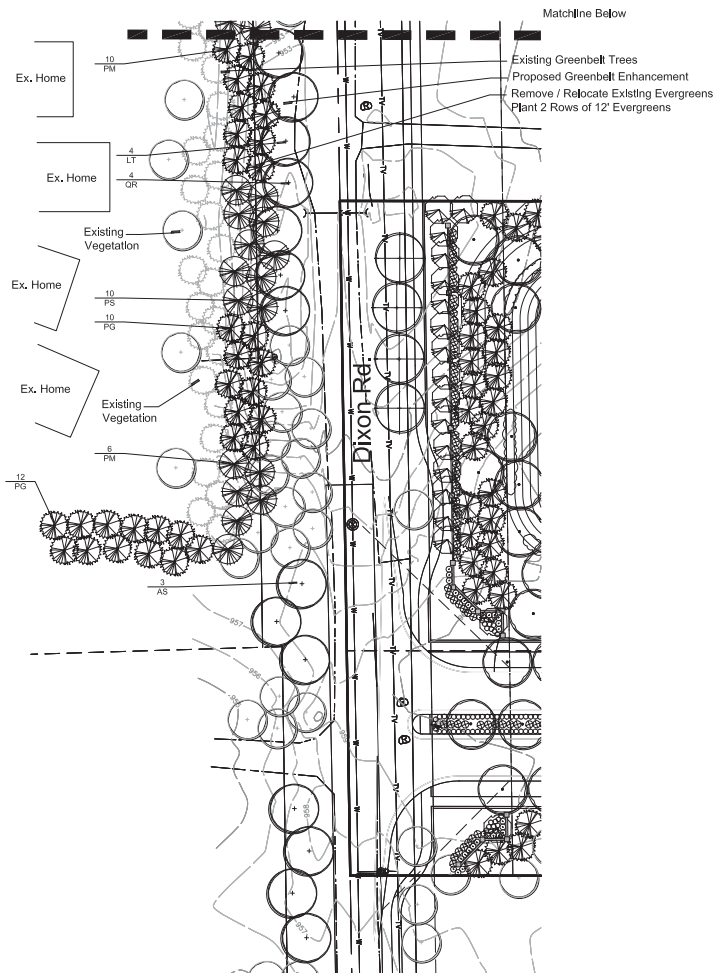
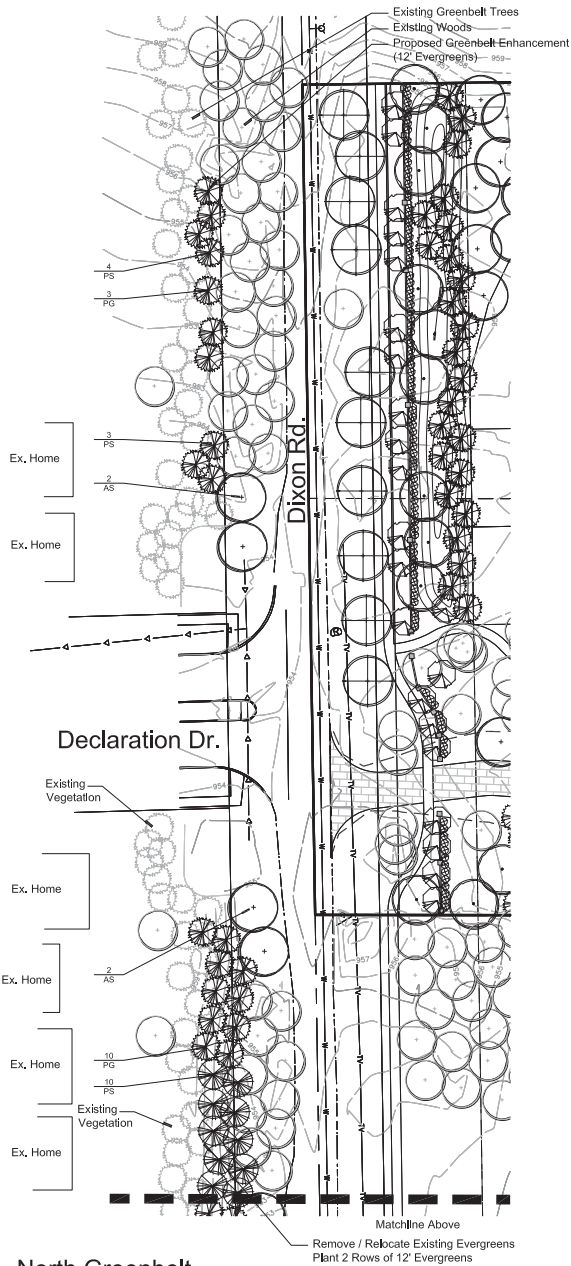
(Ord. No. 99-124, 11, Pt. XXXIII, 7-26-99)

DIXON ROAD & SITE ROAD RT LANE WARRANT

(Ord. No. 99-124.11, Pt. XXXIII, 7-26-99)

Figure IX.10





South Greenbelt

Plant List

sym.	qty	botanical name	common name	caliper	spacing	root height
Greenbelt						
AS	7	Acer saccharum	Sugar Maple	3.0"	as shown	B&B
LT	4	Liriodendron tulipifera	Tulip Tree	3.0"	as shown	B&B
PG	36	Picea glauca	White Spruce	as shown	B&B	12'
PM	16	Picea mariana	Black Spruce	as shown	B&B	12'
PS	27	Pinus strobus	White Pine	as shown	B&B	12'
QR	4	Quercus rubra	Red Oak	3.0"	as shown	B&B

NOTE:
GUY DECIDUOUS TREES ABOVE
2' CAL. STAKE DECIDUOUS
TREES BELOW 3" CAL.

STAKE TREES AT FIRST BRANCH
USING 2" X 3" WIDE BELT-LIKE
NYLON OR PLASTIC STRAPS.
ALLOW FOR SOME MINIMAL
FLEXING OF THE TREE.
REMOVE AFTER ONE YEAR.

2" X 2" HARDWOOD STAKES,
MIN. 36" ABOVE GROUND FOR
UPRIGHT, 18" IF ANGLED. DRIVE
STAKES A MIN. 18" INTO
UNDISTURBED GROUND
OUTSIDE ROOTBALL. REMOVE
AFTER ONE YEAR.

MULCH 4" DEPTH WITH
SHREDDED HARDWOOD BARK,
NATURAL IN COLOR. LEAVE 3"
CIRCLE OF BARE SOIL AT BASE
OF TREE TRUNK.

MOUND EARTH TO FORM SAUCER

REMOVE ALL
NON-Biodegradable MATERIALS
COMPLETELY FROM THE
ROOTBALL. CUT DOWN WIRE
BASKET AND FOLD DOWN BURLAP
FROM TOP 1/2 OF THE ROOTBALL.

DECIDUOUS TREE PLANTING DETAIL

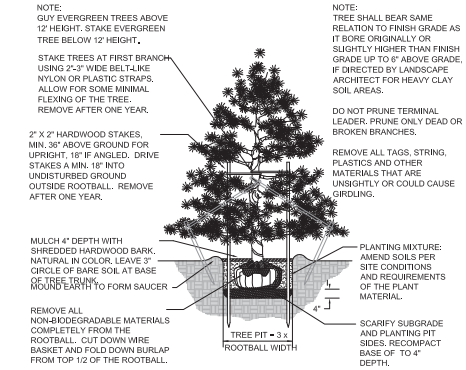
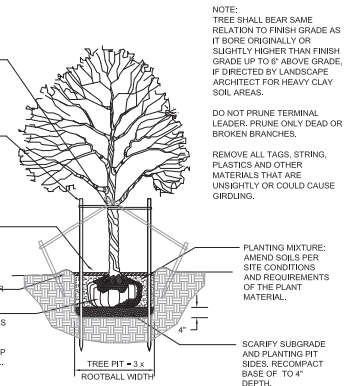
NOTE:
GUY EVERGREEN TREES ABOVE
12" HEIGHT, STAKE EVERGREEN
TREE BELOW 12" HEIGHT.

STAKE TREES AT FIRST BRANCH
USING 2" X 3" WIDE BELT-LIKE
NYLON OR PLASTIC STRAPS.
ALLOW FOR SOME MINIMAL
FLEXING OF THE TREE.
REMOVE AFTER ONE YEAR.

2" X 2" HARDWOOD STAKES,
MIN. 36" ABOVE GROUND FOR
UPRIGHT, 18" IF ANGLED. DRIVE
STAKES A MIN. 18" INTO
UNDISTURBED GROUND
OUTSIDE ROOTBALL. REMOVE
AFTER ONE YEAR.

MULCH 4" DEPTH WITH
SHREDDED HARDWOOD BARK,
NATURAL IN COLOR. LEAVE 3"
CIRCLE OF BARE SOIL AT BASE
OF TREE TRUNK.
MOUND EARTH TO FORM SAUCER

REMOVE ALL
NON-Biodegradable MATERIALS
COMPLETELY FROM THE
ROOTBALL. CUT DOWN WIRE
BASKET AND FOLD DOWN BURLAP
FROM TOP 1/2 OF THE ROOTBALL.



EVERGREEN TREE PLANTING DETAIL

CITY OF NOVI NOTES

- All landscape islands shall be backfilled with a sand mixture to facilitate drainage.
- All proposed landscape islands shall be curbed.
- All landscape areas shall be irrigated.
- Overhead utility lines and poles to be relocated as directed by utility company of record.
- Evergreen and canopy trees shall be planted a minimum of 10' from a fire hydrant, and manhole, 15' from overhead wires.
- All plant material shall be guaranteed for two (2) years after City Approval and shall be installed and maintained according to City of Novi standards. Replace Falling Material During the Next Appropriate Planting Period.
- All proposed street trees shall be planted a minimum of 4' from both the back of curb and proposed walks.
- All tree and shrub planting beds shall be mulched with shredded hardwood bark, spread to minimum depth of 4", all bare area trees shall have a 4" diameter circle of shredded hardwood mulch 3" away from trunk. All perennial, annual and ground cover beds shall receive 2" of dark colored bark mulch as indicated on the plant list. Mulch to be free from debris and foreign material, and shall consist of no pieces of inorganic items.
- All Substitutions or Deviations from the Landscape Plan Must be Approved in Writing by the City of Novi Prior to their Installation.

NOTES

- All Disturbed Turf Areas to be Repaired.
- Disturbed Irrigation Lines to be Repaired.

Seal:



Title:
Exhibit A

Project:

Liberty Park Greenbelt
Novi, Michigan

Prepared for:

Pulte Homes
100 Bloomfield Hills Parkway, Suite 140
Bloomfield Hills, MI 48304

Revised: Issued:

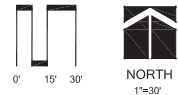
Revised February 22, 2016
Issued February 29, 2016

Job Number:

14-042

Drawn By: Checked By:

jad jad



Sheet No.

North Greenbelt

PLANNED REZONING OVERLAY AGREEMENT DRAFT

PLANNED REZONING OVERLAY (PRO) AGREEMENT
DIXON MEADOWS

AGREEMENT, dated effective _____, 2016 by and between Pulte Homes of Michigan LLC, a Michigan limited liability company, whose address is 100 Bloomfield Hills Parkway, Suite 140, Bloomfield Hills, Michigan 48304 (referred to as “**Developer**”); and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 (“**City**”).

RECITATIONS:

- I. Developer is the developer of an approximately 22.36-acre parcel of property located in Section 10 of the City, on the east side of Dixon Road, north of Twelve Mile Road, herein known as the “Land” or the “Development” described on **Exhibit A**, attached and incorporated herein. Developer is the contract purchaser from the owners listed on attached Exhibit 1, each of whom has provided a separate Consent to this Agreement. Together, Developer and Owner own all of the interests in the Land. Developer is sometimes referred to as “Applicant.”
- II. For purposes of improving and using the Land for a 90-unit detached single-family residential development, Applicant has petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from RA Residential Acreage to R-T, Two Family Residential. The RA classification shall be referred to as the “**Existing Classification**” and R-T shall be referred to as the “**Proposed Classification**.”
- III. The Proposed Classification would provide Applicant with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Applicant.
- IV. The City has reviewed and approved Applicant’s proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City’s Zoning Ordinance and has reviewed Applicant’s proposed PRO Plan, including conceptual renderings of homes attached hereto and incorporated herein as **Exhibit B** (the “PRO Plan”), which is a conceptual or illustrative plan for the potential development of the Land under the Proposed Classification, and not an approval to construct the proposed improvements as

shown. The City has further reviewed the proposed PRO conditions offered or accepted by Applicant and incorporated in this Agreement.

- V. In proposing the Proposed Classification to the City, Applicant has expressed a firm and unalterable intent that Applicant intends, upon acquisition of fee simple title to the Land, to develop and use the Land in conformance with the following undertakings by Applicant, as well as the following forbearances by Applicant (each and every one of such undertakings and forbearances shall together be referred to as the “Undertakings”):
- A. Any development of the Land by Applicant shall be as a high-quality, owner-occupied single-family residential project consisting of no more than 90 units and related residential improvements, in accordance with the PRO Plan and other applicable approvals. Applicant shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement and/or the terms of any other subsequent approvals, or any amendments thereto, including site plan approval, that may be obtained by Applicant from the City.
 - B. Applicant shall be entitled to develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable setback requirements of the Zoning Ordinance with respect to the Proposed Classification, except as expressly authorized herein or as shown on the PRO Plan, or as authorized by other subsequent approvals, or any amendments thereto, including site plan approval, by the City. The PRO Plan is acknowledged by the City and Applicant to be a conceptual plan for the purpose of depicting the general development approval, and that preliminary and final site plan approvals, which will require the submission and review of additional information, are still required. Deviations from the provisions of the City’s ordinances, rules, or regulations that are depicted in the PRO Plan, or described below, are approved by virtue of this Agreement. Applicant acknowledges that the PRO Plan and Applicant’s right to develop the Land as a 90-unit single family development under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement or as part of any other approval or permit granted by the City or its agencies. Applicant acknowledges that the Planning Commission and Engineering Division may impose additional conditions other than those contained in this Agreement during detailed site plan reviews and approvals as authorized by law; provided, however, that such conditions shall not be

inconsistent with the PRO Plan or this Agreement and shall not change or eliminate any development right authorized thereby.

- C. In addition to any other ordinance requirements, in its development of the Land, Applicant shall comply with all applicable ordinances for storm water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the development contemplated in the Proposed Classification.
- D. In its development of the Land under the PRO Plan, Applicant shall provide the following Public Benefits/Public Improvements:
 - 1. Limitation of the number of units within the Development to no more than 90.
 - 2. Minimum unit width shall be 45 feet and minimum unit square footage shall be 5,400 square feet.
 - 3. Paving of approximately 1,800 linear feet of Dixon Road, as stated on the PRO Plan, from 12 Mile Road through the intersection of Declaration Drive. The road shall be approximately 24 feet wide with approximately 10 foot wide lanes and approximately 2 foot wide curb and gutter, in accordance with final engineering plan review and approval by the City.
 - 4. Planting of woodland replacement trees along Dixon Road, as shown on the landscape planting plan approved as part of the PRO Plan. The landscape planting plan is attached as part of **Exhibit B**, and the final approved tree planting plan to be submitted in connection with the final site plan.
 - 5. Construction of residences that exceed the minimum architectural standards of the City as shown on the Façade Plans submitted as part of the PRO Plan approval, and as previously reviewed by the City's façade consultant as part of the PRO Plan approval, and attached to and incorporated into his report dated April 27, 2015. Final Façade plans shall be submitted for review with the final site plan and shall include information as to the type and extent of materials and features to be provided on all elevations. The type and extent of materials for side and rear elevations shall be consistent with the front elevations proposed as part of the PRO Plan except that brick is only required on the first floor on the side and rear elevations. The City's Façade Consultant will complete the similar/dissimilar review required in accordance with applicable City Ordinances.

6. Clean-up of an environmentally-contaminated former orchard site. The clean-up shall result in a site that is safe for residential occupancy and that complies with the unrestricted residential clean-up criteria of the Michigan Department of Environmental Quality (MDEQ). The clean-up will be performed by Developer's environmental consultant, McDowell & Associates, or other similarly licensed environmental consultant pursuant to a Work Plan and a No Further Action Report as approved by the MDEQ, copies of which shall be provided to the City as evidence of completion of such clean up. Building permits for construction of homes at the Development shall not be issued until Developer provides the City with a copy of the No Further Action Report approved by the MDEQ.
7. Construction and preservation of pocket parks and trees within the Development as shown in the PRO Plan.
8. Dedication of master planned public right-of-way along Dixon Road as shown in the PRO Plan.
9. Construction of a meandering (5) five-foot wide concrete sidewalk constructed in accordance with applicable City design standards along the east side of Dixon Road extending approximately 850 feet south from the Development to the existing sidewalk just north of Twelve Mile Road, provided that the City secures the required easements by donation from applicable property owners within twelve (12) months of final site plan approval. The City shall notify Developer when the City has acquired all of the required easements, or if it has not acquired such easements within the 12-month period. Developer has no responsibility to pay any costs associated with the City's acquisition of sidewalk easements. If the City is unable to acquire easements because applicable property owners seek compensation for the proposed sidewalk easements, the Developer will contribute the amount of \$91,800 to the City's sidewalk fund for use for future sidewalk construction in any location within the City as determined appropriate by the City ("Sidewalk Deposit"). The Sidewalk Deposit shall be submitted prior to the initial building permit for construction of homes at the Development and shall be returned to Developer promptly after Developer completes construction of the Sidewalk as set forth above. In the event that the Developer does not complete the Sidewalk (including failure of the City to acquire the easements), the City is authorized to use the Sidewalk Deposit toward constructing sidewalk at any location within the City in accordance with the City's approved Non-Motorized Master Plan,

within a timeframe to be determined by the City within in its discretion.

10. The dedication of conservation easements to the City for preservation of remaining regulated woodlands and areas with woodland replacements within the Development as shown on the PRO Plan. All Conservation Easements shall be submitted, reviewed and approved prior to issuance of any building permits for construction of homes within the Development, or within six (6) months of the issuance of the woodland/permits for the Development, whichever occurs first.

E. In connection with any development of the Land by Developer, the following PRO Conditions shall apply to the Land and/or be undertaken by Developer:

1. Developer acknowledges that portions of the Land contain areas of elevated levels of arsenic as a result of its prior use as an orchard. Prior to the issuance of any building permits for construction of residences within the Development, Developer shall be required to clean up, remove, and remediate any and all arsenic from the site in those areas with arsenic in excess of established regional background levels for arsenic for residential use, such that the Land is safe for use for single family residential homes in conformance with MDEQ unrestricted residential clean-up criteria. Prior to the issuance of any building permits for construction of residences within the Development, Developer, at Developer's expense shall cause the clean up the contaminated area pursuant to a Work Plan and No Further Action Report approved by the MDEQ, copies of which shall be provided to the City as evidence of completion of such clean up. After delivery to the City of a copy of the Work Plan approved by the MDEQ, Applicant shall be authorized to initiate removal of the soil at the Development in accordance with the applicable Land Improvement Permit issued by the City and to initiate grading of the entire Development, at Applicant's own risk, following preliminary site plan approval, issuance of required woodland permits, wetland permits and soil erosion permits, along with posting of corresponding financial guarantees; provided that the preliminary site plan includes detailed grading information. Applicant hereby acknowledges that it is proceeding at its own risk and that permission to proceed with preliminary site work does not in any way guarantee approval of the Final Site Plan. After delivery to the City of both the Work Plan and No Further Action Report approved by the MDEQ, Applicant shall be entitled to issuance of Building Permits for construction of residences on the Land. [Applicant must still

obtain final site plan approval to proceed with construction of residences on the Land.

2. Developer shall limit the number of units within the Project to no more than 90.
3. Developer shall provide a minimum unit width of 45 feet and minimum unit square footage of 5,400 square feet.
4. Developer shall pave approximately 1,800 linear feet of Dixon Road, as stated on the PRO Plan, from 12 Mile Road through the intersection of Declaration Drive. The road shall be approximately 24 feet wide with approximately 10 foot wide lanes and approximately 2 foot wide curb and gutter, in accordance with final engineering plan review and approval by the City.
5. Developer shall plant woodland replacement trees along Dixon Road, as shown on the PRO Plan, and approved final site plans.
6. Developer shall construct residences that exceed the minimum architectural standards of the City as shown in the attached and incorporated plan elevations included in the PRO Plan as set forth in **Exhibit B** and as previously reviewed by the City's façade consultant as part of the PRO Plan approval, and attached to and incorporated into his report dated April 27, 2015. Final Façade plans shall be submitted for review with the final site plan and shall include information as to the type and extent of materials and features to be provided on all elevations. The type and extent of materials for side and rear elevations shall be consistent with the front elevations proposed as part of the PRO Plan except that brick is only required on the first floor of side and rear elevations. The City's Façade Consultant will complete the similar/dissimilar review required in accordance with applicable City Ordinance.
7. Developer shall construct pocket parks and preserve trees within the Development as shown in the PRO Plan.
8. Developer shall dedicate a public right-of-way along Dixon Road along the frontage of the Development as shown on the PRO Plan.
9. Developer shall construct a meandering (5) five-foot-wide concrete sidewalk constructed in accordance with applicable City design standards along the east side of Dixon Road extending approximately 850 feet south from the Development Property to the existing sidewalk just north of Twelve Mile Road, provided that the City secures the required easements within twelve (12)

months of final site plan approval as set forth in Paragraph D.9, above. Alternatively, if the City does not secure the required easements within twelve (12) months of final site plan approval, Developer will contribute the amount of \$91,800 to the City for use for future sidewalk construction in accordance with the City's Non-Motorized Master Plan, in a location determined by the City in accordance with Paragraph D.9, above.

10. Developer shall dedicate conservation easements to the City for the preservation of remaining regulated woodlands and areas with woodland replacements within the Development. All Conservation Easements shall be submitted, reviewed and approved prior to issuance of any building permits for construction of homes within the Development, or within six (6) months of the issuance of the woodland/permits for the Development, whichever occurs first.
11. Compliance with all conditions set forth in the staff and consultant review letters attached in Exhibit C, provided, however, that such conditions shall not be inconsistent with the PRO Plan or this Agreement and shall not change or eliminate any development right authorized thereby, as shown on the PRO Plan.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon the Proposed Classification becoming final upon execution of this Agreement:
 - a. The Undertakings and PRO Conditions shall be binding on the Land, and on Applicant in any development of the Land by Applicant;
 - b. Applicant shall act in conformance with the Undertakings in any development of the Land by Applicant; and
 - c. Applicant shall forbear from acting in a manner inconsistent with the Undertakings in any development of the Land by Applicant;
2. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §7.13.D.i.c (2) of the City's Zoning Ordinance.
 - a. Deviation in the minimum Ordinance standards to allow reduction in the required minimum lot size and minimum lot width for one-family detached dwellings reviewed against R-4 Zoning standards to allow for smaller lots (10,000 square feet and 80 feet required, 5,400 square feet and 45 feet provided);

- b. Deviation in the minimum Ordinance standards to allow reduction in minimum side yard setback and aggregate side yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (10 feet with 25 feet aggregate required, 5 feet with 10 feet minimum aggregate provided);
 - c. Deviation in the minimum Ordinance standards to allow reduction in minimum front yard setback and rear yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (30 front yard and 35 feet rear yard required, 20 feet front yard and 30 feet rear yard provided);
 - d. Deviation in the maximum lot coverage permitted (25 percent permitted 40 percent provided);
 - e. Variance from Section 11-194(a)(8) of the Code for lack of paved eyebrows;
 - f. Because of the initial environmental clean-up that is required, Applicant may, upon securing preliminary site plan approval and appropriate woodlands approval, enter upon the land for the purpose of commencing the environmental clean-up activities as described herein, and grading of the entire Development and the Applicant shall be entitled to issuance of a Land Improvement Permit under Chapter 12 of the City Code upon Applicant submitting the Work Plan approved by the MDEQ. Applicant acknowledges and agrees that any such work shall be at its own risk, and that the City's authorization to commence such work shall not constitute or require approval by the City of the final site plan or any other required approvals, except in the usual course of application for and compliance with requirements for such approvals, except in the usual course of application for and compliance with requirements for such approvals.
3. In the event Applicant proceeds with actions to complete improvement of the Land in any manner materially contrary to the provisions of this Agreement as shown on the PRO Plan, the City shall be authorized to revoke all outstanding building permits and certificates of occupancy issued for such building and use following written notice to Applicant and a reasonable opportunity to cure.
 4. Applicant acknowledges and agrees that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Applicant in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Applicant.
 5. All of the Undertakings represent actions, improvements, and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing

of a 90-unit single-family residential development. The burden of the Undertakings on the Applicant is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.

6. In addition to the provisions in Paragraph 3, above, in the event Applicant, or its successors, assigns, and/or transferees proceed with development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither Applicant nor its 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 Applicant shall be estopped from objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a “downzoning” or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Applicant from otherwise challenging the reasonableness of such rezoning as applied to the Land. In the event the City rezones the Land to a use classification other than the Proposed Classification, this Agreement shall terminate and be null and void. The foregoing shall apply only to the portions of the Land that are undeveloped at the time of such action by the City.
7. By execution of this Agreement, Applicant acknowledges that it has acted in consideration of the City approving the Proposed Classification on the Land, and Applicant agrees to be bound by the provisions of this Agreement, upon Applicant’s acquisition of fee simple title to the Land.
8. After consulting with an attorney, Applicant understands and agrees that this Agreement is authorized by and consistent with all applicable state and federal laws and Constitutions, that the terms of the Agreement are reasonable, that it shall be estopped from taking a contrary position in the future, and that the City shall be entitled to injunctive relief to prohibit any actions by the Applicant inconsistent with this Agreement.
9. This Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and shall be recorded by either party with the office of the Oakland County Register of Deeds. Provided, this Agreement shall not be binding on Developer until Developer acquires fee simple title to the Land. The obligations set forth within this Agreement regarding the Undertakings and completion of the Development as approved by the City shall apply only to Developer and successor owner of the Land subsequent to conveyance of the

Land by Owner to a Developer or other successor, assign or transferee. Owner acknowledges, however, that the approval of this Agreement and its recording at the Oakland County Register of Deeds binds the Land as set forth in this Agreement and in the City of Novi Code of Ordinances and Zoning Ordinance. Nothing in this Agreement shall prohibit the Owner, if the Land is not conveyed to the Developer, or other successor, assign or transferee, as contemplated herein, from seeking to amend or terminate the PRO as contemplated by the Zoning Ordinance.

10. The Zoning Board of Appeals (ZBA) shall have no jurisdiction over the Property or the application of this Agreement until after site plan approval and construction of the development as approved therein.
11. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative, that is, in addition to every other remedy provided by law.
12. This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Oakland, State of Michigan.
13. This Agreement may be signed in counterparts. The Recitations above are made a part of and incorporated in the Agreement.

{Signatures begin on following page}

DEVELOPER

PULTE HOMES OF MICHIGAN LLC, a
Michigan limited liability company

By: _____
Kevin Christofferson
Its: Vice President of Finance

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this _____ day of _____, 2016, before me appeared Kevin Christofferson, the Vice President of Finance of Pulte Homes of Michigan LLC, a Michigan limited liability company, on behalf of the company.

Notary Public
_____ County, MI
Acting in _____ County, MI
My commission expires: _____

CITY OF NOVI

Print Name:

By: _____
Robert J. Gatt, Mayor

Print Name:

Print Name:

By: _____
Maryanne Cornelius, Clerk

Print Name:

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this _____ day of _____, 2016, before me appeared Robert J. Gatt and Maryanne Cornelius, who stated that they had signed this document of their own free will on behalf of the City of Novi in their respective official capacities, as stated above.

Notary Public
_____ County, MI
Acting in _____ County, MI
My commission expires: _____

Drafted by:
Elizabeth Kudla Saarela
Johnson, Rosati, Schultz & Joppich
27555 Executive Drive, Suite 250
Farmington Hills, MI 48390

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

5/31/16

EXHIBIT 1

LIST OF OWNERS

Josif and Irina Arpasi
28300 Meadowbrook
Novi, MI 48377

George R. Garcia and Suzanne E. Giossi, co-trustees of the Elizabeth J. Garcia Revocable
Living Trust, dated June 14, 1991.
1559 Roebell
Commerce Township, MI 48390

Mr. Richard Katterman
18828 Densmore Ave N
Shoreline, WA 98133

Nicola and Florence Marini
28180 Dixon Rd
Novi, MI 48377

Thurman Ridenour, personal representative
of the Estate of Sylvia Ridenour
1189 E Lake Drive
Novi, MI 48377

Violet Tuck
28300 Dixon Rd
Novi, MI 48377

5/31/16

EXHIBIT A

LAND

DESCRIPTION OF A 22.358 ACRE PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 10, T1N R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN (AS SURVEYED BY ATWELL)

Commencing at the South 1/4 corner of Section 10, T1N, R8E, City of Novi, Oakland County, Michigan; thence N02°52'51"W (recorded as N02°52'W) 1184.72 feet along the North-South 1/4 line of said Section 10 and the centerline of Dixon Road (variable width) for a **PLACE OF BEGINNING**; thence continuing N02°52'51"W (recorded as N02°52'W) 345.00 feet along the North-South 1/4 line of said Section 10 and the centerline of said Dixon Road; thence N88°03'23"E (recorded as East) 390.20 feet; thence N02°52'18"W 230.23 feet; thence S88°03'23"W (recorded as West) 390.23 feet; thence N02°52'51"W (recorded as N02°52'W) 424.60 feet along the North-South 1/4 line of said Section 10 and the centerline of said Dixon Road; thence N87°20'59"E 990.25 feet (recorded as N89°24'E 990.00 feet); thence S02°52'18"E (recorded as S02°52'E and S02°17'20"E) 1117.20 feet along the West line of "Carlton Forest", Oakland County Condominium Subdivision Plan Number 1241, recorded in Liber 21184, Page 001, Oakland County Records; thence the following two courses along the North and West lines of "Stoneridge Office Park Condominium of Novi", Oakland County Condominium Plan Number 1852, recorded in Liber 37191, Page 92, Oakland County Records: S87°41'56"W (recorded as S87°42'05"W) 294.00 feet and S02°52'18"E (recorded as S02°52'09"E) 7.35 feet; thence S88°00'11"W (recorded as West) 320.00 feet; thence N01°59'49"W 114.63 feet; thence S88°03'23"W (recorded as West) 377.94 feet to the Place of Beginning, being a part of the Southeast 1/4 of said Section 10, containing 22.358 acres of land, more or less, being subject to the rights of the public over the Westerly 33 feet thereof as occupied by said Dixon Road and subject to easements, conditions, restrictions and exceptions of record, if any.

EXHIBIT B

PRO PLAN

(see attached)

5/31/16

EXHIBIT C

CONSULTANT'S REPORTS

(see attached)

PREVIOUS PLANNING COMMISSION MEETING MINUTES
August 26, 2015



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

AUGUST 26, 2015 7:00 PM

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

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Baratta, Member Lynch, Chair Pehrson Member Greco, Member Giacometti, Member Zuchlewski

Absent: Member Anthony(excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Sri Komaragiri, Planner; Chris Gruba, Planner; Rick Meader, Landscape Architect; Brian Coburn, Engineer; Tom Schultz, City Attorney; Pete Hill, ETC Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Anthony:

VOICE VOTE ON THE AGENDA APROVAL MOTINO MADE MY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY

Motion to approve the August 26, 2015 Planning Commission Agenda. Motion carried 6-0

AUDIENCE PARTICIPATION

Steve Amsley of 51824 Eight Mile, Lyon Township discussed the letter that was sent out from the Lyon Township Planning Commission regarding a Master Plan Change that Lyon Township would like to make. Out of the five items in the letter, item 3 was not addressed. Item 3 is where they are going to rezone 1.5 square miles of the 8 Mile and Napier corridor to High Density Residential from Rural Residential. As it stands now that item on our Future Land Use Map is R-1. What they are trying to do is allow 9,000 to 17,000 square foot lots. What they didn't tell you in the master plan is that there are already four developments and possibly a fifth in front of the Planning Commission for preliminary approval. This adds 400-500 new homes within the next two years in that 1.5 square miles. Mr. Amsley requested that Novi Planning Commission review item 3 in the Lyon Township Master Plan Ammendments knowing that there are pending projects that will create 300-400 homes in that area. He said this will have an impact on Novi residents. All of those planed homes are in the 48167 zip code, and they are in Northville Schools. They are planned to be \$500,000-\$700,000 homes which will heavily compete in Novi's marketplace.

Seeing no one else, Chair Pehrson closed the Audience participation.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no committee reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

There was nothing to report.

CONSENT AGENDA - REMOVALS AND APPROVAL

PUBLIC HEARING

1. DIXON MEADOWS JSP 14-46 WITH REZONING 18.709

Public hearing at the request of Pulte Homes for Planning Commission's recommendation to City Council for rezoning of property in Section 10, on the east side of Dixon Road, north of Twelve Mile Road from RA (Residential Acreage) to RM-1 (Low Density, Low-Rise Multiple-Family Residential) with a Planned Rezoning Overlay. The subject property is approximately 22.36 acres and the applicant is proposing a 95 unit single-family residential detached site condominium development.

Planner Komaragiri stated that the proposed concept plan used to be known as Trailside. The applicant has recently renamed it Dixon Meadows. The subject property is located east of Dixon Road and north of Twelve Mile in Section 10. The subject property is zoned Residential Acreage and is surrounded by the same zoning on all sides. The Future Land Use map indicates Single Family for the subject property and the surrounding properties. There are a few regulated wetlands and considerable regulated woodlands on the property.

The applicant is requesting a Zoning Map amendment for this 22.36 acre site to rezone from RA (Residential Acreage) to RM-1 (Low Density, Low-Rise Multiple-Family Residential) utilizing the City's Planned Rezoning Overlay (PRO) option. The applicant states that the rezoning request is necessary to allow the development of a 95-unit single-family site condominium.

The applicant is proposing 95 units on the 21.6 net acres resulting in approximately 4.4 units/acre. Even though it exceeds the maximum density allowed, it would still be well below the densities of the adjacent developments. The PRO Concept Plan shows two on-site detention ponds in the southwest corner of the site with an open space/park area located near the center of the site. Two access points (one boulevarded) are proposed off of Dixon Road with a stub street connection proposed at the northeast corner of the site. Stub streets are also shown to the excluded developed parcel near the center of the site to allow for possible future development of that site. The Concept Plan provides a very limited amount of common open space, with the central playground/open space consisting of about 0.77 of an acre, or approximately 3.5 percent of the total site area. The applicant has indicated that the site may contain arsenic due to its previous use as an orchard. Applicant has proposed necessary remediation plans. As part of the development plan about 89 percent of the regulated woodland trees will need to be removed.

The engineering review notes further study of the capacity of the Section 10 pump station in order to propose and construct any improvements necessary to serve the expanded service area. A Design and Construction Standards variance is required to be granted by City Council for the lack of paved eyebrows. Engineering supports this request and recommends approval.

The City's traffic consultant has reviewed the Rezoning Traffic Impact Study and notes a minimal impact on surrounding traffic as a result of the development as the current traffic volume on Dixon Road is relatively low. Traffic recommends approval with additional comments to be addressed with the next submittal.

The Woodland Review letter indicates that about 89 percent of the regulated woodland trees on the site are proposed to be removed, while 11 percent of the regulated woodland trees are proposed to be preserved. The applicant is encouraged to modify lot boundaries to minimize impacts to quality/specimen trees. There is a portion of one on-site regulated wetland and the concept plan proposes approximately 0.011 acres of impact to the wetland. An impact on the 25 foot natural features setback is anticipated as well. The project as proposed will require a City of Novi Wetland Minor Use Permit as well as an Authorization to Encroach the 25-Foot Natural Features Setback.

The Façade Review letter states that significant diversity is evident from the 9 renderings that were provided. Façade recommends approval with additional information requested with revised submittal. Landscape and Fire recommend approval with additional comments to be addressed with the next submittal.

The Planning Commission is asked to hold a public hearing. It is staff's suggestion to postpone making a recommendation on the proposed PRO and Concept Plan to allow the applicant time to consider further modifications to the Concept Plan that would preserve existing trees, or provide additional usable open space on site. The applicant Bob Halso from Pulte Homes is here with his Engineer Bill Anderson and would like to make a presentation and then answer any questions you may have.

Bob Halso from Pulte Homes said to the Planning Commission that although staff recommended to postpone action on this project, Pulte Homes requested that the Commission take action at the meeting based on the discussion that was presented. Mr. Halso outlined the process that began 14 months ago. There is a significant arsenic remediation requirement for the site. Previously a brownfield had been applied for. There is a remediation plan in place with an estimated 7 figure cost to accomplish the remediation. Mr. Halso feels that the only real issue is the balancing of open space. With the flexibility of the PRO, a desirable place to live and community benefit can be accomplished at the same time. He mentioned that to the north of this project is a two minute walk to Lakeshore Park, which offers all of the recreation amenities. Seven minutes to the south you have entertainment facilities, shopping, and restaurants available at Fountain Walk. He requested that the Commission take a broader look at the proposed community. This community doesn't need any additional recreation or open space within its boundaries. Fountain Walk needs homes to utilize the amenities that are in this area. The site plan/product that has been presented is Urban Infill, a product that originated in Seattle, Washington where narrow single family detached homes is the norm. The site plan and the number of homes on it and a few meaningful community benefits will be accomplished. One benefit is the remediation of the arsenic on that property. Also is the offer to pave Dixon Road from Twelve Mile Road to the northern entry which will then take in the eastern entry of the immediate adjacent communities. In regard to the tree removals the remediation requires removal of most of the trees. Large scale earth work will be necessary on this rather tight site. Mr. Halso said they propose to replace the trees that sit on the six back lots with a canopy along the Dixon Road paving, which is a benefit for the community.

Chair Pehrson opened the Public Hearing, and asked if anyone in the audience wanted to speak.

Tim Prieur, 28191 Dixon came forward and said he is a resident who lives across the street from the proposed development. He feels like the proposed 95 lots is too dense. The other lots on the road are larger and Dixon Road was once considered a natural beauty road. He considers this a patchwork development where the open areas surrounding this subdivision are not being considered. The original proposed lot sizes were three homes per acre. He is also concerned about the wetland issue behind his property and the detention pond run off. They want to use an easement through his property to drain off from their detention ponds that might result in him having issues with his home. He questioned about the possibility of the open lots on Twelve Mile that could be use for traffic into the development as opposed to using Dixon Road.

Gaurav Jagdale, 28454 Witherspoon Drive, Liberty Park Subdivision said he is concerned about the increase of traffic and about removing the greenery and natural beauty that flows into the park. He wants the Commission to consider the quality of life for the current residents. He is concerned about the arsenic removal process and the quality of the air during the remediation. How will this affect the health of the residents that surround the area, particularly the children?

Jose Ruiz, 28466 Witherspoon Drive said he is in complete agreement with the two previous speakers. He is concerned about the traffic on Dixon Road. He questioned why there are two entrances to a little street for this type of development.

Member Lynch read the correspondence.

Juliane Greenwalt, 842 Front Street, Boyne City Mi would like to have her property included in this zoning request (parcel number 50-22-10-400-001) and supports the request.

Violette Tuck, 28300 Dixon Road said I have no objection to the planned rezoning even though I will be staying in my home right in the middle of this development. She supports the request.

Richard J. Katterman, 28480 Dixon Road stated that this development appears to be in harmony with neighboring development. It appears to be a balanced use of the land. He supports the request.

Yasyaju Watatani, 28460 Witherspoon Drive said he thought the site is reserve area. I purchased my house in 2013. I paid expensive premium lot fee for my house, because it is located in the very back of the subdivision and surrounded by woods. However, the planning site is just across from my back yard. It doesn't make sense. Please keep woods area if possible. He objects to the request.

Laurie Transou, 28465 Carlton Way Drive wrote lot sizes are too small and homes are way too close. Concerned over impact of this type of subdivision on property value. She objects to the request.

Takahito Kakiuchi, 28507 Carlton Way indicated a concern that there will be more traffic, condominiums are harder to sell, more supply will bring demand down, making existing condo owners harder to sell their condos. If this was for a house/subdivision I have no issue. I object to any more condo development in this area.

Jose Ruiz 28466, Witherspoon Drive stated the following concerns: 1. Detrimental Impact upon residential amenities and visual impact. This project would negatively affect the character of the preserved area and park adjacent to it. 2. Dixon Road or 12 ½ Mile are not capable of handling such amount of increase traffic due to the Complex. 3. The infrastructure in the area is not suited to support such density of extra population. 4. Pedestrians and cyclists on Dixon Rd and 12 ½ Mile Road would be affected negatively with increased traffic. 5. Access to 12 Mile Road via Dixon Road coming out of the complex and vice versa would create unbearable traffic. 6. Loss of privacy and increase of noise to all the house facing Dixon Road.

Chair Pehrson closed the Public Hearing and turned the matter over to the Planning Commission for their consideration.

Member Baratta questions how much more density are they asking for in this proposal vs. what they could build under the current zoning?

Deputy Director McBeth responded that with the 22 acres under the RA-Residential Zoning, approximately 18 homes could be built on the site, and with the rezoning the applicant is proposing 95. Comparing the Berkshire Pointe project on Wixom Road to this project, they would be very similar in terms of lot size.

Member Baratta stated that the project on Wixom Road is very high density. He feels that is a good transition from being industrial to more of a residential feel. The project currently on the table does not lend itself to a transitional feel just a high-density residential zoning. He does not see the advantage of doing this. He stated that he realizes that there is an arsenic issue. He does not see a reason to the increase density.

Deputy Director McBeth commented that the staff noted the density of the surrounding property, which on the west side of Dixon Road at Liberty Park has a higher density than what is being proposed on the subject property. Liberty Park however, was approved under the consent judgement. To the east is Carlton Forest which is more like a true multiple family development with a higher density than what is proposed on the subject site. Just considered from a density standpoint, the fit might be there. From the staff's perspective there is very little open space, and very little intent to preserve the woodlands. Staff would like to see more information regarding the tree removals that are required in order to take care of the arsenic issue.

Member Grecco agreed with the comments of Member Baratta. He is concerned the way it is zoned, and the way it is on the Future Land Use Map. Also the fact that it is such a high jump in density. Member Grecco's request is that the developer come back and address the staff's concerns.

Chair Pehrson asked Deputy Director McBeth about the classification of Dixon Road being a "natural beauty road".

Deputy Director McBeth responded that our senior staff engineer, Brian Coburn had some conversations with the applicant regarding paving the road vs. the natural beauty road aspects of it.

Engineer Coburn responded that the designation that you see on the Master Plan for Land Use is different than the ordinance designation calling it Natural Beauty Road. So if it is designated on the ordinance by Council resolution as a natural beauty road there are certain requirements that go along with that. It is shown on the Master Plan as a natural beauty road but it is not designated by resolution as a natural beauty road. There is

flexibility there for things to be done to mitigate traffic.

Chair Pehrson wanted more information on the traffic study and what the road will look like to maintain the character of the designation as a beauty road. He requested the applicant to speak about the remediation process.

Bob Halso responded that McDowell and Associates will conduct the study. The removal of arsenic is relatively commonplace in this area. It involves ascertaining the depth the arsenic that has infiltrated into the soil and to simply remove that soil. There have been extensive borings. The depth of the soil to be removed has been identified by a grid. The soil will be removed and replaced.

Chair Pehrson also has concerns regarding the density. He would like to see another approach. He also wants to see additional PRO benefits to this when and if there is a reconsideration as to how this will be a benefit to the people in the area. He favors the postponement of the project and would like to see the developers return to answer additional questions in an effort to reach an agreement.

Member Lynch is not in favor the project at this time.

Member Giacometti questioned why postpone instead of deny?

Chair Pehrson replied that is common strategy that has been used in the past to allow the developer to take the comments and return with an approach to the comments that make sense. It is a continuation of the process.

Attorney Tom Schultz stated to the applicant that it appears that the density is a concern for the Planning Commission at this time. He asked if the applicant wanted a denial and just take the project straight to the City Council. Mr. Schultz asked the applicant if he had a preference either way.

Mr. Halso responded that the density is a big jump. He stated that he did not hear anyone say that it was appropriate to the area which he believes it to be. If these were attached they would look like the adjacent community. He would like to come back but states that the product will be similar. The product is appropriate to the area. They will work on the open space. The product will be the same. The product is very well received in the market place. The buyers are very happy with a small lot and a nice home and a great location. He requested a postponement.

Member Giacometti wondered about the market demand for smaller lots with larger homes.

Moved by Member Greco and seconded by Member Lynch:

ROLL CALL VOTE TO POSTPONE MAKING A RECOMMENDATION ON JSP14-46 PRO AND CONCEPT PLAN FOR DIXON MEADOWS MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH:

In the matter of the request of Pulte Homes for Dixon Meadows JSP14-46 with Zoning Map Amendment 18.709 motion to postpone making a recommendation on the proposed PRO and Concept Plan to allow the applicant time to consider further modifications to the Concept Plan that would preserve existing trees, or provide additional usable open space on site, and to address density issues raised at the meeting, along with concerns raised by the Planning Commission, Staff, the City Attorney, and those issues noted at this evening's Public Hearing. This recommendation is made for the following reasons:

- a. The Planning Commission may wish to discuss with the applicant whether additional tree preservation on site may be possible, given the information that was provided regarding the extent of the required soil remediation, which does not include the entire site area. The applicant should also be prepared to substantiate the cost of remediation to the extent that it is a basis for seeking removal of trees in non-contaminated areas.**
- b. The Concept Plan provides a very limited amount of common open space for the enjoyment by the residents, with the central playground/open space consisting of about 0.77 of an acre, or approximately 3.5 percent of the total site area. A comparable development, Berkshire Pointe,**

provides approximately 22 percent of the site in open space, some of which consists of preserved natural features.

- c. Given the relatively small size of the proposed lots, (the applicant has proposed a minimum lot size of 5,400 square feet and a minimum width of 45 feet), in addition to the proposed reduction in the minimum building setbacks, and the request to exceed maximum lot coverage standards of the R-4 zoning district, additional open space on the site may be appropriate for the residents to enjoy common area for recreational amenities, or for undisturbed open space. The initial plan reviewed at the Pre-Application meeting included additional pocket parks near the entrance, which have now been removed from the plan.
- d. While the Concept Plan does not provide as much open space as other comparable developments, the applicant has presented a reasonable alternative to the Master Plan's Single Family designation of the property from a maximum of 1.65 units/acre to a maximum of 4.4 units/acre since the development of single family detached homes at about 4.4 units to the acre provides a reasonable transitional use and density between the Liberty Park single family detached homes on the west side of Dixon Road (planned density of 15 units/acre) and the Carleton Forest attached condominiums to the east (planned density of 6.5 units/acre).
- e. The site will be adequately served by the public water supply, and the applicant will need to provide a further study of the capacity of the Section 10 pump station in order to propose and construct any improvements necessary to serve the expanded service area, as indicated in the August 4, 2015 Engineering Review memo. *Motion carried 6-0.*

MATTERS FOR CONSIDERATION

1. 45700 TWELVE MILE LLC JSP 15-49

Consideration at the request of 45700 Twelve Mile Road, LLC for approval of the Preliminary Site Plan and Stormwater Management Plan. The subject property is located in Section 9, on the north side of Twelve Mile Road between West Park Drive and the railroad tracks. The applicant is currently proposing Phase 2 improvements including: pave area for outdoor storage, restore the existing wetland buffer area, install storm water management facilities, install fencing and screening for outdoor storage area and provide curbing for parking and outdoor storage areas throughout the site.

Planner Komaragiri stated that the subject property is located north of Twelve Mile between West Park Drive and the railroad tracks in Section 9. It is partially zoned Light Industrial in the front and I-2 General Industrial in the rear and is surrounded by North: R-1 beyond the railroad tracks; I-1 on the east; I-1 and OST on the west; OST and RA on the south on the opposite side of Twelve Mile Road. The Future Land Use Map indicates Industrial Research Development and Technology for the subject property and Office Research and Development on all adjacent sides with Public Park on north. There are a few regulated wetlands and woodlands on the property.

The applicant is proposing occupancy of the vacant industrial site at 45700 Twelve Mile Road. A few of the site improvements in the front part of the property were completed last year as part of Phase 1 improvements. The applicant is currently proposing Phase 2 improvements that includes paved area for outdoor storage, screening and corresponding improvements, wetland buffer restoration, and storm water management facilities.

The improvements require an amendment to the existing court order between the property owner and City of Novi. Our attorney Tom Schultz will be able to expand on this aspect if the Planning Commission have any questions. All of the existing deviations will be entered into the stipulated order. Planning identified a few existing deviations with regard to building setbacks, parking setbacks and end islands authorized to remain. Planning recommends approval.

Engineering recommends approval with additional comments to be addressed with the Final Site Plan. A pedestrian pathway is required along the Twelve Mile frontage. The applicant applied for an administrative variance to pay into the City fund in lieu of construction. Landscape identified existing deviations with regards to right-of-way trees, berm and buffer along public roads and maximum number of spaces for each parking bay authorized to remain as indicated in the Stipulated Order to be entered. Landscape recommends approval.

PREVIOUS PLANNING COMMISSION MEETING MINUTES
January 13 2016



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

January 13, 2016 7:00 PM

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

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

Absent: Member Anthony (excused), Member Giacobetti (excused), Member Baratta, (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Sri Komaragiri, Planner; Chris Gruba, Planner; Rick Meader, Landscape Architect; Jeremy Miller, Engineer; Gary Dovre, City Attorney, Matt Klawon, Traffic Engineering Consultant; Matt Carmer and Pete Hill, ETC Consultants

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Greco and seconded by Member Lynch.

ROLL CALL TO APPROVE THE JANUARY 13, 2016 AGENDA MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LYNCH.

Motion to approve the January 13, 2016 Planning Commission Agenda. *Motion carried 4-0.*

AUDIENCE PARTICIPATION

No one in the audience wished to participate and the audience participation was closed.

CORRESPONDENCE

There was no correspondence.

COMMITTEE REPORTS

There were no committee reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that at Monday evening's City Council meeting the City Council granted tentative approval of the request for Dunhill Park. It was a Zoning Map Amendment with Planned Rezoning Overlay to rezone property at the northwest corner of Beck Road and Eight Mile Road to allow a 31-unit single-family residential development. The City Council will consider the agreement and the Preliminary Site Plan will come back to the Planning Commission. She also wanted to remind the Planning Commission of upcoming meeting that will be held. On January 20th are two meetings; the Master Plan and Zoning Committee meeting at 4:00 pm in the Police Training Center and immediately following that will be the 2016-2022 Capital Improvement Program Committee meeting in the Council Conference Room from 6:30 pm until 9:00 pm. The draft CIP is available online for viewing.

CONSENT AGENDA - REMOVALS AND APPROVAL

In the matter of the request of Beck South LLC for Valencia South JSP13-75 to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

2. DIXON MEADOWS JSP14-0046 AND ZONING MAP AMENDMENT 18.709

Public hearing at the request of Pulte Homes for Planning Commission's Recommendation to City Council for a Planned Rezoning Overlay associated with a Zoning Map amendment, from RA (Residential Acreage) to RT (Two-Family Residential). The subject property is approximately 22.36 acres and is located in Section 10 on the east side of Dixon Road, north of Twelve Mile Road. The applicant is proposing a development of a 90-unit single-family residential detached site condominium.

Planner Sri Komaragiri stated that the proposed concept plan for Dixon Meadows was formerly known as Trailside. The applicant is now requesting a Zoning Map amendment for this 22.36 acre property from RA (Residential Acreage) to RT (Two-Family Residential) utilizing the City's Planned Rezoning Overlay (PRO) option to allow the development of a 90-unit single-family site condominium.

The subject property is located east of Dixon road and north of Twelve Mile in Section 10. It is zoned Residential Acreage and is surrounded by the same zoning on all sides. The Future Land Use map indicates Single Family for the subject property and the surrounding properties. There are few regulated wetlands and considerable regulated woodlands on the property.

Planning Commission held a Public hearing on August 26, 2015 and postponed their decision to give the applicant more time to make further modifications to the concept plan as per staff and consultant recommendations. The applicant has since made two revised submittals. The first one was reviewed by staff and additional comments were provided. Staff and the applicant felt that further revisions will be required before holding another public hearing. The second revised submittal is being presented today. The Planning review letter addresses the progression of changes in detail in the review letter.

Planner Komaragiri explained that the screen in front of the Commission shows the previously presented plan and what is being presented currently. The changes are easy to see. The applicant has made the following changes;

- Changed the rezoning request to RT from RM-1.
- Reduced the number of lots from 95 to 90, thus reducing the density from 4.4 units/acre to 4.2 units/acre.
- Changes to the site layout to address staff's concern to break the long lineal pattern along Verona Drive and other design considerations.
- Increased open space from 0.8 acres to 3.35 acres, by preserving high and medium quality woodlands on site.
- Opportunities for active and passive recreation are created on site by proposing a play area for kids, rustic trails, and site amenities within the development.
- Reduced the percentage of tree removal from 89 percent to 83 percent
- The site now has a single point of access with a secondary emergency access exiting onto Dixon Drive.
- Additional clarification with regards to arsenic removal, sanitary sewer capacity study has been provided.
- In addition to the previously offered public benefits, the applicant is now willing to contribute to the design and construction of a five feet wide concrete sidewalk along the east side of Dixon Drive extending approximately 850 feet south from the subject property to the existing sidewalk just north of Twelve Mile Road, provided that the City secures the required easements. Alternatively, the applicant has offered to contribute the amount for the anticipated sidewalk construction to the City for future construction of the sidewalk.
- The applicant is requesting Ordinance deviations, listed in detail in the motion sheet to reduce the minimum lot size, lot width, front, rear, and side yard setbacks, and increase maximum lot coverage.

With the recent modifications, Planning believes they made considerable progress in addressing staff's comments and are recommending approval. A Design and Construction Standards Variance to be granted by City Council is required for the lack of paved eyebrows. Engineering supports this variance request and recommends approval of the Concept Plan with additional comments to be addressed during Preliminary Site Plan review.

The proposed Concept Plan does not contain significant wetlands, and the wetland and buffer impacts are minor. The wetlands consultant recommends approval noting that a City of Novi Wetland Minor Use Permit and an authorization to encroach into wetland buffers will be required at the time of Preliminary Site Plan approval. There are 745 regulated trees on site, of which 620 trees (about 83 percent of the total) will be removed, with 125 trees being preserved. The removal calls for 946 replacement credits. The applicant is proposing to plant about 43 percent of the required replacement credits on site and pay into the City of Novi tree fund for the remaining. With this revised submittal, the applicant tried to preserve high quality woodland trees towards the northeast corner of the site. Woodlands, Traffic, and Fire are recommending approval noting that the applicant needs to provide additional details at the time of Preliminary Site Plan review.

Façade reviewed the renderings of nine models provided by the applicant with the initial submittal. Façade notes that significant design diversity is evident, and the façade elevations provided would be consistent with Section 3.7.1 of the Similar / Dissimilar Ordinance.

The Planning Commission is asked tonight to hold a public hearing and make a recommendation on the proposed PRO and Concept Plan to City Council. The applicant, Bob Halso from Pulte Homes, is here with his Engineer Bill Anderson and would like to make a small presentation and then answer questions. The wetland consultants, Pete Hill and Matt Carmer, are also present to answer any questions the Commission may have.

Chair Pehrson asked the applicant to come to the front to address the Planning Commission.

Bob Halso, representing Pulte Homes and the six owners of the subject property, stood before the Commission. He stated he wanted to give a brief presentation to highlight some of the things the Commission asked them to address. They are confident in their product type. It is an urban infill product that is designed in Seattle and has been widely accepted across the United States and most notably in Berkshire Pointe in Novi. The property sits in-between higher density with multi-family on either side. They started with a multi-family site plan and readily staff recommended they change it to detached units. This is what led to the initial plan brought to the Land Use Committee before they initially started. The Land Use Committee indicated that the density was appropriate given the surrounding area. This was the plan the Planning Commission had previously seen in August with 95 sites, and the plan brought to the Land Use Committee was 102 sites. The sites are precious because of the benefits they are providing to the city; they are short in number but each very expensive.

Mr. Halso's tree consultant went out at the Planning Commission's directive and met with the City's consultant, walked the entire site and identified the high quality trees and where they were. The high quality trees are predominately located in the areas being preserved in the northeast corner, which also is adjacent to some wetland wooded area to the north, which will likely remain as such. This will provide an existing connection. Also, at the request of staff, they have added a neighborhood park, walking paths, pergola feature at the entry, and a rustic trail through the high quality tree preservation area. They are saving 41% of the high quality trees identified by the consultants. They are inserting a traffic calming focal point in front of the children's park to break the linear street, call attention to the park, and save other quality trees. The children's playscape will fit nicely into the trees.

The sidewalk pedestrian connection has also been added to Twelve Mile to the south which will get these residents and the residents of Liberty Park down to Fountain Walk and to Twelve Mile conveniently. It also extends the City of Novi's non-motorized vehicle safety paths at least up to the northern boundary. They have retained McDowell and Associates, one of the finest geo-technical firms in the state to do an extensive study for arsenic remediation, which they believe is a benefit. They have conservatively estimated remediation to be 1.2 million dollars, but will be removing a lot of soil and replacing it with clean soil. Removing the contaminated soil will cause the removal of many of the trees.

Mr. Halso discussed Dixon Road and its features, showing what it looks like now and what it will look like. (He

presented a slide to the board showing how it currently looks.) They are proposing to do tree replacements as much as staff and consultants and their consultants can work out, because they have excess trees they are removing and would like to replace and plant on Dixon Road. This will be a nice benefit. (He presented a slide showing how Dixon Road looks today.) He stated he feels the trees will enhance the road, and they will work with staff and the City to accomplish that.

Mr. Halso stated that he pulled the demographics of the Berkshire Pointe community thus far, and the average sale price in Berkshire Pointe is in the high four's, approximately \$470,000, and the buyers range in age from the early 30's to early 50's, with the average age being 40. Per home, they have slightly less than two kids on average and they are young urban professionals who are seeking this type of housing which is not readily available in metro Detroit. The taxable value is approximately 42 million dollars, and these are well paid families living in these homes. They pulled National Housing Information on projected revenue to local businesses in the area, Fountain Walk being a principal recipient; based on this project approximately two million dollars. He feels they are being consistent with many of the objectives of the Novi Master Plan, providing a diversity of housing, interconnecting the pedestrian pathways and providing some functional open space. It fits in nicely with the existing uses in the area of either side of them and to the south. Based on their research, this particular location and its walkability is what people are looking for today, and they are pleased to be able to offer it within the City of Novi. He thanked the Planning Commission for their time and stated he is happy to answer any questions that they might have.

Chair Pehrson opened the public hearing and asked anyone that wished to address the Commission to step forward at this time.

Tim Prieur, 28191 Dixon, stated that he disagrees with the proposal, and any changes and deviations to the zoning required to have this development be in place. There are existing homes in the area and this development will not match with what is existing in the direct area around Dixon Meadows. He feels it will not be part of the community that is already there. He assumes an easement will be required for sewers again to drain off for the retention ponds, and he does not want it running behind his home, which is where it would run because the wetlands are currently located there. Mr. Prieur stated that he originally purchased his home because he wanted to be on a quiet road, and this development is going to dramatically increase traffic flow. Twelve Mile Road already has traffic issues during certain hours where it backs up past Dixon Road and you cannot get off of Dixon. The developer claims there is a demand for this type of housing, yet in Liberty Park, they just redeveloped a unit and had to drop the price because it had not sold. It has been on the market since August. There are other homes in Liberty Park and Carlton Forest for sale, and the prices are steadily dropping due to them not selling. He stated that the developer mentioned residents needing to use the parks and shopping area, but plenty of people are using Lake Shore Park on a regular basis. You cannot park in a reasonable close distance to Fountain Walk during the weekend. In regards to the arsenic remediation, he feels his water is safe since he has had it tested, and it does not contain arsenic that is above levels. The ground and the soil containing arsenic is not going to hurt anything as long as it is not disturbed and it is covered with ground cover. Parents also try to encourage their children to go play outside, and he doesn't know how they will be able to do so if there is no land left to play on. He feels the developer is just trying to make money and is not trying to benefit the community. He stated that he had additional notes that the board was welcome to look over.

Chair Pehrson asked his notes to be made part of the public records.

Sanjay Singh, 28370 Clymer Drive, stated that he is against the proposal. This proposal is going to cause traffic to increase on Dixon Road, and the back of his home faces Dixon Road. He and his neighbors are concerned about their safety and security as well as the security of his children who play in the backyard. Once the traffic increases, there will be additional noise and it is going to increase pollution and dust. He feels the value of his property is going to decrease because his home will be on the road instead of off the road. He is also concerned about the number of trees that are going to be removed versus what will be left. The proposal is going to destroy the natural beauty that exists in this area.

Ravi Chiluka, 28395 Clymer Drive, is against the proposal. One of the reasons he purchased his home is because he loves nature and he was drawn to the property's natural beauty. If the proposal is allowed, it will draw traffic to the area, and it will affect the ecosystem around Lake Shore Park.

Violette Tuck, 28300 Dixon Road, stated that she is in favor of the development. When Old Orchard was being built, she was not in favor of it because it was near her apple orchards but it was built anyways. Another forty years later, a development was built on Dixon Road. She was against that as well, but once again it was built anyways, and everything turned out okay. Lastly, a subdivision was being built across the street from her and she was against it, but it was built. After all of this, the residents and contractors have not caused any problems. She has no intentions of leaving of home if Dixon Meadows obtains approval. She is in favor of the development because she understands that the developer knows what they are doing.

Nick Marini, 28180 Dixon Road, stated that he is the owner of the southern parcel. He has been here since 1960, and over the years there was construction to the east, and he likes the development.

Chair Pehrson asked the audience if there was anyone else that wished to speak. No one else came forward.

Chair Pehrson then confirmed that there is correspondence. A letter was received from Debra Cox who is in objection to the proposal. Surya Poliseti, 28394 Clymer Drive objects to the proposal due to a number of reasons; the destruction of the large area of natural vegetation; loss of greenery; overcrowding; Dixon Road is a natural beauty road; high density; and cutting down huge trees. Nicola Marini and Florence Marini are in support of the development. An objection letter was received from Muthuraman Swaminadhan, 28358 Clymer Drive. His letter stated he is concerned about potential health hazards of any arsenic when the earth is dug up. Venkata Gunturi objects because Dixon Road is a designated beauty road. They are concerned about existing wetlands and density. An objection letter was received from Yasuaki Watatani, 28460 Witherspoon Drive, stating they would like to keep the natural beauty road as is. Another objection letter was received from Anand S. Raichur, 28376 Clymer Drive, and is in objection because Dixon Road is designated natural beauty. The maintenance of a fifty foot vegetation buffer area is unclear. The area is a quiet and serene place, and there are concerns about Twelve Mile Road, the health and safety of residents and children, removal of the arsenic, wetlands, and a dramatic zoning change. The next objection letter was from Takahito Kakiuchi, 28507 Carlton Way, who objects because more traffic is not needed and nor are more condos. He also does not want constant construction and recommends widening Twelve Mile Road first. Stelian Birou, 28160 Dixon Road, objects because he does not want a subdivision behind him because of heavy traffic and arsenic. This person purchased their home because of the privacy. Richard Katterman, 23481 Middlebelt Road, wrote a letter stating that he is writing in support of the proposal by Pulte Homes for the redevelopment of the polluted property that he owns on Dixon Road. It is unfortunate about the arsenic that he did not know was in the ground when he purchased the property 20 years ago. The plan for the development seems to be consistent with the surrounding area. A letter was received from Meiling Shih, who is in objection to the development. The development will result in the reduction of trees, especially the ones bordering Dixon Road. If Dixon Road is paved, it will cause an issue with traffic.

Chair Pehrson closed the audience participation for this case and turned it over to the Planning Commission for their consideration.

Member Greco stated that they have looked at this before. After listening to the petitioner, and knowing that Pulte Homes is a great developer, there is no doubt in his mind that these homes would sell. The homes look great and he is sure that the promises and representations of the developer will be met. That being said there is still zoning in the City of Novi. This property is zoned R-A, and this is a significant jump in density, so he feels this may be a plan they need to look at and study. He is not against the higher density despite the representations from the community that this is a natural beauty road. It is in an area off of Twelve Mile Road where Residential Acreage or large lots is probably not something that is appropriate for the area with the way things have grown there, in accordance to Fountain Walk, the mall and Twelve Mile Road being a major road in the area. There are sections of Novi, particularly the southwest section, which they have tried to keep lower density with larger homes in that area. He is going to reserve his judgement until he hears the rest of the comments from the other Commissioners. His inclination is not to support the plan for the reason of the major jump in density from the way it is currently zoned, even though it is a beautiful plan, and he feels the demographics spoke about would fill it up. It is just not zoned right, and he they have an obligation to the residents and people moving into the community, to look at what they have and stand by what they have without there being a major study or change. He may not be against it in the future, because for those that are opposed to this project, with the location that is there, it will be developed at some point.

Member Lynch asked what the density is that surrounds the property.

Planner Komaragiri stated that Liberty Park is a single-family development to the west which is approximately 3.5 units/acre; and Carlton Forest to the east which is 5.6 units/acre. The proposed density of 4.2 units/acre provides a reasonable transition between the lower density at Liberty Park and Carlton Forest to the east.

Deputy Director McBeth clarified that Liberty Park has a combination of single-family and attached units. The area for Liberty Park in its entirety is Master Planned for fifteen units to the acre, but overall about 12.3 units/acre.

Member Lynch stated that there is 12.3 units/acre on one side, and 5.6 units/acre on the other side. This plan is projected to be 4.2 units/acre. In regards to Dixon Road, there was mention of removal of multiple trees. He feels that if the trees are removed from that area, the trees should be replanted in that area instead of having money go into the Tree Fund. He asked if there is any way possible that the vegetation be used to buffer both sides of Dixon Road instead since there is an issue with Dixon Road and what appears at the back at one of the subdivisions. He asked how many trees are being required for the Tree Fund.

Planner Komaragiri stated that the total replacement trees required is 946 trees. The applicant is proposing to replace 405 trees on site and pay into the Tree Fund for 541 trees. There are woodlands replacements being proposed along Dixon Road and some are within the property around the corners.

Member Lynch stated that he feels this is an area of the Master Plan they have not looked at in quite some time. He agrees with Member Greco that it will be developed at some point in time. His suspicion is that if it goes into the Master Plan, the density is going to be much higher than what is currently being proposed based on the surrounding areas. He feels the issue is that there are surrounding subdivisions that buffer homes, and they are fairly isolated from anything else. Knowing that those lands can probably be developed since everything gets developed sooner or later, he is trying to figure out a way that we can maintain some semblance of isolation through the vegetation, and at the same time put a high quality subdivision from the area, remove the arsenic from the ground, and make it profitable for everyone. He is wondering if they can have much more vegetation along Dixon Road since it is an issue. He would like to ask the developer if this is doable.

Mr. Halso came to the podium and stated that he loves the idea. They would be happy to work with the City and plant as many or all of the requirement replacement trees on both sides of Dixon Road, not just on their side. The one side of Dixon Road definitely could use more trees, and this is a great opportunity to add them. From the slides that were seen previously, it is pretty open, and in addition to granting the right-of-way, which they will be doing across the entire frontage including Mrs. Tuck and Mr. Marini's properties which they have agreed to provide, their frontages will have an additional fifty feet of buffer, all of which they intend to plant as heavily as city staff will support. They have also worked with Engineering on the road design and the design is a smaller and narrower profile intended to calm the traffic. Adding a walkway will give pedestrians and children something to walk on besides an unpaved street. He thanks Member Greco for his comments and stated that he thought they were using the PRO to address the change in the Master Plan.

Member Lynch stated that looking at the density right now, with the Master Plan being opened up for review and with the density going up, he feels that 4.2 is reasonable for this area based on the 15 on one side and five on the other. He also thinks isolation is an issue since the neighbors are used to having the forest behind them, and when it gets removed, they have nothing. He is in support of this request if he can see an agreement between the City and the developer to increase the density of trees and foliage on Dixon Road to maintain the isolation that the existing homeowners have come to enjoy, instead of putting money into the Tree Fund, which goes elsewhere in the city. If this can be done, a high quality subdivision can be developed, which will happen at some point in time. With the density of the Master Plan, when it goes to the committee and they review five on one side and twelve on the other, maybe it will be required to have eight homes per area. In his opinion, it will be a good solution if they can increase the density on Dixon Road because the homes presented by Pulte will sell. There is only one entrance and he asked if the Fire Department has agreed to this or if there is a secondary entrance.

Planner Komaragiri stated that they have provided a second emergency access off of the cul-de-sac on the other side. They will be calling it a temporary secondary access because the other connection north of the site where the rustic trail and woodlands are preserved is hoped to become a permanent through access at

some point. If it becomes a permanent access, the temporary access will no longer be in effect. Member Lynch stated that Skip made a valid point and he has been in a similar situation where homes have been built, he was nervous about it, and at the end of the day they turned out okay and there was nothing to worry about.

Member Zuchlewski asked the Traffic Engineer if there are 'numbers' on Dixon Road.

Matt Klawson told him to "fire away".

Member Zuchlewski stated that his question is similar to one heard a while ago. The density of this has had all kinds of numbers; 102 and originally down to 95 and now down to 90. If the zoning wasn't changed, how much of an increase of traffic flow would they have on Dixon Road?

Mr. Klawson stated that he pulled together the numbers proposed but he does not have the numbers in front of him that match the condition of not changing the zoning. The site as the study reads now during the peak hour adds about 100 new vehicles to the system, so those vehicles would exit the site and go either down to Twelve Mile Road or over to Novi Road. The questions came up of accessing Twelve Mile Road southbound on Dixon Road. It is proposed that the volume in the morning, which would be the peak period for exiting onto Twelve Mile, would go up to 58 cars per hour, and the existing number is currently 18 vehicles per hour. All the delay calculations are all within acceptable levels and essentially the changes would not be that discernable for the average motorist approaching the intersection to make their exit.

Member Zuchlewski stated that he has seen it before and has seen it in different configurations and it seems to him that the rezoning was never really an issue. They have worked with the developer and the developer has provided them with what they wanted the best that they could get. He feels this developer has done an awful lot with what he has, and the developer has tried to work with the City in all the different reviews that have been required and everyone says that they approve it. Based upon how long this project has been going along and the encouragement they have given the developer, this is where he would be coming from.

Chair Pehrson stated he feels their hand is forced relative to zoning density in this particular area and the consent agenda that occurred in Liberty Park. (He looked to Deputy Director McBeth for confirmation.)

Deputy Director McBeth stated that the consent judgement allowed a maximum of fifteen units to the acre. She also clarified that the multiple family portion of that development is at about 12.5 units/acre and the single family portions are constructed at about 3.5 units/acre.

Chair Pehrson stated that the Master Plan allows applicants to come forward using the PRO tool as a method that can be used to provide a reasonable discussion to sway the Commission regarding why their development would work. He feels that is what the developer has done in this case. Given the fact that the consent judgement set the tone and the standard for what the density is, 12 and 15 to the west, and ~5 to the east, we will not see RA zoning in this area. He does not think that what has been presented is out of the norm, and it serves as a transition between the two areas. He also agrees with Member Lynch, that if the developer and the City can use the PRO tool to get together and continue with the formulation of trees along Dixon Road, so it can continue its natural beauty road status, it will be prudent for them to do so at this point in time. He is glad to hear the developer wanting to do this. He is not sure why it is not already part of the proposal.

Chair Pehrson stated that he is a big proponent of density changes when it makes sense, and with this case being unique, they will probably always end up right where they are now. He has heard what the residents have to say about the case, and the Commission takes very seriously what has been discussed and brought forward to them, and they are not able to do anything about traffic per se. The Planning Commission asks for Traffic Consultants to give their opinion, and it is based on worst case scenarios. The Commission does not have the ability or the authority to make specific roads wider or have a center turn lane installed. But they do have the ability to make some changes based upon this particular developer coming forward with a PRO, where they get to work with them to develop the language and what this proposal might look like. The things talked about need to be part of the PRO, and Chair Pehrson has no problems with the mitigation going on since they are working with a company that has done this many times before. He cannot do anything relative to construction that takes place; they have ordinances as to when trucks cannot go up and down roads, so

as not to bother people. People have recourses in the area if there is dirt or dust, they can contact the City so something can be done about it to mitigate the issue. This is a quality development and they have asked the developer to come back with certain amenities in the PRO, which he has provided. For these reasons, he is in support of this particular motion given that they tweak the PRO language to add a few more things; to address the concerns and some of the thoughts that have been brought forward on the Planning Commission.

Chair Pehrson asked if there were any additional comments.

Member Lynch stated that he wants to make a motion, but he asked how he includes the trees as a condition.

Attorney Dove stated that if he wants to make a motion to approve, looking at the motion form they have been provided, the second part states that 'if Council approves the rezoning, Planning Commission recommends the following conditions'. At that part, there is already an 'a' and 'b' condition, and he could add a 'c' that might say, "subject to City approval, the applicant planting required replacement trees in the Dixon Road right-of-way on both sides of the road, rather than satisfying his responsibility for those trees by payment into the City Tree Fund".

Member Lynch stated that he could paraphrase that condition, but he wants what the attorney just stated to appear in the record.

Attorney Dove stated that he could say 'with a new condition 'c' as outlined by the City Attorney'.

Motion by Member Lynch and seconded by Member Zuchlewski.

In the matter of the request of Pulte Homes for Dixon Meadows JSP14-46 with Zoning Map Amendment 18.709 motion to recommend approval to the City Council to rezone the subject property RA (Residential Acreage) to RT (Two-family residential) with a Planned Rezoning Overlay. The recommendation shall include the following ordinance deviations for consideration by the City Council:

- a. Reduction in the required minimum lot size and minimum lot width for one-family detached dwellings reviewed against R-4 Zoning standards to allow for smaller lots (10,000 square feet and 80 feet required, 5,400 square feet and 45 feet provided);
- b. Reduction in minimum front yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (30 feet required, 20 feet provided);
- c. Reduction in minimum rear yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (35 feet required, 30 feet provided);
- d. Reduction in minimum side yard setback and aggregate side yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (10 feet with 25 feet aggregate required, 5 feet with 10 feet aggregate provided);
- e. Increase in maximum lot coverage permitted per Zoning Ordinance (maximum of 30 percent of total site required, 35 percent of total site provided); and
- f. A Design and Construction Standards (DCS) waiver for the lack of paved eyebrows as per Engineering review.

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be requirements of the Planned Rezoning Overlay Agreement:

- a. **Acceptance of applicant's offer of Public benefits as proposed:**
 - i. Maximum number of units shall be 90.
 - ii. Minimum unit width shall be 45 feet and minimum square footage of 5,400 square feet
 - iii. Paving of 1,800 linear feet of Dixon Road.
 - iv. Planting of woodland replacement trees along the Dixon Road frontage.
 - v. Remediation of on-site arsenic contamination.
 - vi. Pocket parks/tree preservation within the development.
 - vii. Housing style upgrades as shown on the elevations enclosed with the PRO Application.
 - viii. Dedication of public right-of-way along Dixon Road.
 - ix. Financial contribution for the design and construction of a meandering five foot wide concrete sidewalk along the east side of Dixon Drive extending approximately 850 feet south from the

subject property to the existing sidewalk just north of Twelve Mile Road, provided City secures the required easements. Alternatively, the applicant has offered to contribute the amount for the anticipated sidewalk construction to the City for future construction of the sidewalk.

- b. Applicant complying with the conditions listed in the staff and consultant review letters.
- c. Subject to City approval, the applicant planting required replacement trees in the Dixon Road right-of-way on both sides of the road, rather than satisfying its responsibility for those trees by payment into the City Tree Fund.

This motion is made because:

- a. The applicant has presented a reasonable alternative to the proposed Master Plan designation of a maximum of 1.65 units/acre to an actual 4.2 units/acre, and which supports several objectives of the Master Plan for Land Use as noted in this review letter.
- b. The proposed density of 4.2 units/acre provides a reasonable transitional use and density between the lower density Liberty Park – Single Family development to the west (approximately 3.5 units/acre), and the Carlton Forest development to the east (approximately 5.6 units/acre).
- c. The roadways and surrounding intersections are expected to maintain acceptable levels of service with the addition of the site generated traffic, and the proposed paving of approximately 1,800 linear feet of Dixon Road from the existing terminus point at Twelve Mile Road to the northern entrance of the proposed development may be seen as a public benefit to the potential residents of the new development, as well the residents who currently use Dixon Road.
- d. The site will be adequately served by public utilities.
- e. The City's Traffic Engineering Consultant has reviewed the Rezoning Traffic Impact Study and notes a minimal impact on surrounding traffic as a result of the development as the current traffic volume on Dixon Road is relatively low.
- f. Submittal of a concept plan, and any resulting PRO Agreement, provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed.

Motion carried 3-1.

3. MONTEBELLO ESTATES JSP15-0076

Public hearing at the request of Mirage Development for Planning Commission's approval of Preliminary Site Plan, Woodlands Permit, Wetlands Permit, and Stormwater Management Plan. The subject property is currently zoned R-3, One-Family Residential and is located in Section 27, west of Novi Road and north of Nine Mile Road. The applicant is proposing a 33 unit single-family detached residential development on a 26.94 acre property.

Planner Sri Komaragiri stated that the subject property is located north of Nine Mile between Novi Road and Taft Road. The subject property is zoned R-3 one-family residential and is surrounded by the same zoning east, west and south. It is also surrounded by R-4 partly in northeast corner and southwest corner. It is abutted by Novi Township to the north. The Future Land Use map indicates Single Family for the subject property and the surrounding properties.

There are regulated wetlands and regulated woodlands spread throughout the property on the property. The applicant is proposing to construct a 33 unit conventional site condominium with associated site improvements. The site access is provided by a proposed public roadway with a single curb cut from Nine Mile Road. A secondary emergency access is provided to Cottisford road. The proposed preliminary site plan addresses all of the Planning requirements.

The applicant is requesting two variances from Design and Construction standards for not providing a water main and a five foot sidewalk along the entire Nine Mile Road frontage. The missing sidewalk segment along subject property frontage is identified as segment 93A and is ranked 15 in 2015-16 Annual non-motorized prioritization update. There is no existing sidewalk on the south side of the Nine Mile as well. Engineering believes that there are alternate means to accommodate a water main such as directional drilling to preserve natural features along the frontage. Staff is requesting applicant to provide more details to justify

PREVIOUS PLANNING COMMISSION MEETING MINUTES
March 09, 2016

REGULAR MEETING - PLANNING COMMISSION

CITY OF NOVI

March 9, 2016

Proceedings taken in the matter of the PLANNING
COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi,
Michigan, on Wednesday, March 9, 2016

BOARD MEMBERS

Mark Pehrson, Chairperson

David Greco

Tony Anthony

Robert Giacobetti

Ted Zuchlewski

David Baratta

ALSO PRESENT: Barbara McBeth, Director of Community Development
Rick Meader, Landscape Architect, Kirsten Mellem, Planner, David
Gillam, City Attorney, Jeremy Miller, Staff Engineer
Certified Shorthand Reporter: Jennifer L. Wall

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON PEHRSON: There is a motion on the table then to table for 30 days, motion by Member Baratta seconded by Member Giacometti.

Any other comments?

(No audible responses.)

CHAIRPERSON PEHRSON: Barb, will you call the roll.

MS. MCBETH: Member Baratta?

MR. BARATTA: Yes.

MS. MCBETH: Member Giacometti?

MR. GIACOPETTI: Yes.

MS. MCBETH: Member Greco?

MR. GRECO: Yes.

MS. MCBETH: Chair Pehrson?

CHAIRPERSON PEHRSON: No.

MS. MCBETH: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MCBETH: Member Anthony?

MR. ANTHONY: No.

MS. MCBETH: Motion passes four to two.

CHAIRPERSON PEHRSON: Okay. Next on the agenda is the Dixon Meadows JSP 14-46 with rezoning 18.709.

1 It's a public hearing to
2 request that Pulte Homes for Planning
3 Commission's recommendation to City Council
4 for a planned rezoning overlay associated
5 with zoning map amendment from RA residential
6 acreage to RT, two family residential.

7 The subject property is
8 approximately 22.36 acres and is located in
9 Section 10 east side of Dixon Road, north of
10 Twelve Mile Road.

11 The applicant is proposing the
12 development of 90 units, single family
13 residential detached site condominium. The
14 alternate plan is being presented for public
15 hearing review and recommendation.

16 MS. MCBETH: Mr. Chair, I get to
17 make a presentation this time and Kirsten
18 gets to run the photos.

19 As you said, this is a request
20 for Dixon Meadows, requesting a zoning map
21 amendment for that 22.36 acre parcel from RA
22 to RT, using the city's planned rezoning
23 overlay option to allow the development of a
24 90 unit single family site condominium.

25 A revised concept plan is

1 being presented this evening for
2 consideration as an alternate plan, to the
3 plan that was most recently presented to the
4 Planning Commission in January.

5 The subject property is
6 located on the east side of Dixon Road, north
7 of Twelve Mile in Section 10, it is zoned
8 residential acreage and it's surrounded by
9 the same zoning on all sides.

10 The future land use map
11 indicates single family uses of the subject
12 property and the surrounding properties.

13 There are a few regulated
14 wetlands on the property and a considerable
15 amount of regulated woodlands on the
16 property.

17 The Planning Commission held a
18 public hearing first in August 26, 2015 and
19 postponed the decision to give the applicant
20 time to make further modifications to the
21 concept plan, per the city's professional
22 staff and consultant's recommendations.

23 The applicant has since made
24 three revised submittals. The first one was
25 reviewed by staff and additional comments

1 were provided. Staff and the applicant felt
2 that further revisions would be required
3 before holding another public hearing.

4 The second review submittal
5 was presented to the Planning Commission for
6 public hearing on January 13th of this year.
7 The Planning Commission recommended approval
8 of the subject rezoning request and concept
9 plan at that time.

10 Following the Planning
11 Commission meeting several residents of the
12 adjacent Liberty Park development contacted
13 staff and asked for a review of an alternate
14 sketch, the residents had prepared that
15 highlighted a number of the resident's
16 concerns. Staff and the applicant met with
17 the resident's representatives on February
18 4th to discuss those concerns. The applicant
19 has now provided an alternate plan to the
20 plan that was recommended for approval.

21 The applicant has provided a
22 summary letter and a traffic impact study
23 addendum as well.

24 It was staff's opinion that
25 the proposed changes are significant enough

1 to return to the Planning Commission for
2 another public hearing this evening, and a
3 recommendation on the alternate plan prior to
4 forwarding the request to the City Council
5 for consideration.

6 The three main changes
7 provided on the alternate plan are as
8 follows: First, relocation of Dixon Meadows
9 entry boulevard about 175 feet to the south
10 of where it was on the previous plan, while
11 shifting the proposed storm water detention
12 pond to the north.

13 The modifications also result
14 in minor revisions to the lots along the
15 south and west perimeter of the development,
16 and an increase in the size of the small
17 pocket park between units 66 and 67 by about
18 5,000 square feet.

19 The major change was the
20 landscaping along Dixon Road is proposed to
21 be enhanced based on comments from the
22 Planning Commission as well as from the
23 residents who contacted Planning staff
24 following the Planning Commission meeting in
25 January.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The revised plans now include a double row of oversized 12-foot tall evergreen trees behind the Liberty Park homes that back up to Dixon Road adjacent to the subject property.

Additional deciduous trees and shrubs and proposed natural planting arrangements along the frontage of Dixon Meadows at other locations along Dixon Road are also proposed.

The third change is that the applicant has now offered an alternative to the paving of Dixon Road.

The previously submitted plan showed new pavement for Dixon Road from Twelve Mile Road north to the Liberty Park Boulevard entrance called Declaration Drive. The nearby Liberty Park residents expressed their desire to terminate the paving at the new south entrance, the new main entrance to the subject property, Dixon Meadows and not extending all the way to Declaration Drive.

Pulte Homes has indicated that they're willing to offer either option. Our staff is recommending accepting the offer to

1 pave all the way to Declaration Drive.

2 I don't want to go over all of
3 the changes that have been addressed over the
4 several months, many months of discussions
5 because we went over those in January.

6 But we will mention with the
7 recent modifications we believe that we have
8 made considerable progress on this plan and
9 continue to recommend approval.

10 We know the design and
11 construction standards variance would need to
12 be granted by City Council as required for
13 the lack of paved eyebrows in the streets.
14 Engineering staff supports the variance
15 request and recommends approval of that plan
16 with some items to be addressed on
17 preliminary site plan.

18 We talked a little bit about
19 the woodlands being modified slightly in the
20 review letters. There are 725 regulated
21 trees on the site, of those about 83 percent
22 are proposed to be removed.

23 Additional tree credits are
24 proposed to be planted on-site with this
25 alternative plan. There is some details in

1 the review letter and our environmental
2 consultant, Pete Hill, is here this evening
3 to address any questions you might have about
4 those.

5 There are some additional
6 plantings along Dixon Road that are proposed
7 with this plan that weren't proposed with the
8 previous plan.

9 Woodlands, traffic and fire
10 are recommending approval noting that the
11 applicant needs to provide additional details
12 at the time of preliminary site plan review.

13 The addendum to the traffic
14 study was found to be acceptable by the
15 city's traffic consultant.

16 Our facade consultant reviewed
17 the renderings of the nine models that were
18 proposed by the applicant with that initial
19 submittal and the facade consultant notes
20 that significant design diversity is evident
21 in those models and that the facade
22 elevations provided would be consistent with
23 this similar, dissimilar ordinance.

24 The Planning Commission is
25 asked tonight to hold a public hearing and

1 make a recommendation on the proposed planned
2 rezoning overlay and the alternate concept
3 plan to the City Council.

4 Mr. Bob Halso is present
5 tonight along with his engineer, Bill
6 Anderson. I think they have a brief
7 presentation that they would like to make.

8 CHAIRPERSON PEHRSON: Thank you,
9 Ms. McBeth.

10 Does the applicant wish to
11 address the Planning Commission?

12 MR. HALSO: Good evening,
13 Commissioners. Bob Halso representing Pulte
14 Holmes. I'm joined by the owners of the
15 properties that we are proposing this
16 development on, as well as Bill Anderson from
17 Atwell.

18 It so much fun last time we
19 just couldn't wait to get back.

20 I'm not going to walk through
21 everything because Barb did an excellent job
22 summarizing.

23 I would like to say that we
24 have worked very hard with city and staff
25 over the last 18 months to get to the plan

1 that you recommended on January 13th.

2 We have also worked very hard
3 in the last six weeks to try and work with
4 the adjacent homeowners to address some
5 concerns.

6 I just want to make you aware
7 that we are offering these alternatives to
8 you for your consideration.

9 We are happy to do either.
10 The alternatives are to relocate the
11 entryway, which he have re-engineered at some
12 expense to accommodate the request, to
13 terminate the paving at a shorter distance,
14 and third, to kind of firm up our plans on
15 the Dixon Road plantings. And most
16 specifically utilizing the Liberty Park
17 common area, which we really need to do a
18 first rate job of screening, which I think
19 what the residents are looking for and what I
20 think we have accomplished. We have met with
21 the residents three times to accomplish to
22 that.

23 Jim Allen and I walked with
24 representatives of the association. This
25 past week Jim has captured all of the

1 discussions and notes in a plan that we have
2 submitted to the association. I think we're
3 very close to figuring out where we want to
4 put the trees at this juncture, and we would
5 envision incorporating that specific plan
6 into the landscape plans we will submit to
7 the city for approval so that it's all part
8 of one understood package.

9 That plan at this point, as we
10 have drawn it up consists of 117 additional
11 good sized trees being planted in the Liberty
12 Park common area as well as the addition of
13 two shrubbed entry beds at the Dixon Road
14 entry to Liberty Park consisting of 116
15 shrubs that Jim Allen designed for us.

16 Again, we offer these as
17 alternatives to your previous recommendations
18 and we would look to follow your lead.

19 CHAIRPERSON PEHRSON: Thank you.
20 This is a public hearing. If there is anyone
21 in the audience that wishes to address the
22 Planning Commission at this time please step
23 forward, state your name, address, you have
24 three minutes.

25 MR. SINGH: My name is Sanjay

1 Singh, and I'm a resident of Liberty Park,
2 S-a-n-j-a-y, S-i-n-g-h, address is 28370
3 Climber (ph) Drive.

4 First of all, thanks to Barb
5 to work with us and address our concerns.
6 The last time we raised concerns of our kid's
7 safety, privacy as well as the beauty of the
8 road.

9 So the new plan addresses all
10 of the concerns, and regarding the two
11 options of having the dirt road till the new
12 grade of Dixon Meadow off to Declaration
13 Drive, we will request to stop it to the new
14 gate of Dixon Road, only because that road, I
15 think, proposing for benefit of Liberty Park
16 residents like us, and we are requesting not
17 to do that because our concern is a lot of
18 traffic will be there behind our house, in
19 case the kids play in the backyard.

20 So my request is to approve
21 the alternate plan which Barb has presented
22 and stop the dirt road near the new gate of
23 Dixon Road.

24 CHAIRPERSON PEHRSON: Thank you,
25 sir. Anyone else?

1 MR. MCCULLOUGH: Good evening.

2 My name is Bob McCullough. I just recently
3 moved into a condo in the Carlton Forest
4 area, 28435 Carlton Way Drive.

5 I have been a resident of this
6 area for all my life, except for the last 14
7 years, which took me out of town, but I'm
8 back and I was real pleased to get back
9 because of being familiar with Novi, although
10 in 14 years it had developed so much. It's
11 like coming into a strange town from what I
12 knew growing up.

13 But I'm really concerned,
14 evidently nobody from Carlton Forest has
15 talked to the Commission yet in regard to 79
16 feet away from the side of my building is
17 going to be the new planned development.

18 We have a beautiful woods area
19 sitting there, which I see on paperwork,
20 83 percent of that is going to be removed.
21 And in place of it it's going to be a bunch
22 of condominiums. We have wildlife that goes
23 through there. I have deer walking through
24 my property daily. And it's just such a
25 beautiful site, turkeys, all kinds of

1 wildlife. That's all going to be gone,
2 you're going to force all of those things
3 right out of the area.

4 Take into effect that 79 feet.
5 That's what? Twelve, 13, people laying down
6 end to end. That's not very much. Our drive
7 on the side of our building takes up a good
8 portion of that and I think what they have
9 left there, which I think they are referring
10 to as wooded area is really what belongs to
11 Carlton Forest. There is a berm there. It's
12 been landscaped real nicely with different
13 colored trees and such forth, it's really
14 beautiful. That's all going to be gone.

15 Take into effect the valuation
16 of the property. I think a lot of people
17 including myself mainly moved there because
18 of such a beautiful setting there. We don't
19 have thickness of buildings there. It's kind
20 of one street and buildings on either side.
21 They're not stacked on either side of the
22 street.

23 So a lot of us have the same
24 view only on the opposite side of the street.
25 I think on the east side of the street it's

1 wetland area so probably a lot of that is
2 protected, but, in fact, some of the north or
3 west side would be protected also.

4 I just would like to voice my
5 objection to how this is being put down and
6 from what I have heard tonight, I don't think
7 anybody from Carlton Forest has complained.
8 And maybe that's even understandable, being
9 that so many people that bought those places
10 and rent them out.

11 I would like to have some
12 consideration for what we have the privilege
13 of seeing there as residents of Carlton
14 Forest. Thank you for your time.

15 CHAIRPERSON PEHRSON: Thank you,
16 sir.

17 Anyone else? Step forward.

18 MS. GALATI: Good evening,
19 Commissioners. My name Jahru Galati and I'm
20 at 28382 Climber Drive. We are west of the
21 new development. Initially we had a lot of
22 concerns about privacy. Our lots are very
23 small and our biggest concern now, Pulte has
24 really, thank you Bob, worked really, really
25 hard with us, to address some of our concerns

1 which were more privacy with planting more
2 trees and they have done an excellent job of
3 meeting with us and putting two to three rows
4 of alternating trees which preserves the
5 beauty of Dixon Road, which is what we
6 overlook from our bedrooms and our lot sizes
7 are very small. So our biggest concern now
8 is the fact that the paved road should not go
9 more than where the entrance to the new
10 property is. The reason for that is
11 multiple.

12 One, Twelve Mile is a Michigan
13 new only road, and if Dixon Road is paved any
14 further, this will become a throughfare and
15 lead directly onto Novi Road, which will
16 cause a lot of traffic, noise at night.
17 There is a park behind us, and there is a
18 lot of traffic already because of the park,
19 and sometimes people tend to drive really
20 fast -- like I said, our property lots are
21 very, very small. There is not a lot of room
22 between the berm and our houses. And if that
23 road is paved, it's going to cause a lot of
24 additional traffic. There is a lot of little
25 kids, elementary school kids and, yes, we

1 need to keep the kids in our properties and
2 we try our best, but they all gravitate back
3 to the gravel, which it's very hard to
4 contain them. So if the road is paved, we
5 are further putting them in harm's way and we
6 are really, really concerned about that.

7 We feel that if the road is
8 not paved, it will prevent a lot of traffic.

9 First, it's different from the
10 subdivision because every subdivision is
11 different, you know, everybody drives at a
12 lower speed, but Dixon Road itself has more
13 potential of becoming a thoroughfare and we
14 are very concerned about that, because of
15 that. So our request to the Planning
16 Commission is that we contain the road up
17 until the entrance point because that's
18 needed for the residents to exit.

19 Secondly, we want the nature
20 path to be preserved. It's a very beautiful
21 area, lots of deer, lots of wildlife,
22 turkeys, everything comes over there. If you
23 make it a thoroughfare, and there is paved
24 roads, all of that will go away, leading to
25 more traffic and our privacy will be totally

1 gone. I mean, we still have privacy
2 concerns, but I think Pulte has done an
3 excellent job of offering us trees on the
4 berm which, you know, gives us some of the
5 privacy that we are asking for.

6 And so, again, our sincere
7 request is that the road not be taken down to
8 the Declaration entrance, which would cause
9 more traffic, lack of privacy and reduction
10 in our property prices because when we bought
11 those lots, the only reason, I know for
12 myself, the reason I bought was for the
13 privacy. It's a dirt road, natural beauty,
14 and if that's paved, all of that goes away,
15 and also leads to reduction in our property
16 prices. Thank you.

17 CHAIRPERSON PEHRSON: Thank you,
18 ma'am. Anyone else?

19 MR. SWAMINADHAN: Good evening.
20 My name is Mathuraman Swaminadhan,
21 M-a-t-h-u-r-a-m-a-n, S-w-a-m-i-n-d-h-a-n,
22 resident of 28358 Climber Drive.

23 I just want to echo the
24 thoughts of my fellow residents, we would
25 like to keep that paved road at the end of

1 the entrance of the proposed Dixon Meadows,
2 just to preserve our current privacy and also
3 our kid's safety. So that's it.

4 CHAIRPERSON PEHRSON: Thank you.
5 Anyone else?

6 (No audible responses.)

7 Seeing no one else, I think
8 there is some communication.

9 MR. GRECO: There is some
10 correspondence.

11 The letter that we have is --
12 hold on.

13 MR. GARCIA: We weren't done.
14 May I approach?

15 CHAIRPERSON PEHRSON: Yes, you
16 may.

17 MR. GARCIA: My name is George
18 Garcia. I represent the Elizabeth D. Garcia
19 trust who owns the property at 28250 Dixon
20 Road in Novi.

21 This is a letter I'd like to
22 read and be entered into the minutes.

23 Members of the City Planning
24 Commission. My name is George R. Garcia, son
25 of Ramone and Elizabeth Garcia, resided at

1 28250 Dixon Road, Novi, Michigan, 48377 for
2 over 60 years.

3 My father and mother purchased
4 the property from Mary Flint in the early
5 '50s and I am the representative of the trust
6 and family of which I have four brothers and
7 two sisters that now hold the property.

8 Our parents cleared the land,
9 built the first house and after the family
10 outgrew it, built the current brick house and
11 subsequent out buildings. I have very fond
12 memories of growing up on Dixon Road with
13 many neighbor children and exploring the
14 fields and forests and sledding the hills of
15 the area of the west side of Dixon Road. The
16 west side of Dixon Road was always an area
17 where we could wander safely.

18 We became aware that it had
19 been donated to the city for parkland for
20 residents, subsequently to a legal issue
21 concerning the default on development with
22 builders near Thirteen Mile and Old Novi
23 Road, it was awarded to developers instead of
24 a cash settlement.

25 When plans were proposed for

1 development on the west side of Dixon Road,
2 my parents and other neighbors disagreed with
3 the density and development plans of the
4 site. They were ignored. That is why we
5 have the diverse and non-standard high
6 density development on the west side of Dixon
7 Road. In fact, the land uses in our area
8 have significantly changed from the original
9 small farm zoning which happened many, many
10 years ago.

11 We have joined with a number
12 of neighbors to present a large parcel for
13 sale to Pulte developers. One of the primary
14 reasons is that we are unable to sell
15 individually due to arsenic contamination
16 from natural sources. Only through a large
17 development can the arsenic abatement be
18 managed.

19 In addition, Pulte will be
20 improving Dixon Road, which will be good for
21 all the residents. Some of the opposition to
22 the development is that the west side of
23 Dixon Road residents want the area to be more
24 open and natural. This went out the door
25 with the developed areas they now live in.

1 If they wish to experience nature at its
2 purest form, then they only need to walk
3 north out of their homes through the woods
4 and trails to experience deer darting across
5 the path, muskrats, frogs in the marshes and
6 if they are lucky a fox den in the woods.

7 That is what we experienced
8 growing up and I encourage them to do the
9 same, spend the time with nature instead of a
10 gaming council with (inaudible).

11 Pulte has been very satisfying
12 to work with through this process. They have
13 been forthcoming on any issues that we have
14 needed to address in a timely manner.

15 Previously the Commission has approved the
16 site plan after much negotiation. We
17 encourage you to give the final approval and
18 let this development go forward for the
19 development of the city, which is a need for
20 quality housing, the benefit of all residents
21 and future generations as a result of
22 improvements, including arsenic remediation
23 and the benefit of the current residents who
24 supported the City of Novi through their
25 taxes for many years. Respectfully, myself

1 on behalf of the trust. And to address the
2 issue of the area east of the condominium
3 complexes, east of our property line, which
4 borders them, I know they are -- gentleman is
5 concerned -- expressed his concern over that.
6 We also express our concern in the fact that
7 we have had multiple people all allowing
8 their dogs to defecate on our property, come
9 across through the woods, definitely through
10 the berms, defecate on our property, they
11 have dumped leaves and refuse on our
12 properties, both Ridenhours (ph) and my own.
13 And really, we are ready to have a change and
14 have it developed. Thank you very much.

15 CHAIRPERSON PEHRSON: Thank you,
16 sir.

17 Member Greco, correspondence?

18 MR. GRECO: We do have
19 correspondence, the first received March 8 by
20 the City, by Yousef and Arina Arpassi (ph),
21 approved the project and believe it's
22 entirely appropriate for the environment that
23 exists around the project. They approve it.
24 Believe it will be a benefit to the city.

25 Next correspondence dated

1 March 6, 2016, received March 8 by the city
2 community development, by Deborah -- Mr. and
3 Mrs. Cox, they are strongly opposed to this
4 project. Their property is adjacent in
5 Carlton Forest. They don't want anymore
6 residents in Novi. They don't want to look
7 at site condominiums adjacent to their home.
8 Trees are decades old that would be cut down.
9 They believe this is improper so Novi could
10 build more buildings and gain more tax
11 revenue. They believe the city is seeking
12 property tax revenue and don't care about
13 preserving the beauty, nature of the area,
14 and requests to preserve our land, no more
15 housing projects, we don't need it, save our
16 land and our nature.

17 Next is a letter received
18 March 8 by the city, to the Planning
19 Commission by Nick and Florence Marini. They
20 support and approve the proposed project.
21 One of the benefits they believe it will take
22 care of the removal of the arsenic
23 contamination, which they believe is a
24 benefit and the paving and sidewalk
25 construction will eliminate the danger of

1 people now walking in the roadway.

2 Next is a letter dated March
3 4th by Rick Catterman. Believes that this
4 development fits with the previously approved
5 developments in the area, and that the
6 removal of arsenic is feasible with a
7 development of this size.

8 That concludes the
9 correspondence.

10 CHAIRPERSON PEHRSON: Thank you,
11 sir, with that, we will close the public
12 hearing on this matter, turn it over to the
13 Planning Commission for their consideration.

14 Anyone like to start? Member
15 Barrata.

16 MR. BARATTA: I would be happy
17 to, Mr. Chair.

18 I think that the proposed plan
19 by Pulte is -- I think it's come a very long
20 way, they have done a very thorough job. I
21 think they have reached out to the local
22 community.

23 And I think they have met
24 their concerns to a large part. So I think
25 it's a good project. So I'm in favor of this

1 project. I want to thank you for reaching
2 out to the residents. I just think it's a
3 good project.

4 CHAIRPERSON PEHRSON: Thank you,
5 sir. Member Greco?

6 MR. GRECO: Yes, I, too, upon
7 reviewing the materials think it is a good
8 project. As I'm sure the applicant
9 remembers, I was against the project
10 originally. But seeing it come back, I was
11 wondering why it was coming back again. Now
12 I see why that developer has worked a lot
13 with the residents to -- well, to work with
14 the residents to better fit the project or
15 something that they could accept.

16 You know, that being said, I
17 will support it tonight. But just discuss
18 this with the Planning Commission and we
19 heard some objections from the residents of
20 Liberty Park. You know, I haven't heard any
21 comments from the Planning Commission, but I
22 am in favor of paving the road. I think that
23 while we have the opportunity to pave a road,
24 we should take it. I understand the
25 resident's concerns that they believe that

1 the paved road will increase traffic, I'm not
2 sure if that's necessarily accurate or not
3 based upon where it goes and where it's
4 located, but, you know, with the area being
5 developed as it is, with the different kind
6 of housing options that you have there, I
7 don't know why we would not take the
8 opportunity to pave the road as much as we
9 can pave it. That concludes my comments.

10 CHAIRPERSON PEHRSON: Thank you.
11 If I might, I'd just like to commend Pulte
12 Homes for their reaching out to the community
13 and taking maybe some of the advice that we
14 shared with them on some of the earlier
15 plans. And taking it to heart and actually
16 going back. I think it's a great win for
17 everybody. I really appreciate the effort
18 that you went through to come back to us with
19 this proposal.

20 Any other comments? Member
21 Anthony?

22 MR. ANTHONY: Thank you, Chairman
23 Pehrson.

24 To Pulte, my first comment is,
25 again, it's great to hear that you worked

1 with the residents and the number that have
2 come out to support that.

3 Can you refresh my memory
4 though on what is your plan for the arsenic
5 remediation? How are you going to conduct
6 that?

7 MR. HALSO: Yes, I can. We
8 retained McDowell and Associates immediately
9 following preliminary discussion with the
10 future land use committee of the Planning
11 Commission. They have done a very thorough
12 job they gridded out the entire property and
13 identified the depth of arsenic through a
14 grid process and have developed the plan for
15 us essentially. We will -- we have to remove
16 trees to remediate the arsenic. But we have
17 to remove the soil to the depths that they
18 recommend through this grid. They will be
19 on-site testing it, because we are more
20 concerned than anyone that it be thoroughly
21 removed and it be a cleaned site before we
22 start construction. So essentially we will
23 remove the contaminated soil and replace it
24 with clean soil.

25 MR. ANTHONY: So it will be

1 removed from the site, taken to a landfill as
2 opposed to just relocated on-site?

3 MR. HALSO: Correct, it will be
4 removed from the site.

5 MR. ANTHONY: Very good.

6 CHAIRPERSON PEHRSON: Anybody
7 else? Member Giacobetti.

8 MR. GIACOPETTI: Question for the
9 developer, for the applicant, I should say.

10 First, thank you for working
11 with the community and bringing this back.
12 It's much improved.

13 I think my one question is on
14 the tree replacement, I see that you chose to
15 add trees to the right-of-way along the
16 drives, but the border with the Carlton Way
17 Drive does seem barren, where, you know, you
18 are just relying on the existing berm.

19 Did you give any consideration
20 to placing some of the tree replacements
21 along that boundary with Carlton, Way and if
22 you did, are there obstacles to doing that?

23 MR. HALSO: Well, we did. We
24 have -- number one, we did rely on that
25 beautiful berm. And Mr. McCullough, in the

1 comments, we are not touching the berm, it's
2 great and we are relying on it, as a natural
3 buffer, it serves that purpose.

4 We could plant some
5 replacement trees in the backyards of those
6 homes, but we would have to work with staff
7 on how we would accomplish that.

8 We don't have the area to put
9 another berm next to their berm nor do we
10 really think one is necessary.

11 We do have -- we have excess
12 replacement trees available. We are going to
13 locate as many as we can working with the
14 city and working with the homeowners
15 association on Dixon, and to the extent we
16 have others, we can consider working with
17 staff on something like that.

18 MR. GIACOPETTI: Thank you very
19 much.

20 CHAIRPERSON PEHRSON: Member
21 Greco?

22 MR. GRECO: Yes, I'd like to make
23 a motion.

24 Before I do that I have a
25 clarification.

1 In the motion when it talks
2 about the paving of Dixon Road, the 1,800
3 linear feet of Dixon Road, is that the entire
4 or just -- all right, so that would be what
5 we are talking about as far as paving the
6 road rather than just going to the initial
7 entranceway?

8 MR. HALSO: Correct.

9 MR. GRECO: All right. With
10 that, I would like to make a motion, in the
11 matter of the request of Pulte Homes for
12 Dixon Meadow JSP 14-46, with zoning map
13 amendment 18.709, motion to recommend
14 approval to the City Council to rezone the
15 subject property from RA, residential acreage
16 to RT, two family residential, with a planned
17 rezoning overlay, an alternate concept plan.

18 The recommendation shall
19 include the following ordinance deviations
20 for consideration by the Council, which are
21 listed as A through F in the motion. Is that
22 acceptable, counsel?

23 MR. GILLAM: Yes.

24 MR. GRECO: Is that acceptable if
25 I just list it A through F rather than go

1 through each one?

2 MR. GILLAM: Yes.

3 MR. GRECO: If the Council
4 approves the rezoning, the Planning
5 Commission recommends the following
6 conditions be requirements of the planned
7 rezoning overlay agreement, which in the
8 motion sheet are listed, A, lower case roman
9 numeral one through nine. I should have
10 looked at the last one. Set forth in A, with
11 subparagraphs, roman numerals one through
12 nine, B and C.

13 And this motion is made
14 because the applicant has presented a
15 reasonable alternative to the proposed master
16 plan design of a maximum of 1.65 units per
17 acre to an actual 4.2 units per acre and
18 which supports several objectives of the
19 master plan for land uses noted in he
20 planning review letter. The proposed density
21 of 4.2 units per acre provides a reasonable
22 transitional use in density between the lower
23 density Liberty Park, single family
24 development to the west, approximately 3.5
25 units per acre and the Carlton Forest

1 development to the east, approximately 5.6
2 units to the acres.

3 The roadways and the
4 surrounding intersections are expected
5 maintain acceptable levels of service, with
6 the addition of the site generated traffic
7 and the proposed paving of approximately
8 1,800 linear feet of Dixon Road from the
9 existing terminus point at Twelve Mile Road
10 to the northern entrance of proposed. The
11 development may be seen as a public benefit
12 to the potential residents of the new
13 development as well as residents who
14 currently use Dixon Road.

15 The site will be adequate
16 served by public utilities. The city's
17 traffic engineer consultant has reviewed the
18 rezoning traffic impact study and notes a
19 minimal impact on surrounding traffic as a
20 result of the development as the current
21 traffic volume on Dixon Road is relatively
22 low. And submittal of a concept plan and any
23 resulting PRO agreement provides assurances
24 to the Planning Commission and the City
25 Council of the manner in which the property

1 will be developed.

2 MR. ANTHONY: Second.

3 CHAIRPERSON PEHRSON: We have a
4 tie, so alphabetically Anthony wins.

5 So we have a motion by Member
6 Greco, seconded by Member Anthony.

7 Any other comments? Sorry,
8 Member Baratta.

9 MR. BARATTA: That's all right.

10 CHAIRPERSON PEHRSON: Barb, can
11 you call the roll, please.

12 MS. MCBETH: Member Giacobetti?

13 MR. GIACOPETTI: Yes.

14 MS. MCBETH: Member Greco?

15 MR. GRECO: Yes.

16 MS. MCBETH: Chair Pehrson?

17 CHAIRPERSON PEHRSON: Yes.

18 MS. MCBETH: Member Zuchlewski?

19 MR. ZUCHLEWSKI: Yes.

20 MS. MCBETH: Member Anthony?

21 MR. ANTHONY: Yes.

22 MS. MCBETH: And Member Baratta?

23 MR. BARATTA: Yes.

24 MS. MCBETH: Motion passes six to
25 zero.

PREVIOUS CITY COUNCIL MEETING MINUTES
March 14, 2016

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 14, 2016 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Burke, Casey, Markham, Mutch, Wrobel

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 16-03-022 Moved by Casey, seconded by Burke; UNANIMOUSLY CARRIED:

To approve the Agenda as presented.

Roll call vote on CM 16-03-022 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING

1. Michigan Natural Resources Trust Fund Grant for land acquisition application(s)

Opened at 7:01 p.m. and closed with no public input.

PRESENTATIONS:

1. Michigan Recreation and Park Association Elected Official Award to Kathy Crawford

Jeff Muck, Director of Parks, Recreation and Cultural Services, spoke about his attendance at the Michigan Recreation of Park Association Annual Conference and announced the Elected Official of the Year went to Kathy Crawford, State Representative. She was nominated by representatives from Oakland Parks and it was due to her work of supporting Parks and Recreation at the State and Local governments. Ms. Crawford said she felt honored. She explained she has always supported Parks and Recreation. She had worked for the Novi Parks and Recreation Department for over 20 years. Her husband was the Chairman of the first Parks and Recreation Commission in the 70's. She feels Parks and Recreation is the one thing that provides richness in the Community. They are economic tools that make people want to move to communities with amenities such as Novi. She appreciated the award.

tax payer dollars other than for the value of the land. He could support this proposal and appreciated the effort of this developer and any future developers who take on these tough projects.

Roll call vote on CM 16-03-027

Yeas: Wrobel, Gatt, Staudt, Burke
Nays: Casey, Markham, Mutch

5. Adoption of Resolution authorizing cost participation in the Michigan Department of Transportation's (MDOT) I-96/I-275 Repaving project between 8 Mile Road and the I-96/I-696/M-5 interchange, and approval of a cost share agreement with MDOT, as required under Public Act 51 of 1951, in the amount of \$157,400.

CM 16-03-028 Moved by Staudt, seconded by Mutch; UNANIMOUSLY CARRIED:

To approve Adoption of Resolution authorizing cost participation in the Michigan Department of Transportation's (MDOT) I-96/I-275 Repaving project between 8 Mile Road and the I-96/I-696/M-5 interchange, and approval of a cost share agreement with MDOT, as required under Public Act 51 of 1951, in the amount of \$157,400.

Member Casey appreciated the information provided on the work hour variance request and asked when the 721 trees are going to be planted. Robert Hayes, Director of Public Services, said they expect the work to begin in the next couple of weeks. The challenge they are having is finding the prime location. She thanked everyone for the work they have done.

Roll call vote on CM 16-03-028

Yeas: Gatt, Staudt, Burke, Casey, Markham, Mutch, Wrobel
Nays: None

6. Consideration of the request of Pulte Homes for Dixon Meadows, JSP 14-46, with Zoning Map Amendment 18.709, to rezone property in Section 10, located on the east side of Dixon Road, north of Twelve Mile Road from RA (Residential Acreage) to RT (Two-Family Residential) with a Planned Rezoning Overlay (PRO), and corresponding alternate concept plan as reviewed by the Planning Commission on March 9, 2016. The property totals 22.36 acres and the applicant is proposing to construct a 90-unit single family residential detached site condominium.

Presentation slides from Pulte Homes.

Mr. Bob Halso, representing Pulte Homes, spoke about the history of the project during the slide presentation. He began that the project was presented to the Planning Department in the summer of 2014. They developed a plan with 102 units, originally. They presented the plan to the Land Use Sub-Committee of the Planning Commission for feedback. A Brownfield request was presented to Council 10 years ago which was denied. They are proposing to clean up the contaminated property themselves. Most

of the trees have to come down. Some of it is associated with the arsenic remediation and with the utilization of the property. They did identify with staff where the highest quality of trees were and relocated the park in the development. They added an active recreation area to the site. The pocket park has a tot lot, bike rack and seating benches. They have open space of about 19%. There are 90 planned units. The Planning Commission recommended approval of the plan. They have retained McDowell and Associates to do the remediation of arsenic to bring it to residential standards. They estimate around \$1 million to \$1.2 million costs to clean up the arsenic. They have estimated approximately 30,000 truckloads to transfer the contaminated soil. The arsenic is down to depths of 30 inches in some areas of the site. They will be able to do a lot of planting of replacement trees along Dixon Road with the help of the Liberty Park Homeowner's Association. It is an exciting product that is a success at Berkshire Pointe in Novi. This project is an upscale urban product that is perfect for the site. Currently, the Berkshire Pointe homes are selling in the high \$400,000's. They are professionals that are buying with around 1.5 children per household. This type of housing is walkable and easy to maintain. Taxable home value is \$42 million at the current sale price. Local income to the City will be \$9 million and according to National Association of House Builders statistics approximately \$2 million per year to local businesses from the residents. He thanked Council for their indulgence.

Mayor Pro Tem Staudt thanked them and asked about the long term growth to the south and the fact that the development doesn't extend further. The next builder to the south will probably build something different that will destroy the character of the area. Mr. Halso said the property to the south was not available. To the south, they are individual homes and one intends to stay. The property immediately to the southeast is office zoning. They would have liked to have all the properties but they didn't see them developed in a different way. Mayor Pro Tem Staudt agreed with him. Mr. Halso said he explained the history of how they have fought over every unit because there is a large cost to clean up the arsenic and pave Dixon Road. They have gone from 102 to 90 units but each unit lost hurts. Mayor Pro Tem Staudt asked about the property to the north. Mr. Halso said they did not have a seller. Mayor Pro Tem Staudt thanked him for developing a difficult lot.

CM 16-03-029 Moved by Staudt, seconded by Wrobel; MOTION CARRIED: 6-1

Tentative indication that Council may approve the request of Pulte Homes for Dixon Meadows, JSP 14-46, with Zoning Map Amendment 18.709, to rezone the subject property from RA (Residential Acreage) to RT (Two-Family Residential) with a Planned Rezoning Overlay (PRO) and corresponding "alternate" concept plan as reviewed by the Planning Commission on March 9, 2016 and direction to the City Attorney to prepare a proposed PRO Agreement with the following ordinance deviations:

- a. Reduction in the required minimum lot size and minimum lot width for one-family detached dwellings reviewed against R-4**

- Zoning standards to allow for smaller lots (10,000 square feet and 80 feet required, 5,400 square feet and 45 feet provided);
- b. Reduction in minimum front yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (30 feet required, 20 feet provided);
 - c. Reduction in minimum rear yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (35 feet required, 30 feet provided);
 - d. Reduction in minimum side yard setback and aggregate side yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (10 feet with 25 feet aggregate required, 5 feet with 10 feet aggregate provided);
 - e. Increase in maximum lot coverage permitted per Zoning Ordinance (maximum of 30 percent of total site required; 35 percent of total site provided);
 - f. A Design and Construction Standards (DCS) waiver for the lack of paved eyebrows as per Traffic Engineering review.

If the City Council approves the rezoning, the following conditions shall be requirements of the Planned Rezoning Overlay Agreement:

- a. Acceptance of applicant's offer of Public benefits as proposed:
 - i. Maximum number of units shall be 90.
 - ii. Minimum unit width shall be 45 feet and minimum square footage of 5,400 square feet
 - iii. Paving of 1,800 linear feet of Dixon Road (as initially proposed by the applicant).
 - iv. Planting of woodland replacement trees along the Dixon Road frontage.
 - v. Remediation of on-site arsenic contamination.
 - vi. Pocket parks/tree preservation within the development.
 - vii. Housing style upgrades as shown on the elevations enclosed with the PRO Application.
 - viii. Dedication of public right-of-way along Dixon Road.
 - ix. Financial contribution for the design and construction of a meandering five feet wide concrete sidewalk along east side of Dixon Drive extending approximately 850 feet south from the subject property to the existing sidewalk just north of Twelve Mile Road, provided City secures the required easements. Alternatively, the applicant has offered to contribute the amount for the anticipated sidewalk construction to the City for future construction of the sidewalk.
- b. Applicant complying with the conditions listed in the staff and consultant review letters.

- c. **Subject to City approval, the Applicant planting required replacement trees in the Dixon Road right-of-way on both sides of the road rather than satisfying its responsibility for those trees by payment into the City tree fund**

This motion is made because:

- a. **The applicant has presented a reasonable alternative to the proposed Master Plan designation of a maximum of 1.65 units/acre to an actual 4.2 units/acre, and which supports several objectives of the Master Plan for Land Use as noted in the planning review letter.**
- b. **The proposed density of 4.2 units/acre provides a reasonable transitional use and density between the lower density Liberty Park – Single Family development to the west (approximately 3.5 units/acre), and the Carlton Forest development to the east (approximately 5.6 units/acre).**
- c. **The roadways and surrounding intersections are expected to maintain acceptable levels of service with the addition of the site generated traffic, and the proposed paving of approximately 1,800 linear feet of Dixon Road from the existing terminus point at Twelve Mile Road to the northern entrance of the proposed development may be seen as a public benefit to the potential residents of the new development, as well the residents who currently use Dixon Road.**
- d. **The site will be adequately served by public utilities.**
- e. **The City's Traffic Engineering Consultant has reviewed the Rezoning Traffic Impact Study and notes a minimal impact on surrounding traffic as a result of the development as the current traffic volume on Dixon Road is relatively low.**
- f. **Submittal of a concept plan, and any resulting PRO Agreement, provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed.**

Member Burke commended them for developing here and remediating the soil. He was also impressed with the many discussions they had with neighbors who were opposed to the development. He believed Dixon Road will look better once they repave it. He fully supported the project.

Member Mutch said it has been interesting because everyone has had input on the PRO process except Council. He feels Council should have made some of the decisions. He doesn't think the PRO process doesn't work. It doesn't give the body of government that has the ultimate responsibility to make any decisions. He asked what makes it more walkable. Mr. Haslo noted all the amenities available on 12 Mile Road. There is dining, shopping and recreation at the foot of Dixon Road the residents will be able to walk or bike to. It sets this community apart from others. He said they are providing the funding to make that connection possible across their property and

properties that are not theirs. Member Mutch mentioned the ability to get to Lakeshore Park from this project. He said it is a detail issue. There is no path for residents to get to the entrance. He didn't feel it was walkable and it shouldn't have been included as a public benefit. They are encouraging them to go to the park but there is not a safe way to do that. It is not a busy road but as more development is added it will not be safe. He said it is good they made the sidewalk down Dixon Road but there is no safe way to get across 12 Mile Road. He said it was a good marketing term but he didn't see the walkability the way it was presented. Member Mutch said the housing designs should have had some variation from Berkshire Pointe. They should get new designs because they don't need houses to look like others in Novi. He wanted something better than that. He commented on the design of the site concept plan because it has long straight streets. The drive to the north broke up the block. He thought the other design was better. He didn't like having them that long without any separation. He also said by bringing the drive to the south they are taking out high quality trees in that area. There are large specimen trees being taken down because the drive was moved to the south where if it had been further north they would not have had the same impact. He thought the other design did a better job of buffering the properties to the south. He suggested a home owner built based on the premise it was zoned RA and wouldn't have to worry about high density. He commented that the site plan needs to address some concerns, where the portion of the site, on the southern side abuts the office zoned property. He knew the offices didn't come up to it, but thought having homes in Novi would have some screening in place. He didn't know if it was an oversight or not. The entire woodland buffer will be removed because of the construction. He thought it should have been addressed in the plan. His final comment was the park was moved further away from the lots in the site. One of the earlier plans showed a centralized park and he thought it would have made the most sense. He asked Mr. Schultz about placing landscaping on the west side of Dixon Road. It is going on property that is owned by Liberty Park Subdivision. Mr. Schultz said it is one of the options permitted under the woodland ordinance. Member Mutch didn't believe it was. Mr. Schultz said that since it is a PRO agreement, it could be in the agreement as a variance. Member Mutch thought putting landscaping in the Dixon Road right-of-way would be appropriate. He thought it would not be an appropriate use of replacement trees by putting them on private property. One of the things required is a conservation easement and he wasn't sure how it would be accomplished in this case. It raises questions of public purpose of taking trees that would go to tree fund or being placed on public property. He had concerns about placing trees on private property and didn't feel comfortable with that aspect of it. He said they are approving multiple developments with lot sizes that are far smaller than that is allowed in the zoning ordinance or contemplated in the Master Plan. He noted the minimum in this project is lot size of 5,400 square feet. The zoning ordinance would allow 10,000 square feet for single family R-4 zoning and RT is 7,500 square feet. They are putting in many more homes than would be otherwise allowed. He was concerned that they are jamming as many houses into a small area without any discussion as to policy and any guidelines that say if it makes sense to have lots this small in this kind of layout. He didn't think it had any forethought to it and it is not a good way to approach it. He wanted to have a discussion about where these small lots are appropriate. Out of the two plans, he felt

the first plan with the driveway to the north is the better plan for several reasons and addresses some of his concerns.

Member Casey commended the developer and his team for efforts to talk to the residents, the due diligence they have shown, and the care they are giving to the residents who exist there. She asked Mr. Halso if they had sufficient screening to the south and east. She left it to his discretion if he would consider adding some screening. She was not in favor of building developments with a single entrance/exit. She was concerned in the long run, with more development in the area, residents may be tempted to exit or enter from the stub street to the north. She would like to see them do their best to have multiple entrances and exits to give residents options. She commended Barb McBeth, Deputy Community Development Director for putting in a lot of work on this project. She would support the project.

Member Markham was concerned about the density in this part of the City. The original Master Plan does not have anywhere near the kind of density in the area. In general, she had issues about density and wasn't concerned as much about lot size. She said people today don't want to mow big pieces of property. She tends to lean to smaller lot sizes with the associated preservation that they have by not digging into the woodlands. Her biggest issue with this development is taking down 83% of regulated woodlands of over 600 trees. It has been a common pattern with the developments that have come in. She didn't think it was the intent of the woodland ordinance. She understood it was an accumulated property and they couldn't be told not to take trees down to put a profitable developer on it. Only 15% of the open space is being preserved. She didn't think it was a lot of preservation where there is a PRO. Part of the purpose of the PRO is to benefit the community. However, there were a lot of things she liked about the development. They are cleaning up the contamination and absorbing the cost of it. She thought it can be made profitable. She is willing to support higher density as a balance. She thanked and commended Ms. McBeth for listening to Council about having parks in the developments. She thought staff has made an effort in the areas where they need to be sensitive. She wished more could be preserved. She agreed with Member Mutch about the access to Lakeshore Park. As a City, she felt the City should make an effort to look at accessing the Park from the south. She strongly agrees that the process is upside down and City Council does not get to make their concerns known until the very end of the process when they are responsible for changing the zoning. She felt the PRO process needs to be reviewed for the sequence of the process. As elected officials, she felt they are being left out of the process at a very critical point. She will support it.

Roll call vote on CM 16-03-029

**Yeas: Staudt, Burke, Casey, Markham, Wrobel,
Gatt**

Nays: Mutch

7. Approval of Resolution authorizing submission of a Michigan Natural Resources Trust Fund Grant (MNRTF) grant application for land acquisition of 12.57 acres of property parcel 50-22-30-476-005 located on Nine Mile Road, west of Garfield Road. Total

**OPEN SPACE PRESERVATION EASEMENT
(Liberty Park Replacement Trees)**

**OPEN SPACE PRESERVATION EASEMENT
(Liberty Park Replacement Trees)**

15th THIS OPEN SPACE PRESERVATION EASEMENT ("Preservation Easement") is made this day of *JUNE*, 2016, by and between Liberty Park Condominium Association, a Michigan non-profit corporation, whose address is *2391 Pontiac Road, Auburn Hills, Michigan 48326* (hereinafter the "Grantor"), and the City of Novi, and its successors or assigns, whose address is 45175 Ten Mile Road, Novi, Michigan 48375 (hereinafter the "Grantee" or "City"). *c/o LANDARC, INC.*

RECITATIONS:

- A. Association administers the affairs of Liberty Park, a residential condominium located in the City of Novi ("City"), Oakland County, Michigan being Oakland County Condominium Subdivision Plan No. 703 ("Liberty Park") established by recording a Master Deed, Bylaws and Condominium Subdivision Plan on January 11, 2005 in Liber 34747, Page 751, Oakland County Records, as amended ("Master Deed").
- B. The Association through its Board of Directors has the right and obligation to grant easements and rights of entry over and across Liberty Park as reasonably necessary or advisable.
- C. Pulte Homes of Michigan LLC, a Michigan limited liability company, whose address is 100 Bloomfield Parkway, Bloomfield Hills, Michigan 48304 ("Pulte") is interested in developing land across Dixon Road from Liberty Park on the East, as a residential site condominium known as Dixon Meadows ("Dixon Meadows").
- D. As part of the Development of Dixon Meadows, the Association has agreed to allow installation of 117 replacement trees on a portion of the General Common Element Open Space Area of Liberty Park on the West side of Dixon Road, as shown on the landscape plan attached as Exhibit A ("Replacement Trees").
- E. The City has requested that the Association provide this Preservation Easement to ensure that the Replacement Trees are not removed or cut down by the Association.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), in hand paid, the receipt and adequacy of which are hereby acknowledged, Grantor hereby reserves, conveys and grants the following Preservation Easement, which shall be binding upon the Grantor, and the City, and their respective heirs, successors, assigns and/or transferees and shall be for the

benefit of the Grantee, the Grantor and their respective heirs, successors, assigns and/or transferees.

1. The purpose of this Preservation Easement is to protect the Replacement Trees so that the Replacement Trees remain undisturbed and will not be removed or cut down by Association except in the event of death or disease of a Replacement Tree.

2. As required by the City approvals of Dixon Meadows, Pulte is required to install the Replacement Trees at the time of development of Dixon Meadows and provide a 2 year guaranty for replacement of any of the Replacement Trees that shall die within 2 years after installation. Thereafter, the Association shall maintain the Replacement Trees as part of the General Common Element Open Space Area of the Condominium. If the Association removes or cuts down any of the Replacement Trees, except in the event of death or disease of a Replacement Tree, the City shall have the same remedies as set forth in Section 4.3(a) of the Master Deed for Liberty Park, a copy of which is attached as Exhibit B.

3. This Preservation Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession or use of the Replacement Trees, except that, upon reasonable written notice to Grantor, Grantee and its authorized employees and agents (collectively, "Grantee's Representatives") may enter upon and inspect the Replacement Trees to determine whether the Replacement Trees are being maintained in compliance with the terms of the Preservation Easement.

4. This Easement has been made and given for a consideration of a value less than One Hundred (\$ 100.00) Dollars, and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MSA 7.456(5)(a).

5. This Preservation Easement shall run with the open space areas of Liberty Park upon which the Replacement Trees are located and shall be binding upon and inure to the benefit of Grantor, Grantee and their respective transferees, successors and assigns. Any assignment shall be pursuant to an assignment and assumption agreement recorded in the Oakland County Records. In the event of an assignment, the assignee shall assume and be responsible for the rights and obligations of the assignor from and after the date of the assignment, and the assignor shall thereupon be relieved of such rights and obligations from and after the date of the assignment.

(signatures on the following pages)

GRANTOR

Liberty Park Condominium Association

By: ~~E. N. Key~~ (Partha Kandala)

Its: BOARD OF DIRECTORS.
06-15-16.

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 15 day of JUNE, 2016, by PARTHA KANDALA as the BOARD OF DIRECTORS of Liberty Park Condominium Association, a Michigan non-profit corporation, on its behalf.

SAMIR KUMAR
SANDEEP VADERA

Meredith McAmis
Notary Public

Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: August 24, 2018

[signatures continue on following page]

Samir Kumar
SAMIR KUMAR
LPCA BOARD MEMBER 06/15/2016

Sandeep Vadera
SANDEEP VADERA
LPCA BOARD MEMBER 06/15/2016

GRANTEE

CITY OF NOVI
A Municipal Corporation

By: _____

Its: _____

By: _____

Its: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, on behalf of the City of Novi, a Municipal Corporation.

Notary Public
Acting in Oakland County, Michigan
My Commission Expires: _____

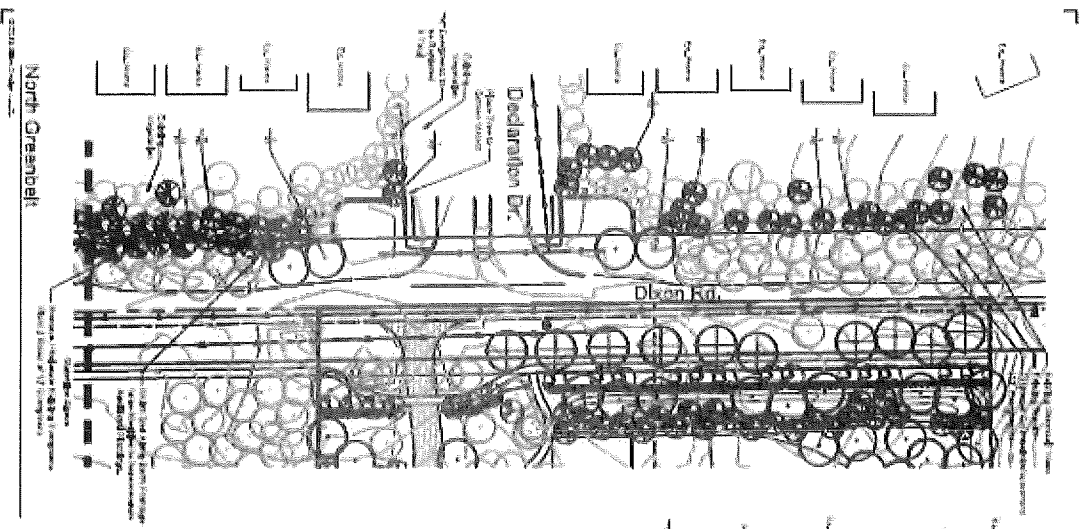
Drafted By:
Elizabeth K. Saarela, Esquire
Johnson, Rosati, Schultz & Joppich, P.C.
27555 Executive Drive Suite 250
Farmington Hills, Michigan 48331

After Recording, Return to:
Maryanne Cornelius, Clerk
City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

Exhibit A to Preservation Easement

Landscape Plan

(see attached)

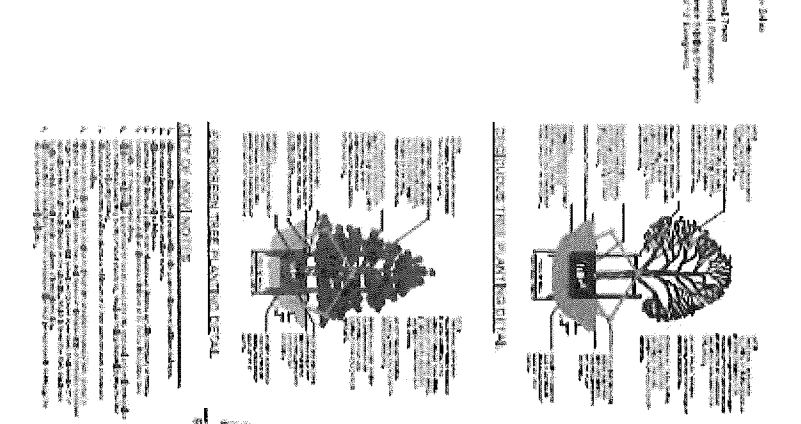
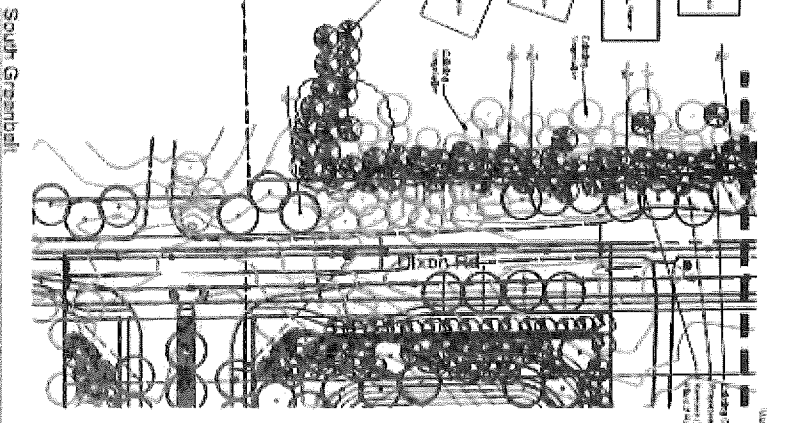


South Greenbelt

Planting	Quantity	Notes
1' Caliper	100	
2' Caliper	50	
3' Caliper	25	
4' Caliper	15	
6" Caliper	1000	
8" Caliper	500	
10" Caliper	250	
12" Caliper	150	
14" Caliper	100	
16" Caliper	75	
18" Caliper	60	
20" Caliper	50	
22" Caliper	45	
24" Caliper	40	
26" Caliper	35	
28" Caliper	30	
30" Caliper	25	
32" Caliper	20	
34" Caliper	15	
36" Caliper	10	
38" Caliper	8	
40" Caliper	6	
42" Caliper	5	
44" Caliper	4	
46" Caliper	3	
48" Caliper	2	
50" Caliper	1	

NOTES

1. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).
2. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).
3. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).
4. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).
5. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).
6. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).
7. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).
8. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).
9. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).
10. All plantings to be installed in accordance with the specifications and standards of the Michigan Department of Transportation (MDOT).



ALLENPERSON

10000 Woodward Ave., Suite 1000, Detroit, MI 48202
313.963.1100
www.allenperson.com

THE
EXHIBIT A

Project:
Greenbelt
North Greenbelt
South Greenbelt

Prepared For:
City of Greenbelt
10000 Woodward Ave., Suite 1000
Detroit, MI 48202

Scale:
1" = 10'

DATE:
10/15/14

DESIGNED BY:
[Signature]

CHECKED BY:
[Signature]

DATE:
10/15/14

SCALE:
1" = 10'

PROJECT:
Greenbelt

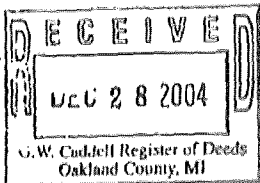
DATE:
10/15/14

Exhibit B to Preservation Easement

Master Deed Excerpt

(see attached)

LIBER 34747 PG 751



8728
LIBER 34747 PAGE 751
\$232.00 DEED - COMBINED
\$4.00 REMONUMENTATION
01/11/2005 11:33:48 A.M. RECEIPT# 3204

PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

MASTER DEED

LIBERTY PARK

THIS MASTER DEED is made and executed on this 23rd day of December, 2004, by Pulte Land Company, LLC, a Michigan limited liability company (hereinafter referred to as "Developer") whose address is 26622 Woodward Avenue, Suite 204, Royal Oak, Michigan 48067, pursuant to the provisions of the Michigan Condominium Act (Act 59 of the Public Acts of 1978, as amended).

WHEREAS, Developer desires by recording this Master Deed, together with the Bylaws attached hereto as Exhibit A and the Condominium Subdivision Plan attached hereto as Exhibit B (both of which are hereby incorporated herein by reference and made a part hereof), to establish the real property described in Article II below, together with the improvements located and to be located thereon, and the appurtenances thereto, as a residential site condominium project under the provisions of the Act.

NOW, THEREFORE, Developer, by recording this Master Deed, hereby establishes Liberty Park as a residential site condominium project under the Act and declares that Liberty Park shall be held, conveyed, hypothecated, encumbered, leased, rented, occupied, improved, and otherwise utilized, subject to the provisions of the Act, and the covenants, conditions, restrictions, uses, limitations and affirmative obligations set forth in this Master Deed and Exhibits A and B hereto, all of which shall be deemed to run with the land and be a burden and a benefit to Developer, its successors and assigns, and any persons acquiring or owning an interest in the Condominium Premises, and their grantees, successors, heirs, personal representatives and assigns.

MSP
R

#

ARTICLE I

TITLE AND NATURE

The Condominium Project shall be known as Liberty Park, Oakland County Condominium Subdivision Plan No. 1703. The Condominium Project is established in accordance with the Act. The Units contained in the Condominium, including the number, boundaries, dimensions, area and volume of each Unit, are set forth completely in the Condominium Subdivision Plan attached to this Master Deed as Exhibit B. Each Unit is capable of individual utilization by virtue of having its own entrance from and exit to a Common Element of the Condominium Project. Each Co-owner in the Condominium Project shall have an exclusive right to his Unit and shall have an undivided and inseparable right to share with other Co-owners the Common Elements of the Condominium Project.

OK-G.K.

OAKLAND COUNTY TREASURER'S CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument as appears by the records in the office except as stated.

PATRICK M. DOHANY

PATRICK M. DOHANY, County Treasurer
Ses. 135, Act 203, 1893 as amended

006899

O.K. - KB

1/11/2005

by the Co-owner of such Unit: All improvements constructed or installed within a Unit shall be subject to the Architectural Controls described in the Bylaws. In connection with any amendment made by Developer pursuant to Article VI or Article VII of this Master Deed, Developer may designate Limited Common Elements that are to be installed, maintained, decorated, repaired and replaced at Co-owner expense or, in proper cases, at Association expense.

(b) Association Responsibility for Units. Pursuant to Section 18.3 of the Bylaws, the Association, acting through its Board of Directors, may (but has no obligation to) undertake any maintenance, repair or replacement obligation of the Co-owner of a Unit under this Master Deed and Bylaws, to the extent that the Co-owner has not performed such obligation, and the cost thereof shall be assessed against such Co-owner. The Association shall not be responsible for any damage to a Unit or the dwelling or appurtenances contained therein that occurs as a result of the Association performing the unperformed obligations of the Co-owner of the Unit.

(c) General Common Elements. Unless otherwise expressly provided in the Condominium Documents, the cost of maintaining, repairing and replacing all General Common Elements shall be borne by the Association. In addition, the Developer, prior to the Transitional Control Date, and the Association thereafter, shall have the authority and responsibility, at its expense, to operate, maintain, repair, manage, and improve the General Common Elements in the Condominium. The Developer and/or Association shall have the responsibility to preserve and maintain all storm water detention and retention facilities and all private roadways and walkways, which are located within the Condominium, to ensure that the same continue to function as intended. The Developer and/or Association shall also have the responsibility to preserve and maintain all Open Space Areas located within the General Common Element areas. The Developer and/or Association shall establish a regular and systematic program of maintenance for the Common Element Areas to ensure that the physical condition and intended function of such areas and facilities shall be perpetually preserved and/or maintained.

In the event that the Developer and/or Association shall at any time fail to carry out the responsibilities specified in the paragraph immediately above, and/or in the event of a failure to preserve and/or maintain such areas or facilities in reasonable order and condition, the City may serve written notice upon the Developer and/or Association, setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place of the hearing before the City Council, or such other Council, body or official delegated by the City Council, for the purpose of allowing the Developer and/or Association to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official designated to conduct the hearing, shall determine that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall thereupon have the power and authority, but not obligation, to enter upon the property, or cause its agents or contractors to enter upon the property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or

preservation, including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the Developer and/or Association, and such amount shall constitute a lien on an equal pro rata basis as to all of the residential lots on the property. The City may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within 30 days of a billing to the Developer or Association, all unpaid amounts may be placed on the delinquent tax roll of the City, pro rata, as to each lot, and shall accrue interest and penalties, and be collected as, and deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the Developer or Association, and, in such event, the Developer and/or Association shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

(d) Common Lighting. Developer and/or the Association may, but is/are not required to, install luminating fixtures within the Condominium Project and to designate the same as common lighting as provided in Section 4.1(b) above. Some of the common lighting may be installed within the General Common Elements. The cost of electricity for common lighting shall be paid by the Association. Said fixtures shall be maintained, repaired, renovated, restored, and replaced and light bulbs furnished by the Association. The size and nature of the bulbs to be used in the fixtures shall also be determined by the Association in its discretion. No Co-owner shall modify or change such fixtures in any way nor cause the electrical flow for their operation to be interrupted at any time. If the fixtures operate on photo electric cells, the timers for such cells shall be set by and at the discretion of the Association, and shall remain lit at all times determined by the Association.

(e) Utility Services. Each Co-owner will be entirely responsible for arranging for and paying all costs in connection with the extension of utilities by laterals from the mains to the dwellings and other improvements located within the Units. All costs of water, electricity, natural gas, cable television, telephone and any other utility services shall be borne by the Co-owner of the Unit to which the services are furnished. All utility meters, laterals and leads shall be maintained, repaired and replaced at the expense of the Co-owner whose Unit they service, except to the extent that such expenses are borne by a utility company or a public authority, and the Association shall have no responsibility with respect to such maintenance, repair or replacement.

(f) Roads. The roads as shown on the Condominium Subdivision Plan are intended to be dedicated to the public and considered for acceptance by the City for public use and maintenance in accordance with applicable laws and ordinances. Until such time as the roads are dedicated to the public, if at all, the roads shall be maintained (including, without limitation, snow removal), replaced, repaired, and resurfaced as necessary by the Association. Prior to the dedication of the roads, it is the Association's responsibility to inspect and to perform preventative maintenance of the Condominium roadways on a regular basis in order to maximize their useful life and to minimize repair and replacement costs. The Association may establish a reserve fund and/or other form of assessment in accordance with Article II of the Bylaws for the purpose of satisfying the Association's obligations with respect to the

Liberty
Park
Bylaws

readily visible from the street or common areas and shall be adequately screened by landscaping, if necessary, or by other visual barriers as may be approved in writing by the Developer, the Association, or the Architectural Control Committee, if applicable.

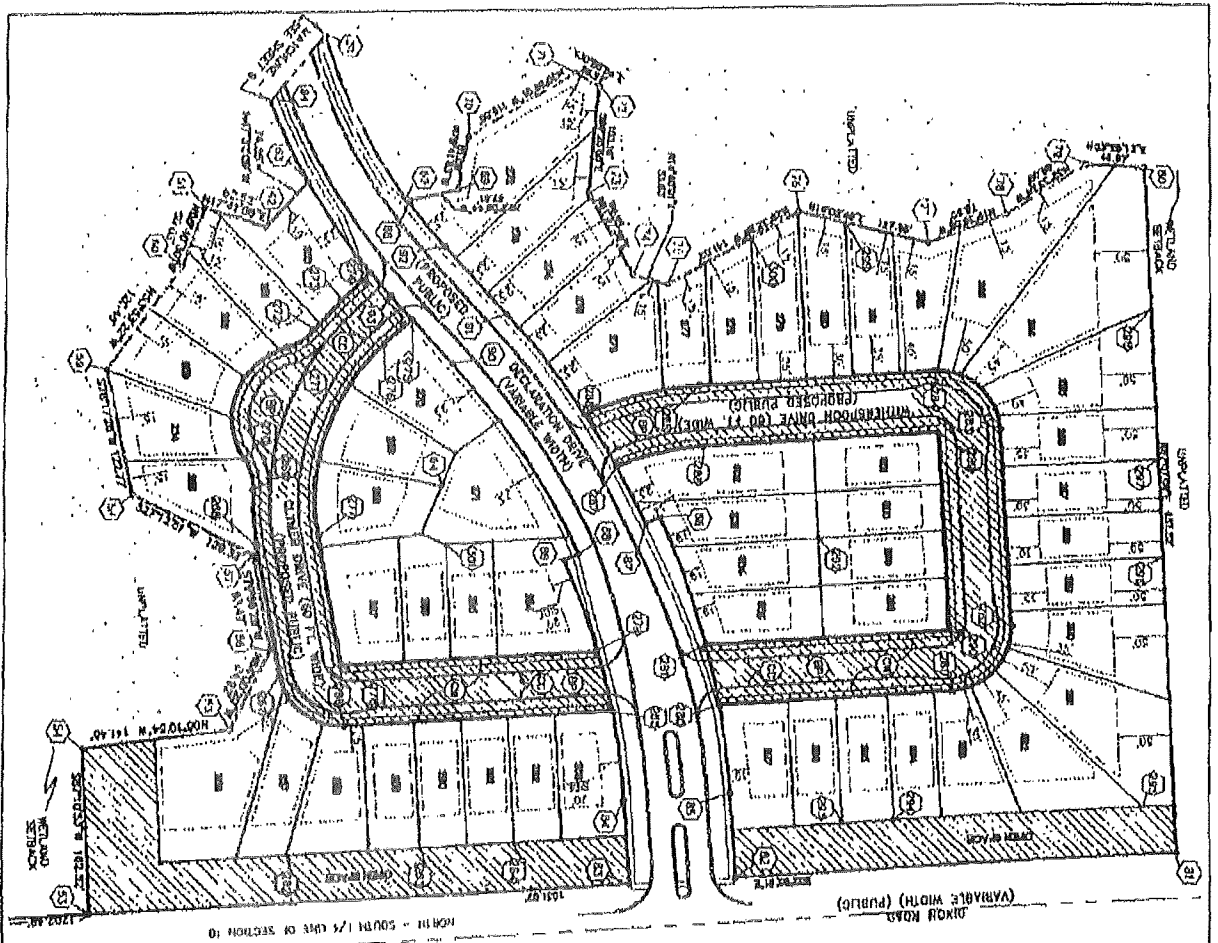
Section 6.25 Maintenance. The Co-owner of each Unit shall keep all buildings and grounds within the Unit in good condition and repair. The Co-owner of each Unit shall be responsible for keeping all driveways within his Unit clean and free of debris and shall be solely responsible for snow removal with respect to such driveways. Each Co-owner shall also use due care to avoid damaging any of the Common Elements, including but not limited to, utility conduits and systems and any other elements in any Unit which are appurtenant to or which may affect any other Unit. Each Co-owner shall be responsible for the repair, restoration of any damage to any Common Elements or damage to any other Co-owner's Unit or improvements thereon, resulting from the negligent acts or omissions of a Co-owner, his family, guests, agents or invitees, except to the extent the Association obtains insurance proceeds for such repair or restoration; provided, however, that if the insurance proceeds obtained by the Association are not sufficient to pay for the costs of repair or restoration, the Association may assess the Co-owner for the excess amount necessary to pay for the repair and restoration. Except as may otherwise be provided in the Master Deed or these Bylaws, or in any maintenance agreement made between Developer and any municipal or governmental authority, the Co-owner of each Unit shall maintain the service area of all easements within his Unit, keep grass and weeds cut, keep the area free of trash and debris and take such actions as may be necessary to eliminate or minimize surface erosion. The Co-owner of each Unit shall be liable for any damage to any improvements which are located in, on, over and/or under the subject easement, including, but not limited to, damage to the Storm Water Drainage Facilities, electric, gas, telephone and other utility and communication distribution lines and facilities, which damage arises as a consequence of any act or omission of the Co-owner, his agents, contractors, invitees and/or licensees. No structure, landscaping or other materials shall be placed or permitted to remain within any of the easements within a Co-owner's Unit which may damage or interfere with the installation or maintenance of the Storm Water Drainage Facilities and other utilities or which may change, obstruct or retard the flow or direction of water in, on or through any drainage channels, if any, in such easements, nor shall any change be made by any Co-owner in the finished grade of any Unit once established by the builder of any residential dwelling thereon, without the prior written consent of Developer.

Section 6.26 Common Elements: Wetlands.

(a) The Common Element open space areas may be used by all Co-owners for open space and recreational purposes only. The Association shall preserve and retain the Common Element open space areas, with minimal intrusion, subject only to such activities which are permitted in these Bylaws. The Association shall have the right to establish additional rules and regulations with respect to the preservation, upkeep and activities allowed within the Common Element open space areas as the Association's Board of Directors may deem necessary or desirable to insure the proper preservation and functioning of the Common Element open space areas.

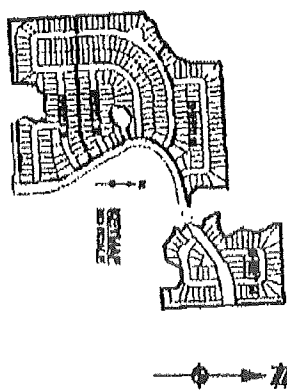
(b) No wetlands, if any, within the Project shall be modified in any manner, including, but not limited to, altering the topography of, placing fill material in, dredging, removing or excavating any soil or minerals from, draining surface water from, constructing or placing any structure on, plowing, tilling, cultivating, or otherwise altering or developing the wetlands, unless a permit for such modification has been issued by Michigan Department of Environmental Quality and all other governmental units or agencies having jurisdiction over any wetlands within the Project, and unless such modification is approved by Developer during the Construction and Sales Period and by the Association thereafter.

(c) In order to protect all wetlands and upland vegetation located within the Common Element open space areas, no Co-owner shall utilize within such Co-owner's Unit, fertilizer products containing phosphates. In addition, the use of

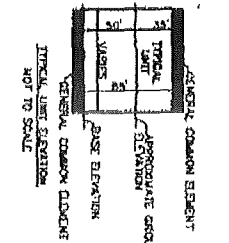
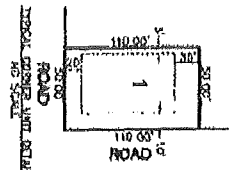
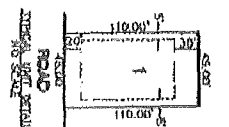


LEGEND

- 1. CONCRETE POINT
- 2. UNIT NUMBER
- 3. GENERAL COMMON ELEMENT
- 4. SETBACK
- 5. LIMITS OF OWNERSHIP
- 6. CONCRETE CURB
- 7. CONCRETE WALK
- 8. BRUNNICKS PAVEMENT
- 9. CONCRETE MANHOLE
- 10. 3/4" x 1/4" IRON PIPE
- 11. 6" x 6" IRON PIPE
- 12. 8" x 8" IRON PIPE
- 13. 10" x 10" IRON PIPE
- 14. 12" x 12" IRON PIPE
- 15. 14" x 14" IRON PIPE
- 16. 16" x 16" IRON PIPE
- 17. 18" x 18" IRON PIPE
- 18. 20" x 20" IRON PIPE
- 19. 22" x 22" IRON PIPE
- 20. 24" x 24" IRON PIPE
- 21. 26" x 26" IRON PIPE
- 22. 28" x 28" IRON PIPE
- 23. 30" x 30" IRON PIPE
- 24. 32" x 32" IRON PIPE
- 25. 34" x 34" IRON PIPE
- 26. 36" x 36" IRON PIPE
- 27. 38" x 38" IRON PIPE
- 28. 40" x 40" IRON PIPE
- 29. 42" x 42" IRON PIPE
- 30. 44" x 44" IRON PIPE
- 31. 46" x 46" IRON PIPE
- 32. 48" x 48" IRON PIPE
- 33. 50" x 50" IRON PIPE
- 34. 52" x 52" IRON PIPE
- 35. 54" x 54" IRON PIPE
- 36. 56" x 56" IRON PIPE
- 37. 58" x 58" IRON PIPE
- 38. 60" x 60" IRON PIPE
- 39. 62" x 62" IRON PIPE
- 40. 64" x 64" IRON PIPE
- 41. 66" x 66" IRON PIPE
- 42. 68" x 68" IRON PIPE
- 43. 70" x 70" IRON PIPE
- 44. 72" x 72" IRON PIPE
- 45. 74" x 74" IRON PIPE
- 46. 76" x 76" IRON PIPE
- 47. 78" x 78" IRON PIPE
- 48. 80" x 80" IRON PIPE
- 49. 82" x 82" IRON PIPE
- 50. 84" x 84" IRON PIPE
- 51. 86" x 86" IRON PIPE
- 52. 88" x 88" IRON PIPE
- 53. 90" x 90" IRON PIPE
- 54. 92" x 92" IRON PIPE
- 55. 94" x 94" IRON PIPE
- 56. 96" x 96" IRON PIPE
- 57. 98" x 98" IRON PIPE
- 58. 100" x 100" IRON PIPE



NOTE: UNLESS OTHERWISE NOTED HEREON, THE FOLLOWING BUILDING YARD SETBACKS ARE APPLICABLE FOR ALL UNITS:



- NOTES:**
1. UNITS 1-200 MUST BE BUILT.
 2. ROAD IMPROVEMENTS AND UTILITY MAINS TO SERVE UNITS 1 THROUGH 200 MUST BE BUILT.
 3. SEE PLAN FOR COORDINATE POINT INFORMATION AND UNIT INFORMATION.

PROPOSED DATED - MAY 21, 2005

[Signature]

REGISTERED PROFESSIONAL SURVEYOR NO. 204
 ANNE-A-MONIE
 7077 HONOR BLVD., SUITE 100
 BOSTON, MA 02114
 (617) 227-9900



SITE PLAN
LIBERTY PARK

PLANNING REVIEW

Review based on 4th Revised Concept Site Plan on February 16, 2016

CONCEPT PLAN SUBMITTAL SCHEDULE			
Type of Submittal	Date of Submittal	Reviewed by	Presented to PC
Concept Plan	March 09, 2015	All Agencies	No
Revised Concept Plan	June 18, 2015	All Agencies except Traffic, Wetlands and Facade	Yes. On August 26, 2015
2 nd Revised Concept Plan	September 14, 2015	All Agencies except Facade	No
3 rd Revised Concept Plan	Submitted: November 25, 2015 Updated: December 14, 2015	All Agencies except Traffic and Facade	Yes. On January 13, 2016
4 th Revised Concept Plan	February 16, 2016	All Agencies except Wetlands and Facade	Yes. On March 9, 2016



PLAN REVIEW CENTER REPORT

March 2, 2016

Planning Review

Dixon Meadows fka Trailside

JSP14-46 with Rezoning 18.708

4th revised Concept Plan Review (2/16/16)

Petitioner

Pulte Homes

Review Type

Rezoning Request from RA (Residential Acreage) to RT (Two-Family Residential) with Planned Rezoning Overlay (PRO)

Property Characteristics

- Site Location: East side of Dixon Road, north of Twelve Mile Road (Section 10)
- Site Zoning: RA, Residential Acreage
- Adjoining Zoning: North: RA; East: RM-1; West (across Dixon Road): RA; South: R-1, One-Family Residential and OS-1, Office Service
- Current Site Use: Single-family residential
- Adjoining Uses: North: vacant; East: Carlton Forest (multiple-family); West (across Dixon Road): Liberty Park (single-family); South: single-family residential and office
- School District: Novi Community School District
- Site Size: 22.36 gross acres; 21.6 net acres

Project Summary

The petitioner is requesting a Zoning Map amendment for a 22.36-acre property on the east side of Dixon Road, north of Twelve Mile Road (Section 10) from RA (Residential Acreage) to RT (Two Family Residential) utilizing the City's Planned Rezoning Overlay (PRO) option. The applicant states that the rezoning request is necessary to allow the development of a 90-unit single-family site condominium (previous plan that appeared before Planning Commission showed 95 units, and the requested rezoning was to RM-1, Low-Density, Low-Rise Multiple Family Residential).

The Planning Commission most recently reviewed the Concept Plan and Rezoning at a public hearing on January 13, 2016 and recommended approval to the City Council. Following the Planning Commission meeting, several residents of adjacent Liberty Park contacted staff and asked to review an alternate sketch the residents had prepared that highlighted a number of the resident's concerns. Staff and the applicant met with the residents' representatives on February 4th to hear those concerns. The applicant has now provided an "Alternate Plan" to the plan recommended for approval for consideration, along with a Summary Letter from Pulte Homes dated 2/12/16, and a Traffic Impact Study Addendum. It is staff's opinion that the proposed changes are significant enough to return to the Planning Commission for another public hearing and recommendation on the alternate plan, prior to forwarding the request to the City Council for consideration. Changes provided on the Alternate Plan are as follows:

- Relocation of Dixon Meadows entry boulevard approximately 175 feet to the south, while shifting the proposed stormwater detention pond to the north in order to afford more privacy to residents of Liberty Park. The modifications also result in minor revisions to the lots

along the south and west perimeter of the development, and an increase in the size of the small pocket park between lots 66 and 67 by approximately 5000 square feet.

- Landscaping along Dixon Road is proposed to be enhanced based on comments from the Planning Commission as well as from the residents who contacted Planning staff following the Planning Commission meeting in January. The revised plans now include a double row of oversized, 12-foot tall, evergreen trees behind the Liberty Park homes that back up to Dixon Road, adjacent to the subject property. Additional deciduous trees and shrubs are proposed in natural planting arrangements along the frontage of Dixon Meadows and other locations along Dixon Road to the south.
- The applicant has now offered an alternative to the paving of Dixon Road: the previously submitted plan showed new pavement for Dixon Road from Twelve Mile Road north to the Liberty Park boulevard entrance at Declaration Drive. The nearby Liberty Park residents expressed their desire to terminate the paving of Dixon Road at the south entrance to the proposed Dixon Meadows (not extending it to Declaration Drive). Pulte Homes is willing to offer pavement on Dixon Road for either option. **The Planning Commission may wish to discuss this aspect in detail. Engineering staff has recommended accepting the first offer, to pave Dixon Road to Declaration Drive.**

The PRO option creates a “floating district” with a conceptual plan attached to the rezoning of a parcel. As part of the PRO, the underlying zoning is proposed to be changed (in this case from RA to RT, Two-Family Residential) and the applicant enters into a PRO agreement with the City, whereby the City and the applicant agree to tentative approval of a conceptual plan for development of the site. Following final approval of the PRO concept plan and PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two (2) years, the rezoning and PRO concept plan expires and the agreement becomes void.

The applicant has proposed a 90-unit single-family development. The PRO Concept Plan shows one on-site detention pond near the southwest corner of the site with an open space/park area located near east, north east and North West corners of the site. One boulevarded access point is proposed off Dixon Road with a stub street connection proposed at the northeast corner of the site.

The applicant has indicated that the site’s historical use was an orchard, and numerous pesticides were utilized that contained chemicals that are now banned for commercial application. The applicant indicates that remediation plans have been prepared by Pulte and their soils consultant. Soils that contain arsenic levels that exceed residential use standards are proposed to be removed from the site. The plan shows a significant amount (83 percent) of the regulated woodland trees on site will be removed along with those soils to allow for the proposed development. A detailed woodland survey was presented with this application and reviewed by the City’s Woodland consultant.

Additionally, the applicant has provided a copy of the Incremental Soil Sampling and Analyses for a portion of the property, prepared in January 2015, which appears to indicate that certain areas that were tested do exceed the established Regional Background Level for arsenic, and may require remediation, while other areas of the site apparently do not exceed the established standards for remediation.

Planning Commission Actions

The rezoning and concept plan first appeared for public hearing with the Planning Commission on August 26, 2015. The Planning Commission voted to postpone consideration to allow the applicant

time to address certain concerns that had been identified. The Planning Commission most recently reviewed the Concept Plan and Rezoning at the January 13, 2016 meeting and, following a public hearing, recommended approval of the plan as submitted at that time with the following motion:

In the matter of the request of Pulte Homes for Dixon Meadows JSP14-46 with Zoning Map Amendment 18.709 motion to recommend approval to the City Council to rezone the subject property RA (Residential Acreage) to RT (Two-family residential) with a Planned Rezoning Overlay. The recommendation shall include the following ordinance deviations for consideration by the City Council:

- a. Reduction in the required minimum lot size and minimum lot width for one-family detached dwellings reviewed against R-4 Zoning standards to allow for smaller lots (10,000 square feet and 80 feet required, 5,400 square feet and 45 feet provided);
- b. Reduction in minimum front yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (30 feet required, 20 feet provided);
- c. Reduction in minimum rear yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (35 feet required, 30 feet provided);
- d. Reduction in minimum side yard setback and aggregate side yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (10 feet with 25 feet aggregate required, 5 feet with 10 feet aggregate provided);
- e. Increase in maximum lot coverage permitted per Zoning Ordinance (maximum of 30 percent of total site required, 35 percent of total site provided); and
- f. A Design and Construction Standards (DCS) waiver for the lack of paved eyebrows as per Engineering review.

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be requirements of the Planned Rezoning Overlay Agreement:

- a. Acceptance of applicant's offer of Public benefits as proposed:
 - i. Maximum number of units shall be 90.
 - ii. Minimum unit width shall be 45 feet and minimum square footage of 5,400 square feet
 - iii. Paving of 1,800 linear feet of Dixon Road.
 - iv. Planting of woodland replacement trees along the Dixon Road frontage.
 - v. Remediation of on-site arsenic contamination.
 - vi. Pocket parks/tree preservation within the development.
 - vii. Housing style upgrades as shown on the elevations enclosed with the PRO Application.
 - viii. Dedication of public right-of-way along Dixon Road.
 - ix. Financial contribution for the design and construction of a meandering five feet wide concrete sidewalk along east side of Dixon Drive extending approximately 850 feet south from the subject property to the existing sidewalk just north of Twelve Mile Road, provided City secures the required easements. Alternatively, the applicant has offered to contribute the amount for the anticipated sidewalk construction to the City for future construction of the sidewalk.
- b. Applicant complying with the conditions listed in the staff and consultant review letters.
- c. Subject to city approval, the applicant planting required replacement trees in the Dixon Road right-of way on both sides of the road, rather than satisfying its responsibility for those trees by payment into the city Tree Fund.

This motion is made because:

- a. The applicant has presented a reasonable alternative to the proposed Master Plan

designation of a maximum of 1.65 units/acre to an actual 4.2 units/acre, and which supports several objectives of the Master Plan for Land Use as noted in this review letter.

- b. The proposed density of 4.2 units/acre provides a reasonable transitional use and density between the lower density Liberty Park – Single Family development to the west (approximately 3.5 units/acre), and the Carlton Forest development to the east (approximately 5.6 units/acre).
- c. The roadways and surrounding intersections are expected to maintain acceptable levels of service with the addition of the site generated traffic, and the proposed paving of approximately 1,800 linear feet of Dixon Road from the existing terminus point at Twelve Mile Road to the northern entrance of the proposed development may be seen as a public benefit to the potential residents of the new development, as well the residents who currently use Dixon Road.
- d. The site will be adequately served by public utilities.
- e. The City's Traffic Engineering Consultant has reviewed the Rezoning Traffic Impact Study and notes a minimal impact on surrounding traffic as a result of the development as the current traffic volume on Dixon Road is relatively low.
- f. Submittal of a concept plan, and any resulting PRO Agreement, provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed.

Motion carried 3-1.

Recommendation

Staff recommends the Planning Commission hold the scheduled public hearing and recommend approval to the City Council of the proposed PRO and revised Concept Plan Alternate including the applicant's offer to pave 1800 feet of Dixon Road, for the following reasons:

1. The applicant has presented a reasonable alternative to the proposed Master Plan designation of a maximum of 1.65 units/acre to an actual 4.2 units/acre, and which supports several objectives of the Master Plan for Land Use as noted in this review letter.
2. The proposed density of 4.2 units/acre provides a reasonable transitional use and density between the lower density Liberty Park – Single Family development to the west (approximately 3.5 units/acre), and the Carlton Forest development to the east (approximately 5.6 units/acre).
3. The site will be adequately served by public utilities.
4. The City's Traffic Engineering Consultant has reviewed the Rezoning Traffic Impact Study and notes a minimal impact on surrounding traffic as a result of the development as the current traffic volume on Dixon Road is relatively low.
5. Submittal of a concept plan, and any resulting PRO Agreement, provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed.

Planning Commission Options

The Planning Commission has the following options for its recommendation to City Council:

1. Recommend City Council **approve** the request to rezone the parcel to RT Two-Family Residential with a Planned Rezoning Overlay Alternate Concept Plan (*APPLICANT REQUEST and STAFF RECOMMENDATION*); OR
2. Recommend City Council deny the request to rezone the parcel to RT with a PRO, with the zoning of the property to remain RA; OR
3. Recommend City Council rezone the parcel to a zoning district other than RA or RT (an additional public hearing may be required); OR
4. Postpone consideration of the request for further study.

Master Plan for Land Use

The Future Land Use Map (adopted Aug. 25, 2010) of the City of Novi Master Plan for Land Use 2010 designates this property and the property to the north as "Single Family" with a recommended density of 1.65 units per acre. The property to the south also shares the "Single Family" designation and a portion is also designated as "Private Park." The property to the east (the existing Carlton Forest Development) is shown as the eligible for the "PD-1" or Planned Development option with a planned density of 6.5 units per acre and the property to the west, across Dixon Road, (the existing Liberty Park Development) is designated for "Multiple-Family", "Single-Family" and "Public Park" uses with a planned density of 15 units per acre.

The proposal would follow objectives listed in the Master Plan for Land Use including the following:

1. Objective: Encourage the use of functional open space in new residential developments. *(The applicant has a usable open space in four locations within the development.)*
2. Objective: Attract new residents to the City by providing a full range of quality housing opportunities that meet the housing needs of all demographic groups including but not limited to singles, couples, first time home buyers, families and the elderly. *The proposal would include smaller-lot single-family dwelling units, which is a product that has proven to be attractive to a wide demographic.*
3. Objective: Encourage residential developments that promote healthy lifestyles. *The concept plan's inclusion of pathways and connection to the City's larger pathway system enables walking and bicycling.*
4. Objective: Protect and maintain open space throughout the community. *15% of the site is preserved as open space, for areas in and around the stormwater detention basin, and to preserve quality woodlands and amenities for the residents of the development.*
5. Objective: Continue to strive toward making the City of Novi a more bikeable and more walkable community. *The development is proposed to be linked to the City's developing pathway system, and proposes an approximately 850-foot off-site sidewalk connection along the east side of Dixon Road, to the sidewalks along Twelve Mile Road.*

The rezoning request was presented to the Master Plan and Zoning Committee on October 22, 2014, along with a PRO conceptual plan with 95 parcels. Detention ponds have been relocated, and adjustments have been made to some of the parcels and the open space areas, as noted in detail, above. Members of the Committee were receptive to the concept plan, but requested additional information regarding surrounding planned and existing land uses be provided prior to the matter coming forward for formal review. The applicant has since provided additional information regarding surrounding land uses and densities of neighboring developments (Sheet 06).

Density proposed

The applicant is now proposing 90 units on the 21.6 net acres resulting in approximately 4.2 units/acre. As previously mentioned, the Master Plan for Land Use recommends 1.65 units per acre for the subject property and the properties immediately to the north and a portion to the south. The proposed density exceeds the recommended density of the master plan. However, it should be noted that the adjacent Carlton Forest development was developed at approximately 5.6 units per acre and the Liberty Park development on the opposite side of Dixon Road has a maximum permitted density of 15 units per acre. Liberty Park - Multiple Family has developed at approximately 12.5 units/acre and the Liberty Park - Single Family developed at 3.5 units/acre. The proposed density for the subject site would still be well below the densities of these adjacent developments.

The applicant is now requesting that the property is rezoned to RT zoning district per staff's recommendation. The proposed density of 4.2 units/acre is most consistent with the maximum permitted density in the RT zoning district.

The Concept Plan has been modified from the plan that was reviewed for Pre-Application submittal, for the Planning Commission's first public hearing on the matter, and for the Planning Commission's second hearing. Open space near the center of the site has been relocated to the northeast part of the site in order to preserve quality trees. Additional open space is provided on the east by eliminating two lots in the middle of the east side, along Verona Drive, and around the proposed emergency access in the northwest corner along Dixon Road. Total usable open space has now increased from about 0.77 acre (3.5 percent of the total site area) to 3.35 acres (15 percent of the total site area).

Sheet 05 indicates proposed open spaces in four locations within the development. The current submittal proposed the following amenities as part of usable open space:

- Open Space A: Benches and Pergola
- Open Space B: a meandering path with benches to connect to the sidewalk system
- Open Space C: 6 feet wide limestone path to be located in field to preserve understory
- Open Space D: Seating, bike racks and play structure.

Staff agrees that the changes to the most recent plan are a considerable improvement from the last plan reviewed. The current site plan provide better pedestrian connectivity within the development, preservation of additional quality woodlands, and visual breaks from the linear form of development.

As a means for comparison, the Berkshire Pointe site plan, now under development on Wixom Road, south of Grand River, consists of 86 units on 29.15 acres of land, with similar size lots and home styles as proposed in Dixon Meadows. The Berkshire Pointe site contains quality woodlands and wetlands. The approved Final Site Plan for Berkshire Pointe included the preservation of 6.5 acres of open space, or approximately 22 percent of the site. A large portion of the open space contains wetlands on the north part of the site, buffering the homes from the commercial development to the north, with additional preservation area along the south and west property lines which provides a buffer between the homes and Catholic Central.

While the Dixon Meadows site does not appear contain the quality wetlands that the Berkshire Pointe development contains, the open space provided within Berkshire Pointe development offers an opportunity for some quality natural features to be integrated into the site design for the benefit of the residents. Staff's suggestion for additional open space preservation would be to redesign the northwest part of the site to increase the setback of the homes along Dixon Road (units 16, 17, 18 and 19) to further enhance the 40 foot greenbelt that is shown, in order to enhance the plan for Dixon Road to be maintained in its rural nature. The landscape plans have been modified with this Alternate Plan to enhance the proposed landscaping along Dixon Road as noted in the applicant's cover letter.

Staff suggested the applicant consider alternative designs to break up the long straight rows of homes that are proposed (especially the 22 homes that were previously shown along the east property line). In response, the applicant eliminated two lots to create additional open space, preservation of quality woodlands (outside of arsenic-affected areas) and proposed a traffic calming design along Verona drive. The applicant expanded further on the design concept in his cover letter. At the public hearing, the Planning Commission may wish to discuss with the applicant whether additional open space may benefit the development, as described above, or through the preservation of some additional quality woodlands or specimen trees.

Existing Zoning and Land Use

The following table summarizes the zoning and land use status for the subject property and surrounding properties.

**Land Use and Zoning
 For Subject Property and Adjacent Properties**

	Existing Zoning	Existing Land Use	Master Plan Land Use Designation
Subject Property	RA, Residential Acreage	Single-Family Residential	Single-Family Residential at a maximum of 1.65 units/acre
Northern Parcels	RA, Residential Acreage	Vacant	Single-Family Residential at a maximum of 1.65 units/acre (Public Park – further to the north)
Southern Parcels	R-1, One-Family Residential and OS-1, Office Service	Single-Family Residential and Office	Single-Family Residential
Eastern Parcels	RM-1, Low Density, Low-Rise Multiple-Family Residential	Carlton Forest Multiple-Family Development	PD-1 at a maximum of 6.5 units/acre
Western Parcels (across Dixon Road)	RA, Residential Acreage	Liberty Park Residential Development	Multiple-Family, Single-Family at a maximum of 15.0 units/acre and Public Park

Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the proposed PRO concept plan with the zoning and uses on the adjacent properties should be considered by the Planning Commission in making the recommendation to City Council on the rezoning request with the PRO option.

The property directly **north** of the subject property is vacant land. The properties further to the north (on the opposite side of Twelve and One-Half Mile Road) are currently preserved natural areas that are part of Lakeshore Park. Impacts to these properties as a result of the proposal would be expected as part of the development of any residential development on the subject property and could include construction noise and additional traffic.

Directly to the **south** of the subject property are a handful of single-family residential homes on residential lots along Dixon Road and an existing office development fronting on Twelve Mile Road. All of these properties would experience greater traffic volumes along Dixon Road than what would be expected with development under the current zoning. The loss of woodland area on the property would present an aesthetic change but that would also happen with development under the current zoning.

The property to the **west** of the subject property (across Dixon Road) is the Liberty Park residential development. Liberty Park is composed of both single- and multiple-family homes with a maximum density of 15 units/acre for the entire development. Single-family homes sites are similarly sized when compared to the proposal. Residents of the existing development would experience increased traffic and visual impacts similar to those described for properties to the south.

The property to the **east** of the subject parcels contains Carlton Forest multiple-family development (master planned for 6.5 units/acre). Similar to the other residential properties in the area, this development would experience greater traffic volumes in the area and the loss of the wooded buffer currently separating the development from Dixon Road. Traffic impacts may be slightly less as the entrance to Carlton Forest is off of Twelve Mile Road and the entrance to the proposed Dixon Meadows development is planned off of Dixon Road.

Comparison of Zoning Districts

The following table provides a comparison of the current (RA) and proposed (RT) zoning classifications.

	RA Zoning (Existing)	RT Zoning (Proposed)
Principal Permitted Uses	1. One-family dwellings 2. Farms and greenhouses 3. Publicly owned and operated parks 4. Cemeteries 5. Schools 6. Home occupations 7. Accessory buildings and uses 8. Family day care homes	1. All uses as regulated in the R-4 One Family Residential District 2. Two-family dwellings (site built). 3. Shared elderly housing 4. Accessory buildings and uses customarily incident to any of the above uses
Special Land Uses	1. Raising of nursery plant materials 2. Dairies 3. Keeping and raising of livestock 4. All special land uses in Section 402 5. Nonresidential uses of historical buildings 6. Bed and breakfasts	1. Reserved.
Minimum Lot Size	43,560 square feet (1 acre)	7,500 square feet (duplexes) 10,000 square feet (single family homes)
Minimum Lot Width	150 feet	50 feet (duplexes) 80 feet (single family homes)
Building Height	2 1/2 stories -or- 35 feet	2.5 stories -or- 35 feet whichever is less
Building Setbacks	Front: 45 feet Side: 20 feet (aggregate 50 feet) Rear: 50 feet	Front: 30 feet Side: 10 feet (aggregate 25 ft) Rear: 35 feet

Infrastructure Concerns

An initial engineering review was done as part of the rezoning with PRO application to analyze the information that has been provided thus far. The applicant has submitted a sanitary sewer capacity study as requested by the Engineering staff. The Engineering staff agrees with the study's findings and notes that no modifications or upgrades to the existing facilities would be required. Water main is currently available to connect into along Dixon Road. Sanitary sewer would be extended as part of the development. There are minor items to be addressed on the Preliminary Site Plan submittal. A full scale engineering review would take place during the course of the Site Plan Review process for any development proposed on the subject property, regardless of the zoning.

The City's traffic consultant has reviewed the **Rezoning Traffic Impact Study** and notes a **minimal impact on surrounding traffic as a result of the development as the current traffic volume on Dixon Road is relatively low. Even with the addition of the development traffic, the Levels of Service at nearby intersections would also operate at acceptable levels.** There are some minor road design

issues on the concept plan which would need to be addressed in future plan submittals. See the traffic review letter for additional information.

Natural Features

There is a significant area of regulated woodlands on the site including trees that are considered specimen trees. The applicant has proposed woodland impacts and will need to plant woodland replacement trees and contribute money to the tree fund to account for said impacts. The applicant has submitted the required tree survey. The Woodland Review letter indicates that about 83 percent of the regulated woodland trees on the site are proposed to be removed, while 17 percent of the regulated woodland trees are proposed to be preserved. With the revised concept plan, the applicant relocated the open space areas further north to protect the higher quality woodland areas. Additional preservation is proposed to create open space along Verona drive. The applicant is proposing to reduce lot sizes to plant more replacement trees behind lots 42, 43, 18 and 19 as illustrated in sheet L-1. 1. **Staff suggests that the applicant commit to providing open space amenities on subsequent submittals, and consider modification of the Concept Plan to preserve additional quality woodlands on the site.** The applicant should consider providing woodland conservation easements for any areas containing woodland replacement trees and for those woodland areas being preserved as open space. The applicant is encouraged to further modify lot boundaries to minimize impacts to quality/specimen trees. Please refer to the woodland review letter or additional information.

Additionally, the applicant has provided a copy of the Incremental Soil Sampling and Analyses for a portion of the property, prepared in January 2015. The analyses focused on two former orchard areas located on primarily the western portions of the subject property. Soil samples were taken to determine the presence of arsenic in certain areas and if identified in sufficient concentrations that would require remediation and removal of soils from the site. The analyses indicated that certain areas that were tested do not exceed the established Regional Background Level for arsenic, and may not require remediation. **Planning staff previously suggested that the Planning Commission discuss with the applicant whether additional usable open space can be provided for the residents of the community.** The revised concept plan now provides 3.35 acres of open space/tree preservation in common open space, some of which will be preservation of higher quality woodlands near the northeast part of the property. **The plan now provides approximately 15 percent of the total site area as usable open space/tree preservation areas. By way of comparison, a similar development, Berkshire Pointe, provides approximately 22 percent of the site in open space, some of which consists of preserved natural features.**

There is a portion of one on-site regulated wetland and the concept plan proposes approximately 0.002 acres of impact to Wetland D, near the proposed cul de sac (reduced from the previously proposed impact of 0.011 acres of impact to the wetland). An impact on the 25 foot natural features setback is anticipated as well. The applicant is encouraged to modify lot boundaries to minimize impacts to the wetlands and wetland buffer areas. Please refer to the wetland review letter for additional information.

Development Potential

Development under the current RA zoning could result in the construction of up to 18 single-family homes under the allowable density and net acreage of the site. It is not known whether the site could be developed with 18 lots that meet the dimensional requirements of the RA zoning district. Development under the master-planned density of 1.65 units to the acre (equivalent to R-1 zoning) would be up to 36 single family homes. Development under the proposed RT zoning without a PRO option could result in as many as 104 single family detached homes. As proposed, the development would be limited to 90 single-family detached homes.

Major Conditions of Planned Rezoning Overlay Agreement

The Planned Rezoning Overlay process involves a PRO concept plan and specific PRO conditions in conjunction with a rezoning request. The submittal requirements and the process are codified under the PRO ordinance (Section 7.13.2). Within the process, which is completely voluntary by the applicant, the applicant and City Council can agree on a series of conditions to be included as part of the approval.

The applicant is required to submit a conceptual plan and a list of terms that they are willing to include with the PRO agreement. The applicant has submitted a conceptual plan showing the general layout of the internal roads and lots, location of proposed detention ponds, location of proposed open space and preserved natural features and a general layout of landscaping throughout the development. Also included were conceptual renderings of housing styles and floor plans. (See the façade review letter for additional information on the provided renderings.) The applicant has provided a narrative describing the proposed public benefits and requested deviations.

1. Maximum number of units shall be 90.
2. Minimum unit width shall be 45 feet and minimum square footage of 5,400 square feet
3. Paving of 1,800 linear feet of Dixon Road (or ~600 feet less pavement, if the Alternate Plan for paving is approved).
4. Planting of woodland replacement trees along the Dixon Road frontage.
5. Remediation of on-site arsenic contamination.
6. Pocket parks/tree preservation within the development.
7. Housing style upgrades as shown on the elevations enclosed with the PRO Application.
8. Dedication of public right-of-way along Dixon Road.
9. Financial contribution for the design and construction of a meandering five feet wide concrete sidewalk along east side of Dixon Drive extending approximately 850 feet south from the subject property to the existing sidewalk just north of Twelve Mile Road, provided City secures the required easements. Alternatively, the applicant has offered to contribute the amount for the anticipated sidewalk construction to the City for future construction of the sidewalk.

Ordinance Deviations

Section 7.13.2.D.i.c(2) permits deviations from the strict interpretation of the Zoning Ordinance within a PRO agreement. These deviations must be accompanied by a finding by City Council that *"each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas."* Such deviations must be considered by City Council, who will make a finding of whether to include those deviations in a proposed PRO agreement. The proposed PRO agreement would be considered by City Council after tentative approval of the proposed concept plan and rezoning.

The concept plan submitted with an application for a rezoning with a PRO is not required to contain the same level of detail as a preliminary site plan. Staff has reviewed the concept plan in as much detail as possible to determine what deviations from the Zoning Ordinance are currently shown. The applicant may choose to revise the concept plan to better comply with the standards of the Zoning Ordinance, or may proceed with the plan as submitted with the understanding that those deviations would have to be approved by City Council in a proposed PRO agreement. The following are deviations from the Zoning Ordinance and other applicable ordinances shown on the concept plan. The applicant has submitted a narrative describing the requested deviations. **The applicant should consider submitting supplemental material discussing how if each deviation *"...were not granted, [it would] prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas."***

1. Lot Size and Width: Per Section 3.1.7.B of the Zoning Ordinance, one-family detached dwellings are to be reviewed against the regulations for the R-4 Zoning District. **The minimum lot size in the RT District, when single family detached homes are built, is 10,000 square feet and the minimum lot width is 80 feet (equivalent to the R-4, One-Family Residential District). The applicant has proposed a minimum lot size of 5,400 square feet and a minimum width of 45 feet. The overall density at 4.2 units to the acre is most consistent with the RT Zoning District (maximum density is 4.8 units to the net site area).** For reference, the lots in the Berkshire Pointe Development, which is currently under construction near the intersection of Twelve Mile Road and Wixom Road, are of similar size to the proposed lots in Dixon Meadows.
2. Setbacks: **The minimum side yard setback for a single-family dwelling in this district is 10 feet with an aggregate of 25 feet. The minimum front yard setback is 30 feet and the minimum rear yard setback is 35 feet. The applicant has proposed a minimum 5 foot side yard setback (with an aggregate of 10 feet) and a minimum 20 foot front yard setback and a minimum 30 foot rear yard setback.**
3. Lot Coverage: **The maximum permitted lot coverage per the Zoning Ordinance is 25 percent of the total site. The applicant is proposing 35 percent lot coverage for the smallest lots.**
4. Design and Construction Standards (DCS) Waiver: **DCS waiver is required for the lack of paved eyebrows.** See the Traffic Engineering Review letter for additional information.

Applicant Burden under PRO Ordinance

The Planned Rezoning Overlay ordinance requires the applicant to demonstrate that certain requirements and standards are met. The applicant should be prepared to discuss these items, especially in number 1 below, where the ordinance suggests that the enhancement under the PRO request would be unlikely to be achieved or would not be assured without utilizing the Planned Rezoning Overlay. Section 7.13.2.D.ii states the following:

1. *(Sec. 7.13.2.D.ii.a) Approval of the application shall accomplish, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.*
2. *(Sec. 7.13.2.D.ii.b) Sufficient conditions shall be included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Planned Rezoning Overlay; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.*

Public Benefit under PRO Ordinance

Section 7.13.2.D.ii states that the City Council must determine that the proposed PRO rezoning would be in the public interest and the public benefits of the proposed PRO rezoning would clearly outweigh the detriments:

1. Maximum number of units shall be 90.

2. Minimum unit width shall be 45 feet and minimum square footage of 5,400 square feet
3. Paving of 1,800 linear feet of Dixon Road (or ~600 feet less, if the Alternate Plan for paving is approved).
4. Planting of woodland replacement trees along the Dixon Road frontage.
5. Remediation of on-site arsenic contamination.
6. Pocket parks/tree preservation within the development.
7. Housing style upgrades as shown on the elevations enclosed with the PRO Application.
8. Dedication of public right-of-way along Dixon Road.
9. Financial contribution for the design and construction of a meandering five feet wide concrete sidewalk along east side of Dixon Drive extending approximately 850 feet south from the subject property to the existing sidewalk just north of Twelve Mile Road, provided City secures the required easements. Alternatively, the applicant has offered to contribute the amount for the anticipated sidewalk construction to the City for future construction of the sidewalk.

These proposed benefits should be weighed against the proposal to determine if they clearly outweigh any detriments of the proposed rezoning. Of the seven benefits listed, two – woodland replacement plantings and the remediation of existing arsenic contamination - would be requirements of any conceivable residential subdivision development of the subject property under existing RA zoning. Housing style upgrades would be considered enhancements over the minimum requirements of the ordinance. (See the façade consultant's review letter.)

The remaining benefits – Dixon Road paving, pocket parks and right-of-way dedication along Dixon Road, financial contribution for the design and construction of approximately 850 feet of off-site sidewalks – are enhancements that would benefit the public that would not be required as part of a residential development under the existing RA zoning. However, it should be noted that the preservation of open space (i.e. pocket parks) and environmental features is something that would be encouraged as part of a development review and, although not required, the right-of-way dedication is typical of developments. Additionally, it should be noted that the City has no plans to pave portions of Dixon Road in the near future. The proposed construction of the off-site sidewalks (or equivalent payment for such sidewalks), along the east side of Dixon Road, are enhancements that would benefit the residents of the development and surrounding area.

Submittal Requirements

This Site Plan is scheduled to go before the Planning Commission on March 9, 2016. Please note the following is requested:

1. A written **request for City Council approval of all deviations from the Ordinance as you see fit.**
2. A PDF version of the all Site Plan drawings that were dated 12-14-15 and 2-15-16. **NO CHANGES MADE.**
3. A color rendering of the Site Plan, if any.
4. Rezoning signs must be maintained along the property's frontage in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request.

Barbara McBeth, AICP – Deputy Director of Community Development
bmcbeth@cityofnovi.org or 248-347-0587

Attachments: Planning Review Chart

Planning Review Summary Chart

Dixon Meadows JSP14-46

Rezoning with Planned Rezoning Overlay Concept Plan Review

Plan Date: 2-16-16 (Alternate Plan showing relocation of Detention Basin and access drive)

Bolded items must be addressed by the applicant

Item	Proposed	Meets Requirements?	Comments
Master Plan Single Family Residential @ 1.65 dwelling units per acre	4.2 dwelling units per acre	No	The proposed rezoning would not be in compliance with the current Master Plan.
Zoning RA	RT with PRO		Density permitted in RT
The remainder of the review is against RT standards. (Single-family uses in the RT District are to be reviewed against the standards of the R-4 District.)			
Use Uses listed in Section 3.1.7	Single-Family Site Condominium	Yes	
Min. Lot Size (Sec. 3.1.5.D) 10,000 sq. feet	Minimum lot size is 5,400 sq. feet	No	Applicant has indicated they will seek a deviation from the Ordinance as part of the PRO process.
Min. Lot Width (Sec. 3.1.5.D) 80 feet At no point between the front yard setback & the building can the lot width be less than 90% of the min. width (72 feet)	Min. 45 feet	No	Applicant has indicated they will seek a deviation from the Ordinance as part of the PRO process.
Max. Lot Coverage (Sec. 3.1.5.D) 25%	35%	No	Applicant has indicated they will seek deviations from the Ordinance as part of the PRO process.
Min. Building Setbacks (Sec. 3.1.5.D) Front: 30 feet Rear: 35 feet Side (each): 10 feet Side (total): 25 feet	Front: 20 feet Rear: 30 feet Side (each): 5 feet Side (total): 10 feet	No	Applicant has indicated they will seek deviations from the Ordinance as part of the PRO process.
Min. Building Floor Area (Sec. 3.1.5.D) 1,000 sq. ft.	2,500 sq. ft. – 3,000 sq. ft.		Individual buildings are reviewed as part of the building permit application
Max. Building Height (Sec. 3.1.5.D) 2 ½ stories or 35 ft.	Building elevations not provided		
Lot Depth Abutting a Secondary Thoroughfare (Sec. 4.02.A.5 of the Sub. Ord.) Lots abutting a major or secondary thoroughfare	No rear lot lines abutting a secondary thoroughfare	N/A	

Item	Proposed	Meets Requirements?	Comments
must have a depth of at least 140 feet			
Non-access greenbelt easements (Sec. 5.5.3.E.i.b) 40 ft. wide non-access greenbelt easements required adjacent to major thoroughfares	40 ft. greenbelt provided	Yes	
Maximum length of blocks (Sec. 4.01 of the Sub. Ord.) Blocks cannot exceed length of 1,400 ft. except where the Planning Commission determines that conditions may justify a greater length	Largest block is less than 1,000 ft. long	Yes	
Depth to Width Ratio (Sec. 4.02.A.6 of the Sub. Ord.) Single Family lots shall not exceed a 3:1 depth to width ratio	No lots greater than 3:1 depth	Yes	
Streets (Sec. 4.04.A.1.b of the Sub. Ord.) Extend streets to boundary to provide access intervals not to exceed 1,300 ft. unless one of the following exists: <ul style="list-style-type: none"> • Impractical difficulties because of topographic conditions or natural features • Would create undesirable traffic patterns 	Street connection provided to adjacent property on northern boundary near 770 feet	Yes	
Wetland and Watercourses (City Code Sec. 12-174(a)(4)) Lots cannot extend into a wetland or watercourse	Wetland pocket located along Dixon Road		See wetland review letter
Woodlands (City Code Chapter 37) Replacement of removed trees	Woodland impacts proposed	Yes?	See woodland review letter Applicant should demonstrate alternative layouts were considered Applicant is encouraged to provide woodland conservation easements within open space areas
Development in the Floodplain (Sec. 4.03 of the Sub. Ord.)	N/A	N/A	

Item	Proposed	Meets Requirements?	Comments
Areas in a floodplain cannot be platted			
<p>Sidewalks and Pathways (Sub. Ord. Sec. 4.05, Bicycle & Pedestrian Master Plan & Non-Motorized Plan) The Non-Motorized Plan recommends a neighborhood connector on-road route for Dixon Road</p> <p>5 ft. sidewalk required on both sides of all internal streets</p>	<p>5 ft. sidewalk shown along both sides of internal streets</p> <p>Financial contribution for the design and construction of a meandering five feet wide concrete sidewalk along east side of Dixon Drive extending approximately 850 feet south from the subject property to the existing sidewalk just north of Twelve Mile Road, provided City secures the required easements. Alternatively, the applicant has offered to contribute the amount for the anticipated sidewalk construction to the City for future construction of the sidewalk.</p>	Yes	<p>If accepted, details will need to be incorporated into the PRO Agreement and finalized at the time of Site Plan review.</p>
<p>Master Deed/Covenants and Restrictions Applicant is required to submit this information for review with the Final Site Plan submittal</p>	Master Deed not submitted	Yes	Plans will not be stamped approved until the Master Deed has been reviewed and approved by staff and the City Attorney's office
Exterior Lighting (Section	Entrance lights	Yes	See the engineering review letter for

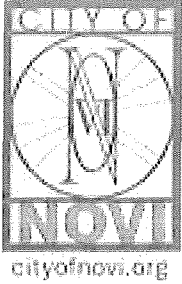
Item	Proposed	Meets Requirements?	Comments
<p>5.7) Photometric plan required at FSP</p> <p>A residential development entrance light must be provided at the entrances to the development off of Dixon Road</p>	<p>now appear to be provided at Dixon Road</p>		<p>more information.</p>
<p>Design and Construction Standards Manual</p> <p>Land description, Sidwell number (metes and bounds for acreage parcel, lot number(s), Liber, and page for subdivisions).</p>	<p>Provided</p>	<p>Yes</p>	
<p>Development and Street Names</p> <p>Development and street names must be approved by the Street and Project Naming Committee before Preliminary Site Plan approval</p>	<p>The project name Dixon Meadows has been approved by the Street and Project Naming Committee.</p> <p>Street names still need to be submitted.</p>	<p>Yes/No</p>	<p>Contact Richelle Leskun at 248-347-0579 to proposed additional alternatives and schedule a meeting with the Committee</p>
<p>Residential Entryway Signs (Chapter 28)</p> <p>Signs are not regulated by the Planning Division or Planning Commission</p>	<p>Signage indicated</p>	<p>If a residential entryway sign is proposed, contact Jeannie Niland at 248.347.0438 or jniland@cityofnovi.org for information</p>	
<p>Area for Future Development</p>	<p>2 areas for future development indicated along Dixon Road</p>	<p>NA</p>	<p>Plans have been modified</p>
<p>Economic Impact</p> <p>Total cost of the proposed building & site improvements</p> <p>Home size & expected sales price of new homes</p> <p>Number of jobs created (during construction, and if known, after a building is occupied)</p>	<p>Home size 2,500 – 3,000 square feet</p>		<p>Applicant has provided a statement regarding the potential economic impact of the development in the response letter, including the following: The expected sales price of the new homes will be consistent with the homes currently being constructed in Berkshire Pointe, which start around \$400,000. The total anticipated cost will be approximately \$30 million dollars.</p>

Item	Proposed	Meets Requirements?	Comments
Additional Planned Rezoning Overlay Agreement Terms: Public Benefit (Sec. 7.13.2.D.ii) As part of a PRO, the applicant shall demonstrate an enhancement of area as compared to existing zoning that results in a public benefit			
Maximum number of units shall be 90.		Proposed units are less than allowable units per RT density (4.8 DUA) Proposed density is 4.2 DUA	
Minimum unit width shall be 45 feet and minimum square footage of 5,400 square feet			
Dixon Road Improvements Pave approximately 1,800 linear feet of Dixon Road from existing Twelve Mile Road terminus point to Liberty Park's entrance at Declaration Drive. Alternate Plan indicates that paving will stop at entrance to proposed development, instead of extending to Liberty Park's entrance. The Planning Commission may wish to discuss this change.		This would be considered a benefit. See the engineering review letter for additional information.	
Housing Style High end quality home construction		See the façade review comments for additional information	
Dixon Road Landscaping Use of woodland replacement plantings along Dixon Road		See the landscape review letter for additional information. Woodland replacement plantings are a requirement of the Woodland Ordinance.	
Arsenic Remediation Environmental cleanup		This would be considered a benefit	
Provision of Housing Options Meets need for a wider diversity of housing choices no currently prevalent in the City		Although this would meet one of the goals and objectives listed in the Master Plan for Land Use, this would not necessarily be considered a public benefit	
Proposed Park and Site Amenities A proposed pocket park and associated amenities within the development		This would be considered a benefit, although relatively small in size.	
Additional ROW Property Donation Donate additional right-of-way along Dixon Road to City		This is not required as part of the development of the property but it is fairly typical for developers to donate planned right-of-way	

ENGINEERING REVIEW

Review based on 4th Revised Concept Site Plan on February 16, 2016

CONCEPT PLAN SUBMITTAL SCHEDULE			
Type of Submittal	Date of Submittal	Reviewed by	Presented to PC
Concept Plan	March 09, 2015	All Agencies	No
Revised Concept Plan	June 18, 2015	All Agencies except Traffic, Wetlands and Facade	Yes. On August 26, 2015
2 nd Revised Concept Plan	September 14, 2015	All Agencies except Facade	No
3 rd Revised Concept Plan	Submitted: November 25, 2015 Updated: December 14, 2015	All Agencies except Traffic and Facade	Yes. On January 13, 2016
4 th Revised Concept Plan	February 16, 2016	All Agencies except Wetlands and Facade	Yes. On March 9, 2016



PLAN REVIEW CENTER REPORT

03/03/2016

Engineering Review

Dixon Meadows
JSP14-0046

Applicant

PULTE HOMES OF MICHIGAN

Review Type

Revised Concept Plan

Property Characteristics

- Site Location: N. of Twelve Mile Road and W. of Novi Road
- Site Size: 22.5 acres
- Plan Date: 02/17/16

Project Summary

- Construction of an approximately 90 lot residential development. Site access would be provided by an entrance from Dixon Rd. to proposed public roads.
- Water service would be provided by a looped extension from the existing 24-inch water main along the east side of Dixon Rd. along with 8 additional hydrants.
- Sanitary sewer service would be provided by an extension from the existing 8-inch sanitary sewer stub at the intersection of Dixon Rd. and Declaration Dr.
- Storm water would be collected by a single storm sewer collection system and detained in an on-site detention basin.
- An alternate plan with the entrance and storm basin locations switched was included in this submittal.

Recommendation

Approval of the Revised Concept Plan and Concept Storm Water Management Plan is recommended.

Comments:

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

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

General

1. The City standard detail sheets are not required for the Final Site Plan submittal. They will be required with the Stamping Set submittal. They can be found on the City website (www.cityofnovi.org/DesignManual).
2. Revise the plan set to reference at least one city established benchmark. An interactive map of the City's established survey benchmarks can be found under the 'Map Gallery' tab on cityofnovi.org.
3. Provide a street light at the proposed north entrance on Dixon Road. The City will coordinate the installation with Detroit Edison and invoice the developer as stated in the Street Lighting Policy.
4. Provide a traffic control sign table listing the quantities of each sign type proposed for the development. Provide a note along with the table stating all traffic signage will comply with the current MMUTCD standards.
5. Provide a note that compacted sand backfill shall be provided for all utilities within the influence of paved areas, and illustrate on the profiles.
6. Provide a construction materials table on the Utility Plan listing the quantity and material type for each utility (water, sanitary and storm) being proposed.
7. Provide a utility crossing table indicating that at least 18-inch vertical clearance will be provided, or that additional bedding measures will be utilized at points of conflict where adequate clearance cannot be maintained.
8. Provide a note stating if dewatering is anticipated or encountered during construction a dewatering plan must be submitted to the Engineering Department for review.
9. Provide a combination of easements and right-of-way to provide 20-feet of public access centered on the sanitary sewer and water main.
10. Remove "Convertible Area" between the remaining parcel and the Sedgwick Blvd. R.O.W.

Water Main

11. Note that a tapping sleeve, valve and well will be provided at the connection to the existing water main.
12. Provide a profile for all proposed water main 8-inch and larger.
13. The water main stub to the north shall terminate with a hydrant followed by a valve in well. If the hydrant is not a requirement of the development for another reason the hydrant can be labeled as temporary allowing it to be relocated in the future.
14. Provide the size of the existing and proposed water main.
15. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (1/07 rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated.

Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

Sanitary Sewer

16. Because Wayne County has expressed capacity concerns, a temporary moratorium has been placed on approval of sanitary sewer permits from the City. We are working with the County to resolve this as quickly as possible. Until then all sanitary sewer permit applications will be on hold.
17. Provide sanitary sewer along the Dixon frontage.
18. Note on the construction materials table that 6-inch sanitary leads shall be a minimum SDR 23.5, and mains shall be SDR 26.
19. Provide a note on the Utility Plan and sanitary profile stating the sanitary lead will be buried at least 5 feet deep where under the influence of pavement.
20. Provide a testing bulkhead immediately upstream of the sanitary connection point. Additionally, provide a temporary 1-foot deep sump in the first sanitary structure proposed upstream of the connection point, and provide a secondary watertight bulkhead in the downstream side of this structure.
21. Seven (7) sealed sets of revised utility plans along with the MDEQ permit application (11/07 rev.) for sanitary sewer construction and the Streamlined Sanitary Sewer Permit Certification Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets. Also, the MDEQ can be contacted for an expedited review by their office.

Storm Sewer

22. A minimum cover depth of 3 feet shall be maintained over all storm sewers. Currently, a few pipe sections do not meet this standard. Grades shall be elevated and minimum pipe slopes shall be used to maximize the cover depth. In situations where the minimum cover cannot be achieved, Class V pipe must be used with an absolute minimum cover depth of 2 feet. An explanation shall be provided where the cover depth cannot be provided.
23. Provide a 0.1-foot drop in the downstream invert of all storm structures where a change in direction of 30 degrees or greater occurs.
24. Match the 0.80 diameter depth above invert for pipe size increases.
25. Storm manholes with differences in invert elevations exceeding two feet shall contain a 2-foot deep plunge pool.
26. Provide a four-foot deep sump and an oil/gas separator in the last storm structure prior to discharge to the storm water basin.
27. Label all inlet storm structures on the profiles. Inlets are only permitted in paved areas and when followed by a catch basin within 50 feet.
28. Label the 10-year HGL on the storm sewer profiles, and ensure the HGL remains at least 1-foot below the rim of each structure.

29. Provide a schedule listing the casting type and other relevant information for each proposed storm structure on the utility plan. Round castings shall be provided on all catch basins except curb inlet structures.

Storm Water Management Plan

30. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
31. An adequate maintenance access route to the basin outlet structure and any other pretreatment structures shall be provided (15 feet wide, maximum slope of 1V:5H, and able to withstand the passage of heavy equipment). Verify the access route does not conflict with proposed landscaping.
32. Provide a 5-foot wide stone bridge allowing direct access to the standpipe from the bank of the basin during high-water conditions (i.e. stone 6-inches above high water elevation). Provide a detail and/or note as necessary.
33. Provide an access easement for maintenance over the storm water detention system and the pretreatment structure. Also, include an access easement to the detention area from the public road right-of-way.
34. Provide release rate calculations for the three design storm events (first flush, bank full, 100-year).
35. A 4-foot wide safety shelf is required one-foot below the permanent water surface elevation within the basin.
36. Provide a soil boring in the vicinity of the storm water basin to determine soil conditions and to establish the high water elevation of the groundwater table.

Paving & Grading

37. Revise the sidewalk location around the road eyebrows to follow the road path and not the eyebrow right of way path.
38. Provide a paving cross-section for the proposed roadway and sidewalk.
39. Provide a proposed cross-section and plans for Dixon Rd. paving.
40. Provide plans for proposed sidewalk along Dixon Rd.
41. Provide top of curb/walk and pavement/gutter grades to indicate height of curb.
42. Provide the standard Type 'M' approach at the Dixon Rd. intersections.
43. A **Design and Construction Standards variance from Section 11-194(a)(8) of the Novi City Code** granted by City Council is required for the lack of paved eyebrows. City Staff supports this variance request.

Off-Site Easements

44. Any off-site utility easements anticipated must be executed by both parties **prior to final approval of the plans**. Drafts of the easement shall be submitted at the time of the Preliminary Site Plan submittal for review, and shall be approved by the City prior to final signatures.

- a. An off-site storm sewer easement is required for the detention pond outlet.

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

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

cc: Adam Wayne, Engineering
Brian Coburn, Engineering
Barbara McBeth, Community Development
Beck Arold, Water & Sewer

LANDSCAPE REVIEW

Review based on 4th Revised Concept Site Plan on February 16, 2016

CONCEPT PLAN SUBMITTAL SCHEDULE			
Type of Submittal	Date of Submittal	Reviewed by	Presented to PC
Concept Plan	March 09, 2015	All Agencies	No
Revised Concept Plan	June 18, 2015	All Agencies except Traffic, Wetlands and Facade	Yes. On August 26, 2015
2 nd Revised Concept Plan	September 14, 2015	All Agencies except Facade	No
3 rd Revised Concept Plan	Submitted: November 25, 2015 Updated: December 14, 2015	All Agencies except Traffic and Facade	Yes. On January 13, 2016
4 th Revised Concept Plan	February 16, 2016	All Agencies except Wetlands and Facade	Yes. On March 9, 2016



PLAN REVIEW CENTER REPORT

February 29, 2016

Revised Conceptual Site Plan

Dixon Meadows

Review Type

Conceptual Landscape Review – Revised #3

Job

JSP14-0046

Property Characteristics

- Site Location: Dixon Road
- Site Zoning: RA
- Adjacent Zoning: RM-1 to east, RA to north and south, RA to west
- Plan Date: 2/16/2016

Ordinance Considerations

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

Recommendation:

This concept is **recommended for approval**. While detailed landscape plans are needed to show that all requirements are met, the conceptual plans provided indicate that they can be. The alternative entry position is also recommended for approval.

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

Soil information is provided.

Existing and proposed overhead and underground utilities, including hydrants.(LDM 2.e.(4))

1. Utilities are shown on the topographic survey and on the Landscape Plan.
2. A note has been added indicating that the T and TV lines are underground.

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

Existing trees and proposed removals have been shown.

Proposed trees to be saved (Sec 37 Woodland Protection 37-9, LDM 2.e.(1))

1. Proposed tree fencing is shown correctly on the Landscape Plan.
2. **Please also show tree fencing on Removal/Demolition plan in Preliminary and Final Site Plans.**
3. **Please show labels for existing trees to remain on Preliminary and Final Landscape Plans.**

Woodland Replacement Trees

1. Conceptual plans for additional replacement trees proposed to be planted off site – along Dixon Road and on Liberty Park property – have been added to the plans.
2. **On Preliminary and Final Site plans, please label the trees to indicate that they are woodland replacement trees to assist with verification in on-site inspections.**

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

1. Calculations have been provided and the proposed trees appear to meet the requirements.
2. **Please uniquely label plants according to the requirement they meet on Preliminary and Final Site Plans.**

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

1. Calculations have been provided and the proposed trees appear to meet the requirements for both Dixon and internal Roads.
2. **Ten of the existing trees counted toward the street tree requirement are actually outside of the right-of-way (slightly). If the trees are healthy trees of species that qualify as valid street trees (i.e. not invasive species such as black locusts), they can count toward that requirement, to help preserve the natural look of Dixon Road. If they do not meet those conditions, they should be replaced with trees that do.**
3. **Please uniquely label proposed plants according to the requirement they meet on the Preliminary and Final Site plans.**

Storm Basin Landscape (Zoning Sec 5.5.3.E.iv and LDM 1.d.(3))

1. Calculations have been provided and shrub clouds indicate compliance with the requirement for 70-75% of the rim being planted with clusters of large native shrubs.
2. A label stating the High Water Line (HWL) has been added.
3. **Please add contour labels for the Preliminary and Final Site Plans.**

Transformer/Utility Box Screening (Zoning Sec 5.5.3.D.)

When proposed transformers/utilities/fire hydrants are available, add to landscape plan and adjust plant spacing accordingly.

Plant List (LDM 2.h. and t.)

Plant lists are not required on conceptual plans, but need to be provided on Preliminary Site Plans.

Planting Notations and Details (LDM)

1. Details provided meet City of Novi requirements.
2. City of Novi landscape notes have been provided on plans.

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

Irrigation plan for landscaped areas is required for Final Site Plan.

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

Please show contours for entire site – not just berms and detention basin – on Preliminary Site Plans.

Corner Clearance (Zoning Sec 5.9)

Corner Clearance triangles for all roads as have been provided.

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



Rick Meader – Landscape Architect

WETLANDS REVIEW

Review based on 3rd Revised Concept Site Plan on December 14, 2015

CONCEPT PLAN SUBMITTAL SCHEDULE			
Type of Submittal	Date of Submittal	Reviewed by	Presented to PC
Concept Plan	March 09, 2015	All Agencies	No
Revised Concept Plan	June 18, 2015	All Agencies except Traffic, Wetlands and Facade	Yes. On August 26, 2015
2 nd Revised Concept Plan	September 14, 2015	All Agencies except Facade	No
3 rd Revised Concept Plan	Submitted: November 25, 2015 Updated: December 14, 2015	All Agencies except Traffic and Facade	Yes. On January 13, 2016
4 TH Revised Concept Plan	February 16, 2016	All Agencies except Wetlands and Facade	Yes. On March 9, 2016

December 17, 2015

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

Re: Dixon Meadows (fka Trailside) - JSP14-0046
Wetland Review of the Revised Concept Plan (PSP15-0173)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Revised Concept Plan for the proposed Dixon Meadows single-family residential condominium project prepared by Atwell, L.L.C. dated November 25, 2015 (Plan). The Plan was reviewed for conformance with the City of Novi Wetland and Watercourse Protection Ordinance and the natural features setback provisions in the Zoning Ordinance. ECT conducted a wetland evaluation for the property on October 10, 2014 with the Applicant's wetland consultant, King & MacGregor Environmental, Inc. (KME).

ECT recommends approval of the Revised Concept Plan for Wetlands; however, the Applicant should address the items noted below in the *Wetland Comments* Section of this letter prior to receiving Wetland approval of the Final Site Plan.

The proposed development is located north of Twelve Mile Road and east of Dixon Road in Section 10. The Plan proposes the construction of ninety (90) single-family residential site condominiums (reduced from 92 on the previous concept plan submittal), associated roads and utilities, and a storm water detention basin. Two home sites were removed from the Plan (previously units 67 & 68) and a pocket park has been provided along the eastern property boundary. Although not indicated on the City's Regulated Wetlands Map (see Figure 1), the proposed project site contains one area of City-Regulated Wetlands (see Figure 2). Some wetland areas are located to the north of the project property. A very small portion of 25-foot wetland buffer/setback extends onto the north side of the site from one of these wetlands (i.e., Wetland A).

Onsite Wetland Evaluation

ECT visited the site on October 10, 2014 for the purpose of a wetland boundary verification with the applicant's wetland consultant King & MacGregor Environmental (KME). The focus of the inspection was to review site conditions in order to determine whether on-site wetland is considered regulated under the City of Novi's Wetland and Watercourse Protection Ordinance. Wetland boundary flagging was not in place at the time of this site inspection. ECT and KME identified four wetland areas (Wetlands A, B, C and D) in the field. Property lines were not clearly marked at the time, and the three wetlands identified along the northern property line (Wetlands A, B, and C) have been shown to be located outside of the limits of the subject parcel. The approximate locations of the four wetland areas identified during the wetland boundary verification are depicted in Figure 2.

Wetlands A through D are all forested and scrub-shrub wetlands which may contain semi-permanent areas of standing water. Plant species identified include silver maple (*Acer saccharinum*), American elm (*Ulmus americana*), silky dogwood (*Cornus amomum*), rice-cut grass (*Leersia oryzoides*), sedge (*Carex intumescens*), false nettle (*Boehmeria cylindrica*), and wood reedgrass (*Cinna arundinacea*). A regulated wetland is depicted to the north on the adjacent parcel in the available mapping, and on the official City of Novi Regulated Wetland and Watercourse map. There are two additional wetlands (Wetlands B and C) located north of the property that don't

actually extend onto the subject site. It should be noted that the 25-foot wetland setback/buffer of Wetland A extends slightly onto the subject property.

Wetland D is located in the west/central portion of the property and appears to lie on a parcel line. As such, a portion of the small wetland lies on the subject property and a portion appears to be located on a residential property that is not included as part of the subject property. The overall area of this wetland is listed as 0.24-acre. Although it graphically appears that about ½ of Wetland D is located on the subject property, the Plan notes that 0.01-acre of this wetland is located on-site. ECT suggests that the applicant review and revise this area quantity as needed. This forested wetland area appears to be of fair quality and impact to this wetland is proposed as part the site design. ECT has verified that the wetland boundaries appear to be accurately depicted on the Plan.

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

Wetland Impact Review

The Plan includes proposed impacts to the wetland and the 25-foot setback of the only on-site wetland (Wetland D) located on this property. This wetland is located in the west/central portion of the property and appears to lie on a parcel line. As such, a portion of the small wetland lies on the subject property and a portion appears to be located on a residential property that is not apparently included as part of the subject property. Although it graphically appears that about ½ of Wetland D is located on the subject property, the Plan notes that only 0.01-acre of this wetland is located on-site. Similarly, the Plan notes that the overall area of the 25-foot setback of Wetland D is 0.12-acre with 0.06-acre being located on the subject property. This calculation appears to be correct. Based on the wetland area quantities provided and the wetland impact hatch, the proposed wetland impact area amount is not completely clear. ECT suggests that the applicant review and revise these area quantities as needed.

The Plan proposes to fill a portion of Wetland D for the purpose of road (i.e., cul-de-sac) construction. The Plan notes the following impact:

- Wetland D Impact: 0.017-acre (fill)

As shown, the south-western portion of this small wetland area (and 25-foot wetland buffer) will remain on the residential property to the south that is not currently a part of the proposed site development.

In addition to wetland impacts, the Plan also specifies impacts to the 25-foot natural features setbacks. The Plan proposes the following wetland buffer impacts:

- Wetland D Buffer Impact: 0.055-acre (fill);
- Wetland A Buffer Impact: 0.001-acre (fill).

The majority of the proposed development site consists of buildable upland. ECT continues to suggest that efforts should be made in order to avoid impacts to this existing area of on-site forested wetland (i.e., Wetland D). The small area (0.001-acre) of Wetland A 25-foot setback that is located on-site will be impacted for the purpose of constructing a bioswale intended to assure continued hydrology to the wetlands located north of the site (Wetlands A, B, and C). The intent appears to collect stormwater runoff from the rear yards of proposed Lots 21

through 26 and lots 52 through 54. The goal is to route this collected stormwater towards the off-site wetland areas.

Permits & Regulatory Status

The on-site wetland (i.e., Wetland D) does not appear to be regulated by the MDEQ as it does not appear to be within 500 feet of a watercourse/regulated drain. In addition, it is not greater than 5 acres in size. The Applicant has provided documentation from MDEQ that contains follow-up information to an October 16, 2014 pre-application meeting for the project (letter dated February 23, 2015). The letter states that based on the information provided by the applicant, the MDEQ's Water Resources Division (WRD) has determined that a permit is not required under Part 303 of the NREPA (Natural Resources and Environmental Protection Act, 1994 PA 451, as amended).

The project as proposed will require a City of Novi *Wetland Minor Use Permit* as well as an *Authorization to Encroach the 25-Foot Natural Features Setback*. This permit and authorization are required for the proposed impacts to wetlands and regulated wetland setbacks. As noted, the on-site wetland appears to be considered essential by the City as it appears to meet one or more of the essentiality criteria set forth in the City's Wetland and Watercourse Protection Ordinance (i.e., storm water storage/flood control, wildlife habitat, etc.).

Wetland Comments

Please consider the following comments when preparing all subsequent site plans:

1. The overall area of Wetland D is noted as 0.24-acre, with only 0.01-acre being located on the subject property. Although it graphically appears that about ½ of Wetland D is located on the subject property, the Plan notes that only 0.01-acre of this wetland is located on-site. Similarly, the Plan notes that the overall area of the 25-foot setback of Wetland D is 0.12-acre with 0.06-acre being located on the subject property. This calculation appears to be correct. Based on the wetland area quantities provided and the wetland impact hatch, the proposed wetland impact area amount is not completely clear. ECT suggests that the applicant review and revise these area quantities as needed.
2. ECT encourages the Applicant to minimize impacts to on-site wetlands and wetland setbacks to the greatest extent practicable. The Applicant should consider modification of the proposed lot boundaries and/or site design in order to preserve wetland and wetland buffer areas. The City regulates wetland buffers/setbacks. Article 24, Schedule of Regulations, of the Zoning Ordinance states that:

"There shall be maintained in all districts a wetland and watercourse setback, as provided herein, unless and to the extent, it is determined to be in the public interest not to maintain such a setback. The intent of this provision is to require a minimum setback from wetlands and watercourses".

The on-site wetland is located in the western/central portion of the property and appears to lie on a parcel line. As such, a portion of the small wetland lies on the subject property and a portion appears to be located on a residential property that does not appear to be included as part of the subject property. The majority of the proposed development site consists of buildable upland. ECT suggests that efforts should be made in order to avoid impacts to this existing area of forested wetland and the 25-foot wetland buffer.

Dixon Meadows (JSP14-0046)
Wetland Review of the Revised Concept Plan (PSP15-0173)
December 17, 2015
Page 4 of 6

At a minimum, the applicant should provide written authorization for what appears to be the proposed filling of a portion of Wetland D that extends off of the subject property.

Recommendation

ECT recommends approval of the Revised Concept Plan for Wetlands; however, the Applicant should address the items noted in the *Wetland Comments* Section of this letter prior to receiving Wetland approval of the Final Site Plan.

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

Respectfully submitted,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



Pete Hill, P.E.
Senior Associate Engineer

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

Attachments: Figure 1 and Figure 2



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



Figure 2. Approximate Wetland Boundaries as observed (shown in red). Approximate property boundary is shown in white (aerial photo source: Google Earth, accessed January 27, 2015).

WOODLANDS REVIEW

Review based on 4th Revised Concept Site Plan on February 16, 2016

CONCEPT PLAN SUBMITTAL SCHEDULE			
Type of Submittal	Date of Submittal	Reviewed by	Presented to PC
Concept Plan	March 09, 2015	All Agencies	No
Revised Concept Plan	June 18, 2015	All Agencies except Traffic, Wetlands and Facade	Yes. On August 26, 2015
2 nd Revised Concept Plan	September 14, 2015	All Agencies except Facade	No
3 rd Revised Concept Plan	Submitted: November 25, 2015 Updated: December 14, 2015	All Agencies except Traffic and Facade	Yes. On January 13, 2016
4 th Revised Concept Plan	February 16, 2016	All Agencies except Wetlands and Facade	Yes. On March 9, 2016

March 1, 2016

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

Re: Dixon Meadows (fka Trailside) - JSP14-0046
Woodland Review of the Revised Concept Plan (PSP16-0017)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Revised Concept Plan for the proposed Dixon Meadows single-family residential condominium project prepared by Atwell, L.L.C. dated December 14, 2015. (Plan). In addition, pursuant to meetings set up with residents of the adjacent Liberty Park development held on February 4, 2016 and a subsequent follow-up meeting with the City of Novi on February 9, 2016, the applicant has provided an *Alternate Plan*. The specific sheets that comprise the alternate plan are the *Alternate Layout Dimensional Plan* (Sheet 3) and the landscape plans (Sheets L-1 to L-9).

The Plan was reviewed for conformance with the City of Novi Woodland Protection Ordinance Chapter 37. ECT conducted a woodland evaluation for the property on Tuesday, March 17, 2015. ECT has reviewed previous iterations of this site plan.

ECT recommends approval of this revised Concept Plan for Woodlands at this time. ECT recommends that the Applicant address the items noted below in the *Woodland Comments* Section of this letter prior to receiving Final Stamping Set Plan approval.

The applicant has indicated that the *Alternate Plan* contain the following options for consideration that differ from the Planning Commission approved PRO plans:

1. Relocation of Dixon Meadows Entry Boulevard

The centerline of Dixon Meadows' boulevard entrance has been moved south by approximately 175 feet, and the storm water detention pond was shifted to the north side of the entrance road. Minor revisions were made to lots along the southern and western perimeter of the development, and provided the ability to increase the small pocket park between lots 66 and 67 by approximately 5,000 square feet. A wooden pergola and pedestrian seating area are still proposed with the detention basin to ensure that this area provides an amenity for the development.

2. Landscaping Along Dixon Road

The landscaping plans have been revised to reflect feedback from the Planning Commission as well as from a select few residents of the neighboring Liberty Park development. In particular, we have incorporated an alternating double row of oversized 12-foot evergreen trees behind

the Liberty Park homes that back up to Dixon Road adjacent to the proposed Dixon Meadows development. It should be noted that the specific location and extent of screening behind the Liberty Park homes depends in part on the Liberty Park Home Owners Association (HOA) approving additional plantings in their current landscaped common area.

3. Dixon Road Paving Alternatives

Currently Pulte Homes is proposing to pave Dixon Road from the 12 Mile Road terminus pavement point, to the Liberty Park Boulevard entrance at Declaration Drive. The residents expressed their desire to terminate the paving of Dixon Road at the entrance to Dixon Meadows.

The proposed development is located north of Twelve Mile Road and east of Dixon Road in Section 10. The Plan continues to propose the construction of ninety (90) single-family residential site condominiums (reduced from 92 on a previous concept plan submittal), associated roads and utilities, and a storm water detention basin. Two home sites were previously removed from the Plan (previously units 67 & 68) and a pocket park has been provided along the eastern property boundary. The proposed project site contains several areas of City-Regulated Woodland (see Figure 1 and Site Photos).

The purpose of the Woodlands Protection Ordinance is to:

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

Onsite Woodland Evaluation

ECT has reviewed the City of Novi Official Woodlands Map and completed an onsite Woodland Evaluation on Tuesday, March 17, 2015. An existing tree survey has been completed for this property by Allen Design. The *Woodland Plan* (Sheets L-4 and L-5) contain existing tree survey information (tree locations and tag numbers). The *Woodland List* is included on Sheets L-6 and L-7, and includes tree tag

numbers, diameter-at-breast-height (DBH), common/botanical name, and condition of all surveyed trees as well as the required woodland replacement credit requirements.

The surveyed trees have been marked with aluminum tree tags allowing ECT to compare the tree diameters reported on the *Woodland List* to the existing tree diameters in the field. ECT found that the *Woodland Plan* and the *Woodland List* appear to accurately depict the location, species composition and the size of the existing trees. ECT took a sample of diameter-at-breast-height (DBH) measurements and found that the data provided on the Plan was consistent with the field measurements.

The entire site is approximately 22 acres with regulated woodland mapped across a significant portion of the property. The mapped City-regulated woodlands area is generally located within the northern and central sections of the site (see Figure 1). It appears as if the proposed site development will involve a significant amount of impact to regulated woodlands and will include a significant number of tree removals.

On-site woodland within the project area consists of black cherry (*Prunus serotina*), sugar maple (*Acer saccharum*), American elm (*Ulmus americana*), green spruce (*Picea pungens*), box elder (*Acer negundo*), black locust (*Robinia pseudoacacia*), aspen (*Populus spp.*), eastern red cedar (*Juniperus virginiana*), common pear (*Prunus communis*), common apple (*Malus spp.*), sweet cherry (*Prunus avium*), black walnut (*Juglans nigra*), silver maple (*Acer saccharinum*), scotch pine (*Pinus Sylvestris*), norway spruce (*Picea abies*), red maple (*Acer rubrum*), white cedar (*Thuja occidentalis*), eastern cottonwood (*Populus deltoides*) and several other species. Black cherry trees comprise approximately 34% of the on-site trees and sugar maple trees comprise approximately 14% of the on-site trees.

Based on the information provided on the Plan, the maximum size tree diameter on the site is a sugar maple (54-inch DBH). The *Woodland List* includes eight (8) other trees greater than or equal to 36-inches DBH. The *Woodland List* also includes thirty-two (32) total trees greater than or equal to 24-inches DBH. In terms of habitat quality and diversity of tree species, the project site is of fair quality. The majority of the woodland areas consist of relatively immature growth trees of good to fair health. Although disturbed in many areas, this wooded area provides a fair level of environmental benefit; however the subject property is surrounded by existing residential use. In terms of a scenic asset, wind block, noise buffer or other environmental asset, the woodland areas proposed for impact are considered to be of fair quality. It should be noted that areas of the existing understory have been disturbed. In particular the understory within the wooded area on the south side of the property appears to have been brush-hogged or cleared relatively recently.

Proposed Woodland Impacts and Replacements

Although the applicant has previously made some plan revisions that have resulted in the preservation of some City-Regulated Woodlands, there continue to be substantial impacts to regulated woodlands associated with the proposed site development. It appears as if the proposed work (proposed lots and roads) will cover a large portion of the site and will involve a considerable number of tree removals. It should be noted that the City of Novi replacement requirements pertain to regulated trees with d.b.h.

greater than or equal to 8 inches. The previously-proposed open space/park located on the east side of the site served to preserve an additional fourteen (14) regulated trees. In addition, the proposed open spaces in the north-central and the northeastern areas of the site propose to preserve approximately fifty-four (54) and twenty-one (21) regulated trees, respectively.

The following tables serve to summarize the differences in proposed woodland impacts as well as the proposed Woodland Replacement scenarios for both the current plan as well as the *Alternate Plan*. The *Alternate Plan* includes the newly-proposed relocation of the Dixon Meadows Entry Boulevard as well as additional landscaping along Dixon Road. The following table (Table 1) summarizes the proposed Woodland Impacts:

Table 1. Proposed Woodland Impacts

	Current Plan	Alternate Plan
Net Regulated Trees	745	745
Regulated Trees Removed	619 (83%)	618 (83%)
Non-Woodland Trees Preserved	23	16
Non-Woodland Preservation Credits (i.e., varies by tree DBH)	77	52
Trees 8" – 11"	367 x 1 = 367	367 x 1 = 367
Trees 11" – 20"	164 x 2 = 328	164 x 2 = 328
Trees 20" – 30"	19 x 3 = 57	19 x 3 = 57
Trees 30"+	2 x 4 = 8	2 x 4 = 8
Multi-stem trees	259	254
Subtotal	1,019	1,014
Less Non-Woodland Preservation Credit	77	52
Woodland Replacements Required	942	962

A main difference in proposed tree removals between the current plan and the *Alternate Plan* is that partly due to the shifting the Dixon Meadows Entry Boulevard to the south, the applicant is able to preserve fewer Non-Woodland Trees that would otherwise be preserved under the current revised concept plan. Specifically, sixteen (16) non-woodland trees would be preserved under the *Alternate Plan* development compared to the preservation of 23 non-woodland trees in the current revised concept plan. This difference in non-woodland tree preservation quantity results in a net difference of 25 Woodland Replacement credits. It can also be noted that there is a small difference in the number of multi-stem trees being removed between the current concept plan and the *Alternate Plan*. The applicant has also noted that the *Alternate Plan* proposes to remove four (4) more potential specimen trees than does the current plan.

Specifically, the proposed entry boulevard on the *Alternate Plan* will remove the following non-regulated trees located near Dixon Road that would otherwise be preserved:

- Tree No. 658 – 43” sugar maple (6 Woodland Replacement Credits for preservation);
- Tree No. 659 – 11” sugar maple (2 Woodland Replacement Credits for preservation);
- Tree No. 666 – 44” sugar maple (6 Woodland Replacement Credits for preservation);
- Tree No. 667 – 15” spruce (3 Woodland Replacement Credits for preservation).

These four trees, if preserved as shown on the current concept plan, provide for a total of 17 Woodland Replacement Credits for the preservation of non-woodland trees. The following table summarizes the proposed Woodland Replacements:

Table 2. Proposed Woodland Replacements

	Current Plan	Alternate Plan
Woodland Replacements Required	942	962
Proposed Replacement Tree Categories:		
Additional Street Trees	68	69
Additional Dixon Road Plantings		
Trees	34	34
6’ shrubs (6:1 replacement ratio)	N/A	59 credits (355 shrubs @ 6:1 replacement ratio)
Liberty Greenbelt Plantings		
2.5” Deciduous Trees	21	16
12’ Evergreens (1.5:1 replacement ratio)	17 (25 trees planted)	66 (99 trees planted)
On-Site Deciduous	45	79
On-Site Evergreen (1.5:1 replacement ratio)	113 (169 trees planted)	122 (183 trees planted)
Total Tree Credits Provided On-site	298	445
Tree Credit Required to be Paid to Tree Fund	644	517

It should be noted that the *Alternate Plan* proposes a total of 147 more “on-site” Woodland Replacement Credits than does the current revised plan. This increase is a result of the planting of 355 large shrubs (providing 59 Woodland Replacement Credits) along the Dixon Road corridor, as well as additional on-site deciduous and coniferous trees and a total of 49 additional credits along the Liberty Park Greenbelt through the planting of 49 more 12-foot evergreen trees. It is our understanding that all of the Liberty Greenbelt plantings are subject to approval from the Liberty Park Home Owner’s Association (HOA). The Applicant will be required to pay the City of Novi Tree Fund at a value of \$400/credit for any Woodland Replacement tree credits that cannot be planted in some fashion (i.e., on-site, along Dixon Road, or within Liberty Park Greenbelt). The applicant should be aware that the “upsizing” of Woodland Replacement trees for additional Woodland Replacement credit is not supported by the City of Novi. As such acceptable replacement evergreen trees shall be provided at a 1.5:1 replacement ratio. The applicant should review and revise the calculations on the Plan as necessary.

The current Plan does not clearly quantify the proposed number, location and species of the trees that will satisfy the proposed Woodland Replacement Tree credits to be planted. The Plan should clearly indicate the locations, sizes, species and quantities of all woodland replacement trees to be planted. The applicant should review and revise the Plan in order to better indicate how the on-site and off-site portions of the Woodland Replacement requirements will be met. It is recommended that the applicant provide a table that specifically describes the species and quantities of proposed Woodland Replacement trees. It should also be noted that all deciduous replacement trees shall be two and one-half (2 ½) inches caliper or greater and count at a 1-to-1 replacement ratio. All coniferous replacement trees shall be 6-feet in height (minimum) and provide 1.5 trees-to-1 replacement credit replacement ratio (i.e., each coniferous tree planted provides for 0.67 credits). The “upsizing” of Woodland Replacement trees for additional Woodland Replacement credit is not supported by the City of Novi. Finally, all proposed Woodland Replacement tree material shall meet the species requirements in the *Woodland Tree Replacement Chart* (attached) and shall be species native to Michigan.

With regard to the location of woodland replacement trees, the Woodland Ordinance states:

- *The location of replacement trees shall be subject to the approval of the planning commission and shall be such as to provide the optimum enhancement, preservation and protection of woodland areas. Where woodland densities permit, tree relocation or replacement shall be within the same woodland areas as the removed trees. Such woodland replanting shall not be used for the landscaping requirements of the subdivision ordinance or the zoning landscaping;*
- *Where the tree relocation or replacement is not feasible within the woodland area, the relocation or replacement plantings may be placed elsewhere on the project property;*
- *Where tree relocation or replacement is not feasible within the woodland area, or on the project property, the permit grantee shall pay into the city tree fund monies for tree replacement in a per tree amount representing the market value for the tree replacement as approved by the planning commission. The city tree fund shall be utilized for the purpose of woodland creation and enhancement, installation of aesthetic landscape vegetation, provision of care and maintenance for public trees and provision and maintenance of specialized tree care equipment. Tree fund plantings shall take place on public property or within right-of-ways with approval of the agency of jurisdiction. Relocation or replacement plantings may be considered on private property provided that the owner grants a permanent conservation easement and the location is approved by the planning commission;*
- *Where replacements are installed in a currently non-regulated woodland area on the project property, appropriate provision shall be made to guarantee that the replacement trees shall be preserved as planted, such as through a conservation or landscape easement to be granted to the city. Such easement or other provision shall be in a form acceptable to the city attorney and provide for the perpetual preservation of the replacement trees and related vegetation.*

The applicant shall demonstrate that the all proposed Woodland Replacement Trees will be guaranteed to be preserved as planted with a conservation easement or landscape easement to be granted to the city.

City of Novi Woodland Review Standards and Woodland Permit Requirements

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

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

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

There are a significant number of replacement trees required for the construction of the proposed development. The Dixon Meadows development consists of 90 single-family residences. The subject property is surrounded by existing residential use on the east, west and south sides, and by an undeveloped parcel and 12 ½ Mile Road to the north. Some degree of impact to on-site woodlands is deemed unavoidable if these properties are to be developed for residential use. Since the previous plan submittal, the applicant has worked with City staff and consultants in order to better “qualify” the woodland areas on the project, and has made efforts to modify the open space plan to better preserve quality woodland areas on-site.

Woodland Comments

Please consider the following comments when preparing all subsequent site plans:

1. The current Plan (both current plan and *Alternate Plan*) does not clearly quantify the proposed number, location and species of the trees that will satisfy the proposed Woodland Replacement Tree credits to be planted. The Plan should clearly indicate the locations, sizes, species and quantities of all woodland replacement trees to be planted. The applicant should review and revise the Plan in order to better indicate how the on-site and off-site portions of the Woodland Replacement requirements will be met. It is recommended that the applicant provide a table that specifically describes the species and quantities of proposed Woodland Replacement trees. It should also be noted that all deciduous replacement trees shall be two and one-half (2 ½) inches caliper or greater and count at a 1-to-1 replacement ratio. All coniferous replacement trees shall be 6-feet in height (minimum) and provide 1.5 trees-to-1 replacement credit replacement ratio (i.e., each coniferous tree planted provides for 0.67 credits). The “upsizing” of Woodland Replacement trees for additional Woodland

Replacement credit is not supported by the City of Novi. Finally, all proposed Woodland Replacement tree material shall meet the species requirements in the *Woodland Tree Replacement Chart* (attached) and shall be species native to Michigan.

2. Any proposed shrubs that are to be provided as Woodland Replacement material shall be 6-foot in height and shall be provided at a 6:1 Woodland Replacement ratio. All shrubs shall be species that are native to Michigan and otherwise satisfy all requirements of the City of Novi Landscape Design Manual.
3. It should be noted that the “upsizing” of Woodland Replacement trees for additional Woodland Replacement credit is not supported by the City of Novi. As such acceptable replacement evergreen trees shall be provided at a 1.5:1 replacement ratio. The applicant should review and revise the Woodland Replacement calculations indicated on the Plan as necessary.
4. The Applicant is encouraged to provide preservation/conservation easements for any areas of remaining woodland.
5. The Applicant is encouraged to provide woodland conservation easements for any areas containing woodland replacement trees, if applicable. It is not clear how all of the proposed replacement trees will be guaranteed in perpetuity. As stated in the woodland ordinance:

Where replacements are installed in a currently non-regulated woodland area on the project property, appropriate provision shall be made to guarantee that the replacement trees shall be preserved as planted, such as through a conservation or landscape easement to be granted to the city. Such easement or other provision shall be in a form acceptable to the city attorney and provide for the perpetual preservation of the replacement trees and related vegetation.

6. A Woodland Permit from the City of Novi would be required for proposed impacts to any trees 8-inch d.b.h. or greater. Such trees shall be relocated or replaced by the permit grantee. All deciduous replacement trees shall be two and one-half (2 ½) inches caliper or greater and provide for 1:1 replacement. All evergreen replacement trees shall be 6-feet (minimum) in height and be provided at a 1.5:1 replacement ratio. All Woodland Replacement trees shall meet the requirements included in the *Woodland Tree Replacement Chart* (attached).
7. A Woodland Replacement financial guarantee for the planting of replacement trees will be required, if applicable. This financial guarantee will be based on the number of on-site woodland replacement trees (credits) being provided at a per tree value of \$400.

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

replacement installation as a *Woodland Maintenance and Guarantee Bond*.

8. The Applicant will be required to pay the City of Novi Tree Fund at a value of \$400/credit for any Woodland Replacement tree credits that cannot be placed on-site.
9. Replacement material should not be located 1) within 10' of built structures or the edges of utility easements and 2) over underground structures/utilities or within their associated easements. In addition, replacement tree spacing should follow the *Plant Material Spacing Relationship Chart for Landscape Purposes* found in the City of Novi *Landscape Design Manual*.

Recommendation

ECT recommends approval of this revised Concept Plan for Woodlands at this time. ECT recommends that the Applicant address the items noted in the *Woodland Comments* Section of this letter prior to receiving Final Stamping Set Plan approval.

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

Respectfully submitted,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



Pete Hill, P.E.
Senior Associate Engineer

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

Attachments: Figure 1, Site Photos, Woodland Tree Replacement Chart

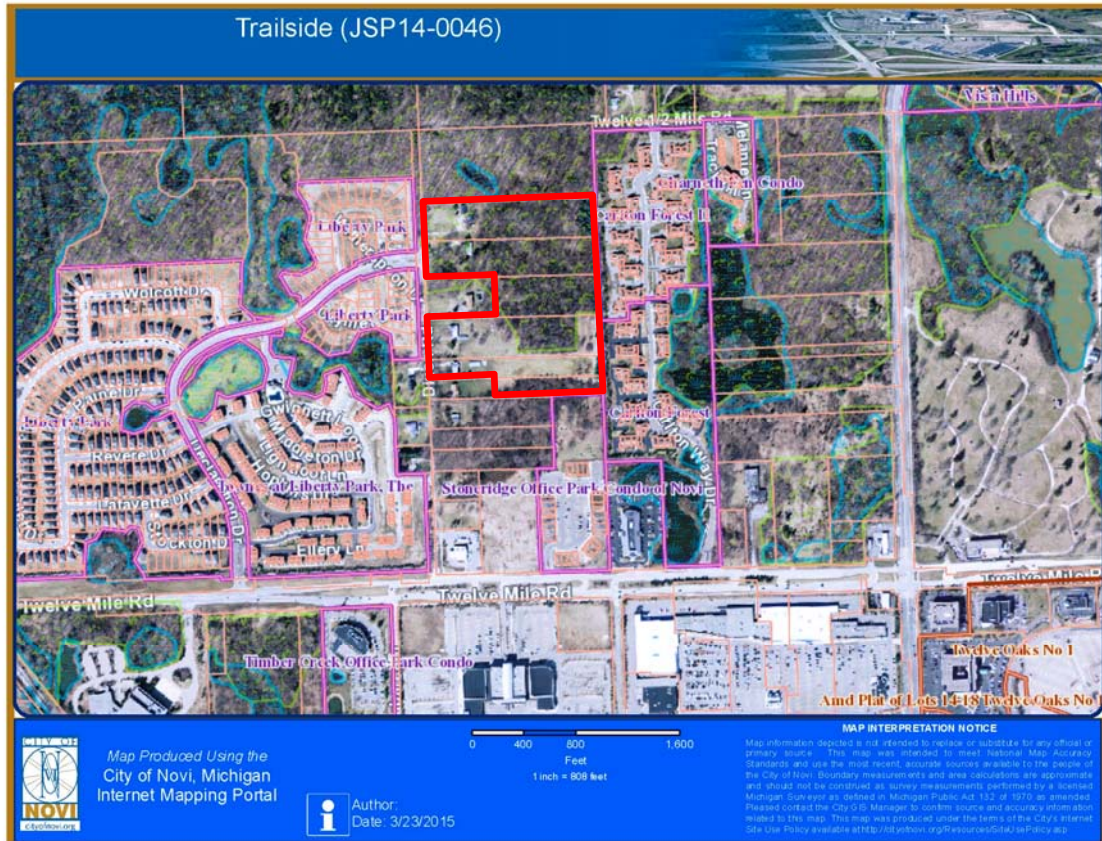


Figure 1. City of Novi Regulated Wetland & Woodland Map (approximate property boundary shown in red). Regulated Woodland areas are shown in green and regulated Wetland areas are shown in blue).

Site Photos



Photo 1. Looking west near the central portion of the northern property boundary (ECT, 3/17/15).



Photo 2. Looking south near the central portion of the northern property boundary (ECT, 3/17/15).



Photo 3. Looking north near the central portion of the property (ECT, 3/17/15).



Photo 4. Looking southwest near the south portion of the property (ECT, 3/17/15).



Photo 5. Looking west near the southern property boundary – area appears to have been brush-hogged/cleared (ECT, 3/17/15).



Photo 6. Trees have been marked with aluminum tags.
Tree #936, 9" DBH black cherry, to be removed (ECT, 3/17/15).

Woodland Tree Replacement Chart

(from Chapter 37 Woodlands Protection)
 (All canopy trees to be 2.5" cal or larger, evergreens as listed)

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

TRAFFIC REVIEW

Review based on 4th Revised Concept Site Plan on February 16, 2016

CONCEPT PLAN SUBMITTAL SCHEDULE			
Type of Submittal	Date of Submittal	Reviewed by	Presented to PC
Concept Plan	March 09, 2015	All Agencies	No
Revised Concept Plan	June 18, 2015	All Agencies except Traffic, Wetlands and Facade	Yes. On August 26, 2015
2 nd Revised Concept Plan	September 14, 2015	All Agencies except Facade	No
3 rd Revised Concept Plan	Submitted: November 25, 2015 Updated: December 14, 2015	All Agencies except Traffic and Facade	Yes. On January 13, 2016
4 th Revised Concept Plan	February 16, 2016	All Agencies except Wetlands and Facade	Yes. On March 9, 2016

February 26, 2016

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

**SUBJECT: Dixon Meadows Traffic Review for PRO Concept Plan
JSP14-0046**

Dear Ms. McBeth,

The traffic impact study (TIS) was reviewed to the level of detail provided and AECOM **recommends approval** for the applicant to move forward with the condition that the comments provided below are adequately addressed to the satisfaction of the City.

General TIS Comments:

1. The site is expected to generate 953 daily trips with 73 trips during the AM peak hour and 96 trips during the PM peak hour.
2. The site access drive at Dixon Road is expected to operate at an acceptable LOS A. The LOS remains the same as existing conditions at all affected approaches with insignificant increases in delay per vehicle (one to three seconds).
3. There are no modifications, such as a left turn passing lane or right turn deceleration lane, warranted for Dixon Road.
4. Minor comments related to the clarity of the TIS are included in the attached document.

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

Sincerely,

AECOM



Sterling J. Frazier, E.I.T.
Reviewer, Traffic/ITS Engineer



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

Memorandum

To Barbara McBeth, AICP Page 1
 CC Sri Komaragiri, Kirsten Mellem, Brian Coburn, Jeremy Miller, Richelle Leskun
 Subject JSP 14-0046– Dixon Meadows – Revised PRO – Traffic Review

From Matt Klawon, PE
 Date February 26, 2016

The revised PRO site plan was reviewed to the level of detail provided and AECOM **recommends approval** for the applicant to move forward with the condition that the comments provided below are adequately addressed to the satisfaction of the City.

GENERAL COMMENTS

1. The applicant, Pulte Homes of Michigan, is proposing to develop the 22.36 acre parcel located on the east side of Dixon Road, north of 12 Mile Road, in the City of Novi.
2. The site is currently zoned as RA (Residential Acreage). The applicant is proposing to rezone the site as RT (Two family residential district), but will be developing 90 single family residential homes.

TRAFFIC IMPACTS

1. AECOM performed an initial trip generation estimate based on the ITE Trip Generation Manual, 8th Edition, as follows:

ITE Code: 210 (Single-Family Residential)
 Development-specific Quantity: 90 units
 Zoning Change: RA to RT

Trip Generation Summary					
	City of Novi Threshold	Estimated Trips (Permitted under existing zoning)	Estimated Trips (Permitted under proposed zoning)	Proposed Development	Analysis
AM Peak-Hour, Peak-Direction	100	23	83	73	N/A

Trips					
PM Peak-Hour, Peak-Direction Trips	100	23	109	96	N/A
Daily (One-Directional) Trips	750	217	1089	953	N/A

2. A full traffic impact study was provided for 95 units with an addendum for 90 units. All comments regarding the traffic impact study can be found in the traffic impact study review letter. It should be noted; however, that the development is not expected to impact the surrounding roadways in a manner that will degrade traffic operations to unacceptable levels.

EXTERNAL SITE ACCESS AND OPERATIONS

The following comments relate to the external interface between the proposed development and the surrounding roadway(s).

1. Please provide the length of the island at the Sedgwick Boulevard entrance.
2. Provide dimensions for the entering and exiting tapers.
3. Provide site distance dimensions for the Sedgwick Boulevard entrance.
4. Driveway spacing is adequate.
5. The number of site access drives meets the City's standards.

INTERNAL SITE OPERATIONS

The following comments relate to the on-site design and traffic flow operations.

1. General Traffic Flow
 - a. An emergency access driveway is provided and designed to City standards. However, a permanent "breakaway" gate should be provided at the secondary access driveway's intersection with the public roadway.
2. Parking Facilities
 - a. Parking will be provided by residential driveways as well as on-street parking.
3. The typical roadway cross-section is designed to City standards.
4. The applicant is requesting a variance for the unpaved eyebrow design. Please provide additional demensions for the eyebrow design.
5. The temporary "T" turn-around is designed to City standards.
6. The minimum turning radius at local street intersections is 25 feet; however, only 20 feet is provided in the plans.
7. The choker on Verona Drive is not considered a necessity and is not expected to have a considerable impact at it's current location. Vehicles will not have the opportunity to speed due to the proximity to trip originations or trip destinations and the horizontal curve. If the choker is installed please include signing details for the choker in future plans.
8. Sidewalk Requirements

- a. All site sidewalks are proposed to be five feet wide.
- b. Provide ADA ramp locations and details.
9. All on-site signing shall be in compliance with the Michigan Manual on Uniform Traffic Control Devices. Signing was not included in this review and will be reviewed for compliance in future submittals, as available.
10. Please provide bike rack design details and dimensions.

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

Sincerely,

AECOM



Sterling J. Frazier, E.I.T.
Reviewer, Traffic/ITS Engineer



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

FIRE REVIEW

Review based on 4th Revised Concept Site Plan on February 16, 2016

CONCEPT PLAN SUBMITTAL SCHEDULE			
Type of Submittal	Date of Submittal	Reviewed by	Presented to PC
Concept Plan	March 09, 2015	All Agencies	No
Revised Concept Plan	June 18, 2015	All Agencies except Traffic, Wetlands and Facade	Yes. On August 26, 2015
2 nd Revised Concept Plan	September 14, 2015	All Agencies except Facade	No
3 rd Revised Concept Plan	Submitted: November 25, 2015 Updated: December 14, 2015	All Agencies except Traffic and Facade	Yes. On January 13, 2016
4 th Revised Concept Plan	February 16, 2016	All Agencies except Wetlands and Facade	Yes. On March 9, 2016



March 3, 2016

TO: Barbara McBeth- Deputy Director of Community Development

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Gwen Markham

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Brian Burke

City Manager
Pete Auger

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

Director of EMS/Fire Operations
Jeffery R. Johnson

Assistant Chief of Police
Erick W. Zinser

Assistant Chief of Police
Jerrold S. Hart

RE: Dixon Road site development

PSP#16-0017

Project Description: Proposed single family development on the east side of Dixon rd.

Comments:

- 1) Emergency access roadway must meet City of Novi Standards.
- 2) Include hydrants and water main details on future submittals.

Recommendation: Approval with above comments.

Sincerely,

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

cc: file

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

cityofnovi.org

FACADE REVIEW

Review based on Concept Site Plan on March 09, 2015

CONCEPT PLAN SUBMITTAL SCHEDULE			
Type of Submittal	Date of Submittal	Reviewed by	Presented to PC
Concept Plan	March 09, 2015	All Agencies	No
Revised Concept Plan	June 18, 2015	All Agencies except Traffic, Wetlands and Facade	Yes. On August 26, 2015
2 nd Revised Concept Plan	September 14, 2015	All Agencies except Facade	No
3 rd Revised Concept Plan	Submitted: November 25, 2015 Updated: December 14, 2015	All Agencies except Traffic and Facade	Yes. On January 13, 2016
4 th Revised Concept Plan	February 16, 2016	All Agencies except Wetlands and Facade	Yes. On March 9, 2016



April 27, 2015

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

Attn: Ms. Barb McBeth – Director of Community Development

Re: FACADE ORDINANCE – Conceptual Plan

Trailside, PSP15-0033

Façade Region: 1, Zoning District: B-2, Building Size: 500 S.F.

Dear Ms. McBeth:

The following is the Façade Review for the above referenced project based on the Development Plan provided Atwell Group dated March 6, 2015, including eight (8) conceptual façade renderings, pictured below. This project consists of 95 detached single family condominium units. Façade of the detached residential units are subject to Ordinance Section 3.7, the Similar / Dissimilar Ordinance. The overall project is also subject to the Planned Rezoning Overlay (PRO) Ordinance (Section 7.13).

Similar / Dissimilar Ordinance (Section 3.7) - The Similar / Dissimilar Ordinance requires a variation in appearance in the front elevations of adjacent homes (Sec. 3.7.2), and requires that homes within the larger development be consistent in design quality based on certain criteria; size (square footage), types of material, and overall architectural design character (Sec. 3.7.1).

With respect to Section 3.7.2, all nearby homes (two on the left, two on the right and any across the street that overlap by 50%) must not be “substantially similar” in appearance to the proposed home. Specific criteria for compliance can be found in the Ordinance. The applicant has provided renderings of nine models. Significant design diversity is evident in these models. Based on our experience on similar projects we believe that compliance with the Similar / Dissimilar Ordinance can readily be achieved assuming approximately equal distribution of the nine models.



ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4



ELEVATION 5



ELEVATION 6



ELEVATION 7



ELEVATION 8

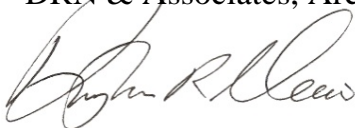
With respect to Section 3.7.1 of the Ordinance, the proposed facades consist of quality materials with a brick or stone extending to the second floor belt line on 6 models and full brick on two models. The façades exhibit pleasing proportions and architectural details. The features include return cornices, gable truss feature, stepped trim and fascia, wood columns, wrought iron balustrades, decorative shutters, and divided light windows. Of particular note is that upper roof areas are delineated by dormers, and arched or gabled window tops on all models. The renderings also indicate raised panels and window features on the front facing garage doors. A soldier coursed arched headers above the garage door occurs on two models. Based on the type and quantity of materials and architectural features indicated on these examples it is our recommendation that the façade elevations provided would be consistent with Section 3.7.1 of the Similar / Dissimilar Ordinance.

Planned Rezoning Overlay Ordinance (Section 7.13) - The PRO Ordinance requires that the development “result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.” *It is our recommendation that type and quantity of materials and architectural features indicated on the façade elevations represent an enhancement to what may otherwise be constructed in the absence of the PRO.*

It should be noted that the renderings are defined as “conceptual” and lack notations as to the proposed materials. This review is based on our understanding of the materials as depicted artistically. Notations should be added to all elevations to clearly identifying all façade materials and side and rear elevations should be provided. It should be noted that the type and quantity architectural features and materials is key to compliance with the City Ordinances, particularly the PRO Ordinance. It is anticipated that the type and extent of these materials and features will be maintained on all elevations, including side and rear elevations, on the drawings eventually submitted for Building Permits.

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

Sincerely,
DRN & Associates, Architects PC

A handwritten signature in cursive script, appearing to read "Douglas R. Necci".

Douglas R. Necci, AIA