



CITY of NOVI CITY COUNCIL

Agenda Item J
August 26, 2013

SUBJECT: Approval of request by E & M, Inc. (Society Hill) for one-year extension, to October 9, 2014, of site plan approval for a 312-unit apartment project developed as a PD-1 option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 ½ Mile Road, previously extended under a consent judgment and subject to annual extension reviews.

SUBMITTING DEPARTMENT: Community Development – Planning *Bach*

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Attached is the request from E & M, Inc. for a one-year extension of site plan approval for Society Hill, along with a copy of the general plan. Society Hill is a proposed 312-unit multiple-family project located on about 24 acres of land on the west side of Novi Road, south of Twelve and One-Half Mile Road. The following summary of the 2001 Consent Judgment was provided previously by the applicant's attorney:

The site plan was approved in the normal course by the City and was later included as a part of a Consent Judgment, which resolved the City's condemnation of land to widen Novi Road, a dispute concerning a sewer special assessment district ("SAD 94"), and the City's request for easements along Arena Drive (Arena Drive area dedication was adjacent to property owned by the same developer). Under the terms of the Consent Judgment, E & M conveyed the Novi Road land to the City, agreed to complete the SAD 94 sewer line and granted easements to the City along Arena Drive. The Society Hill site plan approval was extended for five years with a provision for annual City Council extensions thereafter.

The Judgment further provides that, if the site plan approval is not extended, the obligations for E & M to complete the SAD 94 sewer line to Twelve and One-Half Mile Road shall be void, and the City shall be obligated to complete the sewer line as originally planned and routed. Since there is a large wetland complex in this area, a State Wetland Permit would be required.

Recent review of status of SAD 94

When the review for the extension of the site plan approval was considered last year, the City's Engineering Division has again reviewed the Society Hill Consent Judgment and SAD 94 and associated costs for the construction of the sanitary sewer construction. Total project construction estimates for the remainder of the SAD 94 sanitary sewer would be approximately \$363,750. The City's review also noted that a major obstacle for the City to construct the remainder of the SAD 94 sanitary sewer is that the City does not appear to have any easements on the Society Hill parcels needed to construct the sewer.

The Engineering Division's review last year further notes that there have been a number of developments in the original SAD 94 service area. The attached map shows the original service area for SAD 94 and the location of the constructed SAD 94 sanitary sewer.

Since the time SAD 94 was first conceived, the following developments have taken place:

- Carlton Forest and Charneth Fen extended the sanitary sewer through those sites to 12-1/2 Mile Road,
- Bolingbrooke (currently under a completion agreement) was approved to extend sanitary sewer from Vista Hills to the area north of 12-1/2 Mile Road (including service to the existing residential parcels west of the development),
- The recent site developments along 12 Mile Road have extended the sanitary sewer to the west from SAD 94,
- Lotus Bank extended sanitary sewer from 12 Mile Road north on Dixon for future service to the southern half of Dixon Road, and
- Liberty Park has extended sanitary sewer to Dixon Road to ultimately serve the northern half of Dixon.

With the exception of the parcels along Dixon Road, which no longer require the SAD 94 sanitary sewer for service, the developer of Society Hill is the only parcel that requires extension of the SAD 94. The sanitary sewer currently terminates at the southwest corner of the proposed development and is available for extension.

The attached map better illustrates the original SAD 94 service area, the existing sanitary sewer in the area, the parcels that are no longer served by SAD 94, and the location of Society Hill.

In short, it appears that the lack of recorded easements stands in the way of the City's construction of the sanitary sewer required under the consent judgment, and it is noted that at this point, the required sanitary sewer construction would primarily serve the Society Hill Development, as the surrounding properties have provided alternative sanitary service.

Recent Discussions to consider modifications to the approved site plan

Since last fall, the applicant has indicated that a review of the site plan would be appropriate and has taken a number of steps toward the development of a new plan. Since the applicant has not yet formally submitted a new or revised plan for consideration, the applicant is again requesting a one-year extension of the site plan as provided for in the terms of the Consent Judgment.

Previously, the City Council approved one-year extensions of the site plan approval each year since 2006. The applicant is now requesting another one year extension of the site plan approval. The Consent Judgment does not provide for any limits to the number of extensions that may be granted.

RECOMMENDED ACTION: Approval of request by E & M, Inc. (Society Hill) for one-year extension, to October 9, 2014, of site plan approval for a 312-unit apartment project developed as a PD-1 option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 1/2 Mile Road, previously extended under a consent judgment and subject to annual extension reviews.

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

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

SAD 94 Sanitary Sewer-Society Hill

Location Map

Proposed Bolingbrooke Development

City Parkland

Twelve 1/2 Mile Rd

Melanie Ln

Novi Rd

Witherspoon Dr

Declaration Dr

Clymer Dr

Dixon Rd

Gwinnett Loop

Floyd Ln

Ellery Ln

Carlton Way Dr

Twelve Mile Rd








Twelve Mile Rd

Map Author: Brian Coburn
Date: 9/6/12
Project:
Version #:

MAP INTERPRETATION NOTICE

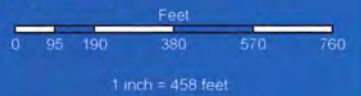
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as surveys. 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 obtain source and accuracy information related to this map.

Legend

- | | | |
|---|------------------------------------|--|
|  | SAD 94 Sanitary Sewer | SanitaryMains |
|  | SAD 94 Service Area |  8.0" |
|  | Parcels No Longer Served by SAD 94 |  10.0" |
|  | Society Hill Parcels |  12.0" |



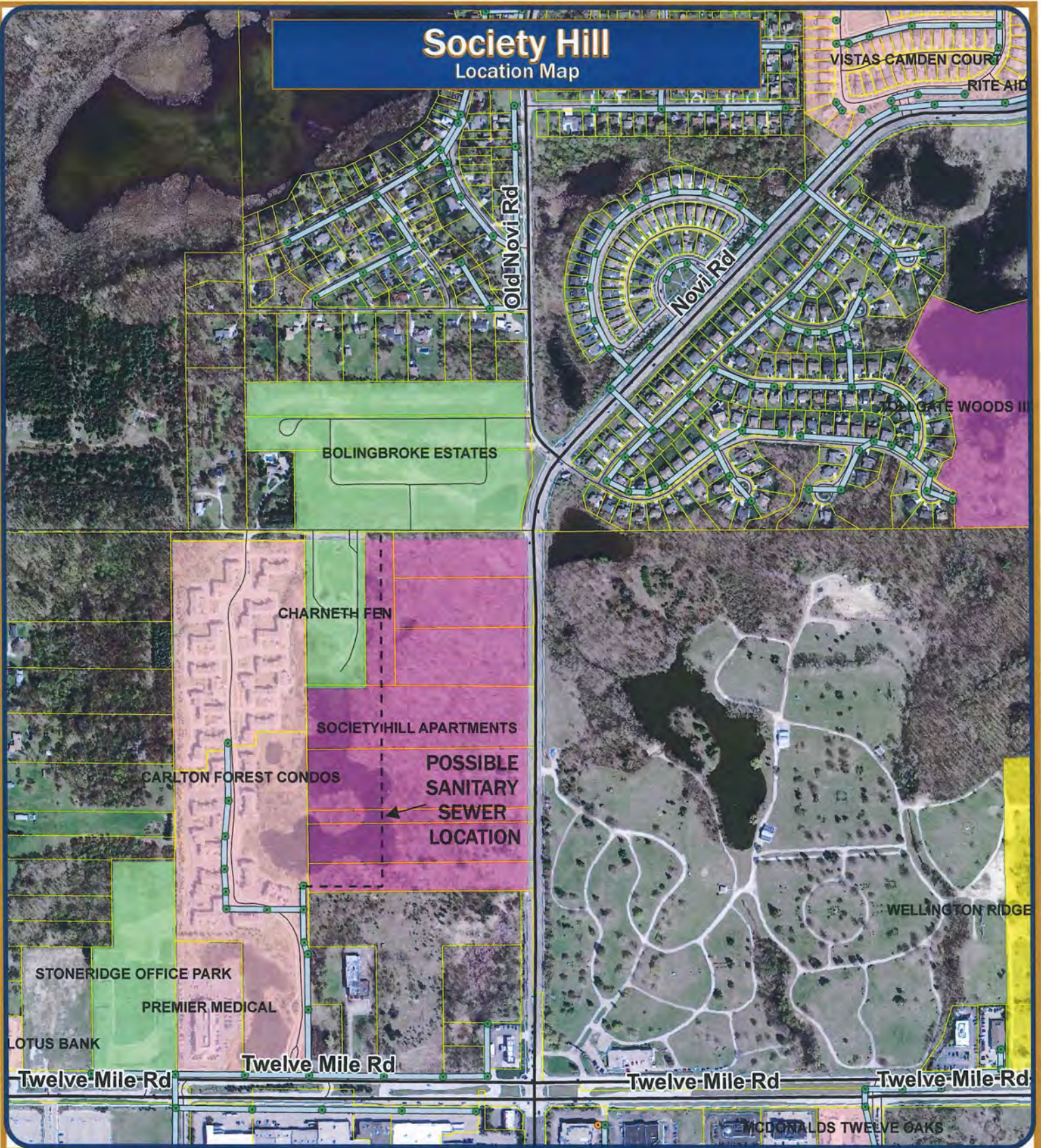
City of Novi
Engineering Division
Department of Public Services
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org



**SOCIETY HILL
LOCATION MAP**

Society Hill

Location Map



Map Author: Mark Spencer and Dave Campbell
 Date: Sept. 8, 2011
 Project: SP 95-44
 Version #: 1.0

Map Legend

— Sanitary Mains



City of Novi

Planning Division
 Community Development
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org

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1 inch = 616 feet

**E & M LETTER
REQUEST FOR SOCIETY HILL
FINAL SITE PLAN APPROVAL EXTENSION**

E & M

32605 West Twelve Mile Road, Suite 290
Farmington Hills, Michigan 48334
Telephone (248) 553-9225
Facsimile (248) 553-9594

August 2, 2013

Honorable Bob Gatt, Mayor and Members of the City Council
c/o Barbara McBeth, Community Development Department
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375

Re: Extension of Society Hill (E&M Inc.) Final Site Plan Approval - Expiring October 9, 2013

Dear Mayor Gatt and Members of the City Council:

As I mentioned today to Barbara McBeth, we are writing to request a one (1) year extension of the final site plan approval for the Society Hill project, which will be expiring October 9, 2013. This request is made in accordance with Paragraph 9.B of the Consent Judgement entered October 9, 2001 in the *City of Novi vs. Toltec Structures and E&M, Inc.* (Oakland Circuit Court No. 95-502489-CC) and follows a subsequent one (1) extension approved by City Council at the September 24, 2012 City Council Meeting (excerpt from minutes attached). I enclose a copy of the Consent Judgement along with prior correspondence sent to the City at the time of our last request for extension which provides some historical background of Society Hill and the Consent Judgement.

E&M asks that the City Council place this request on its agenda. Please let us know the date this request will be heard. Your time in this matter is much appreciated. Should you require any additional information, I can be reached at 248.553.9225 ext. 123.

Sincerely,



Mary Ann Szabowski

Enclosures

cc: Clay Pierson, City Manager (c/o Barbara McBeth)

**SOCIETY HILL
GENERAL PLAN**

