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CITY of NOVI CITY COUNCIL

Agenda Item L
August 9, 2010

SUBJECT: Approval of the request of Evangelista Development, LLC, for approval of a revised Concept Plan, ZCM10-37 and Planned Rezoning Overlay Agreement associated with Rezoning 18.682, a request to rezone from RA, Residential Acreage with a Planned Unit Development (PUD), to RM-1, Low-Density, Low Rise Multiple Family Residential with a Planned Rezoning Overlay (PRO), and approval of a revised PRO Agreement. The subject property is 3.88 net acres and is located at the southwest corner of Novi Road and 14 Mile Road.

SUBMITTING DEPARTMENT: Community Development – Planning Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The petitioner is requesting consideration of a revised concept plan and Planned Rezoning Overlay (PRO) Agreement, in conjunction with rezoning request 18.682 for property located at the southwest corner of Fourteen Mile and Novi Roads in Section 2. The property totals 3.88 net acres. The applicant previously received approval for the proposed rezoning, associated concept plan and PRO Agreement showing a three-story 58,852 square foot convalescent home. The approved PRO Agreement has been recorded, the Final Site Plan has been approved administratively by the Planning Division, but construction has not yet been started.

The applicant has now come forward with a revised concept plan that reduces the building from three to two stories and reduces the building size from 58,852 square feet to 51,396 square feet. The plan also eliminates six beds (85 proposed, 91 previously approved) and adds a basement to a portion of the structure. These changes result in revisions to the approved elevations and floor plan, all of which were included in the originally approved concept plan. No changes to the building footprint or other exterior site work are proposed. The public benefits offered with this rezoning and PRO have remained the same, including the "Welcome to Novi" sign, which was recently installed on the corner of the property.

A strike-through version of the "First Amendment to Planned Rezoning Overlay (PRO) Agreement" for Maple Manor of Novi is included in the packet for consideration by the City Council. If the City Council approves the revised Concept Plan and modifications to the previous PRO Agreement, staff and the City Attorney's Office will work with the applicant to finalize the details of the PRO Agreement and revised Final Site Plan.

Since parking spaces in excess of ordinance requirements are provided on the plan, Planning staff asked the applicant to consider landbanking some of the parking spaces (102 spaces proposed, 62 spaces required). For nursing homes, the ordinance requires 1 parking space for each 4 beds and one space for each employee (40 employees expected). The applicant has indicated the desire to maintain the number of parking

spaces as designed on the previously approved site plan, since the new plan only reduces the number of beds by 6, for a total of 85 beds. The applicant has indicated that there will be a need for 102 parking spaces for holidays and special events, and that convenient, on-site parking is needed for this nursing home, since many of the expected visitors may be elderly or disabled. The applicant declined to modify the plan for those reasons.

Although the PRO concept plan indicates 85 beds, the applicant is asking that the PRO Agreement set the maximum number of beds at 98 to accommodate the possibility that the 13 one bed private rooms depicted on the proposed concept plan could be converted to two bed semi-private rooms in the future. The current PRO Agreement permits a maximum of 110 beds and the approved concept plan only depicted 91 beds.

The rezoning to RM-1, Low-Density Low-Rise Multiple Family Residential with a Planned Rezoning Overlay (PRO) was approved by the City Council on September 28, 2009, along with approval of the PRO Agreement. The Planning Commission recommended approval of the revised concept plan and revised PRO Agreement on July 28, 2010. At that meeting, the Planning Commission also approved the revised Preliminary Site Plan (contingent on approval of the revised concept plan and PRO Agreement by City Council).

RECOMMENDED ACTION: Approval of the revised concept plan, for floor plan and building façade only, for rezoning petition 18.682, and revised PRO Agreement, with the following considerations:

- (a) The proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area and by providing adequate access and utilities;
- (b) The reduced building height is more compatible with existing buildings in the neighborhood; and
- (c) The revised concept plan reduces the proposed ordinance deviations previously approved by the City Council on September 28, 2009 and such changes are to be included in the revised PRO Agreement.

This motion is made because the plan is otherwise in compliance with Article 6, Section 2400 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Galt				
Council Member Crawford				
Council Member Fischer				

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



MAPS

Rezoning 18.682 & SP08-09 Maple Manor

Location Map

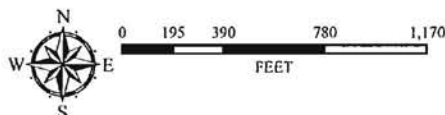


Legend

-  Municipal Boundaries
-  Tax Parcel



CITY OF NOVI PLAN REVIEW CENTER
 Created by Mark Spencer
 5/29/08
 NOVI COMMUNITY DEVELOPMENT DEPARTMENT
 45175 W. TEN MILE ROAD
 NOVI, MI 48375-3024
 (248) 347-0475
 WWW.CITYOFNOVI.ORG



/18.682 Maple Manor location.mxd

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.

Maple Manor SP08-09

Zoning Map

City of Walled Lake

Commerce Township

Subject Property

Fourteen-Mile Rd

B-3

RM-1

RM-1 PRO

RA

Walled Lake

East Lake Dr

R-4

Novi Rd

MH

Map Author: Mark Spencer
Date: 7/20/10
Project: Maple Manor SP08-09
Version #: 1.0

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.

Map Legend

- Tax Parcels
- Zoning**
- R-A: Residential Acreage
- R-1: One-Family Residential District
- R-1 PRO: R-1 With Planned Rezone Overlay (PRO)
- R-2: One-Family Residential District
- R-4
- RM-1: Low-Density Multiple Family
- RM-1 PRO
- RM-2: High-Density Multiple Family
- MH: Mobile Home District
- B-3: General Business District



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



1 inch = 732 feet

REDUCED SITE PLAN



432 E. Washington St., Suite 100
 Royal Oak, MI 48067-3324
 Phone: (248) 236-2500
 Fax: (248) 236-2501
 www.jsevalista.com
 info@jsevalista.com

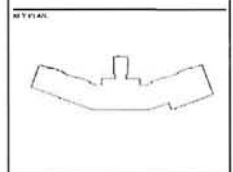
CONSULTANTS:
 CIVIL ENGINEER & LANDSCAPE ARCHITECT:
NOWAK & FRAUS ENGINEERS
 4677 WOODBRIDGE DRIVE
 FARMING, MI 48117
 (248) 352-2700

STRUCTURAL:
DESAI NASR CONSULTING ENGINEERS
 2500 W. WOODRIDGE BLVD., SUITE 400
 FARMING, MI 48117
 (248) 352-2500

MECHANICAL CONSULTANTS:
R.L.B. DESIGN, INC.
 3075 W. WOODRIDGE BLVD., SUITE 100
 WOODRIDGE, MI 48095
 (248) 352-2700

PLUMBING CONSULTANTS:
SELLINGER ASSOCIATES INC.
 2902 S. WASHINGTON BLVD
 TROY, MI 48067

ELECTRICAL:
ETS ENGINEERING, INC.
 419 S. WOODRIDGE
 WOODRIDGE, MI 48095
 (248) 274-0300



OWNER:
J.S. EVANGELISTA DEVELOPMENT, L.L.C.
 2021 ORCHARD LAKE RD
 STE. 333
 TROY, MICHIGAN 48067
 (248) 236-2500

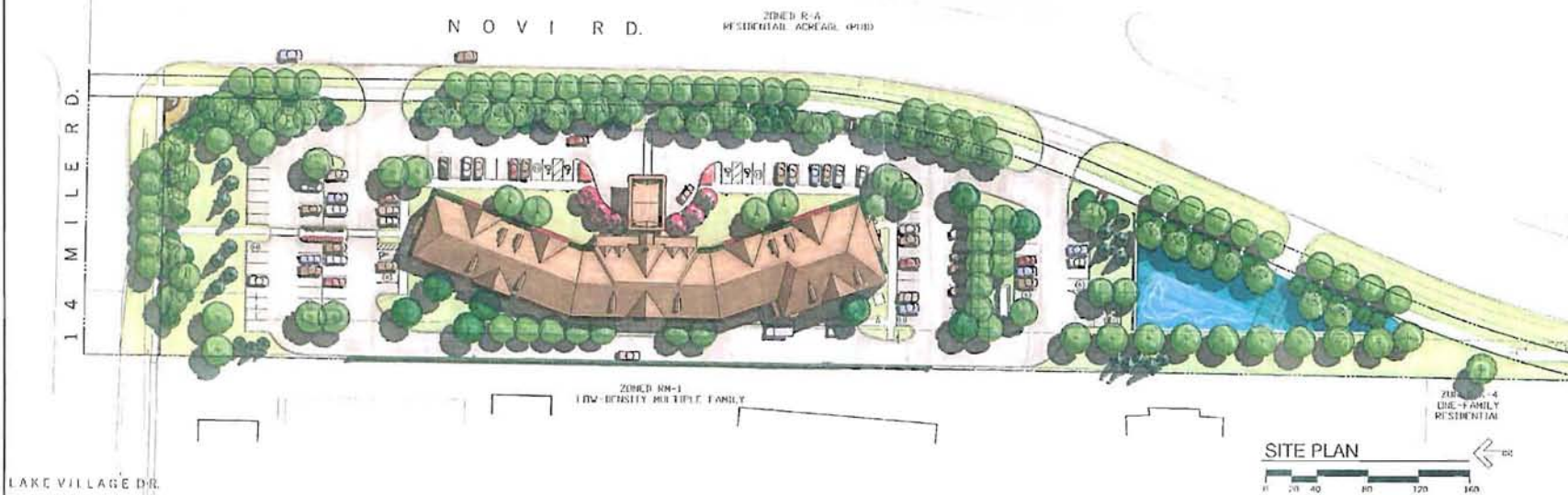
PROJECT:
MAPLE MANOR REHAB CENTER OF NOVI
 14 MILL AVE AND RD 10
 NOVI, MICHIGAN

SHEET CONTENTS:
OVERALL SITE PLAN

DATE: 01/27/2010 1:00PM

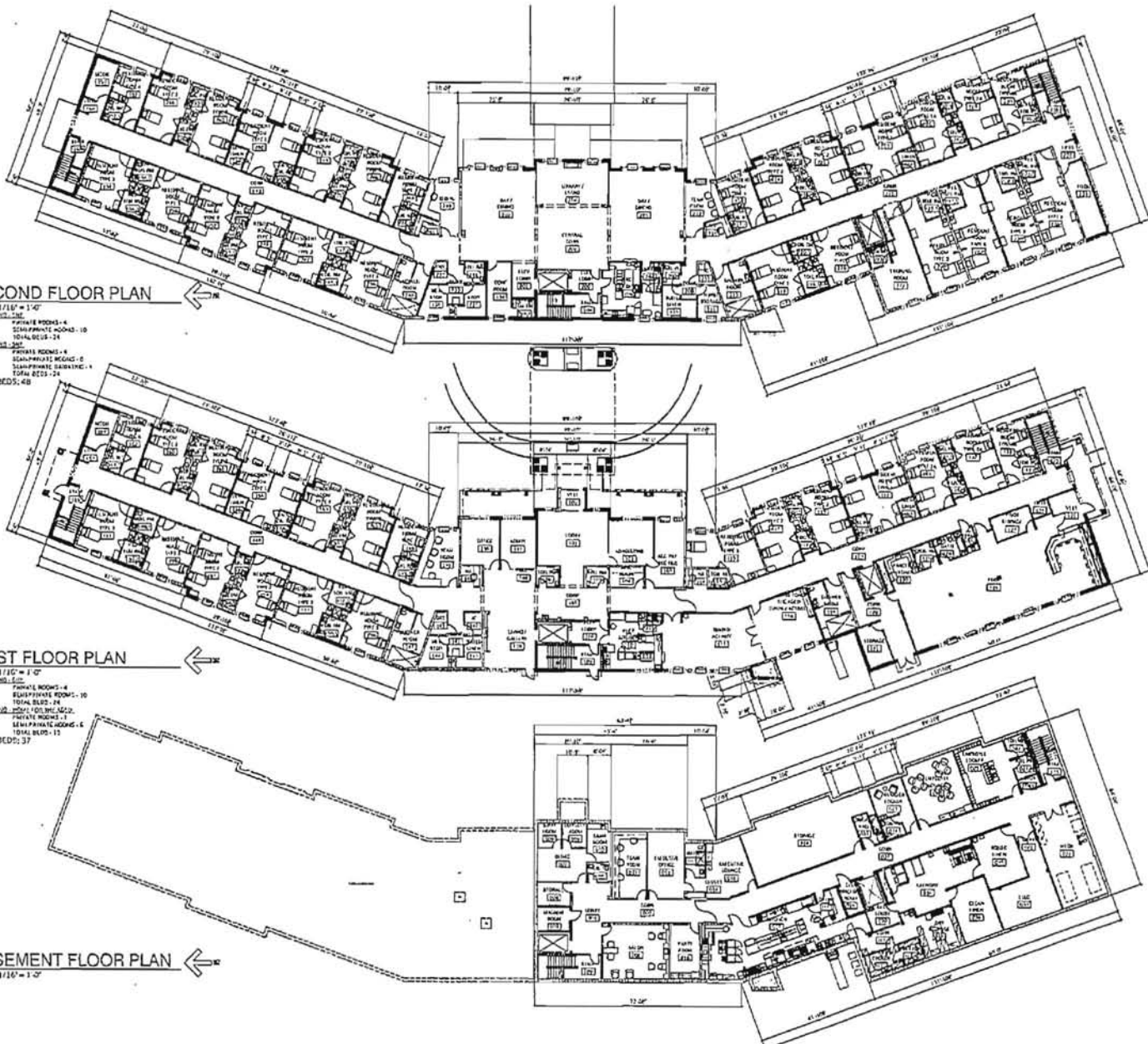
01/27/2010	0101 PLANNING	01. CIV. 010
01/27/2010	0102 SITE PLAN REVIEW	01. CIV. 010
01/27/2010	0103 PROGRESS SET	01. CIV. 010
01/27/2010	0104 CONSTRUCTION	01. CIV. 010
01/27/2010	0105 SITE PLAN REVIEW	01. CIV. 010
01/27/2010	0106 CONSTRUCTION	01. CIV. 010
01/27/2010	0107 CONSTRUCTION	01. CIV. 010

PROJECT NUMBER: 10009
SHEET NUMBER: A04.01



SITE PLAN
 0' 20' 40' 80' 120' 160'

Reduced Floor Plans and Building Elevations



SECOND FLOOR PLAN

SCALE: 1/16" = 1'-0"
ADJUSTED: 1/8"

PRIVATE ROOMS - 4
SEMI-PRIVATE ROOMS - 10
TOTAL BEDS - 24

PRIVATE ROOMS - 4
SEMI-PRIVATE ROOMS - 0
TOTAL BEDS - 4

TOTAL BEDS: 48

FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"
ADJUSTED: 1/8"

PRIVATE ROOMS - 4
SEMI-PRIVATE ROOMS - 10
TOTAL BEDS - 24

PRIVATE ROOMS - 1
SEMI-PRIVATE ROOMS - 0
TOTAL BEDS - 11

TOTAL BEDS: 37

BASEMENT FLOOR PLAN

SCALE: 1/16" = 1'-0"



417 S. Washington St., Suite 100
Novi, MI 48074-3874
Phone: (248) 336-7861
Fax: (248) 336-0187
www.nowakandfraus.com
TotalFloorPlans.com

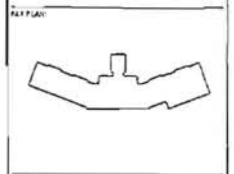
CONSULTANTS:
ORNL ENGINEERS & LANDSCAPE ARCHITECTS
NOWAK & FRAUS ENGINEERS
4877 WOODWARD AVENUE
ANN ARBOR, MI 48107
(248) 333-7823

ARCHITECTS:
DESAI NASR CONSULTING ENGINEERS
3143 DIXIE RD
500 N. WOODFIELD DR., #1000
(248) 333-7010

INTERIOR DESIGN:
RIB DESIGN, INC.
3075 W. SHERWOOD LANE, #200
200 S. WOODFIELD DR., #1000
ANN ARBOR, MI 48107
(248) 333-7010

MECHANICAL ENGINEERING:
SELLINGER ASSOCIATES INC.
1825 TAMMINGTON ROAD
LIVONIA, MI 48152

ELECTRICAL ENGINEERING:
ETS ENGINEERING, INC.
418 E. WASHINGTON ST.
NOVI, MI 48074
(248) 774-0320



CLIENT:
J.S. EVANGELISTA DEVELOPMENT, L.L.C.
8715 DUNDON BLVD, #200
LIVONIA, MI 48152
(248) 426-3318

PROJECT:
MAPLE MANOR REHAB CENTER OF NOVI
14000 WOODFIELD RD
NOVI, MICHIGAN

SHEET CONTENTS:
OVERALL FLOOR PLANS
1/15" = 1'-0"

DATE: 05/03/2010 DRAWN BY: MARIANNE

03/27/2010	SITE PLAN REVIEW	J.S. CHA, RD
05/01/2010	01% PLAN REVIEW DESIGN	J.S. CHA, RD
06/11/2010	1% CONCRETE SET	J.S. CHA, RD
06/19/2010	ISSUE FOR FOUNDATION	J.S. CHA, RD
07/14/2010	CLIENT REVIEW	J.S. CHA, RD
07/24/2010	SUBMIT REPORT	J.S. CHA, RD
08/01/2010	02% CONTRACT	MARIANNE

PROJECT NUMBER: 10009 SHEET NUMBER: A03.01

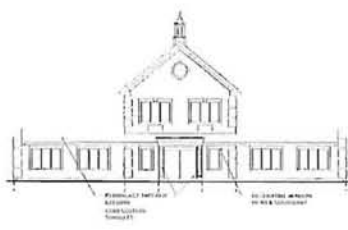
PROJECT: **MAPLE MANOR REHAB CENTER OF NAMI**
 ARCHITECT: **NOVAK & FRAUS ENGINEERS**
 4515 MONTROSS ROAD, SUITE 200, NORFOLK, VA 23502
 DATE: 08/14/2014
 DRAWING NO.: **EX-100**
 PROJECT NO.: **14-0009**
 CLIENT: **J.S. EVANGELISTA DEVELOPMENT, L.L.C.**
 1215 14TH STREET, SUITE 200, NORFOLK, VA 23502
 PROJECT NO.: **14-0009**
 DESIGNER: **SELLINGER ASSOCIATES INC.**
 1000 W. BROAD STREET, SUITE 100, NORFOLK, VA 23510
 ENGINEER: **E.T.S. ENGINEERING, INC.**
 1000 W. BROAD STREET, SUITE 100, NORFOLK, VA 23510



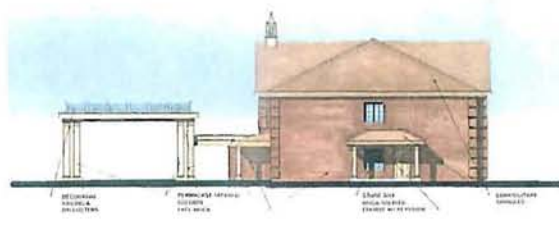
EAST ELEVATION
SCALE: 3/32" = 1'-0"



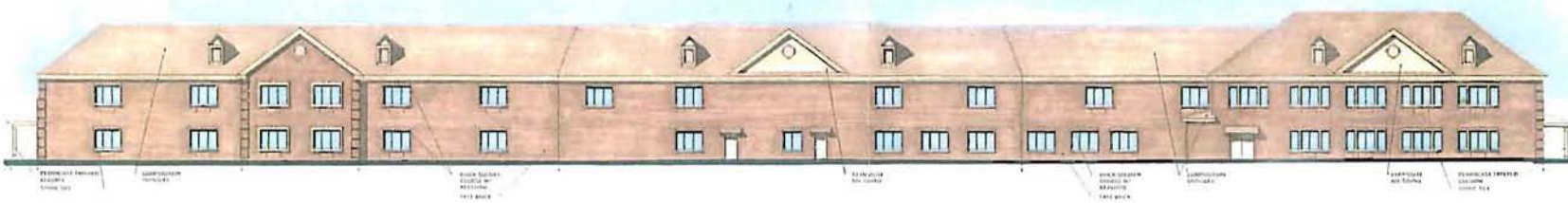
SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



EAST (ENTRY) ELEVATION
SCALE: 3/32" = 1'-0"



NORTH ELEVATION
SCALE: 3/32" = 1'-0"



WEST ELEVATION
SCALE: 3/32" = 1'-0"

TOTAL PROJECT PERCENTAGE OF MATERIALS	
BRICK	75%
WINDOWS & DOORS	15%
GLASS & FIBER GLASS	10%
WOOD	10%

CLIENT: **J.S. EVANGELISTA DEVELOPMENT, L.L.C.**
 1215 14TH STREET, SUITE 200, NORFOLK, VA 23502
 PROJECT NO.: **14-0009**

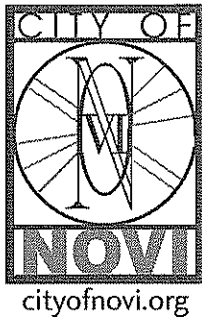
PROJECT: **MAPLE MANOR REHAB CENTER OF NAMI**
 1000 W. BROAD STREET, SUITE 100, NORFOLK, VA 23510

DRAWING NO.: **EX-100**
 PROJECT NO.: **14-0009**

10009 406.01

PLANNING COMMISSION ACTION SUMMARY

JULY 28, 2010



PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI
Regular Meeting

Wednesday, July 28, 2010 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Cassis, Member Greco, Member Gutman, Member Larson, Member Lynch, Member Meyer, Chair Pehrson

Absent: Member Baratta (excused), Member Prince (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Engineer; Tom Schultz, City Attorney; Rod Arroyo, Traffic Consultant; Doug Necci, Façade Consultant

APPROVAL OF AGENDA

A motion to approve the July 28, 2010 Agenda with the following amendments: the addition of the possible reconsideration of the motion adopting the Master Plan Amendments at the July 14, 2010 meeting to be added prior to the Public Hearings, and the addition of a discussion of the sign ordinance to be added under Matters for Consideration. *Motion carried 7-0.*

PUBLIC HEARINGS

1. MAPLE MANOR, SP08-09 AND ZCM 10-37 WITH ZONING MAP AMENDMENT 18.682

Public Hearing on the request of Evangelista Development, LLC, for Planning Commission's recommendation to the City Council of a revised Concept Plan associated with a rezoning request from RA, Residential Acreage with a Planned Unit Development (PUD), to RM-1, Low-Density, Low Rise Multiple Family Residential with a Planned Rezoning Overlay (PRO) and revised Preliminary Site Plan approval. The City Council previously granted approval of a Concept Plan and Rezoning Petition and the Planning Commission previously granted Preliminary Site Plan approval. The subject property is located in Section 2, at the southwest corner of Fourteen Mile and Novi Roads on 3.88 acres. The applicant is proposing a 49 unit, 51,396 square foot, two-story convalescent (nursing) home building. Previously approved was a 76 unit, 56,643 square foot, three-story convalescent (nursing) home building.

In the matter of SP08-09F/ZCM10-37, Maple Manor, motion to recommend approval of the Revised Concept Plan, for floor plan and building façade only, for rezoning petition 18.682 with the following considerations: (a) The proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area and by providing adequate access and utilities; (b) The lower building height is more compatible with existing buildings in the neighborhood; and (c) The revised Concept Plan reduces the proposed Ordinance deviations previously approved by City Council on September 28, 2009 and such changes are to be included in the revised PRO agreement. This motion is made because the plan is otherwise in compliance with Article 6, RM-1 Low Density Multiple Family Residential District, Section 2400 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

In the matter of SP08-09F/ZCM10-37, Maple Manor, motion to approve the revised Preliminary Site Plan subject to the following: (a) For building façade and floor plan changes only; (b) Planning Commission granting a Section 9 waiver for the overage of asphalt shingles; (c) City Council

approval of the revised Maple Manor Concept Plan and PRO Agreement; and (d) The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Article 6, RM-1 Low Density Multiple Family Residential District, Section 2400 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

Draft PRO Agreement First Amendment

FIRST AMENDMENT TO
PLANNED REZONING OVERLAY (PRO) AGREEMENT
MAPLE MANOR OF NOVI DEVELOPMENT

THIS AGREEMENT, is made and entered into this _____ day of _____, 2010, by and among J.S. Evangelista Development, LLC, a Michigan limited liability company whose address is _____ (referred to as "**Developer**"); and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 ("**City**").

RECITATIONS:

- I. On September 28, 2009, the City and Developer entered into a PRO Agreement, which is recorded at Liber 41819, Page 213 of the Oakland County Records, relating to the rezoning of the property described in Exhibit A from RA, Residential Acreage with a Planned Unit Development (PUD), to RM-1, Low-Density, Low Rise, Multiple-Family Residential. I
- II. The City and Developer wish to amend the PRO Agreement in certain material respects relating to the building to be constructed and the Concept Plan attached to the Agreement.

NOW, THEREFORE, inconsideration of the foregoing, the City and Developer agree as follows:

Paragraph A is amended to read:

- A. Developer shall develop and use the Land solely for an approximately ~~58,852~~ 51,396 square foot facility for a convalescent care, congregate care, nursing care, assisted living, or senior housing facility, retirement home for the aged, or other long-term care uses with accessory uses such as dining, pharmacy, beauty shop, clinic and therapy services for residents of the facility, to the extent permitted under the Proposed Classification. Developer shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.

Paragraph D is amended to read as follows:

- D. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.
- ~~1.~~ A variance on the maximum building height permitted (maximum 35 feet, two stories permitted; 40.75 feet, 3 stories provided).
 - ~~2.1.~~ A variance on the maximum amount of parking, loading area and driveways in required setback (30% maximum; over 30% provided).
 - ~~3.2.~~ A variance in the permitted maximum building length (180 feet required or up to 360 feet permitted with increased setbacks; 365 feet without increased setbacks provided).
 - ~~4.3.~~ A variance in the minimum building setbacks as follows
 - a. Building front (east) – 136 feet required; 66.6 feet provided.
 - b. Building rear (west) --136 feet required; 37.65 feet provided.
 - ~~5.4.~~ Variances in the parking, drives and loading area setbacks as follows:
 - a. Building front (east) – 136 feet required; 10 feet provided.
 - b. Building side north) -- 75 feet required, 64 feet provided
 - c. Building rear (west) -- 20 feet required; 2.5 feet provided.

Paragraph F is amended to read as follows:

- F. The following PRO Conditions shall apply to the Land and/or be undertaken by Developer:
1. Permitted Uses shall be limited to a facility for convalescent care, congregate care, nursing care, assisted living, senior housing, retirement home for the aged, or other long term care uses , together with accessory uses for the use of the residents of the facility only including but not limited to dining facilities, pharmacy, beauty shop, clinic and therapy services.

2. The facility shall have a maximum square footage of ~~58,852~~ 51,396 feet.
3. Maximum lot coverage for the facility shall be 11%.
4. The property shall have a minimum open space of 46%.
5. The facility shall have a maximum of ~~76 49~~ units, with a maximum of ~~110 76~~ patient beds.
6. Developer shall install a 6-foot tall screen wall, and shall plant 200 upright evergreen shrubs along the residential side of said wall. Developer shall further plant 12 canopy trees along the west side of the wall to soften the wall and buffer the new building from the apartments to the west.
7. Developer shall provide an easement for, and shall donate, install and maintain, a City of Novi entrance sign on the Land. The sign shall be identical to the City of Novi entrance signs installed elsewhere in the City.

Paragraph 2 is amended to read as follows:

2. In the event Developer attempts to or proceeds with actions to complete improvement of the Land in any manner other than as an approximately ~~58,852~~ 51,396 square foot building for Permitted Uses as defined in this Agreement, as shown on **Exhibit B**, the City shall provide Developer 30 days written notice of such deviation and a reasonable opportunity to cure. Failure of the Developer to cure such condition or abstain from such activity, the City may revoke all outstanding building permits and certificates of occupancy issued for such building and use and take any other action permitted under law or equity.

The attached Exhibit B, shall be Amended Exhibit B, the Amended Concept Plan, for purposes of the Agreement.

In all other respects, the Agreement shall remain in full force and effect.

[signatures on following page]

On this _____ day of _____, 2010, before me appeared David B. Landry 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
Acting in County
My commission expires:

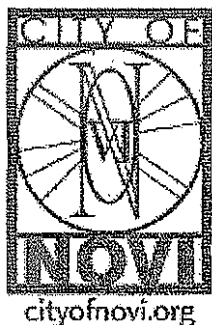
Drafted by:

Kristin Bricker Kolb, Esq.
30903 Northwestern Highway
Farmington Hills, MI 48334

When recorded return to:

Maryanne Cornelius, Clerk
City of Novi
45175 West Ten Mile Road
Novi, MI 48375-3024

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

July 19, 2010

Planning Review

Maple Manor

ZCM #10-37

(SP #08-09F and Rezoning 18.682)

Floor Plan and Building Façade Change Only

Petitioner

J. S. Evangelista Development, LLC

Review Type

Revised Concept Plan/Preliminary Site Plan

Property Characteristics

- Site Location: Southwest corner of Fourteen Mile and Novi Roads
- Site Size: 4.6 acres gross, 3.8 acres net
- Current Zoning: RM-1, Low-Density Low-Rise Multiple Family Residential with Planned Rezoning Overlay (PRO) approved by City Council
- Surrounding Zoning: East and Southeast: RA, Residential Acreage with a PUD; Southwest: R-4, One-Family Residential; West: RM-1, Multiple Family Residential; North: RM-1, Multiple Family Residential (across Fourteen Mile in the City of Walled Lake); and Northeast: C-1, Neighborhood Commercial (across Fourteen Mile in the City of Walled Lake)
- Surrounding Land Uses: East: Maples Place local commercial center; Southeast: Maples of Novi residential club house and recreation area; Southwest: Hickory Woods Elementary School; West: Beachwalk Apartments; North: Lake Village multiple-family residential (in City of Walled Lake); and Northeast: vacant property (in City of Walled Lake)
- Proposed Use: 51,396 sq. ft. two story convalescent (nursing) home with 49 units and 76 beds
- Plan Date: July 1, 2010

Project Summary

The applicant is proposing to construct a two-story with basement 51,396 sq. ft. convalescent home at the southwest corner of Fourteen Mile and Novi Road. The subject property is currently zoned RM-1, Low-Density Low-Rise Multiple Family Residential with a Planned Rezoning Overlay (PRO) that was approved by City Council. On September 16, 2009, the Planning Commission approved both the Revised Final Site Plan (SP08-09C), and the Revised Special Land Use Permit. Then, on September 28, 2009, City Council approved the Revised Final Site Plan (SP08-09C) as the Revised PRO Concept Plan, along with the applicant's rezoning petition and

accompanying PRO Agreement. The Final Site Plan was stamped approved on January 22, 2010. The previously approved Concept Plan and Final Site Plan depicted a three story 58,000 sq. ft. building. The current submittal proposes to change the building height, elevations and floor plan only. All site plan improvements remain as approved.

Recommendation

The revised Concept Plan and revised Preliminary Site Plan for building façade and floor plan only is **recommended for approval** subject to City Council approval and the applicant addressing the items listed below.

Ordinance Requirements

The revised Concept Plan and Preliminary Site Plan review was based upon the general requirements of the approved PRO Agreement between the developer and the City of Novi, the requirements outlined in Article 6 (RM-1, Low-Density Low-Rise Multiple-Family Residential District), Section 2400 (Schedule of Regulations), and any other applicable Zoning Ordinance provisions. The applicant must address the items in **bold** and incorporate the required changes on the Final Site Plan. Please see the Planning Review Chart (attached) for more specific information about Ordinance requirements.

Facade: Building dimensions are not included in the elevation drawings. Roof top equipment must be screened and all wall mounted utility equipment must be enclosed and integrated into the design and color of the building. The note stating that there will not be any roof top or wall mounted equipment is not shown on the Site Plan. **The applicant is asked to include this note, provide details for the proposed utility equipment enclosures and provide all building dimensions on the plan.**

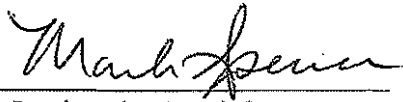
Response Letter

The applicant is also asked to **provide a response letter** that addresses each of the issues raised in this and other reviews prior to this matter being considered by the Planning Commission.

Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. Contact Sarah Marconi for a sample checklist or to schedule a Pre-Construction Meeting at 248-347-0430 or smarchioni@cityofnovi.org.

Please contact Mark Spencer (248-735-5607 or [mspencer@cityofnovi.org](mailto:m Spencer@cityofnovi.org)) with any questions about this review.



Planning Review by Mark Spencer
248-735-5607 or mspencer@cityofnovi.org

Attachment: Planning Review Chart

PLANNING REVIEW SUMMARY CHART

Review Date: 7/19/10
 Project Name: Maple Manor Final Site Plan Façade and Floor Plan Sheets Only
 Project Number: SP08-09f/ZCM10-37
 Plan Date: 7/1/10

Items underlined indicated changes from last submittal - items in **bold** must be addressed for Final Site Plan submittal.

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Multiple Family Residential – 4.0 dwelling units per acre	No change Proposed	Yes	
Uses Permitted Subject to Special Conditions (Sec. 602)	Convalescent homes, assisted living facilities, hospice care facilities and child care centers subject to:	<u>49 units 85 beds</u> <u>Was 76 units and 91 beds</u>	Yes	PRO Agreement allows a maximum of 76 units and 110 patient beds.
	(1.a.1) Convalescent homes, assisted living facilities and hospice care facilities: 1,500 sq. ft. total land area per bed.	<u>2,922 sf. provided</u>	Yes	
	(1.b) Min. 40 ft. building setback.	No change proposed 37.6 ft. from west property line, all other setbacks exceed 40 ft.	Yes	
	(2) Accessory buildings and uses customarily incident to any permitted use.	Accessory clinic, beauty salon and physical therapy facilities to serve facility only	Yes	PRO Agreement authorizes a deviation from the minimum building setback permitted for the west property line.
Intent of District	Designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and major	Proposed building very similar in appearance to a multi-family apartment building	Yes	

Maple Manor – Revised Concept Plan/Revised Preliminary Site Plan Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
	thoroughfares and freeways and lower-density Single-Family Districts.			
Building Height (Section 2400, Schedule of Regulations & 2503.2.E)	35 ft. two stories Roof top appurtenances additional 5 ft.	<u>30.5 ft., two-stories</u> <u>Was 40.75 ft., three stories</u> <u>Top of ridge is 38 ft. and no appurtenances are proposed</u>	Yes/No	PRO Agreement authorizes a deviation from the maximum building height permitted. Label building dimensions on the plan
Building Footprint, parking, drainage, landscaping, etc. all remain the same footprint				
Building Length (Section 2400, footnote e)	180 ft. or up to 360 ft. if building setback increased 1 ft. for every 3 ft. building length when bordering a residential district or major thoroughfare – In no case can the building exceed 360 ft.	365 ft. without increased setbacks provided.	Yes	PRO Agreement authorizes a deviation from the maximum building length permitted.
Additional RM-1 Requirements (Section 2400, footnote e)	1. Must front on public or private road	1. Fronts public road	Yes	PRO Agreement authorizes a deviation from the maximum amount of parking, drive, and loading areas permitted in required setbacks. PRO Agreement authorizes a deviation from the parking and drive setbacks permitted for the east and west sides.
	2. Maximum 30% of setback areas parking, drives & loading area	2. Exceeds 30%	Yes	
	3. Sidewalk connectivity	3. Provided	Yes	
	4. Minimum distance between buildings $S = LA + LB + 2(HA + HB)$	4. One building	N/A	
	5. Parking and drives must be located 25 ft. from walls of dwelling structure with openings	5. 28 ft. to dwellings west of site	Yes	

Maple Manor – Revised Concept Plan/Revised Preliminary Site Plan Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
	Parking and drives must be 20 feet from property or right-of-way line	10 ft. east side 65.9 ft. north side 2.5 ft. west side		
Lot Coverage (Section 2400, footnote e)	Maximum 25%	11%	Yes	PRO Agreement establishes a lot coverage of 11%.
Building Setback				
Front east (2400 & footnotes b, e & t)	75 ft. plus 1/3 ft. for every foot building length exceeding 180 ft. $(365-180 \times 0.33)+75 = 136$ ft.	66.6 ft. (Building) 58.5 ft. (Canopy)	Yes	PRO Agreement authorizes a deviation from the minimum building setback permitted for the front (east) yard.
Side north exterior (2400 & footnotes b, c, e & t)	75 ft. plus 1/3 ft. for every foot building length exceeding 180 ft. – North frontage does not exceed 180 ft. – 75 ft. required	197.4 ft.	Yes	
Rear west (2400 footnotes b, c, e & t)	75 ft. plus 1/3 ft. for every foot building length exceeding 180 ft. $(365-180 \times 0.33)+75 = 136$ ft	37.6 ft.	Yes	PRO Agreement authorizes a deviation from the minimum building setback permitted for the rear (west) yard.
Parking Setback				
Front east (2400 footnote b & e)	136 ft. Must comply with building setback	10 ft.	Yes	PRO Agreement authorizes a deviation from the parking setback permitted for the front (east) yard.
Side north exterior (2400 footnote b & e)	75ft. Must comply with building setback	64.4 ft.	Yes	A correction to the PRO Agreement authorizes a deviation from the parking setback permitted for the side (north) yard.
Rear west (2400 footnote b & e)	20ft.	33 ft. (parking spaces) 2.5 ft. (parallel access drive)	Yes	PRO Agreement authorizes a deviation from the parking setback permitted for the rear (west) yard.
Parking Requirements				
Number of Parking Spaces (2505)	One per 4 beds and one for each employee - revised $85 \text{ beds}/4 = 22$ parking spaces	102 spaces provided	Yes	

Maple Manor – Revised Concept Plan/Revised Preliminary Site Plan Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
	40 employees = 62 spaces required			
Parking Space Dimensions and Maneuvering Lanes (2506 & 2509.c.2.i)	9 ft. x 19 ft. parking space dimensions and 24 ft. wide two-way drives. 9 ft. x 17 ft. parking spaces allowed along 7 ft. wide interior sidewalks and landscaping as long as detail indicates a 4" curb at these locations. Min. 22 ft. two-way drives permitted with no adjacent parking – min. 12 ft. one way drives permitted with no adjacent parking – required fire lanes must be min. 18 ft. wide.	9 ft. x 17.5ft. and 9 ft. x 17 ft. 90 degree spaces provided Two-way drives are 24 ft. to 25 ft. wide and one-way drive is 20 ft.	Yes	
End Islands (Section 2506.13)	End Islands with landscaping and raised curbs are required at the end of all parking bays that abut traffic circulation aisles. The end islands shall generally be at least 8 ft. wide, have an outside radius of 15ft., and be constructed 3 ft. shorter than the adjacent parking stall as illustrated in the Zoning Ordinance.	Provided	Yes	
Barrier Free Spaces (Barrier Free Code)	4 barrier free spaces required: 3 standard barrier free, 1 van accessible.	5 barrier free spaces provided – 1 standard and 4 van accessible	Yes	
Barrier Free Space Dimensions	8 ft. wide with a 5 ft. wide access aisle for standard barrier free	Provided	Yes	

Maple Manor – Revised Concept Plan/Revised Preliminary Site Plan Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
(Barrier Free Code)	spaces, and 8 ft. wide with an 8 ft. wide access aisle for van accessible space			
Barrier Free Signs (Barrier Free Design Graphics Manual)	One sign for each accessible parking space	Provided	Yes	
Loading Spaces (Section 2507)	Five (5) square ft. per front foot of building up to a total area of three hundred sixty (360) square ft. per building	Approximately 1,363 square ft. provided	Yes	
Dumpster. (Chapter II, Section 21-145 and Section 2503.2.F)	Screen wall or fence required for all dumpsters, must be at least five ft. in height, and provided on three sides. Enclosure to match building materials – Design must include protective features	Screen wall over 5 ft. and provided on 3 sides. Standard brick and concrete used to match building materials.	Yes	
Dumpster Enclosure (Sections 2503.2.F and 2520.1)	Dumpster enclosure to be located in rear yard, and set back from the property line a distance equivalent to the parking lot setback. It is to be located as far from barrier free spaces as possible. Enclosure to match building materials	Enclosure located over 20 ft. from property line	Yes	
Roof top equipment and wall mounted utility equipment (Section 2503.2.E.(1))	All roof top equipment must be screened and all wall mounted utility equipment must be enclosed and integrated into the design and color of the building	None depicted	?	<p>The note stating that there will not be any roof top or wall mounted equipment is not shown on the Site Plan. The applicant is asked to add this note.</p> <p>The applicant is also asked to include details for the proposed utility equipment enclosures on the façade</p>

Maple Manor – Revised Concept Plan/Revised Preliminary Site Plan Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
				plans.
Exterior lighting (Section 2511)	Photometric plan and exterior lighting details needed at time of <u>Preliminary Site Plan submittal</u>	Lighting plan submitted	Yes	
Sidewalks (City Code Section 11-276(b))	A 5 ft. -8 ft. wide sidewalk shall be constructed along all major thoroughfares as required by the City of Novi's Pedestrian and Bicycle Master Plan.	5 ft. sidewalk proposed on Fourteen Mile Rd. 8 ft. pathway on Novi Rd.	Yes	
Building Code	Building exits must be connected to sidewalk system or parking lot.	Sidewalks provided	Yes	
Pedestrian Connectivity (Section 2516.2.b (3)) and 2700.2.h(4)	The Planning Commission shall consider the following factors in exercising its discretion over site plan approval: Whether the traffic circulation features within the site and location of automobile parking areas are designed to assure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets	Connection provided and cross walks to be striped. One-way road clearly identified with signs.	Yes	
Design and Construction Standards Manual	Land description, Sidwell number (metes and bounds for acreage parcel, lot number(s), Liber, and page for subdivisions).	Provided	Yes	

Maple Manor – Revised Concept Plan/Revised Preliminary Site Plan Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Design and Construction Standards Manual	General layout and dimension of proposed physical improvements, showing the following: Location of all existing and proposed buildings, proposed building heights, building layouts, (floor area in square feet), location of proposed parking and parking layout, drives, and indicate square footage of pavement area (indicate public or private).	Provided	Yes/No	All sheets must be 24"x36" sheets – Add all calculations from previous floor plan and elevation sheets
Development and Street Names	Development and street names must be approved by the Street Naming Committee before Preliminary Site Plan approval		Yes	Development name approved by the Street Naming Committee
Development/ Business Sign	Signage requires a permit.	Sign proposed	Yes	For sign permit information contact Neighborhood Services 248-347-0436.
<i>PRO Requirements (3402)</i>	Proposed more restrictive requirements or conditions.	1. Uses are limited to convalescent care, congregate care, nursing care, assisted living, senior housing, retirement home for the aged, or other long term care uses along with accessory uses to serve the facility's residents, such as: dining, pharmacy, beauty salon, clinic, and therapy services;	1. Yes	No change proposed.

Maple Manor – Revised Concept Plan/Revised Preliminary Site Plan Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
		2. Maximum square footage- 51,396 sq.ft.; 3. Maximum lot coverage- 11% for the building; 4. Minimum open space- 46%; 5. Maximum number of units- 76; 6. Maximum number of beds- 110; 7. Provide 6-foot tall screen wall with a row of 200 upright evergreen shrubs along the residential side of the wall and 12 canopy trees along the west side of the building to soften the wall and buffer the new building from the apartments to the west; 8. Provide City of Novi entrance sign	2. Yes 3. Yes 4. Yes 5. Yes 6. Yes 7. Yes 8. Yes	Reduced to 51,396 proposed 49 proposed 76 proposed 6-foot tall screen wall to be detailed in the construction drawings. Required shrubs and trees provided.

Prepared by Mark Spencer, (248) 735-5607 or mspencer@cityofnovi.org

FAÇADE REVIEW



Phone: (248) 880-6523
 E-Mail: dnecc@drnarchitects.com
 Web: drnarchitects.com



DRN & ASSOCIATES, ARCHITECTS, PC

50850 Applebrooke Dr., Northville, MI 48167

July 13, 2010

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**
 Maples Manor, **ZCM10-37, SP08-09**
 Façade Region: 1, Zoning District: R-4
 Building Size: 2-Story, approximately 52,800 Sq. Ft.

Dear Ms. McBeth:

The following is the Façade Review for the above referenced project based on the drawings prepared by JW Design Architectural Studio, dated 7/1/10. The percentages of materials proposed for each façade are as shown on the table below. The maximum (and minimum) percentages allowed by the Schedule Regulating Façade Materials (aka Façade Chart) are shown in the right hand column. Materials that are in non-compliance with the Façade Chart, if any, are highlighted in bold.

	Front Façade	Rear Façade	Left	Right	Ordinance Maximum (Minimum)
BRICK	55%	61%	53%	53%	100% (30%)
WOOD SIDING & TRIM (CEMENT FIBER)	12%	2%	2%	2%	50% (Note 11)
STONE SILLS	1%	1%	1%	1%	50%
PAINTED TRIM	7%	4%	3%	3%	15%
ASPHALT SHINGLES	25%	32%	41%	41%	25%

Comments:

As shown above the percentages of ASPHALT SHINGLES exceeds the maximum percentage allowed by the Façade Chart on the rear and side facades. This application consists of modifications to a previously approved design that was found to be in full compliance with the Façade Chart. The modification consists of the reduction of one (1) story of the building, from 3-story to 2-story. This modification results in an increased percentage of asphalt shingles relative to other materials placing the percentage of Asphalt Shingles above that allowed by the Façade Chart. While this represents a technical violation of the Façade Chart, it does not diminish the overall visual quality of the project as compared to what was previously approved.

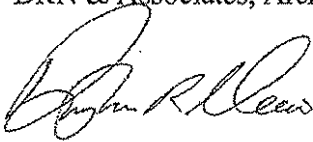
Recommendations: The revised design is equal or greater in overall aesthetic appearance to the previously approved design and is consistent with the intent and purpose of the Façade Ordinance. A Section 9 Waiver for the overage of Asphalt Shingles is therefore recommended.

Notes to the Applicant:

1. Inspections - The City of Novi requires Façade Inspection(s) for all projects. Materials displayed on the approved sample board will be compared to materials delivered to the site. It is the applicant's responsibility to request the inspection of each façade material at the appropriate time. This should occur immediately after the materials are delivered. Materials must be approved before installation on the building. Please contact the Novi Building Department's Automated Inspection Hotline at (248) 347-0480 to request the Façade inspection.

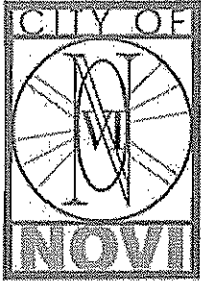
2. Revisions after Approval – The Novi Planning Commission's approval under the Façade Ordinance is based upon the façade design, materials and colors indicated on the sample board, and drawing referenced herein. Revisions and modifications to any of these items after approval will require reapplication.

Sincerely,
DRN & Associates, Architects PC



Douglas R. Necci, AIA

Fire Review



July 14, 2010

CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Justin Fischer

City Manager
Clay J. Pearson

Director of Public Safety
David Molloy

Director of Fire and EMS
Jeffrey Johnson

TO: Barbara McBeth, Deputy Director
Community Development, City of Novi

RE: Maple Manor PRO Concept Plan, ZCM10-37
Fire Department Review

Dear Ms. McBeth,

The above concept plan has been reviewed and it is **Recommended for Approval.**

Sincerely,

Michael W. Evans
Fire Marshal

cc: file

Novi Fire Department
42975 Grand River Ave.
Novi, Michigan 48375
248.349-2162
248.349-1724 fax

cityofnovi.org

APPLICANT RESPONSE LETTER



412 S. Washington Street Suite 100
Royal Oak, MI 48067-3824
Phone: (248) 336-2501
Fax: (248) 336-2107

Info@jwdstudio.com
www.jwdstudio.com

July 22, 2010

City of Novi
Planning Department
Attn.: Mr. Mark Spencer
45175 W. 10 Mile Road
Novi, Michigan 48375-3024

Re.: Maple Manor ZCM # 10-37 (SP #08-09F and Rezoning 18.682)
Floor Plan and Building Façade Changes Only

Dear Mr. Spencer,

We have received your detailed review of the Maple Manor documents dated July 19, 2010. We understand all aspects of the review and offer the following responses to the open items (indicated in **bold type**) and the façade review comments.

1. A note has been added to the drawings to indicate that there will not be any roof or wall mounted equipment.
2. The utility equipment enclosure has been added to the rear elevation.
3. Building dimensions have been added to the elevations. All plan dimensions are on the floor plans as previously submitted.
4. The elevation sheet size has been reduced to 24"x36" as required.
5. General calculations have been added to the floor plan sheet.
6. We will contact Neighborhood Services for the required sign permit and meet all ordinance requirements.
7. The area of the building has been reduced, due to the change from three to two stories, to 51,396 square feet as indicated.
8. We understand the interpretation stated in the façade review letter that concerns the amount of shingled roof area and appreciate the review by Mr. Necci. The reduction of one floor did in fact impact the percentage of roof area but as evidenced by the colored elevations the impact is not negative.

We have attached 13 new/revised sets of documents for your use. Please don't hesitate to contact me if there are any other questions or clarifications needed. Thank you again for your time in this matter, we look forward to working with the City of Novi to complete this much needed development.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel F. DeRemer', with a long horizontal line extending to the right.

Daniel F. DeRemer AIA
Architect

CITY COUNCIL MINUTES

September 28, 2009

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, SEPTEMBER 28, 2009 AT 7:00 P.M.**

**EXCERPTS
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE RD.**

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Burke, Crawford, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager

Pamela Antil, Assistant City Manager

Tom Schultz, City Attorney

2. Consideration of Zoning Map Amendment 18.682 with Planned Rezoning Overlay (PRO)SP08-09C from the applicant, J.S. Evangelista, LLC, to rezone property located at the southwest corner of Fourteen Mile and Novi Roads from RA, Residential Acreage with a Planned Unit Development (PUD) to RM-1, Low-Density, Low Rise, Multiple-Family Residential, final approval of the revised PRO Concept Plan, approval of the PRO Agreement and revocation of the right to develop under the existing Maples of Novi PUD. The subject property is 3.88 net acres.

Marcus Evangelista, General Counsel for Evangelista Development, was present with Mr. Ostrowski their engineer from Nowak & Faus and Mr. Tosch their architect from Progressive Associates who would answer any detailed questions Council might have. He said he believed the project description on the Internet was accurate and complete. Mr. Evangelista said back in 2008 Council granted tentative approval for the concept plan and rezoning petition for this project. However, since that time they decided to redesign the building to make it smaller in size, more efficient and attractive and the new design would result in less intensity and lower impact on the property. He said they were still proposing a nursing home, which was still a three story building but they had reduced the number of units from 93 to 76 and the square footage from 61,000 to 56,000. In addition, they had changed the shape of the building. He said previously it was rectangular but they wanted to curve the shape to make it less institutional, which would provide more greenscape and landscaping in the front of the building. This would make it a more attractive and inviting atmosphere entering the building. He said they completely removed the driveway on Fourteen Mile Road and replaced it with a berm and landscaping, which reduced the impact and traffic congestion in that intersection and alleviated the concern of headlights shining to the neighbors across Fourteen Mile Road. He said the dumpster was still in the same location but turned inward so that it was no longer facing the road, which made it a little more attractive when driving by.

Mr. Evangelista said Maple Manor was a family owned and operated business and was not a big chain. He said his mother and father were the owners and were practicing physicians for the last 30 years. He commented he was very hands on with the business as well. He said they had a very strong track record with the State and currently owned and operated a facility in the City of Wayne, which was ranked as one of the number one facilities in Michigan rated by Medicare last year. He said they received a five star rating and in 2008 they received a perfect State survey with zero citations and were one of the few homes that were JACO accredited. JACO was required for hospitals but was voluntary for nursing homes and they wanted to be JACO accredited to demonstrate their commitment to the highest quality of health care. They took a lot of pride in the business and wanted to bring the same value to the City of Novi. Mr. Evangelista said they respectfully asked for Council's final approval for the plan and the PRO and hoped they would follow the Planning Commission's recommendation. He said they would also improve the tax base and thought the use was compatible with the surrounding areas, which were commercial and multi family. He said they expected to add over 100 new jobs for the City and serve a growing need for long term care services in Novi.

Mr. Pearson said the corner itself was very visible but long vacant and he thought a good proposal before had gotten a little better and there were positive recommendations all the way around.

Member Burke said he was on the Planning Commission when this was approved and there were some residents from Walled Lake that bordered on Fourteen Mile and had voiced concern about the project. Member Burke said they had changed things, they had made it even better with more open space and less square footage. He asked how tall the berms on the north end would be and was advised they would be three feet with landscaping on top. He asked if they were able to alleviate their concern about the light spillage from the parking lot. Mr. Evangelista said yes, because the concern was if there was a curb cut on Fourteen Mile Road, when they drove out the headlights would shine on their building. He said without that curb cut that completely eliminated that shining and there were trees right in front of it. He felt that concern had been rectified. Member Burke said to the west was the Boardwalk Apartment complex and he read they were putting up a six foot wall and 200 foot evergreens. Mr. Ostrowski stated they were proposing 200 evergreens, not 200 foot evergreens, on the residential side of the property. Member Burke asked if the delivery area was in the back of the building and whether they had specific delivery times during the day. Mr. Evangelista said yes, the delivery was in the back and delivery of food was done once a day and there might be medical supplies during business hours.

Mayor Pro Tem Gatt asked if this was a nursing facility, as opposed to an independent care senior citizen community. Mr. Evangelista said it was a skilled nursing facility. He said it was a step down from the hospital and for people who

just had surgery such as knee replacement, hip replacement, etc. and needed somewhere to go because they were not ready to go home. They would be in their facility for 30 to 100 days and then would be discharged home.

CM-09-09-129 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve Zoning Map Amendment 18.682 with Planned Rezoning Overlay (PRO)SP08-09C from the applicant, J.S. Evangelista, LLC, to rezone property located at the southwest corner of Fourteen Mile and Novi Roads from RA, Residential Acreage with a Planned Unit Development (PUD) to RM-1, Low-Density, Low Rise, Multiple-Family Residential, final approval of the revised PRO Concept Plan, approval of the PRO Agreement and revocation of the right to develop under the existing Maples of Novi PUD. Approval is subject to the following:

1) Waiver of the Traffic Impact Assessment for the revised petition because the proposed convalescent nursing home use would generate less traffic than the previously approved senior housing apartment building

2) Imposition of the proposed six PRO conditions in the table provided above that were proposed in the PRO plan as appropriate limitations on the use of the property in consideration of adjacent or other area uses

3) Acceptance of the applicants offer for public benefits 4) Approval of the revised PRO Concept Plan subject to the Planning Commission's conditions of approval of the Preliminary Site Plan, SP08-09C and 5) Approval of the PRO Agreement between the applicant and the City Council including provisions required to revoke the PUD approval for this site and withdraw this property from that development. The motion was made for the following reasons: The petition is consistent with the Master Plan for Land Use 2004, which depicts this area for multiple family uses and in accordance with the previously approved PUD, the nursing home and other uses described in the PRO Agreement are compatible with the surrounding land uses. Adequate infrastructure exists to support the nursing home and other multiple family uses. The proposed PRO concept plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development by protecting and conserving the character of the area and by providing adequate access and utilities. The ordinance deviations associated with the proposed concept plan are acceptable since the deviations proposed permit an enhancement of the development that would not occur if not granted, are consistent with the Master Plan and are compatible with the surrounding areas. Finally, the applicant's proposal to donate, install and maintain a City of Novi entrance sign and sign easement, as approved by the City, is a public benefit. Similarly constructing the proposed convalescent facility provides

additional public benefit by increasing the City's tax base, providing an additional long term care facility and providing new jobs and expanding service to the City's elderly population is a public benefit.

DISCUSSION

Member Margolis said she appreciated their coming to Novi and that the background that they had, providing these services in other places, would be very much welcomed here. She said she appreciated the work done to revise the plan, even though they really didn't have to, and it showed her that they would be a really good corporate business citizen of the community and they really welcomed them. She said she would be happy to support the motion.

Roll call vote on CM-09-09-129 Yeas: Margolis, Mutch, Staudt, Landry,

Gatt, Burke, Crawford

Nays: None

Recorded PRO Agreement

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2010 FEB -4 AM 8:24

LIBER 41819 PG 213

18734
LIBER 41819 PAGE 213
\$91.00 MISC RECORDING
\$4.00 RENOVATION
02/04/2010 11:53:59 A.M. RECEIPT# 9558



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

PLANNED REZONING OVERLAY (PRO) AGREEMENT
MAPLE MANOR OF NOVI DEVELOPMENT

THIS AGREEMENT, is made and entered into this 28th day of SEPTEMBER 2009, by and among J.S. Evangelista Development, LLC, a Michigan limited liability company whose address is 7071 Orchard Lake Road (referred to as "Developer"); and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 ("City"). Suite #353, West Bloomfield, MI 48322.

RECITATIONS:

- I. Developer is the fee owner and developer of the "Land" described on Exhibit A, attached and incorporated herein.
- II. For purposes of improving and using the Land for an approximately 58,852 square foot convalescent care, congregate care, nursing care, assisted living, or senior housing facility, retirement home for the aged, or other long-term care uses, with accessory uses, such as dining, pharmacy, beauty shop, clinic and therapy services for residents of the facility (the "Permitted Uses"), Developer petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from RA, Residential Acreage with a Planned Unit Development (PUD), to RM-1, Low-Density, Low Rise, Multiple-Family Residential. The RA with PUD classification shall be referred to as the "Existing classification" and RM-1 shall be referred to as the "Proposed Classification."
- III. The Proposed Classification would provide the Developer with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Developer.
- IV. The City has reviewed and approved the Developer'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; has reviewed and approved the Developer's proposed PRO Plan (including building façade, elevations, and design) attached hereto and incorporated herein as Exhibit B (the "PRO Plan"), which is a conceptual or illustrative plan for the development of the Land under the Proposed Classification, and not an approval to construct the proposed

(Handwritten initials)

(Handwritten mark)

O.K. - A.N.

improvements as shown; and has further reviewed and approved the proposed PRO conditions offered or accepted by the Developer.

- V. In proposing the Proposed Classification to the City, Developer has expressed as a firm and unalterable intent that Developer will develop and use the Land in conformance with the following undertakings by Developer, as well as the following forbearances by the Developer (each and every one of such undertakings and forbearances shall together be referred to as the "Undertakings"):
- A. Developer shall develop and use the Land solely for an approximately 58,852 square foot facility for a convalescent care, congregate care, nursing care, assisted living, or senior housing facility, retirement home for the aged, or other long-term care uses with accessory uses such as dining, pharmacy, beauty shop, clinic and therapy services for residents of the facility, to the extent permitted under the Proposed Classification. Developer shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.
 - B. Developer shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable height, area, and bulk requirements of the Zoning Ordinance as relates to the Proposed Classification, except as expressly authorized herein. The PRO Plan is acknowledged by both the City and Developer to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City's ordinances, rules, or regulations are depicted in the PRO Plan and are approved by virtue of this Agreement; however, except as to such specific deviations enumerated herein, the Developer's right to develop the facility 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. The building design, façade, and elevations shall be substantially similar (as determined by the City) to that submitted as part of the Developer's final approval request, as depicted in **Exhibit B**.
 - C. In addition to any other ordinance requirements, Developer shall seek, obtain approval for, and use best management practices and efforts with respect to all 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. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.

1. A variance on the maximum building height permitted (maximum 35 feet, two stories permitted; 40.75 feet, 3 stories provided).
2. A variance on the maximum amount of parking, loading area and driveways in required setback (30% maximum; over 30% provided).
3. A variance in the permitted maximum building length (180 feet required or up to 360 feet permitted with increased setbacks; 365 feet without increased setbacks provided).
4. A variance in the minimum building setbacks as follows
 - a. Building front (east) -- 136 feet required; 66.6 feet provided.
 - b. Building rear (west) -- 136 feet required; 37.65 feet provided.
5. Variances in the parking, drives and loading area setbacks as follows:
 - a. Building front (east) -- 136 feet required; 10 feet provided.
 - b. Building side north) -- 75 feet required, 64 feet provided
 - c. Building rear (west) -- 20 feet required; 2.5 feet provided.

E. Developer acknowledges that the Land is the subject of a previously-approved PUD agreement, dated July 10, 1989 that establishes or permits a different use for the Land. The City of Novi's Planned Use Development (PUD) Ordinance, which is applicable to the Land even though the ordinance has been repealed by amendment of the zoning ordinance, provides, at §2700.10, for the revocation of a right to develop under an approved area plan [§2700.10.c] where there is no approved final site plan, and also indicates that the City Council may require a new area plan to be filed and reviewed by the City or for the City to initiate a zoning change in light of the revocation. The City and Developer agree that the City Council, in connection with its consideration of the Application for PRO approval and its approval of this Agreement, has undertaken all actions necessary to revoke the previously-approved PUD area plan for this Land *only*, in conformance with §2700, and that the City is also authorized to approve a zoning ordinance amendment applicable to the Land in accordance with the current provisions of Article 34

of the zoning ordinance, which such amendment shall apply to govern the development of the Land, in accordance with this Agreement and Article 34, rather than the –previously-approved PUD Agreement and area plan.

F. The following PRO Conditions shall apply to the Land and/or be undertaken by Developer:

1. Permitted Uses shall be limited to a facility for convalescent care, congregate care, nursing care, assisted living, senior housing, retirement home for the aged, or other long term care uses , together with accessory uses for the use of the residents of the facility only including but not limited to dining facilities, pharmacy, beauty shop, clinic and therapy services.
2. The facility shall have a maximum square footage of 58,852 feet.
3. Maximum lot coverage for the facility shall be 11%.
4. The property shall have a minimum open space of 46%.
5. The facility shall have a maximum of 76 units, with a maximum of 110 patient beds.
6. Developer shall install a 6-foot tall screen wall, and shall plant 200 upright evergreen shrubs along the residential side of said wall. Developer shall further plant 12 canopy trees along the west side of the wall to soften the wall and buffer the new building from the apartments to the west.
7. Developer shall provide an easement for, and shall donate, install and maintain, a City of Novi entrance sign on the Land. The sign shall be identical to the City of Novi entrance signs installed elsewhere in the City.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. The Undertakings shall be carried out by Developer on and for the Land;
 - b. Developer shall act in conformance with the Undertakings;
 - c. The Developer shall forbear from acting in a manner inconsistent with the Undertakings; and

- d. The Developer shall commence and complete all actions necessary to carry out all of the PRO Conditions.
2. In the event Developer attempts to or proceeds with actions to complete improvement of the Land in any manner other than as an approximately 58,852 square foot building for Permitted Uses as defined in this Agreement, as shown on **Exhibit B**, the City shall provide Developer 30 days written notice of such deviation and a reasonable opportunity to cure. Failure of the Developer to cure such condition or abstain from such activity, the City may revoke all outstanding building permits and certificates of occupancy issued for such building and use and take any other action permitted under law or equity.
3. Developer acknowledges and agrees that the City has not required the **Undertakings**. The **Undertakings** have been voluntarily offered by Developer 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 Developer.
4. 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 the development for the Permitted Uses as defined in this Agreement. The burden of the **Undertakings** on the Developer 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**.
5. In addition to the provisions in Paragraph 2, above, in the event the Developer, or its respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, 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 the Developer nor its respective successors, assigns, and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Developer 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 Developer from otherwise challenging the reasonableness of such rezoning as applied to the Land as permitted by law.

6. By execution of this Agreement, Developer acknowledges that it has acted in consideration of the City approving the Proposed Classification on the Land, and Developer agrees to be bound by the provisions of this Agreement.
7. After consulting with an attorney, the Developer understands and agrees that this Agreement is authorized by and consistent with all applicable state and federal laws and Constitutions, that the terms of this 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 Developer inconsistent with the terms of this Agreement.
8. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and an affidavit providing notice of this Agreement may be recorded by either party with the office of the Oakland County Register of Deeds.
9. 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.
10. 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.
11. 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.
12. The PUD Agreement dated July 16, 1989 is revoked as to the Land, in accordance with §2700 of the prior PUD ordinance, the terms and conditions of the PUD Agreement, and Article 34 of the zoning ordinance.
13. This Agreement may be signed in counterparts.

[signatures on following page]

LIBER 41819 PG 220

On this 28th day of SEPTEMBER, 2009, before me appeared David B. Landry 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.

~~CLERK~~
* MAYOR

Marilyn S. Troutman

, Notary Public

County _____
Acting in _____ County
My commission expires:

MARILYN S. TROUTMAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES 03 13, 2011
ACTING IN COUNTY OF OAKLAND

Drafted by:

Kristin Bricker Kolb, Esq.
30903 Northwestern Highway
Farmington Hills, MI 48334

When recorded return to:

Maryanne Cornelius, Clerk
City of Novi
45175 West Ten Mile Road
Novi, MI 48375-3024

1292106.2

Maple Manor

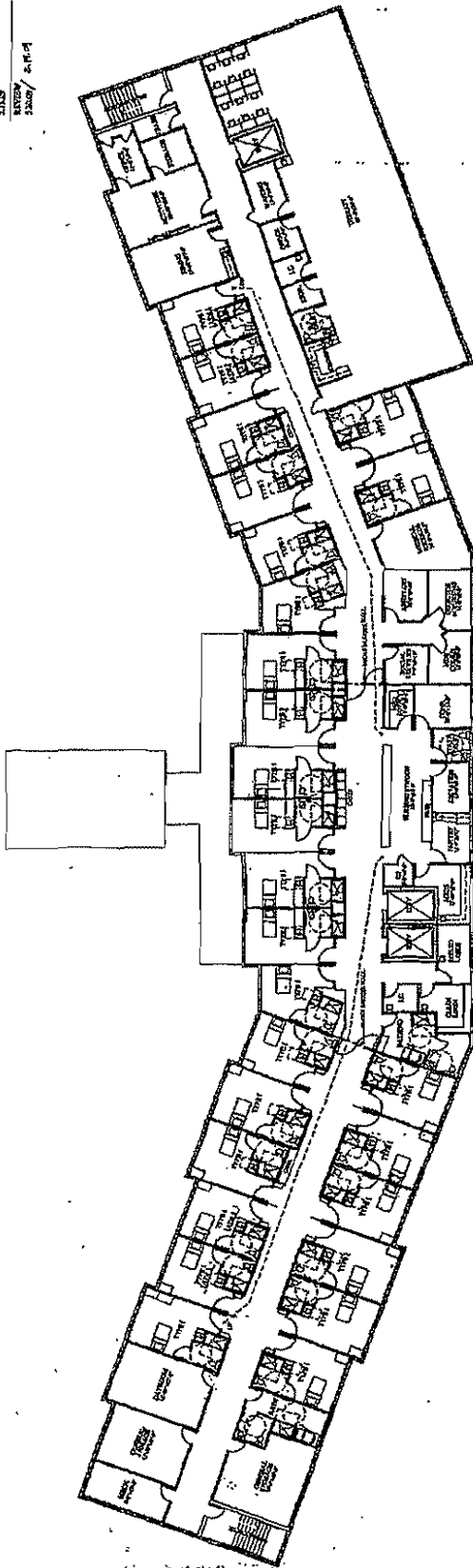
**Building Façade and Floor Plan Sheets
from previously approved
Concept Plan for Rezoning 18.682
and
Preliminary Site Plan SP08-09C**

Progressive
 Association, Inc
 Architects

111 W. Loop East, Suite 200
 Houston, Texas 77028
 Telephone: (713) 621-1000
 Telex: 730000
 Cable: 730000
 Fax: (713) 621-1001



Project No.	1000000
Sheet No.	1000000
Date	10/1/80
Scale	1/4" = 1'-0"
Author	J.M.S.
Checker	J.M.S.
Reviewer	J.M.S.
Project Name	Maple Manor of Noyl Nursing Home
Project Location	1000000



SECOND FLOOR PLAN
 TOTAL OF FLOORS

PROJECT
 MAPLE MANOR
 OF NOYL
 NURSING HOME
 1000000
 HOUSTON, TEXAS

**PROPOSED
 SECOND
 FLOOR PLAN**

Sheet No. 1000000
 Date: 10/1/80
 Author: J.M.S.
 Checker: J.M.S.
 Reviewer: J.M.S.

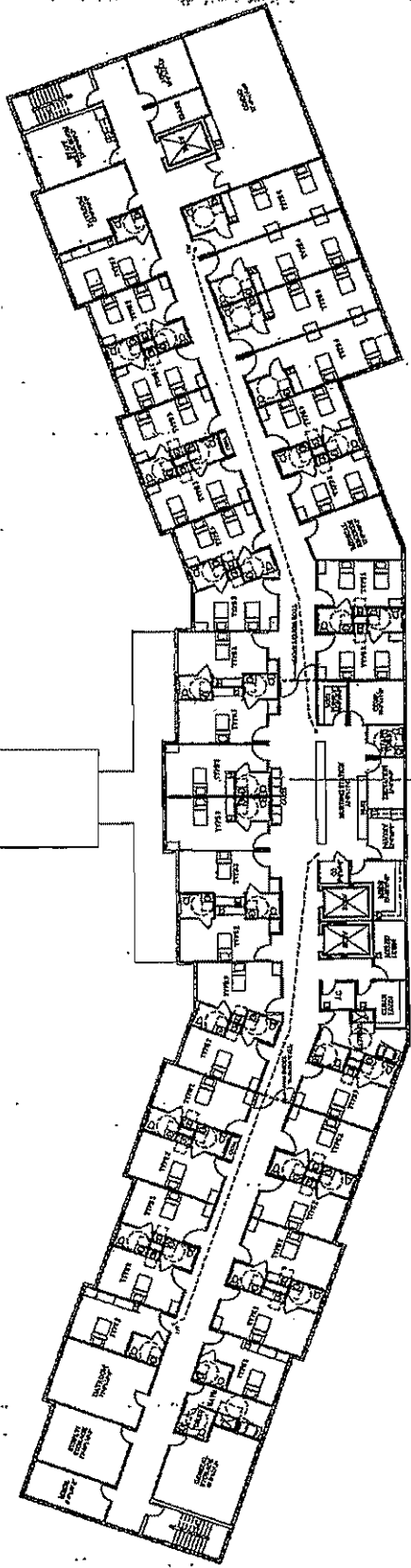
SK2

Progressive
 Progressive Associates, Inc.
 Architects



ONE JEFFERSON
 BUILDING, NEW YORK
 200, NEW YORK
 200, NEW YORK
 200, NEW YORK
 200, NEW YORK
 200, NEW YORK
 200, NEW YORK

PROJECT	MAPLE MANOR
NO.	1459
DATE	1958
BY	SKS
CHECKED	SKS
DATE	1958
SCALE	1/4" = 1'-0"



THIRD FLOOR PLAN
 SCALE 1/4" = 1'-0"
 TOTAL OF SHEETS

PROJECT	MAPLE MANOR
NO.	1459
DATE	1958
BY	SKS
CHECKED	SKS
DATE	1958
SCALE	1/4" = 1'-0"
PROJECT	MAPLE MANOR
NO.	1459
DATE	1958
BY	SKS
CHECKED	SKS
DATE	1958
SCALE	1/4" = 1'-0"

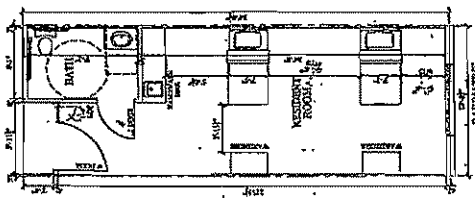
SKS

Progressive
 Progressive Associates, Inc.
 Architects

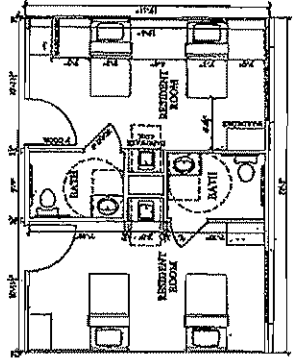
1100 North Main Street
 Suite 100
 Chicago, Illinois 60610
 Telephone: 312.467.1000
 Fax: 312.467.1001



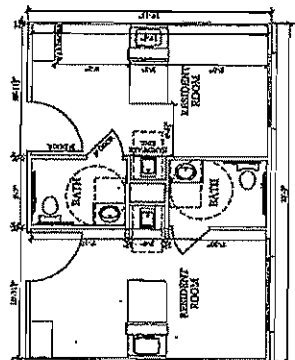
PROJECT:
 1100 N. MAIN ST.
 CHICAGO, ILL.



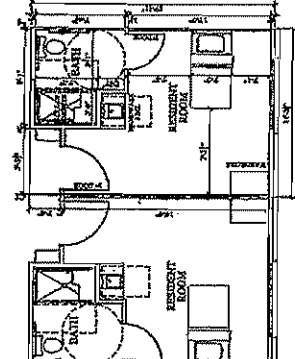
UNIT TYPE IV - Double bed with bath
 1100 North Main Street, Room 1007
 1100 North Main Street, Room 1007



UNIT TYPE III - Double bed with bath
 1100 North Main Street, Room 1007
 1100 North Main Street, Room 1007



UNIT TYPE II - Single bed with bath
 1100 North Main Street, Room 1007
 1100 North Main Street, Room 1007



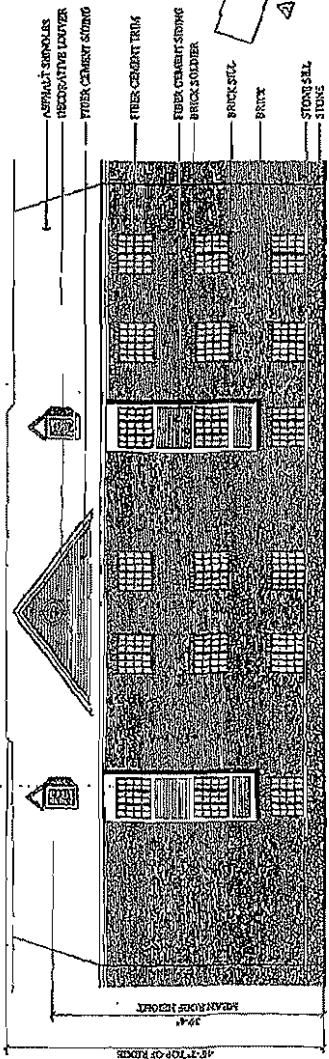
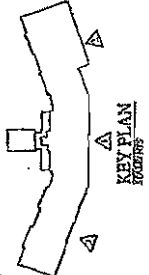
UNIT TYPE I - Single bed with bath
 1100 North Main Street, Room 1007
 1100 North Main Street, Room 1007

Project: **MARLEMANOR of NDVI**
 Room Schedule:
 Proposed Unit Plans
 Project Number: 99-105
 Date: 10/1/99
 Scale: 1/8" = 1'-0"
 Sheet Number: **SK4**

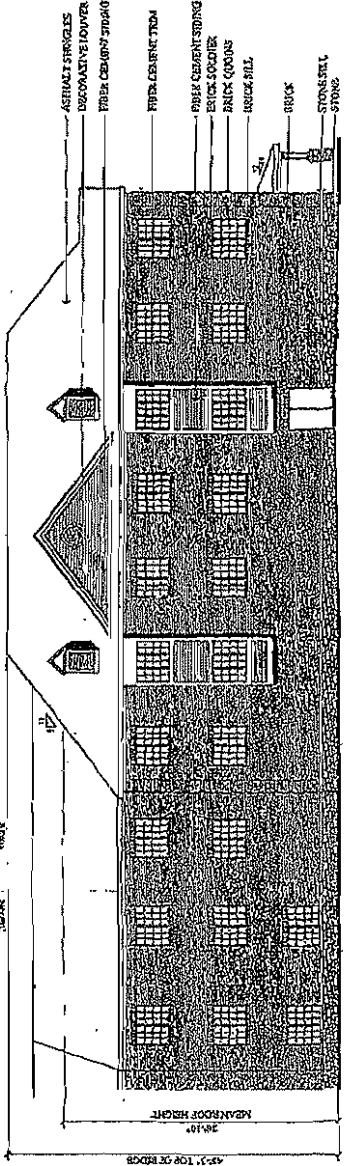
Progressive
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Professional Seal
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State of Louisiana
1/1/2000
1125 P.O. Box 777
New Orleans, La. 70119
2025-08-10

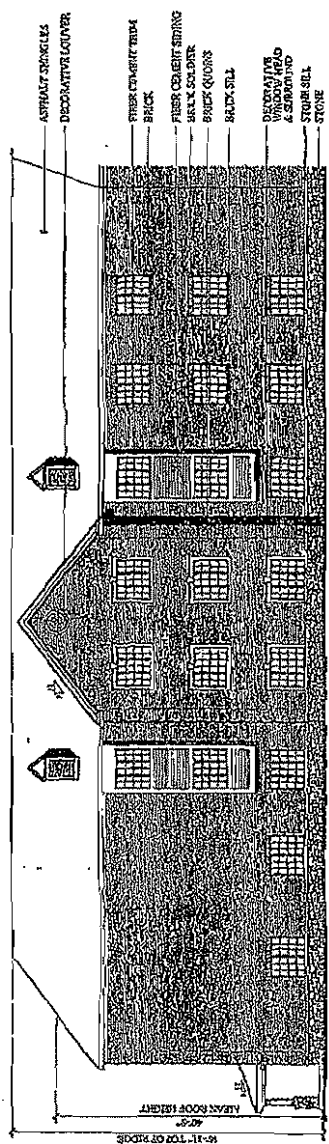
Final Elevation
REVISED
2/20/09
REVIEW
4/9/09 / G.M.P.



REAR ELEVATION
MEAN ROOF HEIGHT: 37'-4"
45'-7" TOP OF RIDGE



REAR WING ELEVATION
MEAN ROOF HEIGHT: 28'-10"
45'-7" TOP OF RIDGE



REAR WING ELEVATION
MEAN ROOF HEIGHT: 40'-0"
50'-11" TOP OF RIDGE

Project
MAFUB MANOR
of NOV!

Architect
Progressive Associates, Inc.

PROPOSED
ELEVATIONS

Project Number: 09-105
Date: 2/20/09
Sheet Number: SK6