



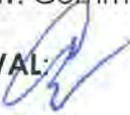
cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item J
July 23, 2012

SUBJECT: Approval of the request of Singh Construction Company for Final Plat approval for Phase III of the Tollgate Woods Subdivision. The subject property is part of the Vistas Planned Unit Development, located between Novi Road and Meadowbrook Roads and south of Thirteen Mile Road in Section 11.

SUBMITTING DEPARTMENT: Community Development - Planning ^{Process}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Singh Construction Company is seeking Final Plat approval in order to commence work on Phase III of the Tollgate Woods development, a planned single-family subdivision between Meadowbrook Road and Novi Road, south of Thirteen Mile Road. Phase III includes 57 lots (Lots 112-168 of Tollgate Woods), the completion/looping of Holmes Road, Steinbeck Glen, and Wolfe Pass, and extension of existing water main and sanitary sewer. The consent judgment regarding the Sandstone lawsuit has no bearing on the Final Plat approval in this case.

The Tentative Preliminary Plat and Final Preliminary Plat for all three phases of the Tollgate Woods subdivision were approved as part of a Consent Order approved by City Council on December 7, 1998 and filed on January 27, 1999. One of the more notable conditions of the Council's approval of that Order was that a woodlands replacement plan for the Tollgate portion of the Vistas project be submitted and reviewed prior to Final Plat approval. A woodlands replacement plan was subsequently approved by City Council on April 17, 2000. The Final Plat for Phase I was approved by the City Council on September 11, 2000, and the Final Plat for Phase II was approved by the City Council on September 13, 2004.

Following approval of the Final Preliminary Plat, the City's Subdivision Ordinance requires improvement plans to be submitted for review and approval in the form of subdivision engineering plans. The subdivision engineering plans for all three phases of the Tollgate Woods project were approved administratively (SP 98-50E), with the final sign off coming in August of 2000. Due to the age of the stamped subdivision engineering plans, it was determined in January 2012 that City staff and consultants would conduct an updated review for Phase III to determine current review fees and financial guarantee amounts.

Consistent with Section 3.04.B.2 of the City's Subdivision Ordinance, staff and consultants have reviewed the Final Plat for Phase III relative to the approved Final Preliminary Plat and determined it to be consistent.

The Final Plat documents submitted with this packet include wetland preservation and drainage easements consistent with the Subdivision Engineering Drawings previously approved.

RECOMMENDED ACTION:

Approval of the Final Plat for Tollgate Woods Subdivision Phase III, subject to the applicant adequately addressing the review comments of the City's environmental consultant.

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

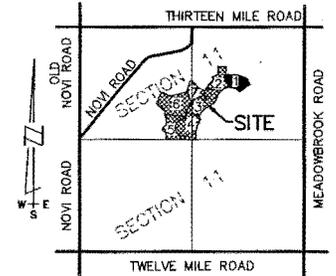
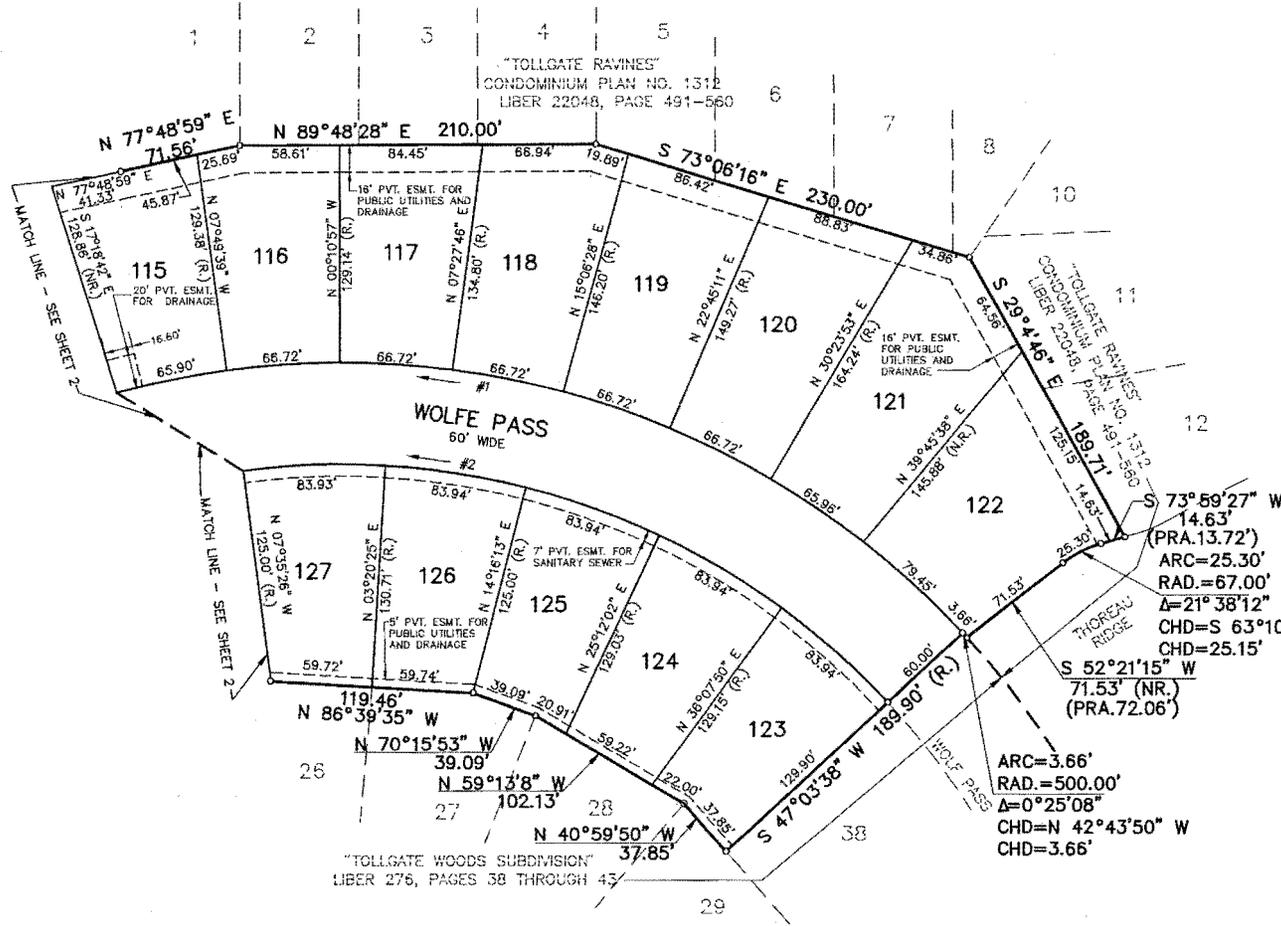
| | 1 | 2 | Y | N |
|-------------------------|---|---|---|---|
| Council Member Margolis | | | | |
| Council Member Mutch | | | | |
| Council Member Wrobel | | | | |

**REDUCED FINAL PLAT PLAN
SP12-07, TOLLGATE WOODS PHASE III**

"TOLLGATE WOODS SUBDIVISION NO.3"

A PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

LIBER _____ PAGE _____
SHEET 1 OF 10 SHEETS



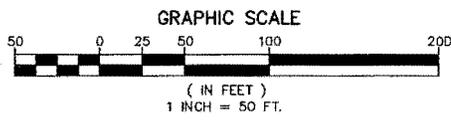
LOCATION MAP
SCALE: 1"=2000'

PLAT LEGEND

- THE SYMBOL (R.) INDICATES RADIAL LOT LINES. THE SYMBOL (NR.) INDICATES NON-RADIAL LOT LINES.
- ALL DIMENSIONS ARE SHOWN IN FEET.
- ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.
- THE SYMBOL "o" INDICATES A CONCRETE MONUMENT SET (CONSISTING OF A 1/2" DIAMETER STEEL ROD ENCASED IN A 4" DIAMETER CONCRETE CYLINDER, 3' LONG).
- THE SYMBOL "*" INDICATES A CONCRETE MONUMENT FOUND (OF A 1/2" DIAMETER STEEL ROD ENCASED IN A 4" DIAMETER CONCRETE CYLINDER, 3' LONG).
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| CURVE TABLE | | | | | |
|-------------|---------|--------|------------|-------------|--------|
| CURVE | ARC | RADIUS | DELTA | CHD. BRG | CHORD |
| #1 | 1042.74 | 500.00 | 119°29'21" | S77°19'00"W | 863.79 |
| #2 | 917.61 | 440.00 | 119°29'19" | S77°18'58"W | 760.13 |



AMBIT LAND SURVEYORS, INC.
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PROFESSIONAL SURVEYOR NO. 30096

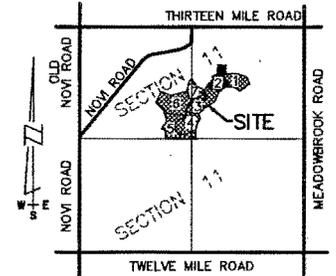
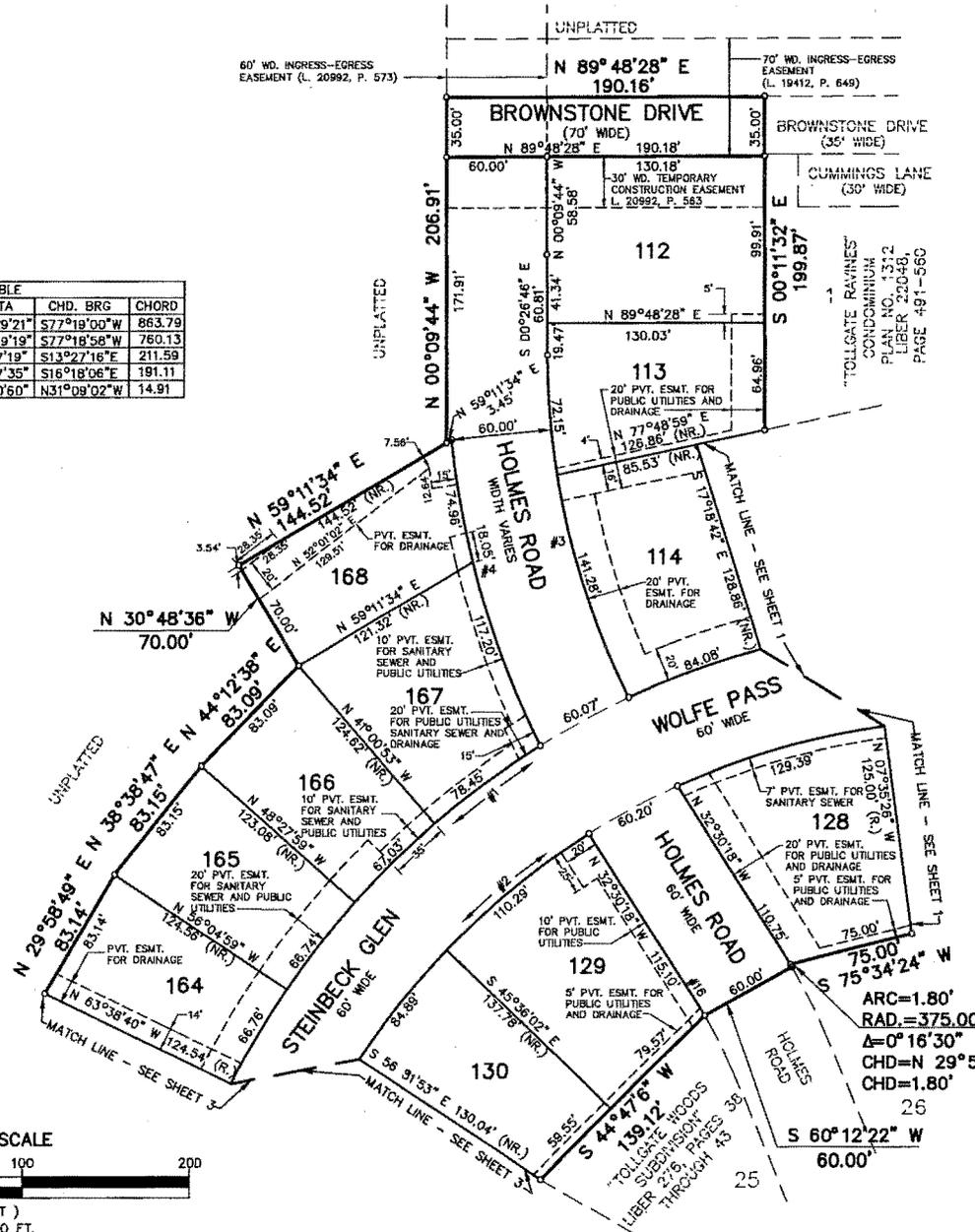


"TOLLGATE WOODS SUBDIVISION NO.3"

A PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

LIBER _____ PAGE _____
SHEET 2 OF 10 SHEETS

| CURVE TABLE | | | | | |
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| #2 | 917.61 | 440.00 | 119°29'19" | S77°18'58"W | 760.13 |
| #3 | 213.43 | 468.14 | 28°07'19" | S13°27'16"E | 211.59 |
| #4 | 192.16 | 530.00 | 20°77'35" | S16°18'06"E | 191.11 |
| #16 | 14.91 | 315.89 | 02°70'60" | N31°09'02"W | 14.91 |



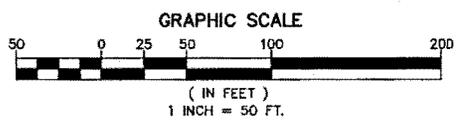
LOCATION MAP
SCALE: 1"=2000'

PLAT LEGEND

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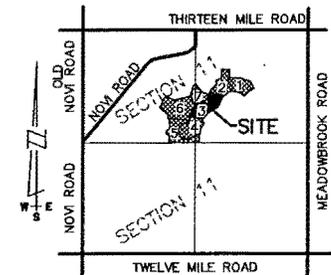


ARC=1.80'
RAD=375.00'
Δ=0°16'30"
CHD=N 29°55'51"
CHD=1.80'

"TOLLGATE WOODS SUBDIVISION NO.3"

A PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

LIBER _____ PAGE _____
SHEET 3 OF 10 SHEETS



LOCATION MAP
SCALE: 1"=2000'

PLAT LEGEND

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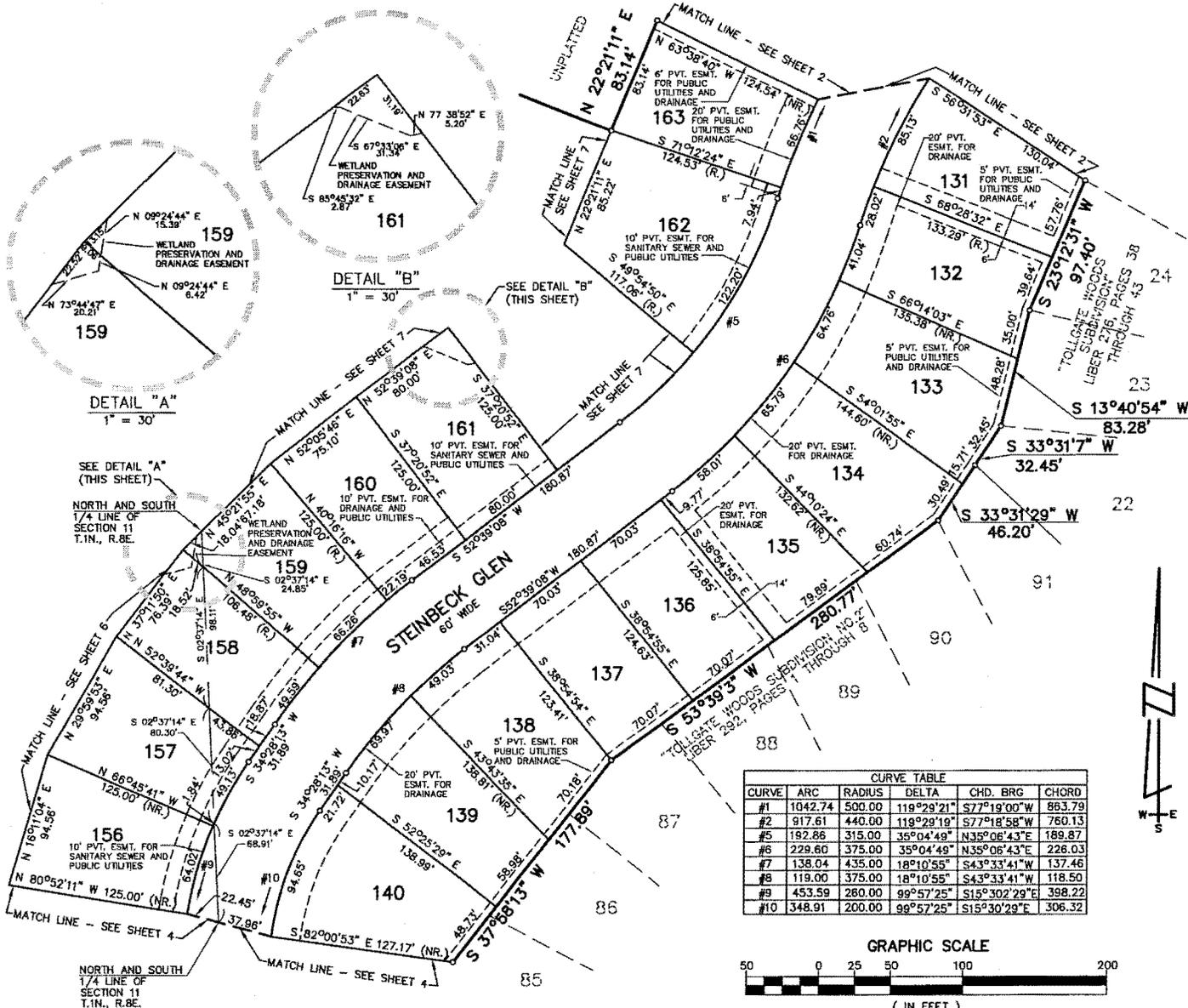
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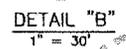
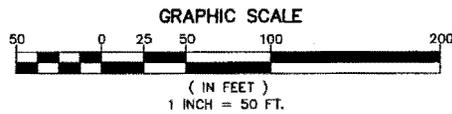
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| #2 | 917.61 | 440.00 | 119°29'19" | S77°18'58"W | 760.13 |
| #5 | 192.86 | 315.00 | 35°04'49" | N35°06'43"E | 189.87 |
| #6 | 229.60 | 375.00 | 35°04'49" | N35°06'43"E | 228.03 |
| #7 | 138.04 | 435.00 | 18°10'55" | S43°33'41"W | 137.46 |
| #8 | 119.00 | 375.00 | 18°10'55" | S43°33'41"W | 118.50 |
| #9 | 453.59 | 280.00 | 99°57'25" | S15°30'29"E | 398.22 |
| #10 | 348.91 | 200.00 | 99°57'25" | S15°30'29"E | 306.32 |



NORTH AND SOUTH
1/4 LINE OF
SECTION 11
T.1N., R.8E.

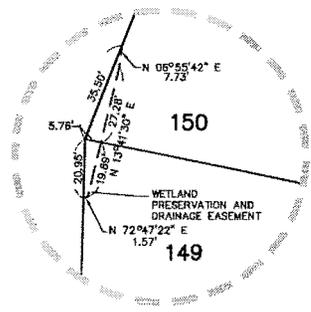
SEE DETAIL "A"
(THIS SHEET)

SEE DETAIL "B"
(THIS SHEET)

NORTH AND SOUTH
1/4 LINE OF
SECTION 11
T.1N., R.8E.

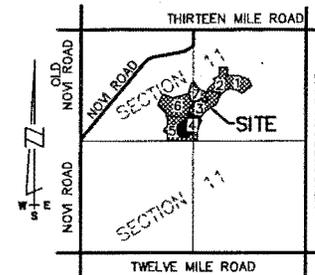
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A PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN



DETAIL "A"
1" = 30'

| CURVE | ARC | RADIUS | DELTA | CHD. BRG | CHORD |
|-------|--------|--------|-----------|-------------|--------|
| #9 | 453.59 | 260.00 | 99°57'25" | S15°30'29"E | 398.22 |
| #10 | 348.91 | 200.00 | 99°57'25" | S15°30'29"E | 306.32 |
| #11 | 126.38 | 329.84 | 21°57'10" | N57°29'48"E | 125.61 |
| #12 | 42.71 | 51.00 | 47°58'39" | S87°32'18"E | 41.47 |
| #13 | 337.14 | 70.00 | 27°57'18" | S21°31'37"E | 93.72 |
| #14 | 42.71 | 51.00 | 47°58'39" | S44°29'03"W | 41.47 |
| #15 | 145.25 | 389.84 | 21°20'51" | N57°17'12"E | 144.41 |



LOCATION MAP
SCALE: 1"=2000'

PLAT LEGEND

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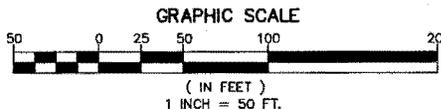
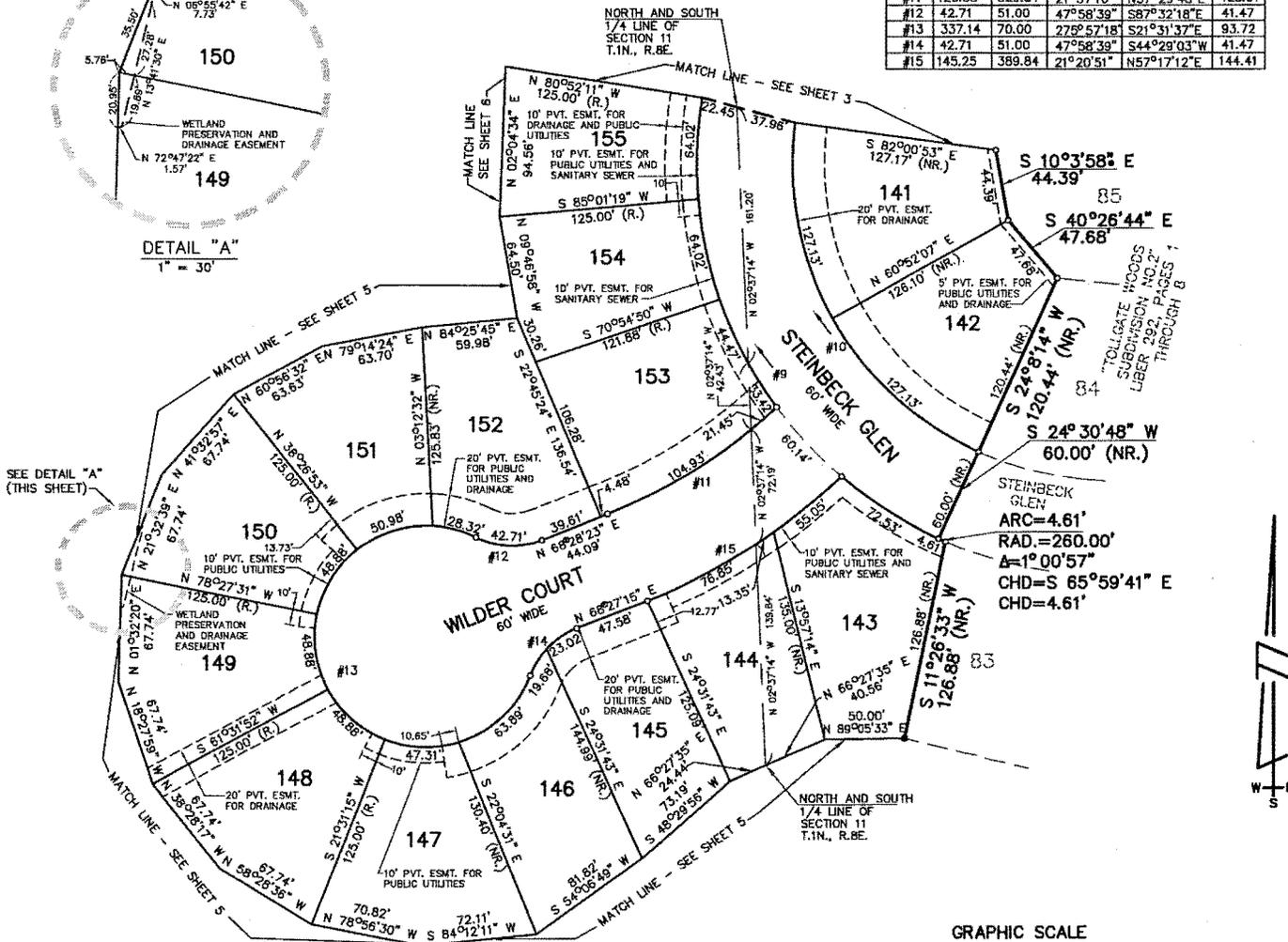
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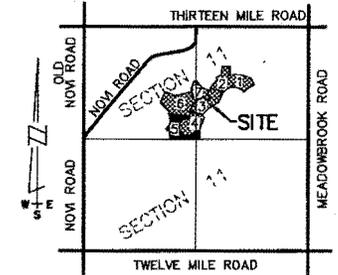
PETER P. PALCZYNSKI, P.S.
PROFESSIONAL SURVEYOR NO. 30096



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LIBER _____ PAGE _____
SHEET 5 OF 10 SHEETS



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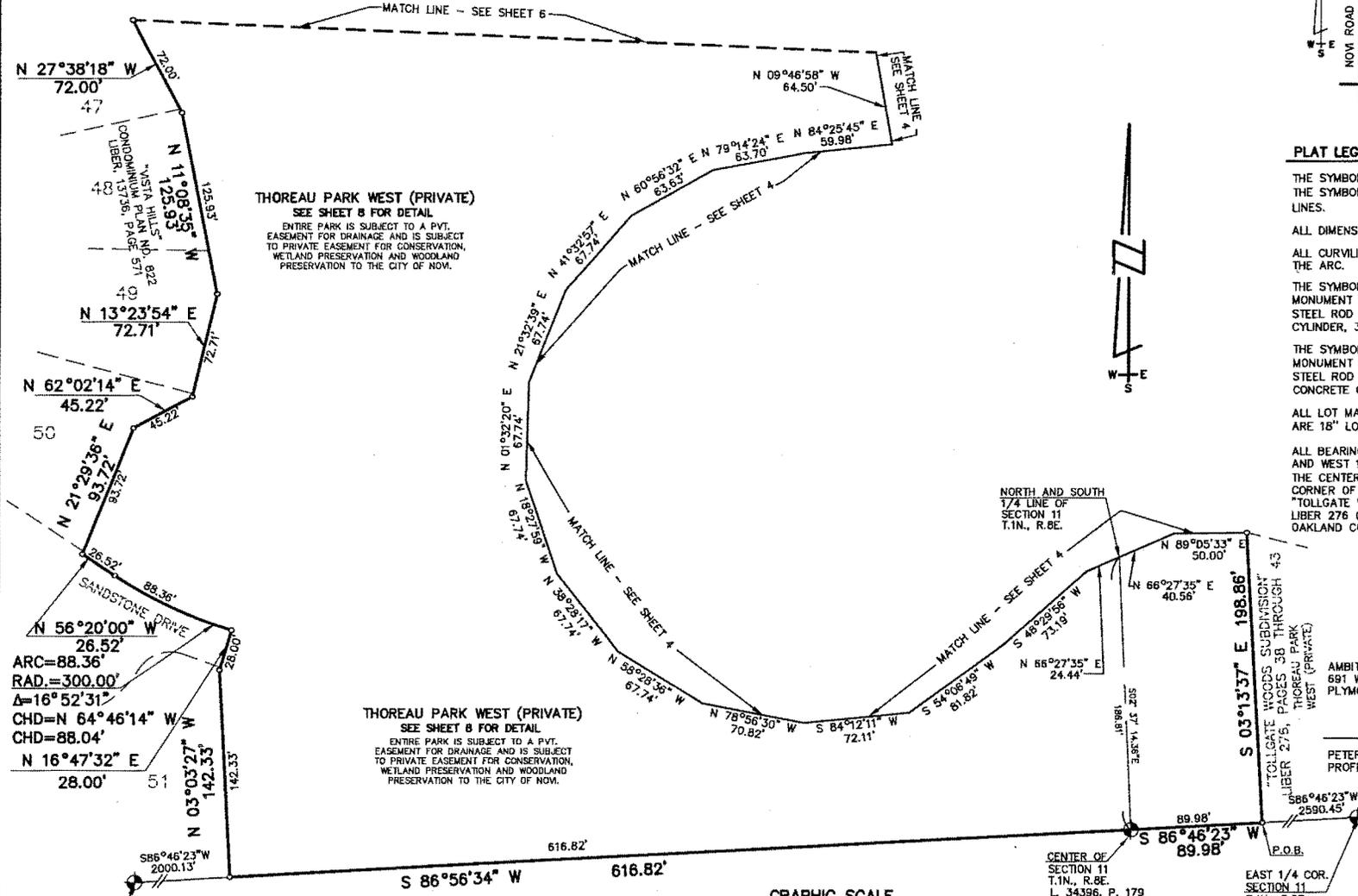
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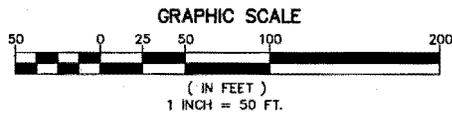
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THOREAU PARK WEST (PRIVATE)
SEE SHEET 8 FOR DETAIL
ENTIRE PARK IS SUBJECT TO A PVT. EASEMENT FOR DRAINAGE AND IS SUBJECT TO PRIVATE EASEMENT FOR CONSERVATION, WETLAND PRESERVATION AND WOODLAND PRESERVATION TO THE CITY OF NOVI.

THOREAU PARK WEST (PRIVATE)
SEE SHEET 8 FOR DETAIL
ENTIRE PARK IS SUBJECT TO A PVT. EASEMENT FOR DRAINAGE AND IS SUBJECT TO PRIVATE EASEMENT FOR CONSERVATION, WETLAND PRESERVATION AND WOODLAND PRESERVATION TO THE CITY OF NOVI.

ARC=88.36'
RAD.=300.00'
Δ=16°52'31"
CHD=N 64°46'14" W
CHD=88.04'
N 16°47'32" E
28.00'



WEST 1/4 COR.
SECTION 11
T.1N., R.8E.
L. 16850, P. 426

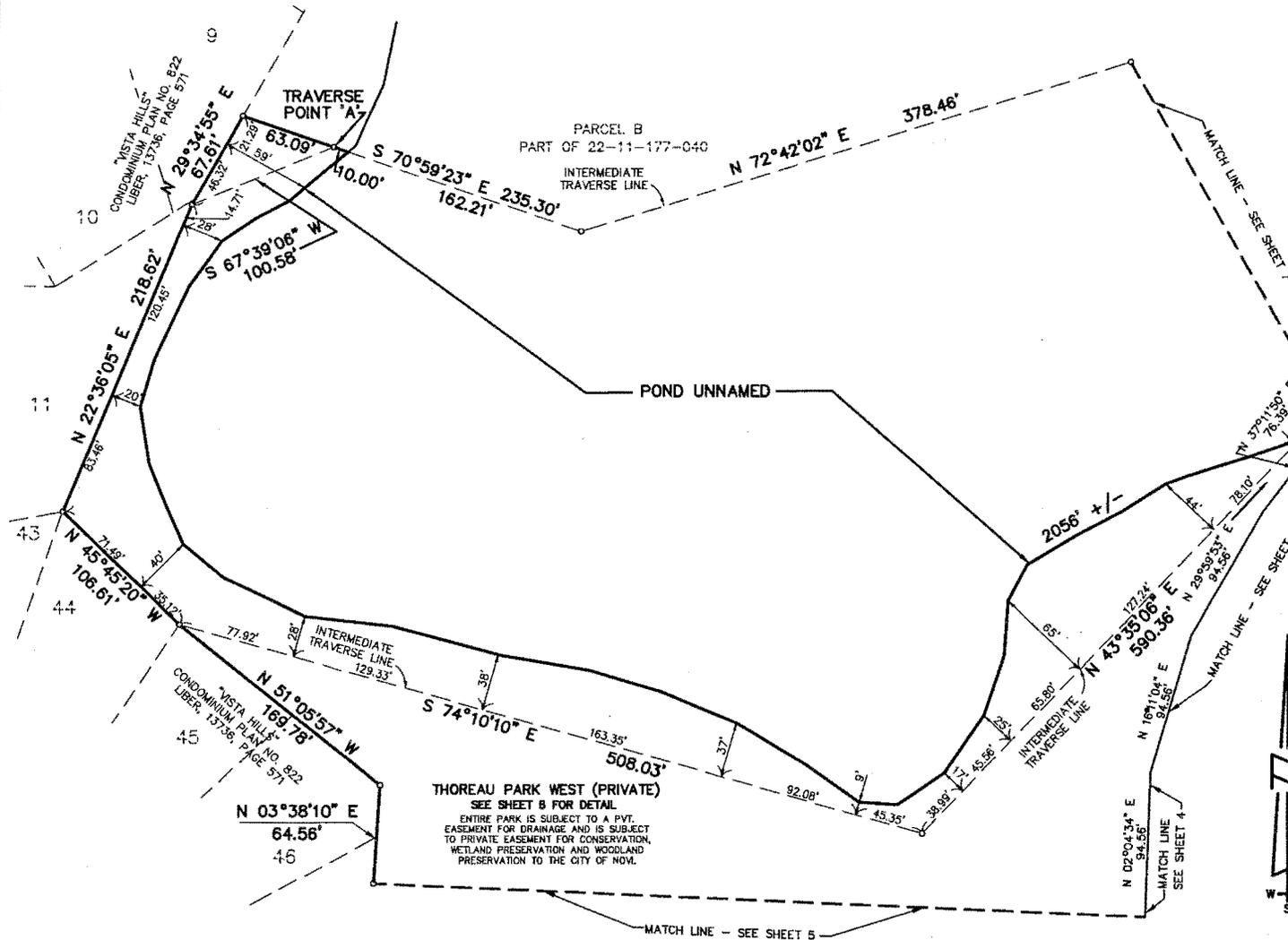
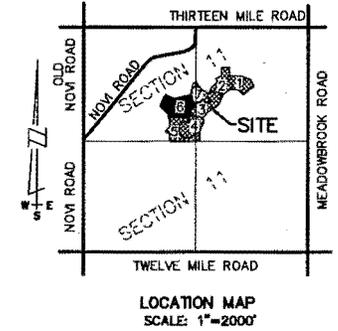
CENTER OF
SECTION 11
T.1N., R.8E.
L. 34396, P. 179

EAST 1/4 COR.
SECTION 11
T.1N., R.8E.
L.C.R.C. 3891
L. 16874, P. 150

"TOLLGATE WOODS SUBDIVISION NO.3"

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LIBER _____ PAGE _____
SHEET 6 OF 10 SHEETS



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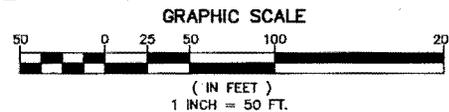
THE SYMBOL "s" INDICATES A CONCRETE MONUMENT FOUND (OF A 1/2" DIAMETER STEEL ROD ENCASED IN A 4" DIAMETER CONCRETE CYLINDER, 3' LONG).

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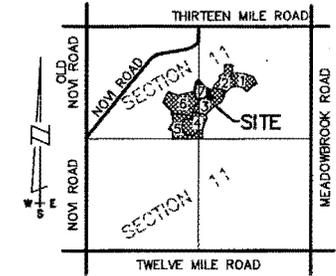
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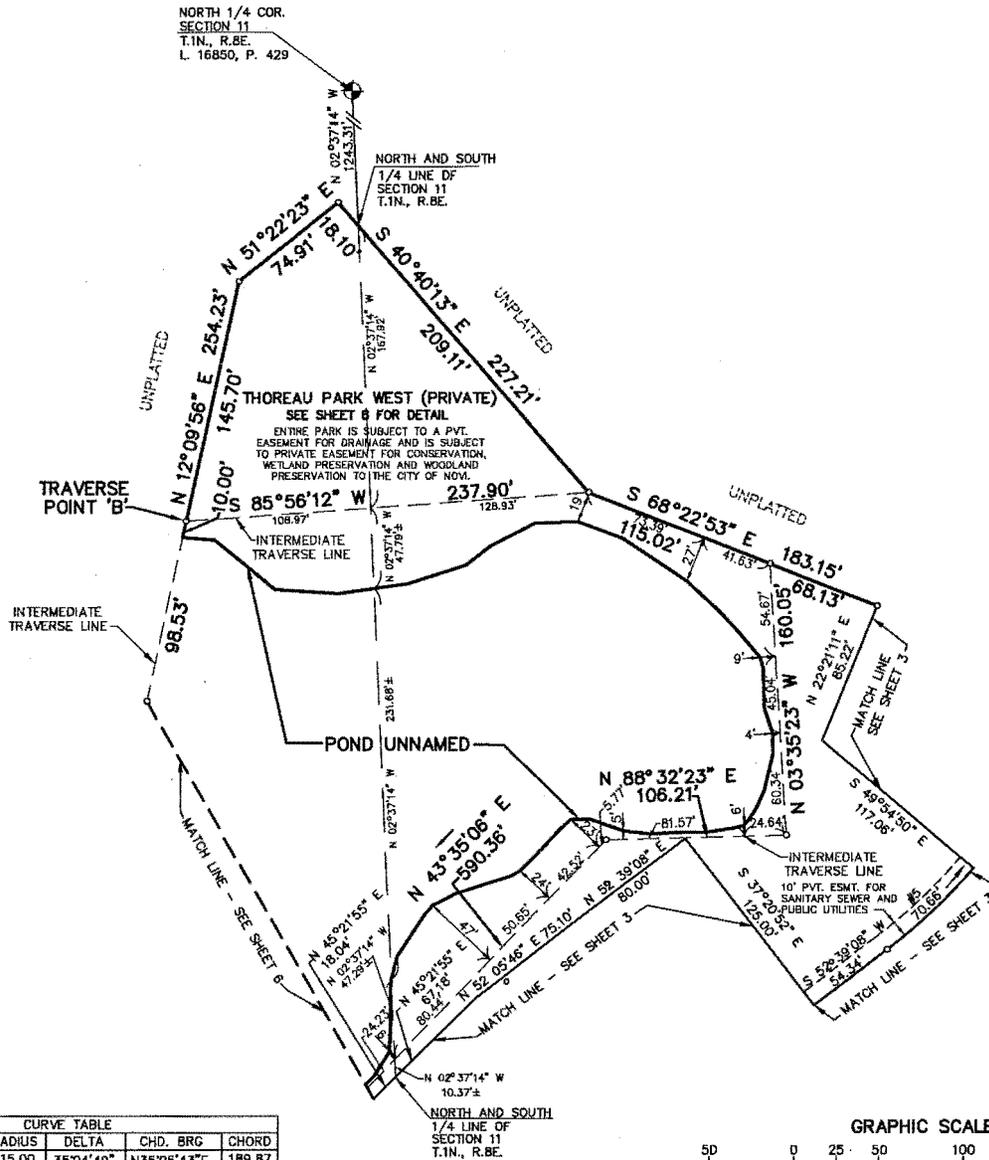
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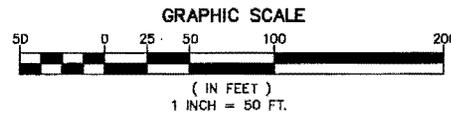
LIBER _____ PAGE _____
SHEET 7 OF 10 SHEETS



LOCATION MAP
SCALE: 1"=2000'



| CURVE TABLE | | | | | |
|-------------|--------|--------|-----------|-------------|--------|
| CURVE # | ARC | RADIUS | DELTA | CHD. BRG | CHORD |
| 5 | 192.86 | 315.00 | 35°04'49" | N35°06'43"E | 189.87 |



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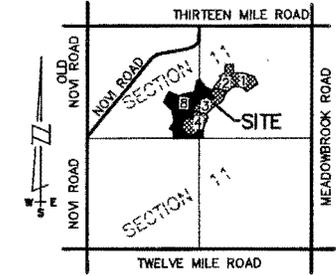
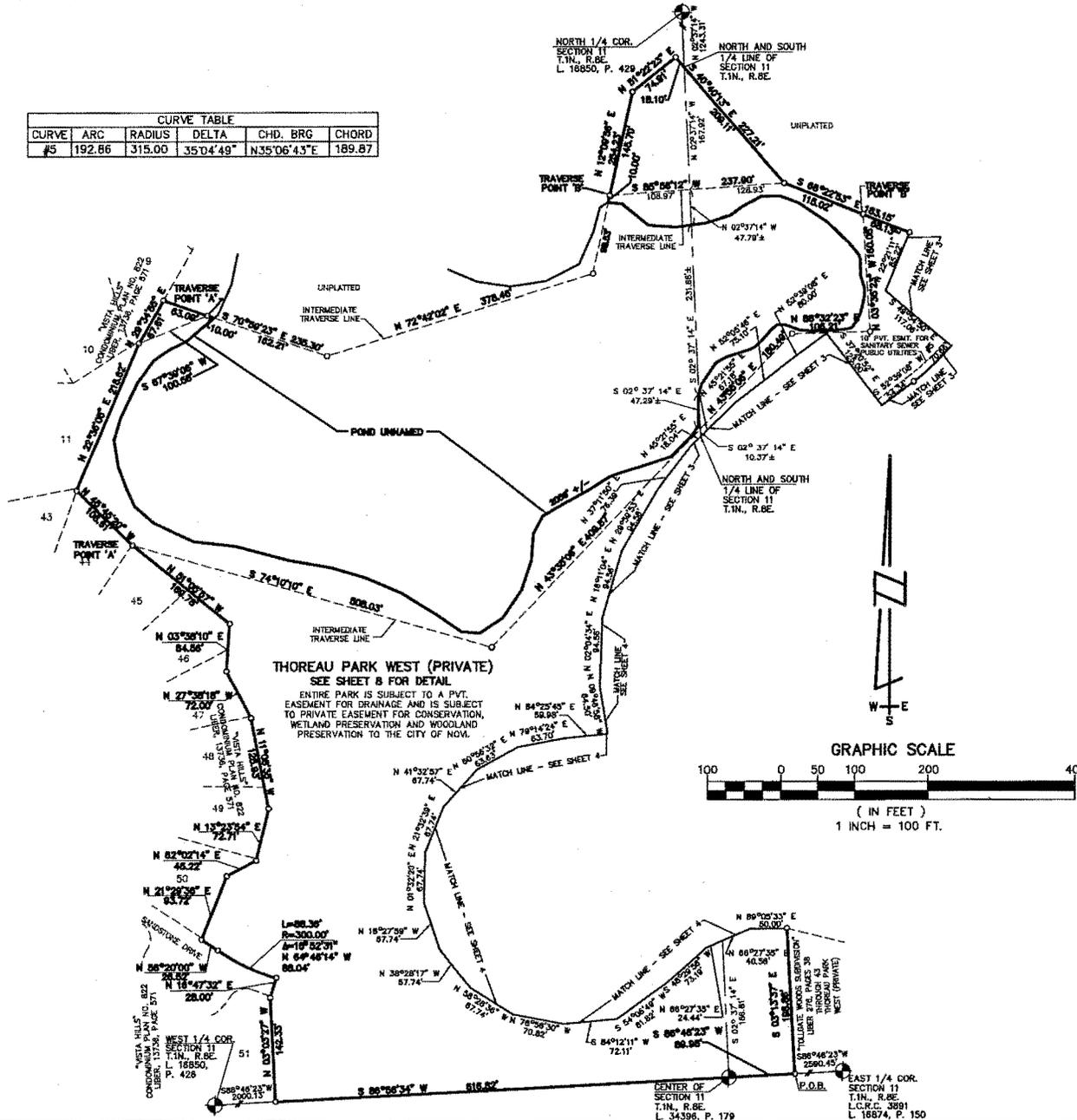
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THE SYMBOL (R.) INDICATES RADIAL LOT LINES. THE SYMBOL (NR.) INDICATES NON-RADIAL LOT LINES.

ALL DIMENSIONS ARE SHOWN IN FEET.

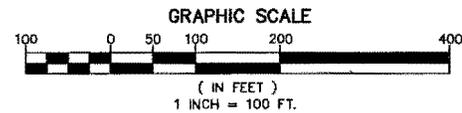
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.

THE SYMBOL "o" INDICATES A CONCRETE MONUMENT SET (CONSISTING OF A 1/2" DIAMETER STEEL ROD ENCASED IN A 4" DIAMETER CONCRETE CYLINDER, 3' LONG).

THE SYMBOL "w" INDICATES A CONCRETE MONUMENT FOUND (OF A 1/2" DIAMETER STEEL ROD ENCASED IN A 4" DIAMETER CONCRETE CYLINDER, 3' LONG).

ALL LOT MARKERS ARE 1/2" STEEL BARS AND ARE 18" LONG. THEY ARE NOT CAPPED.

ALL BEARINGS ARE IN RELATION TO THE EAST AND WEST 1/4 LINE OF SECTION 11 BETWEEN THE CENTER OF SECTION 11 AND THE EAST 1/4 CORNER OF SECTION 11, AS SHOWN IN "TOLLGATE WOODS SUBDIVISION" AS RECORDED IN LIBER 276 OF PLATS ON PAGES 38 THROUGH 43, OAKLAND COUNTY RECORDS.



AMBIT LAND SURVEYORS, INC.
631 WING STREET
PLYMOUTH, MICHIGAN 48170-1713

PETER P. PALCZYNSKI, P.S.
PROFESSIONAL SURVEYOR NO. 30096



"TOLLGATE WOODS SUBDIVISION NO.3"

A PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH,
RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

LIBER _____ PAGE _____
SHEET 9 OF 10 SHEETS

SURVEYOR'S CERTIFICATE

I, PETER P. PALCZYNSKI, SURVEYOR, CERTIFY: That I have surveyed, divided and mapped the land shown on this plat, described as follows: "TOLLGATE WOODS SUBDIVISION NO. 3", A part of the Northeast 1/4 and the Northwest 1/4 of Section 11, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan being more particularly described as commencing at the East 1/4 Corner of said Section 11; thence South 86°46'23" West, 2590.45 feet, along the East and West 1/4 line of said Section 11 and the Southerly line of "Tollgate Woods Subdivision"; as recorded in Liber 276, of Plats, Pages 38, 39, 40, 41, 42 and 43 Oakland County Records and the Southerly line of "Tollgate Woods Subdivision No. 2"; as recorded in Liber 292, of Plats, Pages 1, 2, 3, 4, 5, 6, 7, and 8, Oakland County Records, to the Point of Beginning; thence continuing South 86°46'23" West, 89.98 feet, along the East and West 1/4 line of said Section 11 to the Center of said Section 11; thence South 86°56'34" West, 616.82 feet, along the East and West 1/4 line of said Section 11, to the Southeast corner of "Vista Hills"; Oakland County Condominium Plan No. 822, as recorded in master deed Liber 13736, Page 571, Oakland County Records, as amended, (said point being North 86°56'34" East, 2000.13 feet, from the West 1/4 corner of said Section 11); thence North 03°03'27" West, 142.33 feet, along the Easterly line of said "Vista Hills"; thence North 16°47'32" East, 28.00 feet, along the Easterly line of said "Vista Hills"; thence 88.36 feet, along a curve to the right, said curve having a radius of 300.00 feet, a central angle of 16°52'31" and a chord bearing and distance of North 64°46'14" West, 88.04 feet, along the Easterly line of said "Vista Hills"; thence North 56°20'00" West, 26.52 feet, along the Easterly line of said "Vista Hills"; thence North 21°29'36" East, 93.72 feet, along the Easterly line of said "Vista Hills"; thence North 62°02'14" East, 45.22 feet, along the Easterly line of said "Vista Hills"; thence North 13°23'54" East, 72.71 feet, along the Easterly line of said "Vista Hills"; thence North 11°08'35" West, 125.93 feet, along the Easterly line of said "Vista Hills"; thence North 27°38'18" West, 72.00 feet, along the Easterly line of said "Vista Hills"; thence North 03°38'10" East, 64.56 feet, along the Easterly line of said "Vista Hills"; thence North 51°05'57" West, 169.78 feet, along the Easterly line of said "Vista Hills"; thence North 45°45'20" West, 106.61 feet, along the Easterly line of said "Vista Hills"; thence North 22°36'05" East, 218.62 feet, along the Easterly line of said "Vista Hills"; thence North 29°34'55" East, 67.61 feet, along the Easterly line of said "Vista Hills"; thence South 70°59'23" East, 63.09 feet, to Traverse Point 'A'; thence continuing South 70°59'23" East, 10.00 feet more or less, to the shoreline of an Unnamed body of water; thence 2056' +/- Southwesterly, Southeasterly, Northeasterly, Northerly and Westerly along the shoreline of the Unnamed body of water, to a point; thence North 12°09'56" East, 10.00 feet more or less to Traverse Point 'B', (said Traverse Point 'B' being South 67°39'06" West, 100.58' and South 22°36'05" West, 218.62 feet and South 45°45'20" East, 106.61 feet and South 74°10'10" East, 508.03 feet and North 43°35'06" East, 590.36 feet and North 88°32'23" East, 106.21 feet and North 03°35'23" West, 160.05 feet, and North 68°22'53" West, 115.02 feet, and South 85°56'12" West, 237.90 feet from said Traverse Point 'A'); thence North 12°09'56" East, 145.70 feet; thence North 51°22'23" East, 74.91 feet; thence South 40°40'13" East, 227.21 feet; thence South 68°22'53" East, 115.02 feet, thence continuing South 68°22'53" East, 183.15 feet; thence North 22°21'11" East, 83.14 feet; thence North 29°58'49" East, 83.14 feet; thence North 38°38'47" East, 83.15 feet; thence North 44°12'38" East, 83.09 feet; thence North 30°48'36" West, 70.00 feet; thence North 59°11'34" East, 144.52 feet; thence North 00°09'44" West, 206.91 feet; thence North 89°48'28" East, 190.16 feet, along the centerline of Brownstone Drive (proposed 70' wd. Dedication); thence South 00°11'32" East, 199.87 feet, along the Westerly line of "Tollgate Ravines"; Oakland County Condominium Plan No. 1312, as recorded in master deed, Liber 22048, Pages 491-560, Oakland County Records; thence North 77°48'59" East, 71.56 feet, along the Southerly line of said "Tollgate Ravines"; thence North 89°48'28" East, 210.00 feet, along the Southerly line of said "Tollgate Ravines"; thence South 73°06'16" East, 230.00 feet, along the Southerly line of said "Tollgate Ravines"; thence South 29°04'46" East, 189.71 feet, along the Southerly line of said "Tollgate Ravines"; thence South 73°59'27" West, 14.63 feet, (previously recorded as 13.72 feet), along the Southerly line of said "Tollgate Ravines"; thence 25.30 feet along a curve to the left, said curve having a radius of 67.00 feet, a central angle of 21°38'12" and a chord bearing and distance of South 63°10'21" West, 25.15 feet, along the Southerly line of said "Tollgate Ravines"; thence South 52°21'15" West, 71.53 feet, (previously recorded as 72.06 feet), along the Southerly line of said "Tollgate Ravines"; to Easterly right of way of Wolfe Pass (60.00 feet wide right-of-way) of said "Tollgate Woods Subdivision"; thence 3.66 feet along a curve to the left, said curve having a radius of 500.00 feet, a central angle of 00°25'08" and a chord bearing and distance of North 42°43'50" West, 3.66 feet, along the Easterly right of way of said Wolf Pass and said "Tollgate Woods Subdivision"; thence South 47°03'38" West, 189.90 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence North 40°59'50" West, 37.85 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence North 59°13'08" West, 102.13 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence North 70°15'53" West, 39.09 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence North 86°39'35" West, 119.46 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence South 75°34'24" West, 75.00 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence 1.80 feet along a curve to the right, said curve having a radius of 375.00 feet, a central angle of 00°16'30" and a chord bearing and distance of South 29°55'51" East, 1.80 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence South 60°12'22" West, 60.00 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence South 44°47'06" West, 139.12 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence South 23°12'31" West, 97.40 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence South 13°40'54" West, 83.28 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; thence South 33°31'07" West, 32.45 feet, along a Northerly boundary of said "Tollgate Woods Subdivision"; to the Northwesterly corner of said "Tollgate Woods Subdivision No. 2"; thence South 33°31'29" West, 46.20 feet, along the Westerly line of said "Tollgate Woods Subdivision No. 2"; thence South 53°39'03" West, 280.77 feet, along a Westerly boundary of said "Tollgate Woods Subdivision No. 2"; thence South 37°56'13" West, 177.89 feet, along a Westerly boundary of said "Tollgate Woods Subdivision No. 2"; thence South 10°03'58" East, 44.39 feet, along a Westerly boundary of said "Tollgate Woods Subdivision No. 2"; thence South 40°26'44" East, 47.68 feet, along a Westerly boundary of said "Tollgate Woods Subdivision No. 2"; thence South 24°08'14" West, 120.44 feet, along a Westerly boundary of said "Tollgate Woods Subdivision No. 2"; thence South 24°30'48" West, 60.00 feet, along a Westerly boundary of said "Tollgate Woods Subdivision No. 2"; thence 4.61 feet along a curve to the left, said curve having a radius of 260.00 feet, a central angle of 01°00'57" and a chord bearing and distance of South 65°59'41" East, 4.61 feet, along a Westerly boundary of said "Tollgate Woods Subdivision No. 2"; thence South 11°26'33" West, 126.88 feet, along a Westerly boundary of said "Tollgate Woods Subdivision No. 2"; thence South 03°13'37" East, 198.86 feet, along a Westerly boundary of said "Tollgate Woods Subdivision No. 2"; to the Point of Beginning.

All of the above containing 26.96 Acres. This plat contains 57 lots, numbered 112 to 168, both inclusive, and one (1) private park.

That I have made such survey, land-division and plat by the direction of the owners of such land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.

That the required monuments and lot markers have been located in the ground or that surety has been deposited with the municipality, as required by Section 125 of the Act.

That the accuracy of the survey is within the limits required by Section 126 of the Act.

That the bearings shown on the plat are expressed as required by Section 126 (3) of the Act and as explained in the legend.

AMBIT LAND SURVEYORS, INC.
691 WING STREET
PLYMOUTH, MICHIGAN 48170-1713

DATE: _____

PETER P. PALCZYNSKI, P.S.
PROFESSIONAL SURVEYOR NO. 30096



"TOLLGATE WOODS SUBDIVISION NO.3"

A PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF SECTION 11, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

LIBER _____ PAGE _____
SHEET 10 OF 10 SHEETS

PROPRIETOR'S CERTIFICATE

Tollgate Woods III LLC, a Michigan Limited Liability Company, duly organized and existing under the laws of the State of Michigan, manager, as proprietor, has caused the land to be surveyed, divided, mapped and dedicated as represented on this plat and that the streets are for the use of the public; that the public utility easements are private easements and that all other easements are for the uses shown on the plat; that Thoreau Park is a private park dedicated to the use of the lot owners of this plat, and Tollgate Woods Subdivision No.2 and Tollgate Woods Subdivision, and are subject to the correlative rights of the other riparian owners and the public trust in the waters of unknown name; And that no direct vehicular access is permitted to Brownstone Drive from lot 112.

WITNESSES: Tollgate Woods III, LLC
A Michigan limited liability company
7125 Orchard Lake Road, Suite 200
West Bloomfield, Michigan 48322
filed _____, No. _____)

By: _____
Rajinderpal S. Grewal
Its: Manager

ACKNOWLEDGMENT

STATE OF MICHIGAN)
COUNTY OF OAKLAND) S.S.

Personally came before me this _____ day of _____, _____, Rajinderpal S. Grewal, Manager of the above named limited liability company, to me known to be the person who executed the foregoing instrument and to me known to be such manager and acknowledged that he executed the foregoing instrument as such manager as the free act and deed of said limited liability company.

My Commission Expires: _____
Notary Public, _____
County, Michigan

CERTIFICATE OF MUNICIPAL APPROVAL

I certify that this plat was approved by the City Council of the City of Novi, at a meeting held _____, 201____, and was reviewed and found to be in compliance with Act 288, P.A. of 1967; that this plat complies with the zoning and subdivision control ordinances adopted by the City of Novi, and that the minimum lot area as specified in Section 560.186 has been waived; Also, odeduate surety has been deposited with the Clerk for the placing of monuments and lot markers within a reasonable length of time, not to exceed one year from the above date; and that adequate surety has been posted to insure installation of public sewer and public water services.

Maryanne Cornelius, City Clerk

COUNTY TREASURER'S CERTIFICATE

The records in my office show no unpaid taxes or special assessments for the five years preceding _____, 201____, involving the lands included in this plat.

Andy Meisner
Oakland County Treasurer

COUNTY DRAIN COMMISSIONER'S CERTIFICATE

Approved on _____, 201____ as complying with Section 192 of Act 288, P.A. 1967 and the applicable rules and regulations published by my office in the County of Oakland.

John P. McCulloch
Oakland County Drain Commissioner

COUNTY PLAT BOARD CERTIFICATE

This plat has been reviewed and is approved by the Oakland County Plat Board on _____, 201____ as being in compliance with all of the provisions of Act 288, P.A. 1967 and the Plat Board's applicable rules and regulations.

Michael J. Gingell, Chairman
Board of Commissioners

Bill Bullard Jr., County Clerk
Register of Deeds

Andrew E. Meisner
County Treasurer

Joseph C. Kapelczak, P.S.
County Plat Engineer

RECORDING CERTIFICATE

STATE OF MICHIGAN)
OAKLAND COUNTY)

This plat was received for record on the _____ day of _____, 201____ at _____ M, and recorded in Liber _____ of Plats on Pages _____

Bill Bullard Jr., County Clerk
Register of Deeds

AMBIT LAND SURVEYORS, INC.
691 WING STREET
PLYMOUTH, MICHIGAN 48170-1713

PETER P. PALCZYNSKI, P.S.
PROFESSIONAL SURVEYOR NO. 30096



MAPS
Location Aerial
Natural Features

SP12-07 Tollgate Woods Phase III - Final Plat

Location



Map Author: David Campbell
 Date: July 11, 2012
 Project: SP12-07
 Version #: 1.0

Amended By:
 Date:
 Department:

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 was the most recent and precise source available to the people of the City of Novi. Boundary measurements and other 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

-  Tollgate Woods Phase III
-  Tax Parcels



City of Novi

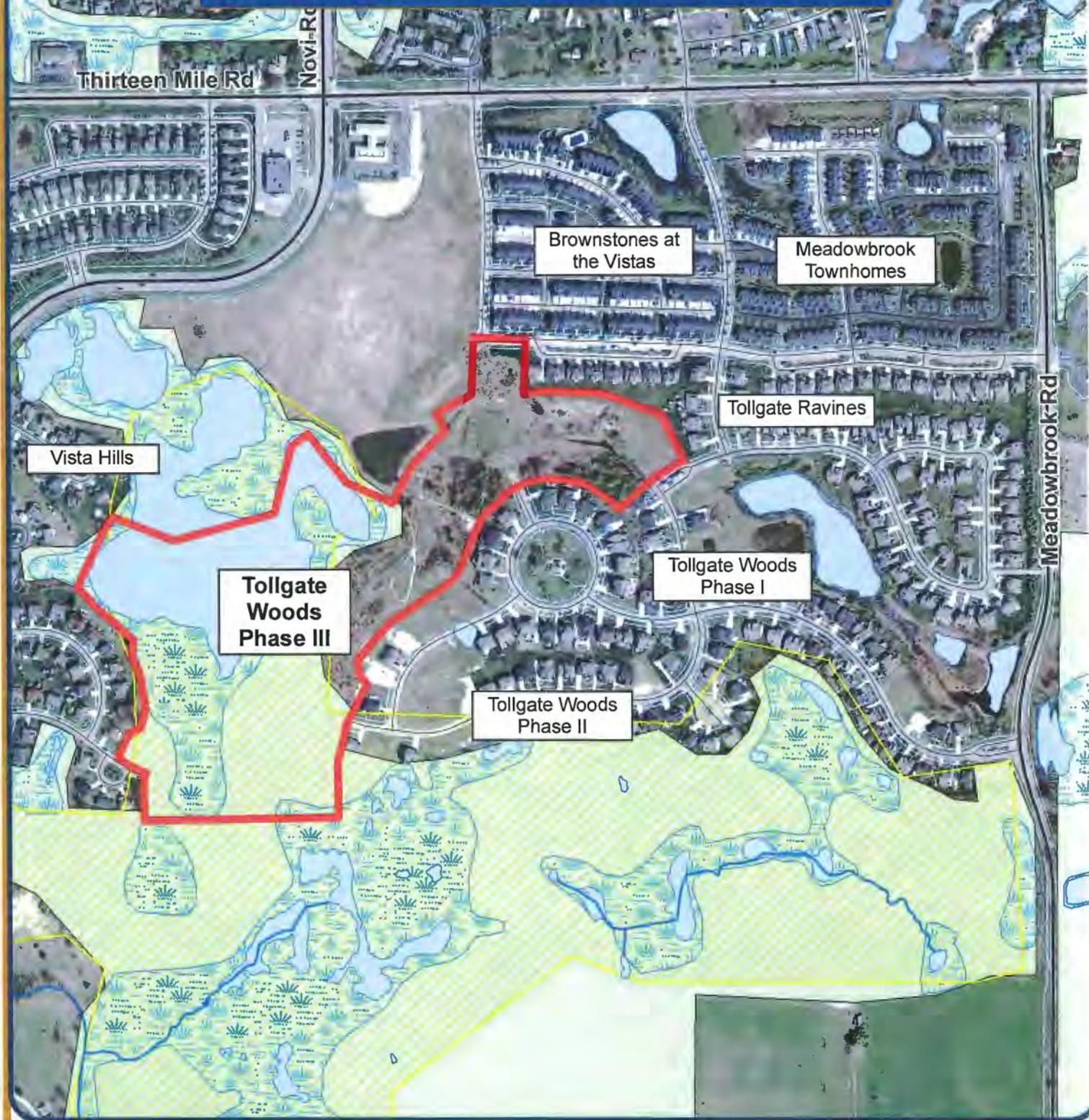
Dept. of Community Development
 City Hall / Civic Center
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org



1 inch = 500 feet

SP12-07 Tollgate Woods Phase III - Final Plat

Natural Features



Map Author: David Campbell
 Date: July 11, 2012
 Project: SP12-07
 Version #: 1.0

Amended By:
 Date:
 Department:

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Map Legend

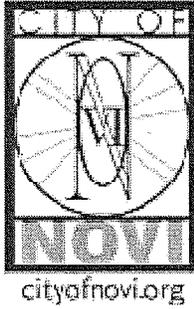
| | | | |
|--------------------------|---------------------------|------------------------|-----------|
| Tollgate Woods Phase III | FIRM Flood Hazard Areas | Habitat Priority Areas | Woodlands |
| Waterways | Flood Zones | High | |
| Lake or Pond | 1.0% Chance Flood Zone A | Medium | |
| | 1.0% Chance Flood Zone AE | Low | |
| | FLOODWAY | Wetlands | |
| | FLOODWAY | | |



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



PLANNING REVIEW
(REVISED July 18, 2012)



PLAN REVIEW CENTER REPORT

July 18, 2012

REVISED Planning Review

Tollgate Woods, Phase III Subdivision Final Plat
SP #12-07A

Petitioner

Singh Development Company (Chris Schrier)

Review Type

Final Plat Approval, Phase III

Property Characteristics

- Site Location: Between Novi Road and Meadowbrook Road, south of Thirteen Mile Roads (Section 11)
- Site Zoning: RA, Residential Acreage, developed under a PUD
- Adjoining Zoning: RA zoning to the north, east, west, and southeast; R-4 (One Family Residential) to the southwest
- Adjoining Uses: North: Meadowbrook Townhomes and vacant (Sandstone / Vistas); East: Tollgate Woods Phases I and II; South: Oakland Hills Memorial Cemetery and MSU Tollgate Farms; and West: Vista Hills
- Site Size: 33.63 acres

Project Summary

The applicant is requesting Final Plat approval for Phase III of the Tollgate Woods development, a planned single-family subdivision between Meadowbrook Road and Novi Road, south of Thirteen Mile Road. Phase III includes 57 lots (Lots 112-168 of Tollgate Woods), the completion/looping of Holmes Road, Steinbeck Glen, and Wolfe Pass, and extension of existing water main and sanitary sewer.

The Tentative Preliminary Plat and Final Preliminary Plat were approved by Consent Order during the beginnings of the Vistas lawsuit. City Council approved the Order with conditions on December 7, 1998, with a condition that a woodlands replacement plan for the Tollgate portion of the project be submitted and reviewed prior to Final Plat approval. A woodlands replacement plan was subsequently approved by City Council on April 17, 2000.

Following approval of the Final Preliminary Plat, the City's Subdivision Ordinance requires improvement plans to be submitted for review and approval in the form of subdivision engineering plans. The subdivision engineering plans for the Tollgate Woods project (Phases I through III) were approved administratively (SP 98-50E), with the final sign off coming in August of 2000. Due to the age of the stamped subdivision engineering plans, it was determined in January 2012 that City staff and consultants would conduct an updated review for Phase III to determine current review fees and financial guarantee amounts. In the process of conducting the updated reviews of the subdivision engineering plans, it was determined that a Wetland permit for Phase III was not required, but a Woodland permit was required. The Woodland permit was issued February 29, 2012.

Approval of the Final Plat is the final step in the subdivision plat approval process per Section 3.04 of the City's Subdivision Ordinance. Per Section 3.04.A.1, "the final plat shall conform to the approved final preliminary plat, and shall conform in all respects to the requirements of the Land Division Act, as amended." The Final Plat is approved by City Council following review and recommendation by Staff.

The City's environmental consultant (ECT) reviewed the Final Plat and issued a review letter dated June 28, 2012. In that letter ECT noted that the Final Plat did not show the recorded wetland conservation easement on six proposed lots (Lots 149, 150, 158, 159, 161, 162). This easement had been shown on the subdivision engineering drawings approved and stamped in August 2000. The applicant electronically re-submitted a Final Plat on July 17, 2012; Planning staff was able to confirm that the revised Final Plat now shows the conservation easement on the appropriate lots, which satisfies the concerns noted in ECT's review letter.

Recommendation

Approval of the Final Plat is recommended. With the minor revisions provided by the applicant in the Final Plat electronically submitted on July 17, 2012 (see above), the Final Plat plans are consistent with the lot shape, lot location, and street configuration shown on the approved Final Preliminary Plat plans as well as the subdivision engineering plans.



David R. Campbell, AICP, Planner dcampbell@cityofnovi.org

ENGINEERING REVIEW
(July 9, 2012)

Recommendation

The Final Plat for Tollgate Woods Subdivision Phase III is in conformance with the approved Final Preliminary Plat and Subdivision Engineering drawings for this project. Therefore, we recommend approval of the Final Plat by the City Council conditioned upon:

1. Posting of the financial guarantee, by the developer, in the amount of \$908,164.50.

Please contact Adam Wayne at 248-735-5648 with any questions.



Adam Wayne

cc: Brian Coburn, Engineering
Ben Croy, Engineering
David Campbell, Community Development Department
Tina Glenn, Water & Sewer Dept.
Sheila Weber, Treasurer's
G. Marker, OHM

TRAFFIC REVIEW
(July 2, 2012)

July 2, 2012

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



**SUBJECT: Tollgate Woods Subdivision No. 3, SP#12-0007A,
Traffic Review of Final Plat**

Dear Ms. McBeth:

We recommend approval of the proposed final plat, as it substantially conforms to the previously approved subdivision engineering plans.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Rodney Arroyo'.

Rodney L. Arroyo, AICP
Vice President

A handwritten signature in black ink, appearing to read 'William A. Stimpson'.

William A. Stimpson, P.E.
Director of Traffic Engineering

WETLANDS REVIEW
(June 28, 2012)



Environmental Consulting & Technology, Inc.

MEMORANDUM

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

FROM: Peter Hill, P.E. *P.H.*
Senior Associate Engineer

DATE: June 28, 2012

RE: Tollgate Woods Subdivision 3 (SP#12-0007A)
Review of Final Plat

ECT has reviewed the Final Plat Plan (Plan) for the Tollgate Woods Subdivision No. 3 located west of Meadowbrook Road between Twelve Mile and Thirteen Mile Roads (Section 11).

The Plan, with respect to lot locations, appears to conform to the approved Final Site Plan (including Soil Erosion and Sedimentation Control Plan, Sheet 1 and 2) prepared by PGK Consulting dated March 22, 2012.

However, the Final Plat does NOT appear to contain the necessary wetland and Conservation easement boundaries associated with the following lots:

- Lots 158, 159, 161 and 162 (Sheet 3 of 10);
- Lots 149 and 150 (Sheet 4 of 10);

The lots indicated above contain regulated wetland and/or wetland buffer. These areas do NOT appear to have been incorporated into wetland and/or Conservation Easements on the Plan.

ECT recommends that these Plans be revised in order to incorporate these regulated wetland and wetland buffer areas into an appropriate easement.

On-site, Wetland/Conservation Easement areas should be identified as such with protective signage, with the design and text reviewed by the City prior to installation, and posted at an effective spacing interval.

If you have any questions regarding the contents of this memo, please contact our office.

cc: Angela Pawlowski, Senior Customer Service Representative, City of Novi
(apawlowski@cityofnovi.org)
Kristen Kapelanski, Planner, City of Novi (kkapelanski@cityofnovi.org)

2200 Commonwealth
Blvd., Suite 300
Ann Arbor, MI
48105

(734)
769-3004

FAX (734)
769-3164

**EXCERPT OF CITY COUNCIL MINUTES FROM DECEMBER 7, 1998
(Approval of Consent Order)**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 7, 1998 AT 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

Mayor McLallen called the meeting to order at 7:40 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL: Mayor McLallen, Mayor ProTem Crawford, Council Members DeRoche, Kramer, Lorenzo, Mutch, Schmid

MATTERS FOR COUNCIL ACTION - Part II

6. **Request for approval of Consent Order to amend the Vistas PUD area plan and to allow for the development of Phases 8 & 9 by Fram Building Group as town homes and of Phases 6, 7, 15 & 16 by the Singh Development, Inc. as single family homes and site-condos**

Mr. Watson advised Council has a Consent Order and a proposed amendment to the area plan agreement to permit revisions to the Vistas area plan to allow the Singh proposal and the Fram proposal before them. Mr. Watson added the petitioner has listed the rest of the documentation as exhibits which in essence would approve the preliminary plat for the Fram proposal, the preliminary plat for the Ravines project and the tentative preliminary plat for the other Tollgate project along with the other respective plans that are pertinent to those approvals (i.e., wetlands, woodlands, soil erosion, etc.).

Councilman Schmid would like further clarification about what brought them to this stage regarding the Consent Order? Mr. Watson advised these individuals are connected to Sandstone only to the extent that they are attempting to purchase portions of the land from Sandstone to construct it in the manner that Council sees before them. Mr. Watson advised the reason it is before Council in the form of a Consent Order was primarily for convenience. He explained they have discussed this matter previously with Council and it was either a question of going all the way through the entire PUD amendment process and actually having the amendment before Council. He continued by stating that doing it by Consent Order was simply so these applicants could come directly before Council, put together a package and then submit that to the seller of the property.

Councilman Schmid understands the lawsuit between Sandstone and the City of Novi is still pending and asked whether this Consent Order will affect that suit? Mr. Watson advised one thing Sandstone is claiming is complete loss of their property as a result of what has happened over the years in that they claim they have been precluded from developing the property. Mr. Watson advised the Consent Order has a tangential effect on

that because if this moves forward, a portion of the property is obviously being developed and by those sales going through, they are receiving a revenue as a result. Mr. Watson advised there is a general impact on it, but they will not dismiss the lawsuit because of this.

Councilman Schmid understands they are going through this as a result of the Vistas suing the City of Novi and the petitioners are purchasing property from the Vistas. Mr. Watson would not say this proposal is a direct result of the lawsuit; this proposal is a result of the fact that they are attempting to liquidate their property.

Councilman Schmid reminded Council that he originally voted against the project because he believed it was a poor project and now it has proven to be a poor project.

Councilman Schmid asked what is the total increase or decrease in the number of residences in the entire project? Mr. Arroyo replied the number of dwelling units is decreasing from 1,119 to 936.

Councilman Schmid asked how many phases are in the total project? Mr. Arroyo believes there are sixteen phases.

Of the total sixteen phases, Councilman Schmid asked how many will be built? Mr. Arroyo replied it is somewhat complicated because they are taking units away from some phases and shifting them to increase density. Mr. Arroyo referred to his December 4, 1998 letter and noted that the table shows what they have previously proposed and what is currently proposed by phase.

Councilman Schmid thought there was land still available for sale. Mr. Arroyo advised they are asking for changes for a certain portion of the project, but what they are effectively doing is amending the entire area plan. He explained there are some portions of the previously approved area plan that will remain the same (i.e., residential portion on the west side of Novi Road, Phase I, Brownstones phase). Mr. Arroyo advised the area that this proposal is changing is east of Novi Road and is a residential component.

Councilman Schmid asked whether this is all of the land they own? Mr. Arroyo replied this includes all of the land in the original Vistas project.

Councilman Schmid will not support this request.

Councilwoman Lorenzo recalled Ms. Lemke rendered a negative recommendation and asked whether her recommendation still stands. Ms. Lemke replied her recommendation still stands.

Councilwoman Lorenzo asked whether there have been any changes made to the plan since they last saw it (i.e., movement in the area of the cul-de-sac)? Ms. Lemke replied

there have been no changes made.

Councilwoman Lorenzo asked how many additional acres of woodlands will be lost to this development over the original Vistas PUD? Ms. Lemke is uncertain. Mr. Kahm interjected, four acres.

Councilwoman Lorenzo recalled there was an indication from Council that they would like to see additional lots removed from the cul-de-sac areas and asked Mr. Kahm to explain why that issue has not been addressed? Mr. Kahm understood that there was a recommendation to consider combining lots for some purchasers who may want to build a larger home in a more desirable portion of the subdivision at the end of the cul-de-sac and he recalled that they would be more than amenable to that possibility. Mr. Kahm further understands that would not affect the layout of the subdivision, but it would be something that they could consider because there is nothing wrong with someone buying more than one lot and making it more into an estate lot with a larger home.

Councilwoman Lorenzo asked whether the petitioner would consider removing lots around the cul-de-sac areas to parallel this with the original Vistas and the no-load road in terms of what the ultimate preservation was. Mr. Kahm reminded Council that the proposed water main connection near the no-load road is no longer necessary. However, he noted they are still going to provide for an easement, but they will not build it. Consequently, there now is a preservation of a corridor that originally had a road through it and that will mitigate what they are doing to some extent. Mr. Kahm restated he was under the impression the layout they presented at their last meeting was the one that Council was reasonably comfortable with. Councilwoman Lorenzo thought the petitioner was going to rework some of the ideas brought forward at that meeting.

Councilwoman Lorenzo cannot support this request for several reasons and one reason is the woodland issue. Councilwoman Lorenzo recalled at their initial meeting the petitioner said something to the effect that he was not looking to make a lot of money on this project given the many projects that Singh has profited from in Novi. In terms of the woodland situation, Councilwoman Lorenzo is concerned that they are going backwards. She is also concerned about the process that got all of them to this point because there were concerns raised by Council about certain details that were said could be worked out later and now that they are at this point, these details (i.e., woodlands, storm water, wetlands, etc.) are not worked out. Councilwoman Lorenzo was looking toward at least considering this project in conjunction with at least the same amount of preservation that they were looking at in the Vistas PUD. Further, whereas a PUD allows flexibility, Councilwoman Lorenzo does not believe they should be accepting less than the previous plan and that they should be looking at more benefits for the city as they consider a PUD because it is a contract between the property owners, the applicants and the City of Novi. In terms of exceptions to ordinances, Councilwoman Lorenzo does not support exceptions to the ordinances and believes they should look at higher standards rather than fewer standards in PUD

situations.

Mr. Kahm wants to make sure they keep this in perspective. He explained when they proposed their development, one thing they had concerns about was the area plan that was approved as part of the current PUD which from an engineering perspective would require massive disturbance with the natural features in this project and not just within the preserved areas. He explained there is no way they can provide fifty foot lots in that configuration without a huge amount of earth work. Mr. Kahm stated they saw an opportunity to propose a development that was more in keeping with the substantial number of natural features of the site. Therefore, Mr. Kahm believes their plan addresses all of those issues and he further believes they prevented Hughlan from doing any further clearing on their property in order to preserve the natural features of the site. He continued by stating they are accomplishing that by proposing larger lots, they have proposed fewer lots and they are enhancing the wetland they are using for storm water management. Mr. Kahm believes their overall plan is keeping with the overall neo-traditional concept and offering quality homes on larger lots. Mr. Kahm restated they have invested many hours into working on these plans to try to get them to the point they are today and the plans have a substantial amount of detail commensurate with any other project in the city. In fact, Mr. Kahm believes their plan exceeds the detail of plans in other cases.

Councilwoman Lorenzo is concerned about the wetland issue and she has never heard one presentation that indicates that using natural wetland for storm water detention is beneficial. In fact, Councilwoman Lorenzo reported that she recently attended a conference where a paper entitled "The Ecology and Culture of Water" was presented that included data from over a dozen studies that concluded such retention is detrimental. Consequently, Councilwoman Lorenzo is not comfortable at this point that they have any documentation or predictability about what changes will occur in that wetland beyond allowing water to flow through it. She added she is particularly concerned about the change in the species and the perimeter species. Further, Councilwoman Lorenzo reported that the studies indicate changes in pH balance and the effect that has on the aquatic life within a system. Because there are no definitive answers to what those changes are going to be, Councilwoman Lorenzo believes they are asking them to approve a wetland application prematurely. She continued by stating she is very concerned about how they treat their wetlands and their woodlands because it appears as though they always seem to be compromised. Consequently, until they know what the effects will be, she will not support this project.

Councilman DeRoche is also concerned and he does not believe that they need to restate the hours of discussions from their executive sessions. Councilman DeRoche believes the city is in a very serious situation and involved in a very serious lawsuit. Further, it is Councilman DeRoche's opinion that this proposal is at least one hundred times better than the proposals that they already approved for the existing developer. Councilman DeRoche continued by stating that some people would say that the developer has the city where they

want them. However, he would disagree unless they are talking about the original PUD that they approved. Councilman DeRoche explained he believes it was the first PUD that got them into this situation and restated he believes this proposal is an incredibly better situation. He reminded Council there are many things that cannot be included in an ordinance, but should be addressed from a practical standpoint. He noted one example is how Singh addressed the mass grading issue. He explained they wanted to avoid a mass grading and they addressed that by actually engineering the houses into the natural slopes of the topography. Councilman DeRoche believes the natural beauty of this site will be brought out much more with this project than it would from the other one. In terms of the wetlands, Councilman DeRoche would agree that they might not have as much information as they would like to have, but he still believes they are getting a dramatically better development and a better situation for the city in comparison with what they have already approved.

Councilman Kramer asked Mr. Arroyo to assess Singh's December 3, 1998 letter that was written in response to the consultant's letters (i.e., allowable percentage for front entry garages, lot lines and orientation regarding lots 18 and 21). Mr. Arroyo stated the basis for his recommendation about the number of front entry garages was dependent upon concerns raised by Council in other discussions. Secondly, Mr. Arroyo advised most of the products the petitioner is offering in terms of building elevations are not front entry garages and they are still trying to create a project that is somewhat unique. Mr. Arroyo continued by stating that he believes one element currently approved for Vistas is the fact that there is a significant reduction in front entry garages through the alley system. He explained they are eliminating a number of the alleys with the new plan because they are essentially removing them from the portion east of Novi Road. Mr. Arroyo stated 15% may not be the magic number, but he believes if they leave it open, they could result with a substantial percentage of lots being developed with front entry garages.

Mr. Arroyo's position on Lots 18 and 21 is that those are essentially corner lots and if this were a corner lot in any other subdivision, they would require a minimum amount of frontage on both roadways. Mr. Arroyo advised they are not providing a minimum amount of frontage; they are going down to a minimum lot width of 65 feet. In Mr. Arroyo's opinion, he believes they should be providing 65 feet on both roadways where those corner lots are positioned.

Councilman Kramer believes they are proposing to resolve this issue by the placement of the house at the time that they prepare their plat plans. Mr. Arroyo understands they are referencing the issues about the safety of the driveways in close proximity to the intersection and the petitioner is saying they will try to address that through the placement of the houses. Mr. Arroyo reported the other is just the appearance of the corner lots as they drive through. He explained if they approve this as proposed, it will look very different from any other corner lot anywhere in the city. He noted that most corner lots essentially have an equal frontage on both roadways and these are the only exceptions that he can

find and he does not believe it makes sense to be inconsistent just in these two cases.

Councilman Kramer asked whether the developer would be willing to commit a percentage of front entry garages realizing the city is not looking to have a majority of those kinds of garages. Mr. Kahm advised they are not interested in having a large number of front entry garages either. He explained the reason they introduced the front entry designs originally was that this site has sloping topography and it is going to be difficult to make a side entry garage work in some instances. Councilman Kramer understands that, but asked if he is willing to agree to a reasonable limit on the number of front entry garages. Mr. Kahm advised that 50% of the lots in this subdivision are conceivable walkout lots, but he does not believe every one of that number will be a front entry garage. Mr. Kahm noted that the front entry garages are in accordance with the current PUD agreement. Councilman Kramer reminded Mr. Kahm that during their discussions they had hoped to eliminate the front entry garages on the narrower lots. He restated the question is to what extent is the developer willing to commit to limiting front entry garages. Mr. Kahm stated their concern was that they trying not to get into a position where they tell the market what it wants. He explained they can design many things that they believe may be aesthetically pleasing and attractive, but they also do not want to build a hard-to-sell item. Councilman Kramer would be more comfortable if they could cap the number somewhere below 50% as a starting point. Mr. Kahm asked whether Council is comfortable with 50%.

The Mayor believes Councilman Kramer is uncomfortable with 50% and noted that Mr. Arroyo suggested 15%.

Mr. Kahm proposed 40% with the caveat that they can come back before Council if they need to. Mr. Kramer would agree to 40% and noted this conversation is on the record.

Councilman Kramer asked whether the designs of Lots 18 and 21 are adjustable to satisfy Mr. Arroyo's concerns. Mr. Kahm advised they are uncertain about the concerns raised regarding Lots 18 and 21. He explained that they believe these two lots would function equally as well as the rest of the lots around the circle. He noted they are unique because they front not only on the finger road, but they also front on the circle.

Councilman Kramer understands the homes are depicted as facing radially or approximately to the point of the land; Mr. Kahm agreed. Councilman Kramer understands they are not honoring that as a corner lot in the orientation of the house; Mr. Kahm agreed. Councilman Kramer stated that he does not have a problem with that and believes it is reasonable.

Councilman Kramer reminded Council that there was a comment made by Andrew Mutch during Audience Participation regarding fences. Councilman Kramer understands the ordinance does permit front yard fences. Mr. Watson recalled that the zoning ordinance would require fences to be the same set back as a house under normal circumstances. He

continued by stating that they permitted fences under the original PUD.

Councilman Kramer understands that element that was in the original PUD and asked whether they have precluded it from this agreement or is it just not mentioned in this agreement. Mr. Kahm advised they have precluded it in one of the architectural standards presented in the amended area plan. Councilman Kramer understands it is the petitioner's intention to exclude the front yard fences; Mr. Kahm agreed and added they will allow them in the rear. Although he understands Mr. Mutch's point, he stated the reason for eliminating the front yard fences is that those types of homes and architecture did not have them.

Councilman Kramer asked Ms. Lemke to comment on excess street trees required landscaping and tree for tree replacement. Ms. Lemke advised that when she objected to the design alternatives, it went beyond the cul-de-sacs. She added it was also suggested that they combine lots and look at utilities. Ms. Lemke noted she commented in her letter that since there is a 20 foot set back waiver for the lots having significant woodlands, that putting the utilities under the road would not provide an additional savings. Ms. Lemke continued by stating her objection regarding the street tree replacement was based on the proposal that evergreens are proposed at one to one and currently Section 37 A, B allows evergreen trees at two to one replacement. She noted the burden of replacement would be placed directly on the homeowner and although the homeowner does take an interest in it, the homeowner can change and the new owner could change the landscaping. Further, the inspection process would involve dealing with each individual homeowner and Ms. Lemke believes the process would become more complicated. Ms. Lemke added that species delineation would become more complex.

Councilman Kramer asked what would Ms. Lemke's recommendation be for the use of those trees? Ms. Lemke would recommend that it should be per current replacement and that they should be placed adjacent to disturbed regulated woodlands or they should put them on other areas around the site (i.e., the round about area, by Wetland B, planted on another piece of property owned by the developer or the dollar amounts be placed into the city's tree fund).

With respect to tree replacements, Mr. Kahm stated if they are going to be planting more street trees than is required by ordinance, they would ask why couldn't they get credit for that toward their woodland replacements. He noted they have done that in other cities.

Councilman Kramer advised that Mr. Kahm has heard Ms. Lemke's argument and asked whether he has further comment. Mr. Kahm replied that the city plants street trees based on whatever the ordinance calls for so there will never be a situation where they will plant more trees than the ordinance calls for because there is already a built in mechanism.

Councilman Kramer understands that, but Ms. Lemke has requested that they plant the

trees in the woodlands. Mr. Kahm believes the ordinance provides for replacement of trees in the areas where they are removing them. Mr. Kahm advised there is no place to plant trees in open space woodlands because it is already wooded. Mr. Kahm reported they are already following this system in Beckenham and Willowbrook Phase I. Mr. Kahm advised they are willing to pay the inspection fees, but he asked why can't they put the trees back where they are taking them from and it is working for them in other communities. With respect to the evergreens, Mr. Kahm noted they do have two evergreens that count as one tree.

Councilman Kramer does not want to engage in a debate at this time, but would like to include language in the motion that this issue needs to be resolved to some mutual satisfaction.

Councilman Kramer asked the petitioner to comment on the statement made about the town homes not having access to the sidewalks. Doug Stratton replied they have met with Mr. Arroyo and they have come to an agreement. He then noted the proposed sidewalks on the plan.

Councilman Kramer asked whether Mr. Arroyo believes the plan is acceptable. Mr. Arroyo advised they have attempted to be consistent with what has already been approved with the Brownstone phase. He noted that the PUD ordinance does not specifically state that there must be a sidewalk in the multiple family section in front of every unit. He explained it states that they must provide for an internal network that connects.

Councilman Kramer understands it is Mr. Arroyo's opinion that the sidewalk layout has reasonable access; Mr. Arroyo agreed it is reasonable and consistent.

Councilman Kramer added Ms. Lemke indicated that Singh has looked at constructing the utilities in the right-of-way and that because of set backs that may not be a beneficial design. Councilman Kramer stated that he would still encourage taking advantage of opportunities to minimize intrusion by the detailed engineering placement of those utilities.

Councilwoman Mutch asked how much green space will be left once they make the changes proposed by the petitioner? Mr. Arroyo does not have an exact number in terms of the comparison with the original plan. However, he advised he does have numbers regarding related to lot coverage and floor area ratio. Mr. Arroyo reported the ordinance has a maximum lot coverage of 25% and this proposal is under 10%. Mr. Arroyo advised that the floor area ratio shall not exceed 35% according to the ordinance and this proposal is just under 16%. However, he restated that he does not have the exact numbers of open space for this project versus the approved.

Councilwoman Mutch understands there is more space around the built environment because they are covering less space, it is less densely developed and there are fewer

units. Mr. Arroyo restated that he is unable to give an exact answer because although they are not building as many units, he believes these units are larger than the units originally approved. However, he noted in terms of coverage versus the ordinance standards, they are substantially below maximum.

Councilwoman Mutch asked whether they have provided a space the residents can go to outside their own yard? Mr. Arroyo understands many of the preservation areas are going to be walkable to some extent, but would ask the petitioner to comment. He then referred Council to Tab 1 of the Singh binder which shows the proposed Phasing Plan Revisions. He noted they show Open Space on the bottom column and the last two columns compare the existing plan with the proposed plan. Mr. Arroyo reported the total preservation area is 62 acres under the previous plan and is 62 acres under the current plan. He continued by stating that open space is shown as 10 acres under both plans.

According to the subdivision plan, Mr. Holloway noted because of the amount of green space and the central curvilinear road system, the residents never have to travel far to access any portion of the green space. He added Meadowbrook Elementary is located just north of this project and active recreation is also available there.

Councilwoman Mutch noted a large selling point for this project was the green space areas.

CM-98-12-390: Moved by Mutch, Seconded by DeRoche, CARRIED: To approve the Consent Order, to approve the Vistas PUD agreement amendment, the Meadowbrook amendment to area plan, the Tollgate amendment to area plan, the plans listed within those documents, subject to all of the consultants conditions, except for Ms. Lemke's recommendations for design alternatives within the Tollgate subdivisions and except for Mr. Arroyo's recommendations regarding the side lot lines of Lots 18 and 21, and with a 40% limitation on front entry garages, and with Singh to return with a woodland replacement plan prior to final site plan or final plat approval with regard to the Tollgate project

COUNCIL DISCUSSION

Mr. Kahm is somewhat confused. He explained woodland replacement is a huge issue and he wants to make certain that the motion permits them to plant trees on lots.

Councilman Kramer replied the motion permits him to resolve the issue with Ms. Lemke.

Mr. Kahm restated that is a huge issue and it may impact the feasibility of their project. Councilman Kramer stated it appeared that they were unable to resolve this issue this evening and the petitioner may like to bring it back for further discussion because it seems

Council is unprepared to discuss the whole detail tonight.

Mr. Kahm understood they were given the opportunity to work out just the mechanics. The Mayor believes that was the direction that was given in that the petitioner should work out what they can prior to final site plan and final plat.

Mr. Watson added that the petitioner can come back with a tree replacement plan any time prior to final site plan approval and final plat approval with respect to the Tollgate project.

Mr. Kahm stated if they come back with a mechanism to show how the trees will

Mr. Watson advised that each subdivision will come back for final plat approval and the site condo will come back for final site plan approval.

The Mayor noted that the petitioner will have another opportunity to come back before Council and refine those issues.

Mr. Kahm understands that he can come back before Council to address this same issue; Mayor McLallen and Mr. Watson agreed.

Councilman Schmid will not support the motion and his position is no reflection on the developer or his proposal. Councilman Schmid advised that he believes this development is far superior to the Vistas row house that was destined to fail. Councilman Schmid would prefer to go back to the original zoning (RA with 1 acre lots) because he believes it would be more desirable for this location.

**Vote on CM-98-12-390: Yeas: McLallen, Crawford, DeRoche, Kramer, Mutch
Nays: Lorenzo, Schmid**