



COVINGTON ESTATES JSP15-02

Covington Estates JSP 15-02

Public hearing at the request of Biltmore Land, LLC for Covington Estates Residential Unit Development for Preliminary Site Plan, Site Condominium, Woodlands Permit and Storm Water Management Plan approval located in section 31 of the City of Novi, north of Eight Mile Road and west of Garfield Road. The applicant is proposing a Residential Unit Development (RUD) on a 48.83 acre parcel to construct 38 single-family residential units. The applicant is proposing a gated community.

Required Action

Approval/Denial of the Preliminary Site Plan, Site Condominium, Woodlands Permit, and Storm water Management Plan.

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval recommended	06-28-16	Items to be addressed on the Final Site Plan submittal
Engineering	Approval recommended	06-01-16	Items to be addressed on the Final Site Plan submittal
Landscape	Approval recommended	05-31-16	Items to be addressed on the Final Site Plan submittal
Woodlands	Approval recommended	05-26-16	A Woodland Permit from the City of Novi would be required for proposed impacts Items to be addressed on the Final Site Plan submittal
Traffic	Approval Recommended	06-01-16	Items to be addressed on the Final Site Plan submittal
Fire	Approval recommended	05-24-16	Items to be addressed on the Final Site Plan submittal

Motion Sheet

Approval –Preliminary Site Plan and Site Condominium

In the matter of Covington Estates, JSP 15-02, motion to **approve** the Preliminary Site Plan with Site Condominium based on and subject to the following:

- a) The applicant agrees that the temporary emergency access will terminate on completion of the development of the property to the east, when the emergency access between lots 12 and 13 in Covington Estates will become active and permanent.
- b) The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan;
 - a) *(additional conditions here if any)*

This motion is made because the plan is otherwise in compliance with the RUD agreement, Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

-AND-

Approval –Woodlands Permit

In the matter of Covington Estates, JSP 15-02, motion to **approve** the Woodland Permit based on and subject to the following:

- a) The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b) *(additional conditions here if any)*

This motion is made because the plan is otherwise in compliance with the RUD agreement and Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.

-AND-

Approval –Stormwater Management Plan

In the matter of Covington Estates, JSP 15-02, motion to **approve** the Stormwater Management Plan based on and subject to the following:

- a) The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan; and
- b) *(additional conditions here if any)*

This motion is made because the plan is otherwise in compliance with the RUD agreement and Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

-OR-

Denial –Preliminary Site Plan and Site Condominium

In the matter of Covington Estates, JSP 15-02, motion to **deny** the Preliminary Site Plan with Site Condominium, *for the following reasons...(because the plan is not in compliance with the RUD agreement, Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.)*

-AND-

Denial –Woodlands Permit

In the matter of Covington Estates, JSP 15-02, motion to **deny** the Woodlands Permit, *for the following reasons...(because the plan is not in compliance with the RUD agreement and Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.)*

-AND-

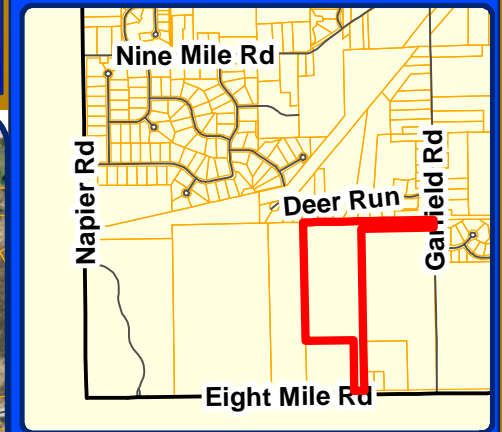
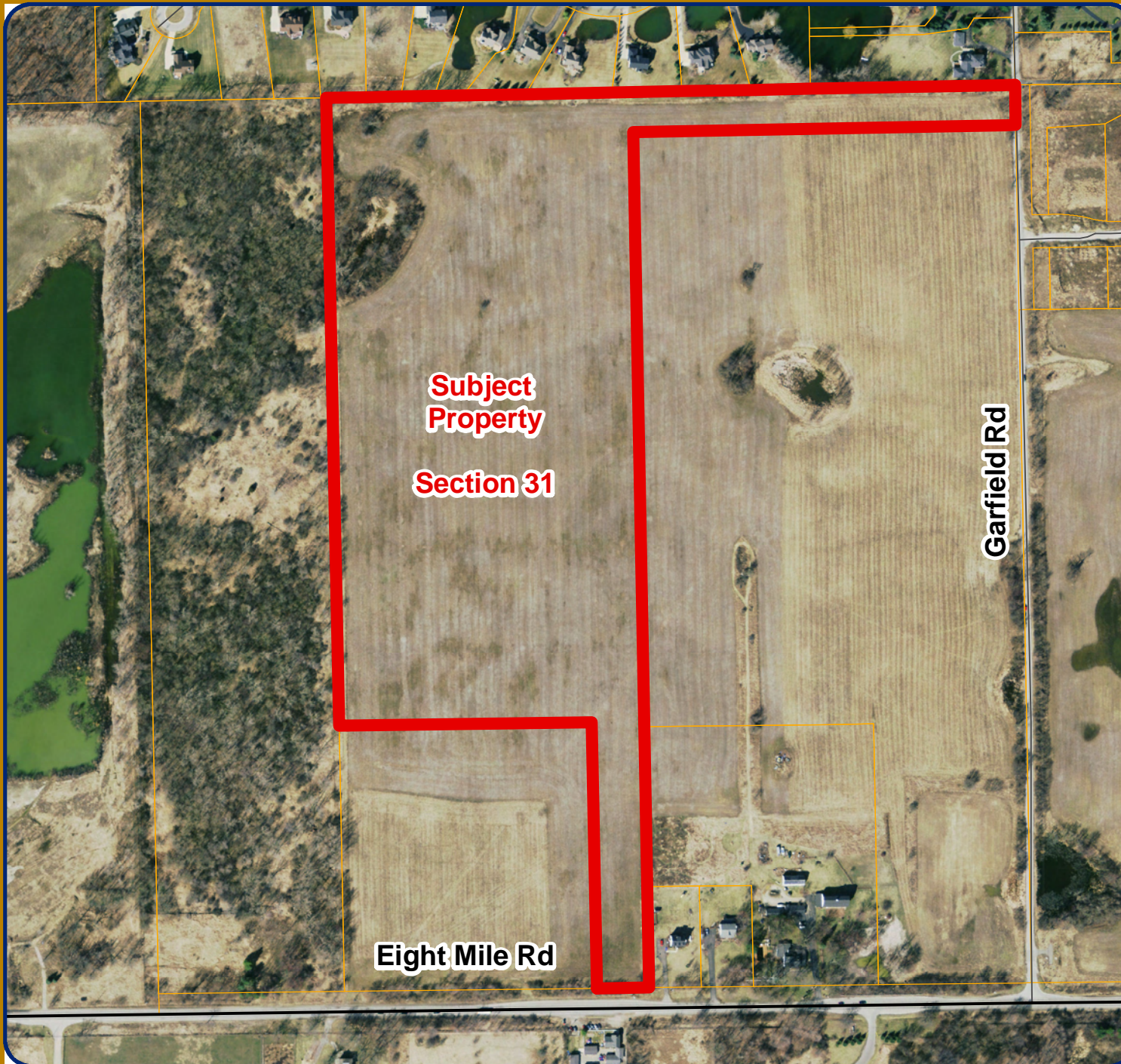
Denial –Stormwater Management Plan

In the matter of Covington Estates, JSP 15-02, motion to **deny** the Stormwater Management Plan, *for the following reasons...(because the plan is not in compliance with with the RUD agreement and Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.)*

MAPS
Location
Zoning
Future Land Use
Natural Features

JSP 15-02 Covington Estates

Location



City of Novi

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

Map Author: Sri Komaragiri
Date: 08/06/15
Project: JSP15-02 Covington Estates
Version #: 1



1 inch = 417 feet

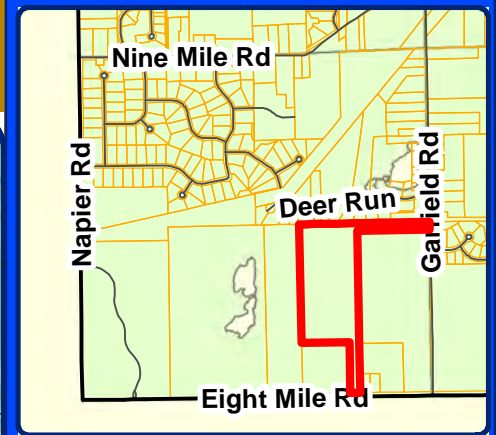
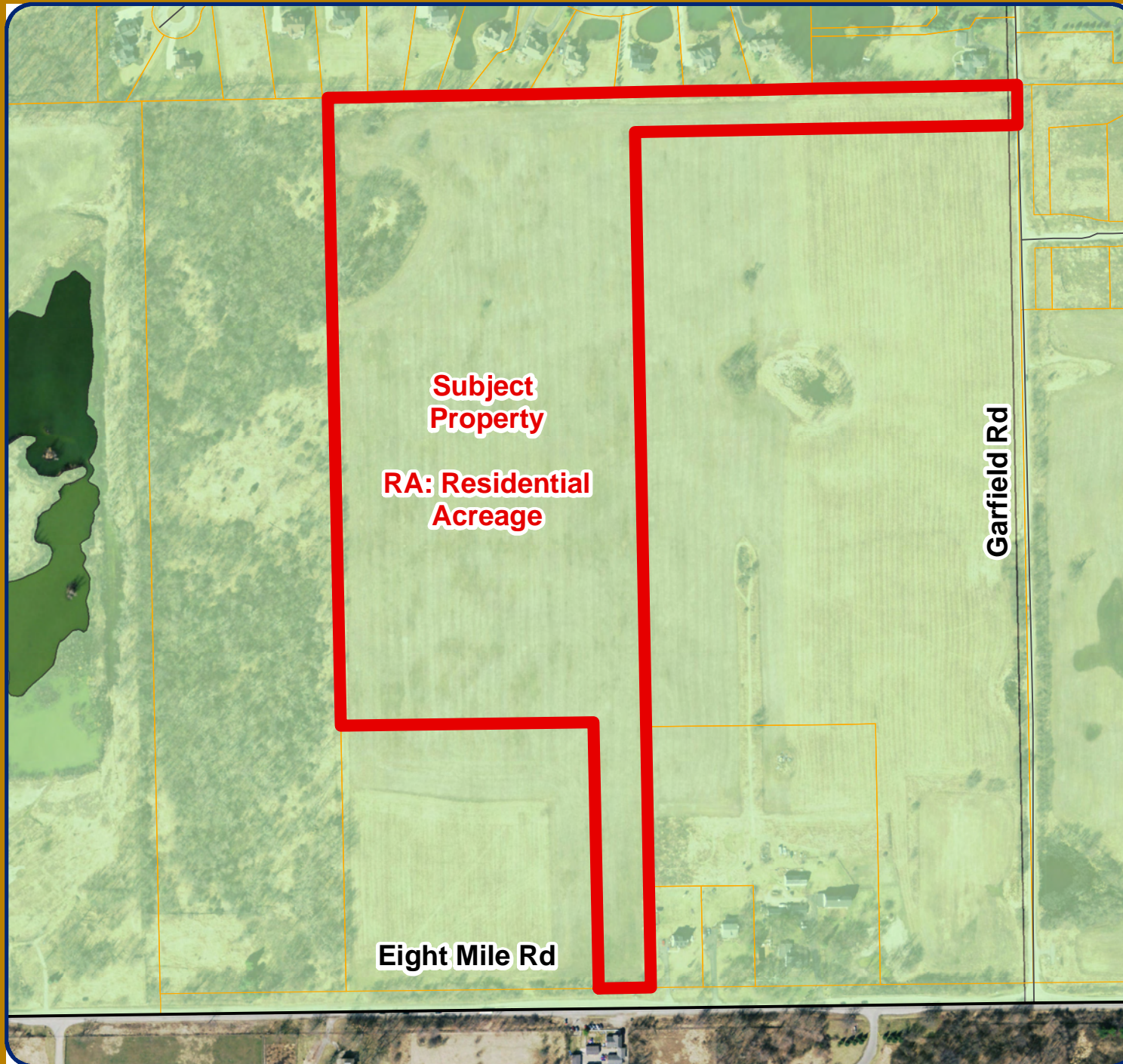


MAP INTERPRETATION NOTICE

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JSP 15-02 Covington Estates

Zoning



Legend

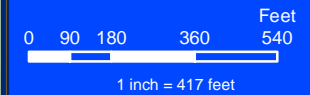
 R-A: Residential Acreage



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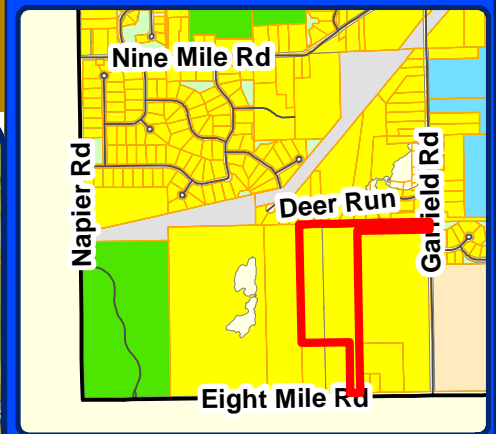
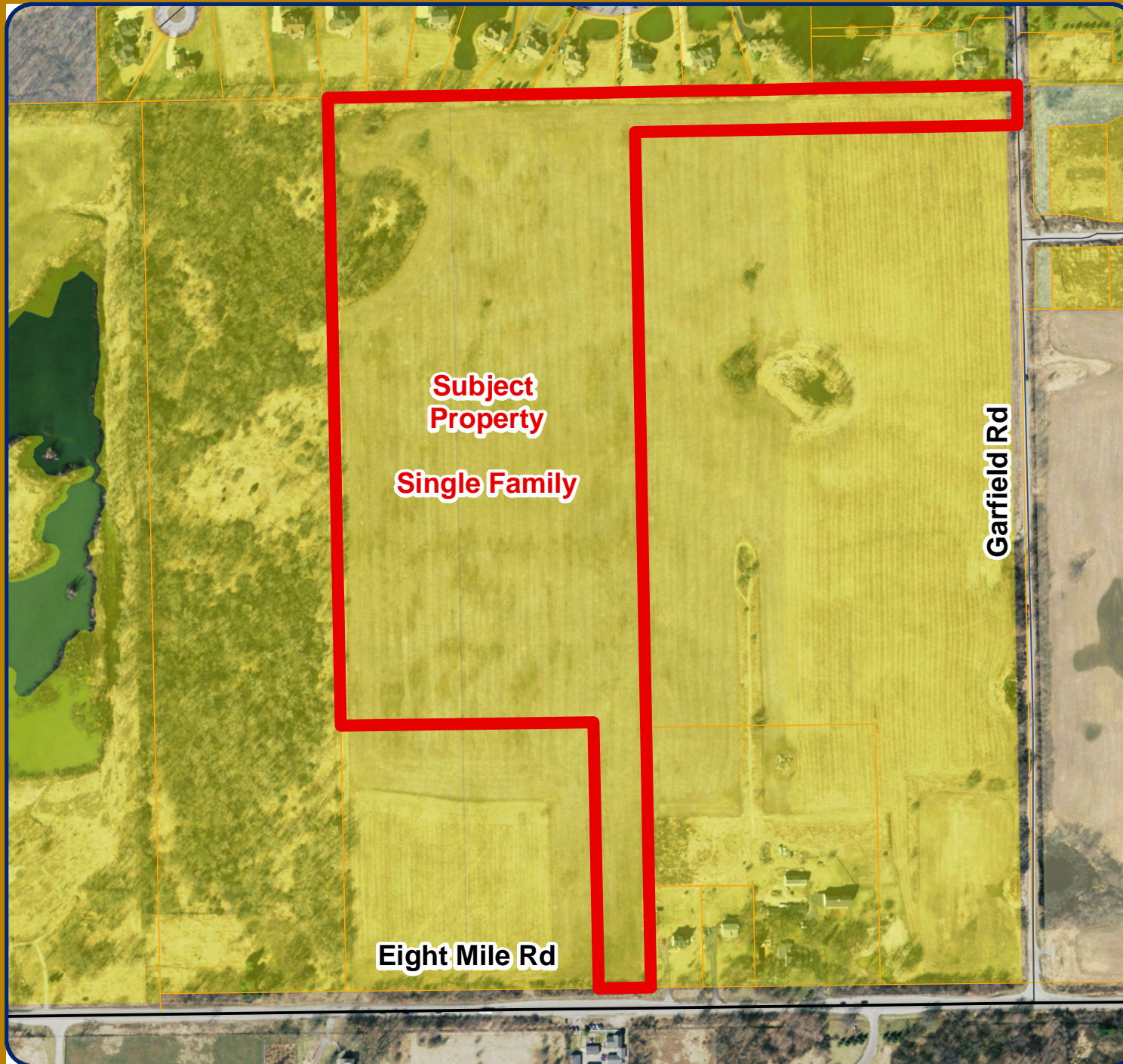


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

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JSP 15-02 Covington Estates

Future Landuse



Legend

-  SINGLE FAMILY
-  EDUCATIONAL FACILITY
-  PUBLIC
-  PUBLIC PARK
-  PRIVATE PARK
-  UTILITY



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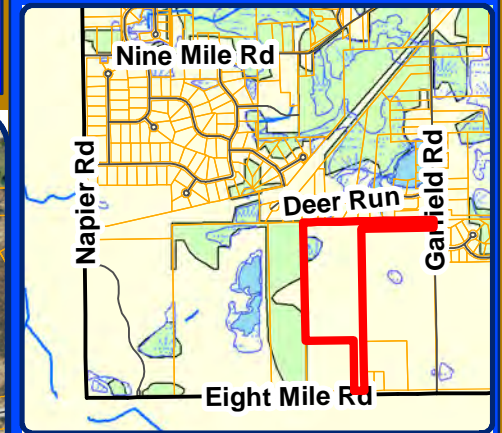
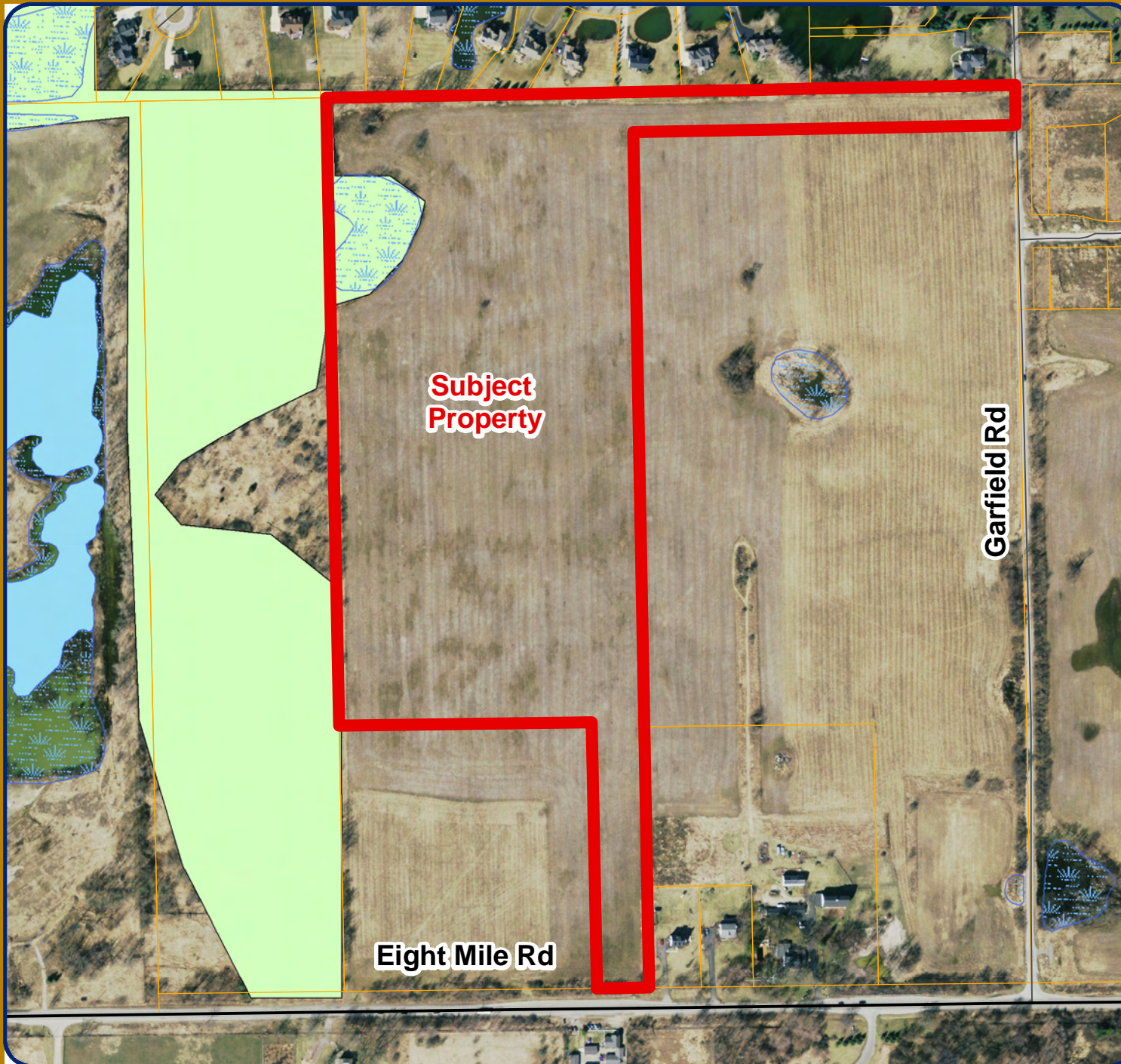


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JSP 15-02 Covington Estates

Natural Features



Legend

-  Wetlands
-  Woodlands



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RUD PRELIMINARY SITE PLAN

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

COVINGTON ESTATES

PART OF THE SOUTHEAST 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 8 EAST,
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

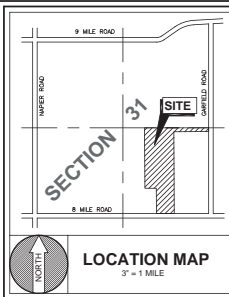
RESIDENTIAL UNIT DEVELOPMENT

OVERALL PRELIMINARY SITE PLAN

SOUTHEAST 1/4 CORNER, SECTION 31, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MI

CITY BENCHMARK
CITY BENCHMARK #3141
BENCH IN THE SOUTH FACE
OF POWER POLE
ELEVATION 971.72

SITE BENCHMARK
BENCHMARK #1
TOP OF HYDRANT ON EAST
SIDE OF GARFIELD ROAD
ELEVATION 971.36
BENCHMARK #2
MAG NAIL IN UTILITY POLE ON
NORTH SIDE OF 8 MILE ROAD
ELEVATION 973.49
BENCHMARK #3
MAG NAIL IN SIREN POLE ON
SOUTH SIDE OF 8 MILE ROAD
ELEVATION 971.76



PROPERTY DESCRIPTION (SIDWELL #22-31-400-011)
A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 8 EAST, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 31, THENCE N89°55'04"W 1100.00 FEET ALONG THE SOUTH LINE OF SECTION 31; THENCE N01°5'46"W 60.00 FEET TO THE POINT OF BEGINNING; THENCE EXTENDING N89°55'04"W 534.92 FEET ALONG THE NORTH RIGHT OF WAY LINE OF EIGHT MILE ROAD (60'-1/2 WIDTH); THENCE N02°22'42"W 764.60 FEET; THENCE N89°55'04"W 341.83 FEET; THENCE N00°22'42"W 1805.49 FEET TO THE EAST-WEST 1/4 LINE OF SECTION 31; THENCE N89°43'21"E 1981.92 FEET ALONG THE EAST-WEST 1/4 LINE OF SECTION 31 TO THE EAST 1/4 CORNER OF SECTION 31; THENCE S00°15'46"E 115.00 FEET (RECORDED) 115.00 FEET (MEASURED) ALONG THE EAST LINE OF SECTION 31; THENCE S89°43'21"W 1099.98 FEET; THENCE S00°15'46"E 2460.40 FEET TO THE POINT OF BEGINNING, CONTAINING 48.847 ACRES OF LAND.

SUBJECT TO THE RIGHTS OF THE PUBLIC IN EIGHT MILE ROAD AND GARFIELD ROAD,
ALSO SUBJECT TO ANY EASEMENTS AND/OR RIGHTS OF WAY RECORDED OR OTHERWISE.

UNIT SUMMARY

UNIT NO.	UNIT SF	UNIT WIDTH
1	22800.00	120.00
2	24475.63	135.70
3	22063.13	122.00
4	21960.00	122.00
5	23071.28	120.00
6	23278.43	120.00
7	23266.85	120.00
8	21766.28	120.00
9	24501.02	120.00
10	24520.06	151.80
11	22435.15	131.43
12	23332.55	120.13
13	23214.07	130.66
14	22802.13	120.03
15	24089.81	120.02
16	25773.27	120.00
17	13590.82	120.00
18	29586.21	120.00
19	26092.45	120.00
20	23787.37	120.58
21	24004.13	137.89
22	24884.85	140.00/194.62
23	26822.58	120.00
24	35018.76	120.00
25	24697.73	121.79
26	30698.89	132.59/193.33
27	26425.17	161.29/130.69
28	28301.21	120.00
29	40743.40	120.00
30	36339.56	120.00
31	26507.52	120.00
32	31113.04	142.76/227.66
33	27891.10	158.06
34	28481.42	145.24
35	24592.07	120.00
36	24599.99	120.01
37	23502.35	120.12
38	22800.00	120.00

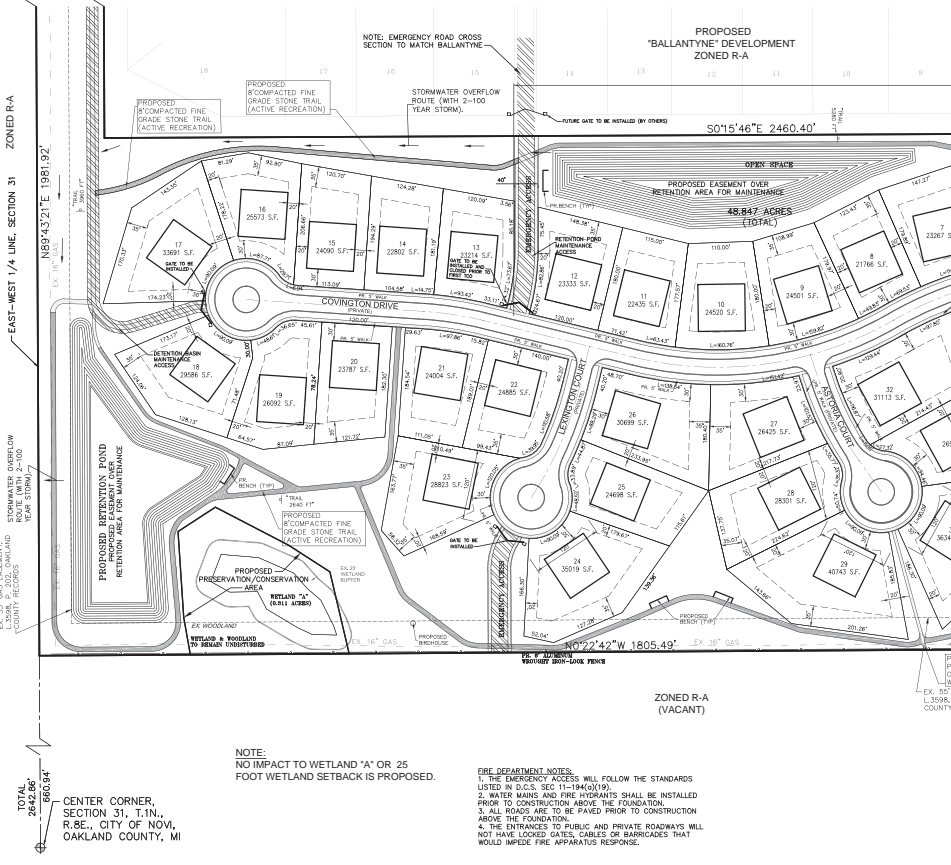
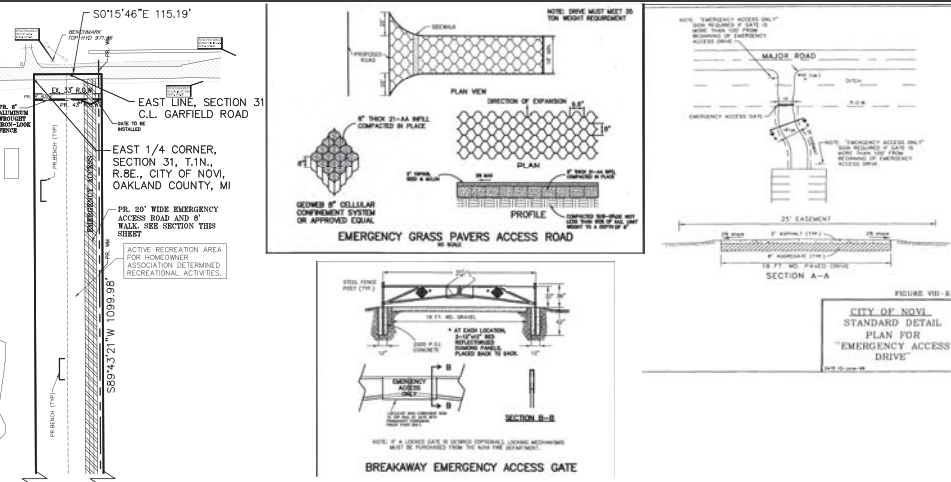
LEGEND EXISTING

- EXISTING SURVEY
- EXISTING ROAD
- EXISTING UTILITY
- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING GRASS
- EXISTING WETLAND
- EXISTING TREES
- EXISTING FENCES
- EXISTING DRIVE
- EXISTING OPEN SPACE
- EXISTING SIDEWALK
- EXISTING CURB
- EXISTING SIGN
- EXISTING LIGHT
- EXISTING BIKEWAY
- EXISTING GATE
- EXISTING SAND
- EXISTING GRAVEL
- EXISTING CRUSHED ROCK
- EXISTING SLOPE
- EXISTING GRADE
- EXISTING ELEVATION
- EXISTING BENCH MARK
- EXISTING CORNER
- EXISTING POINT
- EXISTING LINE
- EXISTING AREA
- EXISTING VOLUME
- EXISTING MASS
- EXISTING MOMENT
- EXISTING FORCE
- EXISTING POWER
- EXISTING ENERGY
- EXISTING IMPULSE
- EXISTING PRESSURE
- EXISTING STRESS
- EXISTING STRAIN
- EXISTING DEFORMATION
- EXISTING DISPLACEMENT
- EXISTING VELOCITY
- EXISTING ACCELERATION
- EXISTING FREQUENCY
- EXISTING PERIOD
- EXISTING PHASE
- EXISTING AMPLITUDE
- EXISTING WAVELENGTH
- EXISTING VELOCITY
- EXISTING ACCELERATION
- EXISTING FREQUENCY
- EXISTING PERIOD
- EXISTING PHASE
- EXISTING AMPLITUDE
- EXISTING WAVELENGTH

LEGEND PROPOSED

- PROPOSED SURVEY
- PROPOSED ROAD
- PROPOSED UTILITY
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED GRASS
- PROPOSED WETLAND
- PROPOSED TREES
- PROPOSED FENCES
- PROPOSED DRIVE
- PROPOSED OPEN SPACE
- PROPOSED SIDEWALK
- PROPOSED CURB
- PROPOSED SIGN
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- PROPOSED PERIOD
- PROPOSED PHASE
- PROPOSED AMPLITUDE
- PROPOSED WAVELENGTH

NOTE:
VARIANCE REQUIRED FOR EXCESSIVE LENGTH FROM 8 MILE ROAD TO EMERGENCY ACCESS (SUBMITTED UNDER SEPARATE COVER) DUE TO CONSISTENCY WITH EMERGENCY ACCESS IN PROPOSED 'BALLANTINE' DEVELOPMENT.



NOTE:
NO IMPACT TO WETLAND 'A' OR 25 FOOT WETLAND SETBACK IS PROPOSED.

FIRE DEPARTMENT NOTES:
1. THE EMERGENCY ACCESS WILL FOLLOW THE STANDARDS LISTED IN D.C.S. SEC 11-194(019).
2. WATER MAINS AND FIRE HYDRANTS SHALL BE INSTALLED PRIOR TO CONSTRUCTION ABOVE THE FOUNDATION.
3. ALL ROADS ARE TO BE PAVED PRIOR TO CONSTRUCTION ABOVE THE FOUNDATION.
4. THE ENTRANCES TO PUBLIC AND PRIVATE ROADWAYS WILL NOT HAVE LOCKED GATES, CABLES OR BARRICADES THAT WILL IMPED FIRE APPARATUS RESPONSE.

REQUIRED REPLACEMENT TREES:

TAG NO.	SIZE	TYPE	WOODLAND REPLACEMENT REQ.
#2737	8"	Black cherry	1
#2744	32"	Black walnut	4
#2745	17"	Black walnut	2

TREES TO BE REMOVED:

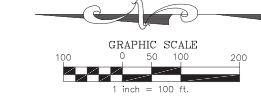
TAG NO.	SIZE	TYPE	WOODLAND REPLACEMENT REQ.
#2744	32"	Black walnut	4
#2745	17"	Black walnut	2

7 REPL TREES

RESIDENTIAL UNIT DEVELOPMENT OPTION

EX. ZONING: R-A
TOTAL NUMBER OF UNITS: 38
PR. MINIMUM UNIT SIZE: 21,790 FT² (0.50 ACRES) (CONSISTENT WITH R-1)
PR. MINIMUM UNIT WIDTH: 120 FT (CONSISTENT WITH R-1)

AVERAGE DENSITY CALCULATION:
SITE AREA: 48,847 AC.
AREA OF RIGHT OF WAY: 0.113 AC.
REGULATED WETLAND AREA (BY PART 301/303 OF NREPA, OR CHAPTER 12, ARTICLE 5 OF NOVI CODE OF ORDINANCES: 0.0 AC.
NET SITE AREA: 48.73 AC.
NUMBER OF UNITS: 38
DENSITY: 38 UNITS/48.73 ACRES = 0.78 UNITS/ACRE



NOTE:
THE PERMANENT PRESERVATION OF THE WOODLAND AND WETLAND (NATURAL FEATURES), AS WELL AS THE MAINTENANCE AND PRESERVATION OF THE REMAINING OPEN SPACE WILL BE ADDRESSED IN THE MASTER DEED AND BYLAWS OF THE DEVELOPMENT. THE MAINTENANCE OF THE OPEN SPACES WILL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION AND WILL BE REFLECTED IN THE MASTER DEED AND BYLAWS.

RUD Narrative

Covington Estates
SE ¼ Section 31
Parcel Nos. 22-31-400-011
Project Narrative / Written Statements

Proposed Covington Estates is located north of 8 Mile Road, west of Garfield Road, and is a proposed 38 unit single family Residential Unit Development (RUD) on 48.85 acres. The proposed RUD is consistent with recent and proposed development in the area. The full intent of the developer is to provide a quality upscale development while still preserving the natural features of the site and providing active recreation for the residents.

The 38 units are each a minimum of 0.5 acre in size, with a minimum width of 120 feet, consistent with the requirements. The proposed density is 0.78 units per acre, also consistent with Section 2402 (Residential Unit Developments). The remainder of the site acreage is intended to be open space. The proposed homes are intended to be high-end construction, with a minimum size of 3,200 square feet, and the expected home cost is between \$800,000 and \$1,100,000. The resultant population will consist of a conventional family population, with an anticipated total of 152 people.

A proposed 6,573-foot (1.25 miles) walking trail with features is intended within the open space to provide active recreation for the residents. The trail is to remain unpaved and be constructed of natural materials, consisting of compacted fine grade stone to remain quiet and unobtrusive for the residents. Many of the premier trails of Oakland County are constructed of these materials including the Polly Ann Trail, the Paint Creek Trail, and the Clinton River Trail. Other items that will encourage the active recreation on the trail include benches, bird houses, and quarter-mile marker signage. In addition, the property contains a 115 foot wide by 1,100 foot deep park area (2.90 acre) which extends to Garfield Road along the north property line. This open park area is intended for both active and passive recreation. A paved pathway connection is provided through this park to Garfield Road, which will encourage further active pedestrian and bicycle recreation and a larger pathway loop. The future homeowner's association may wish to consider additional activity-specific areas along the path including badminton or volleyball courts, bocce ball or horseshoe courts, residential garden plots, or a picnic area. Instead of providing amenities that may not be desired by the residents and as a result not properly maintained, it is best that the homeowner's association determine those amenities.

In the event that the adjacent development (Ballantyne) is not constructed, an emergency access from the north end of proposed Covington Drive is provided to the east to Garfield Road. This access will be a 20 foot wide emergency access road. In addition the water main is indicated to loop to the existing water main in Garfield Road.

The site is naturally undulating, with grades ranging from elevation 958 to elevation 976. The site is mostly clear, with a small non-regulated wetland, and a small woodland that is contiguous to a woodland on the parcel to the west near the northwest corner of the site.

The wetland and woodland area is to be preserved. The predominant existing onsite soils consist of fox sandy loam.

The developer has analyzed market and development trends in the vicinity, and has determined that the proposed lot sizes and amenities are desired by future residents.

The proposed schedule of development is to complete site planning and engineering in 2016, with construction to begin in late 2016. Home construction would begin in 2017.

The benefit of the proposed RUD over a conventional site plan conforming to the R-A designation is that open space can be provided both for the preservation of the natural features on site, and for the recreation and enjoyment of the residents.

The permanent preservation of the woodland and wetland (natural features), as well as the maintenance and preservation of the remaining open space will be addressed in the Master Deed and Bylaws of the development. The maintenance of the open spaces will be the responsibility of the Homeowner's Association, and will be outlined in the Master Deed and Bylaws.

PLANNING REVIEW



Plan Review Center Report

June 28, 2016

Planning Review

Covington Estates RUD

JSP 15-02

Petitioner

Biltmore Land, LLC

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: West of Garfield Road and North of Eight Mile Road (Section 31)
- Site Zoning: RA, Residential Acreage
- Adjoining Zoning: North, East and West: RA; South (Northville Township) Maybury State Park
- Current Site Use: Vacant
- Adjoining Uses: East and West: Vacant; South: Maybury State Park; North: Single-Family Residential
- School District: Northville Community School District
- Site Size: 48.83 acres
- Plan Date: 5-5-2016

Project Summary

The applicant is proposing a Residential Unit Development (RUD) on a 48.83 acre parcel north of Eight Mile and West of Garfield in order to construct 38 single-family residential units. Four of the total units are consistent with the underlying zoning (RA) requirements. The rest are consistent with R-1 requirements. The ordinance states that an RUD shall include detached one-family dwelling units, as proposed. While a variety of housing types is expected in an RUD, the overall density generally shall not exceed the density permitted in the underlying zoning district. The proposed density is 0.8 units per acre consistent with the RA, Residential Acreage zoning of the site. The remainder of the site 20.67 (42%) is intended to be open space. The applicant is proposing a gated community.

Previous Planning Commission and City Council Actions

The RUD development appeared for public hearing with the **Planning Commission on August 12, 2015**. The Planning Commission voted to recommend approval to City Council.

The RUD concept plan was then presented to **City Council on September 14, 2015**. The City Council tentatively approved the RUD concept plan and directed the applicant to work with the attorney on the RUD agreement.

An Alternate RUD Plan was submitted by the applicant, who appeared for another public hearing before the Planning Commission on March 9, 2016. As initially proposed, the emergency access for Covington was proposed to be through the adjacent street network of the approved Ballantyne development to the east. The revised RUD Plan proposed an alternate location for the emergency access in the event that the Ballantyne development is not constructed prior to Covington commencing construction.

The alternate plan provides an additional 20 foot wide emergency access drive near the north

property line, from the proposed Covington Drive cul-de-sac to Garfield Road (gated at both ends). A water main connection to Garfield Road is proposed in the same area. Minor modifications to units 18 through 20 were also required and have been shifted to accommodate the width of the proposed emergency access and sidewalk. If approved as submitted on the revised RUD Plan, the applicant would have a means to construct Covington Estates regardless of the timing of Ballantyne.

At the **March 9th public hearing, the Planning Commission** decided to postpone its recommendation to the City Council in order to allow the applicant and adjacent property owner time to explore the option of an easement for emergency access instead of the alternate location near the north property line.

Following that meeting, the applicant approached the owner of the Ballantyne property (Singh Development) and explored the option of a temporary easement for emergency access. Singh Development declined the request. The applicant then proposed an 8-foot path with 6-foot wide gravel shoulders to accommodate pedestrians and the occasional need for secondary emergency access. To further accommodate the residents' concerns to the north, the path has now been moved approximately 80 feet south of the northern boundary of Covington Estates. In addition, the applicant is proposing to plant 170 6-foot tall arbor vitae trees along the North boundary of the proposed site to provide screening. As proposed, the temporary emergency access will terminate on completion of the development of the Ballantyne property, when the emergency access between lots 12 and 13 in Covington Estates becomes active and permanent.

Planning Commission Findings

The revised RUD Plan appeared for consideration of the **Planning Commission on April 27, 2016**. The Planning Commission voted to recommend approval to City Council with the following motion. Other than the change for the temporary emergency access, the RUD Plan remains as tentatively approved by Council in August, 2018.

In the matter of Covington Estates, JSP15-02, motion to recommend approval of the Residential Unit Development (RUD) Plan - Alternate subject to and based on the following findings:

- a. *The site is appropriate for the proposed use;*
- b. *The development will not have detrimental effects on adjacent properties and the community;*
- c. *The applicant has clearly demonstrated a need for the proposed use;*
- d. *Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings;*
- e. *The applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;*
- f. *Relative to other feasible uses of the site:*
 1. *All applicable provisions of Section 3.29.8.B of the Zoning Ordinance, other applicable requirements of the Zoning Ordinance, including those applicable to special land uses, and all applicable ordinances, codes, regulations and laws have been met;*
 2. *Adequate areas have been set aside for all walkways, playgrounds, parks, recreation areas, parking areas and other open spaces and areas to be used by residents of the development and the Planning Commission is satisfied that the applicant will make provisions that assure that;*
 3. *Traffic circulation features within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;*

4. *The proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;*
 5. *The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;*
 6. *The RUD will provide for the preservation and creation of open space and result in minimal impacts to provided open space and natural features;*
 7. *The RUD will be compatible with adjacent and neighboring, existing and master planned land uses;*
 8. *The desirability of conventional residential development within the City is outweighed by benefits occurring from the preservation and creation of open space and the establishment of park facilities that will result from the RUD;*
 9. *There will not be an increase in the total number of dwelling units over that which would occur with a conventional residential development;*
 10. *The proposed reductions in lot sizes are the minimum necessary to preserve and create open space, to provide for park sites, and to ensure compatibility with adjacent and neighboring land uses;*
 11. *The RUD will not have a detrimental impact on the City's ability to deliver and provide public infrastructure and public services at a reasonable cost and will add to the City tax base;*
 12. *The Planning Commission is satisfied that the applicant will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;*
 13. *The Planning Commission is satisfied that the applicant will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and*
 14. *Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.*
- g. *City Council modification of proposed lot sizes to a minimum of 21,780 square feet and modification of proposed lot widths to a minimum of 120 feet as the requested modification will result in preserving and creating open space and recreational area as noted in Section 3.29.8.B.x of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;*
- h. *City Council reduction of permitted building setbacks consistent with the proposed reduction in lot size and width;*
- i. *City Council variance from Appendix C Section 4.04(A) (1) of Novi City Code for not providing a stub street to the subdivision boundary along subdivision perimeter;*
- j. *City Council variance from Section 11-194(a)(7) of the Novi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency accesses;*

This motion is made because the plan is otherwise in compliance with Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried, 4-0.

City Council Findings

The revised RUD concept plan and RUD Agreement appeared before **City Council on June 27, 2016**. The City Council voted to approve with the following motions:

1. To approve of the **Residential Unit Development Plan for the Covington, as initially approved by the City Council on September 14, 2015, and as modified on the revised RUD Plan.** This motion is based on the following findings, lot size modifications, building setback reductions and conditions:

Determinations (Zoning Ordinance Section 3.29.8.A):

- a. *The site is zoned for and appropriate for the proposed single-family residential use;*
- b. *Council is satisfied that with the proposed pathway and sidewalk network and added open space, the development will not have detrimental effects on adjacent properties and the community;*
- c. *Council is satisfied with the applicant's commitment and desire to proceed with construction of 38 new homes as demonstrating a need for the proposed use;*
- d. *Care has been taken to maintain the naturalness of the site and to blend the use within the site and its surroundings through the preservation of 20.67 acres (or 42 percent) of the proposed development area as open space;*
- e. *Council is satisfied that the applicant has provided clear, explicit, substantial and ascertainable benefits to the City as a result of the RUD;*
- f. *Factors evaluated (Zoning Ordinance Section 3.29.8.B):*
 1. *Subject to the lot size modifications and building setbacks reductions, all applicable provisions of the Zoning Ordinance, including those in Section 3.29.8.B and for special land uses, and other ordinances, codes, regulations and laws have been or will be met;*
 2. *Council is satisfied with the adequacy of the areas that have been set aside in the proposed RUD development area for walkways, parks, recreation areas, and other open spaces and areas for use by residents of the development;*
 3. *Council is satisfied that the traffic circulation, sidewalk and crosswalk features and improvements for within the site have been designed to assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;*
 4. *Based on and subject to the recommendations in the traffic consultant's review letter, Council is satisfied that the proposed use will not cause any detrimental impact in existing thoroughfares in terms of overall volumes, capacity, safety, travel times and thoroughfare level of service;*
 5. *The plan provides adequate means of disposing of sanitary sewage, disposing of stormwater drainage, and supplying the development with water;*
 6. *The RUD will provide for the preservation and creation of approximately 39 percent of the site as open space and result in minimal impacts to provided open space and the most significant natural features;*
 7. *The RUD will be compatible with adjacent and neighboring land uses for the reasons already stated;*
 8. *The desirability of conventional residential development on this site in strict conformity with the otherwise applicable minimum lot sizes and widths being modified by this motion is outweighed by benefits occurring from the preservation and creation of the open space that will result from the RUD;*
 9. *Any detrimental impact from the RUD resulting from an increase in total dwelling units over that which would occur with conventional residential development is outweighed by benefits occurring from the preservation and creation of open space that will result from the RUD;*
 10. *Council is satisfied that the proposed reductions in lot sizes are the minimum necessary to preserve and create open space and to ensure compatibility with adjacent and neighboring land uses;*
 11. *The RUD will not have a detrimental impact on the City's ability to deliver and provide public*

infrastructure and public services at a reasonable cost;

12. *Council is satisfied that the applicant has made or will make satisfactory provisions for the financing of the installation of all streets, necessary utilities and other proposed improvements;*
 13. *Council is satisfied that the applicant has made or will make satisfactory provisions for future ownership and maintenance of all common areas within the proposed development; and*
 14. *Proposed deviations from the area, bulk, yard, and other dimensional requirements of the Zoning Ordinance applicable to the property enhance the development, are in the public interest, are consistent with the surrounding area, and are not injurious to the natural features and resources of the property and surrounding area.*
- g. *Modification of proposed lot sizes to a minimum of 21,766 square feet and modification of proposed lot widths to a minimum of 120 feet is hereby approved with this approval based on and limited to the lot configuration shown on the concept plan as last revised, as the requested modification will result in the preservation of open space for those purposes noted in Section 3.29.3.B of the Zoning Ordinance and the RUD will provide a genuine variety of lot sizes;*
 - h. *Reduction of permitted building setbacks consistent with the proposed reduction in lot size and width;*
 - i. *City Council variance from Appendix C Section 4.04(A) (1) of Novi City Code for not providing a stub street to the subdivision boundary along subdivision perimeter;*
 - j. *City Council variance from Section 11-194(a)(7) of the Novi City Code for exceeding the maximum distance between Eight Mile Road and the proposed emergency access; and*
 - k. *This approval is subject to all plans and activities related to it being in compliance with all applicable provisions of the Zoning Ordinance, including Articles 3, 4 and 5, and all applicable City Zoning Ordinance approvals, decisions, conditions and permits.*
 - l. *This approval is subject to the finalization and execution by the City and Applicant of the RUD Agreement.*
2. *To grant approval of the Residential Unit Development Agreement for Covington, with any changes and/or conditions as discussed at the City Council meeting, and any final minor alterations required in the determination of the City Manager and City Attorney to be incorporated by the City Attorney's office prior to the execution of the final agreement.*

Recommendation

Staff **recommends approval of the Preliminary Site Plan** to allow for the development of the subject property.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 3.0 (Zoning Districts), Article 4.0 (Use Standards), Article 5.0 (Site Standards) and any other applicable provisions of the Zoning Ordinance. Please see the attached charts for information pertaining to ordinance requirements. Items in **bold** below must be addressed by the applicant and/or Planning Commission/City Council.

1. **RUD Intent**: As an optional form of development, the RUD allows development flexibility of various types of residential dwelling units (one-family, attached one-family cluster). It is also the intent of the RUD option to permit permanent preservation of valuable open land, fragile natural resources and rural community character that would be lost under conventional development. This is accomplished by permitting flexible lot sizes in accordance with open land preservation credits when the residential developments are located in a substantial open land setting, and through the consideration of relaxation of area, bulk, yard, dimensional and other zoning ordinance standards in order to accomplish specific planning objectives.

This flexibility is intended to reduce the visual intensity of development; provide privacy;

protect natural resources from intrusion, pollution, or impairment; protect locally important animal and plant habitats; preserve lands of unique scenic, historic, or geologic value; provide private neighborhood recreation; and protect the public health, safety and welfare. Such flexibility will also provide for:

- The use of land in accordance with its character and adaptability;
 - The construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
 - The compatible design and use of neighboring properties; and
 - The reduction of development sprawl, so as to preserve open space as undeveloped land.
- Applicant provided a written statement explaining in detail the full intent of the application as explained in section 3.29.7.F*
2. Lot Size and Area: One-family detached dwellings are subject to the minimum lot area and size requirements of the underlying district. RA zoning requires 43,560 sq. ft. lots that are a minimum of 150 ft. wide. The applicant has proposed a minimum size of 21,766 sq. ft. and a minimum width of 120 ft. *The City Council tentatively approved the proposed modifications to minimum required lot size and width requirements, as such modification results in the preservation of open space for those purposes set forth in Section 3.29.B of the Zoning Ordinance, and the RUD concept plan provides a genuine variety of lot sizes.* The plans indicate that a total of 20.67 acres of open space will be maintained in this development (mostly in the perimeter buffering and detention basin area), which is about 42 percent of the area of the site. The applicant has provided a summary of lot sizes throughout the entire development. There are a variety of lot sizes throughout the proposed development. Lots range from approximately 21,766 sq. ft. to 40,743 sq. ft., allowing for some variation in lot size. About five lots at the end of cul-de-sac are larger than the rest of the development to maintain a minimum lot width of 120 feet and to avoid creating odd shaped lots.
 3. Building Setback: One-family detached dwellings in an RUD are subject to the building setback regulations of the underlying zoning district, in this case the RA District. The RA District setbacks are listed in the attached planning review chart. The applicant has proposed reduced building setbacks consistent with the proposed lot size. *This setback reduction was tentatively approved by the City Council as the reduction in lot size and area noted above are approved.*
 4. Streets (Subdivision Ordinance: Sec. 4.04): Extend streets to boundary to provide access intervals not to exceed 1,300 ft. unless one of the following exists: practical difficulties because of topographic conditions or natural features or would create undesirable traffic patterns. *A Design & Construction Standards variance will need to be approved by City Council. The deviation should be part of the RUD agreement.*
 5. Sidewalks: The applicant has proposed 8' sidewalks along Eight Mile Road and Garfield Road. **Refer to Engineering comments concerning pathways within the site.**
 6. Special Land Use: The Planning Commission shall also consider the standards for Special Land Use approval as a part of its review of the proposed RUD, per Section 6.2.
 7. Master Deed and By-laws: **The Master Deed and By-laws must be submitted for review with the Final Site Plan submittal.**
 8. Statement of permanent preservation (Sec 3.29.7G): To assure permanent preservation and maintenance of open space areas, RUD amenities and common areas.
 9. Lighting: The City Council recently passed a text amendment requiring an entrance light at all residential developments. **The applicant has proposed an entrance light on Eight Mile Road. Contact Jeremy Miller (248.735.5694) in the Engineering Division to begin the process of working with the City and DTE on the installation of the entrance light.**
 10. Temporary Emergency Access: **Please differentiate two emergency access and water lines on plans such as alternate. Provide the following notes on layout plan:**
 - a. **"The temporary emergency access will terminate on completion of the development of the property to the east, when the emergency access between lots 12 and 13 in Covington Estates will become active and permanent."**

- b. **"The emergency access drive shall be mowed and kept clear of snow and ice as necessitated by the weather conditions."**

2. Other Reviews:

- a. Engineering Review (06-01-16): Additional comments to be addressed during final site plan submittal. Engineering recommends approval.
- b. Landscape Review: Additional comments to be addressed during final site plan submittal. Landscape recommends approval.
- c. Wetland Review: Not Applicable.
- d. Woodland Review (05-26-16): Additional comments to be addressed during final site plan submittal. Woodlands recommend approval. A Woodland Permit from the City of Novi would be required for proposed impacts.
- e. Traffic Review (06-01-16): Additional comments to be addressed during next submittal. Traffic recommends approval.
- f. Facade Review: Not Applicable.
- g. Fire Review (05-24-16): Additional comments to be addressed during next submittal. Fire recommends approval.

Planning Commission Approval for Preliminary Site Plan

This Site Plan is scheduled to go before Planning Commission for public hearing on July 13, 2016. Please provide the following **no later than July 06, 2016** if you wish to keep the schedule.

1. A response letter addressing ALL the comments from ALL the review letters and a request for waivers as you see fit.
2. A PDF version of the all Site Plan drawings that were submitted for the Preliminary review, dated May 05, 2016. **NO CHANGES MADE.**
3. A color rendering of the Site Plan, if any.

Final Site Plan Submittal

After receiving Planning Commission approval, please submit the following

1. Six copies 10 size 24" x 36" copies with original signature and original seals
2. Final site plan application
3. Response letter addressing the comments in all of the staff and consultant review letters,
4. Application for Lot Addressing. See below under Site Addressing for more details.

Electronic Stamping Set Submittal and Response Letter

After receiving final site plan approval, plans addressing the comments in all of the staff and consultant review letters should be submitted electronically for informal review and approval prior to printing Stamping Sets. A letter from either the applicant or the applicant's representative addressing comments in this and other review letters and associated charts is requested to be submitted with the electronic stamping set.

Stamping Set Approval

After receiving the approval for electronic stamping set submittal from all reviewing agencies, please submit **10 size 24" x 36" copies with original signature and original seals**, to the Community Development Department for final approval.

Drafts for all required legal documents with a legal transmittal are required along with stamping sets.

Site Addressing

The applicant should contact the Building Division for an address. Building permit applications cannot be processed without a correct address. **The address application can be found on the Internet at www.cityofnovi.org under the forms page of the Community Development Department.** Please contact Jeannie Niland [248.347.0438] in the Community Development Department with any specific questions regarding addressing of sites.

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. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

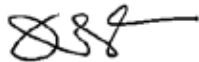
Chapter 26.5

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

Signage

Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or skomaragiri@cityofnovi.org.



Sri Ravali Komaragiri – Planner

ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

06/01/2016

Engineering Review

COVINGTON ESTATES

JSP15-0002

Applicant

BILTMORE LAND, LLC

Review Type

Preliminary Site Plan

Project Summary

- § Site Location: N. of 8 Mile Rd. and W. of Garfield Rd.
- § Site Size: 48.847 acres
- § Plan Date: 05/05/16

Project Summary

- § Construction of an approximately 38 lot residential development. Site access would be provided by a Private roadway from 8 Mile Rd.
- § Water service would be provided by an extension from the proposed Ballantyne water main along the north side of 8 Mile Rd. and looping to the Ballantyne water main, along with 8 additional hydrants. An alternate connection plan would loop the water main to the water main on the west side of Garfield Rd. if a connection through Ballantyne is not possible.
- § Sanitary sewer service would be provided extension from the proposed Ballantyne sanitary sewer along the north side of 8 Mile Rd.
- § Storm water would be collected by a single storm sewer collection system and detained in two on-site retention ponds.

Recommendation

Approval of the Preliminary Site Plan and Preliminary Storm Water Management Plan is recommended.

Comments:

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

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

General

1. A right-of-way permit will be required from the City of Novi and Oakland County.
2. Provide a traffic control sign table listing the quantities of each sign type proposed for the development. Provide a note along with the table stating all traffic signage will comply with the current MMUTCD standards.
3. Traffic signs in the RCOG right-of-way will be installed by RCOG.
4. Provide a note that compacted sand backfill shall be provided for all utilities within the influence of paved areas, and illustrate on the profiles.
5. Provide a construction materials table on the Utility Plan listing the quantity and material type for each utility (water, sanitary and storm) being proposed.
6. Provide a utility crossing table indicating that at least 18-inch vertical clearance will be provided, or that additional bedding measures will be utilized at points of conflict where adequate clearance cannot be maintained.
7. Generally, all proposed trees shall remain outside utility easements. Where proposed trees are required within a utility easement, the trees shall maintain a minimum 5-foot horizontal separation distance from any existing or proposed utility. All utilities shall be shown on the landscape plan, or other appropriate sheet, to confirm the separation distance.
8. The City standard detail sheets are not required for the Final Site Plan submittal. They will be required with the Stamping Set submittal. They can be found on the City website (www.cityofnovi.org/DesignManual).

Water Main

9. Provide a profile for all proposed water main 8-inch and larger.
10. The water main stub to the east shall terminate with a hydrant followed by a valve in well. If the hydrant is not a requirement of the development for another reason the hydrant can be labeled as temporary allowing it to be relocated in the future.
11. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (1/07 rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

Sanitary Sewer

12. Provide a testing bulkhead immediately upstream of the sanitary connection point. Additionally, provide a temporary 1-foot deep sump in the first sanitary structure proposed upstream of the connection point, and provide a secondary watertight bulkhead in the downstream side of this structure.
13. Provide a profile for sanitary sewer 8-inches and larger
14. Seven (7) sealed sets of revised utility plans along with the MDEQ permit application (04/14 rev.) for sanitary sewer construction and the Streamlined Sanitary Sewer Permit Certification Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets. Also, the MDEQ can be contacted for an expedited review by their office.

Storm Sewer

15. A minimum cover depth of 3 feet shall be maintained over all storm sewers. Currently, a few pipe sections do not meet this standard. Grades shall be elevated and minimum pipe slopes shall be used to maximize the cover depth. In situations where the minimum cover cannot be achieved, Class V pipe must be used with an absolute minimum cover depth of 2 feet. An explanation shall be provided where the cover depth cannot be provided.
16. Provide a 0.1-foot drop in the downstream invert of all storm structures where a change in direction of 30 degrees or greater occurs.
17. Match the 0.80 diameter depth above invert for pipe size increases.
18. Storm manholes with differences in invert elevations exceeding two feet shall contain a 2-foot deep plunge pool.
19. Label all inlet storm structures on the profiles. Inlets are only permitted in paved areas and when followed by a catch basin within 50 feet.
20. Label the 10-year HGL on the storm sewer profiles, and ensure the HGL remains at least 1-foot below the rim of each structure.
21. Provide a schedule listing the casting type and other relevant information for each proposed storm structure on the utility plan. Round castings shall be provided on all catch basins except curb inlet structures.
22. An easement is required over the storm sewer accepting and conveying off-site drainage.

Storm Water Management Plan

23. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
24. An adequate maintenance access route to the basin outlet structure and any other pretreatment structures shall be provided (15 feet wide, maximum slope of 1V:5H, and able to withstand the passage of heavy equipment). Verify the access route does not conflict with proposed landscaping.

25. Provide an access easement for maintenance over the storm water detention system and the pretreatment structure. Also, include an access easement to the detention area from the public road right-of-way.
26. Provide infiltration rate calculations for the three design storm events (first flush, bank full, 100-year).
27. A runoff coefficient of 1.00 shall be used for all basin areas.
28. Storm basin volume calculations must include all disturbed area, revise the calculations to include the "east leg".
29. Provide a pre-treatment structure prior to discharge to the basin.
30. Provide a 25-foot vegetated buffer around the east pond this buffer cannot be on residential lots.

Paving & Grading

31. Remove the emergency access gates from the combined emergency access/bike path.
32. Provide pedestrian connections outside of gates at the emergency access drives.
33. Provide top of curb/walk and pavement/gutter grades to indicate height of curb.
34. Provide the standard Type 'M' approach at the 8 Mile Rd. intersection
35. Add a note to the plan stating that the emergency access gate is to be installed and closed prior to the issuance of the first TCO in the subdivision.
36. Provide an opening in the fence for the pedestrian connection to the west.
37. Provide cross-section for all proposed paving and curb and gutter.

Soil Erosion and Sediment Control

38. A SESC permit is required. A full review has not been done at this time. The review checklist detailing all SESC requirements is attached to this letter. Please address the comments below and submit a SESC permit application under a separate cover. The application can be found on the City's website at <http://cityofnovi.org/Reference/Forms-and-Permits.aspx>.

The following must be submitted at the time of Final Site Plan submittal:

39. A letter from either the applicant or the applicant's engineer must be submitted with the Final Site Plan highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved.
40. An itemized construction cost estimate must be submitted to the Community Development Department at the time of Final Site Plan submittal for the determination of plan review and construction inspection fees. This estimate should only include the civil site work and not any costs associated with construction of the building or any demolition work. **The cost estimate must be itemized** for each utility (water, sanitary, storm sewer), on-site paving, right-of-way paving (including proposed right-of-way), grading, and the storm

water basin (basin construction, control structure, pretreatment structure and restoration).

The following must be submitted at the time of Stamping Set submittal:

41. A draft copy of the maintenance agreement for the storm water facilities, as outlined in the Storm Water Management Ordinance, must be submitted to the Community Development Department with the Final Site Plan. Once the form of the agreement is approved, this agreement must be approved by City Council and shall be recorded in the office of the Oakland County Register of Deeds.
42. A draft copy of the 20-foot wide easement for the water main to be constructed on the site must be submitted to the Community Development Department.
43. A draft copy of the 20-foot wide easement for the sanitary sewer to be constructed on the site must be submitted to the Community Development Department.
44. A 20-foot wide easement where storm sewer or surface drainage crosses lot boundaries must be shown on the Exhibit B drawings of the Master Deed.
45. Executed copies of any required off-site utility easements must be submitted to the Community Development Department.

The following must be addressed prior to construction:

46. A pre-construction meeting shall be required prior to any site work being started. Please contact Sarah Marchioni in the Community Development Department to setup a meeting (248-347-0430).
47. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting. Once determined, a grading permit fee must be paid to the City Treasurer's Office.
48. An NPDES permit must be obtained from the MDEQ because the site is over 5 acres in size. The MDEQ requires an approved plan to be submitted with the Notice of Coverage.
49. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department (248-347-0430) for forms and information.
50. A permit for work within the right-of-way of 8 Mile Rd. and Garfield Rd. must be obtained from the City of Novi. The application is available from the City Engineering Department and should be filed at the time of Final Site Plan submittal. Please contact the Engineering Department at 248-347-0454 for further information.
51. A permit for work within the right-of-way of 8 Mile Rd. must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-

- 858-4835) directly with any questions. The applicant must forward a copy of this permit to the City. Provide a note on the plans indicating all work within the right-of-way will be constructed in accordance with the Road Commission for Oakland County standards.
52. A permit for water main construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the water main plans have been approved.
 53. A permit for sanitary sewer construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the sanitary sewer plans have been approved.
 54. Construction Inspection Fees to be determined once the construction cost estimate is submitted must be paid prior to the pre-construction meeting.
 55. A storm water performance guarantee, equal to 1.5 times the amount required to complete storm water management and facilities as specified in the Storm Water Management Ordinance, must be posted at the Treasurer's Office.
 56. An incomplete site work performance guarantee, equal to 1.5 times the amount required to complete the site improvements (excluding the storm water detention facilities) as specified in the Performance Guarantee Ordinance, must be posted at the Treasurer's Office.
 57. A street sign financial guarantee in an amount to be determined (\$400 per traffic control sign proposed) must be posted at the Treasurer's Office.

To the extent this review letter addresses items and requirements that require the approval of or a permit from an agency or entity other than the City, this review shall not be considered an indication or statement that such approvals or permits will be issued.

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

cc: Adam Wayne, Engineering
Brian Coburn, Engineering
Sri Komaragiri, Community Development
Sabrina Lilia, Water & Sewer

LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

May 31, 2016

Preliminary Site Plan - Landscaping

Covington Estates Residential Unit Development

Review Type

Preliminary Site Plan Landscape Review

Property Characteristics

- Site Location: East side of Dixon Road, north of 12 Mile Road
- Site Zoning: RA
- Adjacent Zoning: RA
- Plan Date: 5/5/2016

Ordinance Considerations

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

Summary

The revised conceptual plan is **recommended for approval**. It is mostly compliant with city landscape ordinances. While some additions and plan alterations are required for Preliminary Site Plan approval there are no significant problems with the layout that would prevent the proposed layout from achieving approval.

EXISTING ELEMENTS

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

Need to clearly indicate whether utilities are overhead.

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

1. Shown.
2. The trees to be removed have been shown clearly on Sheet 2.
3. **Please leave ID numbers for trees to remain on Landscape Plan.**

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

1. **Revise the Tree Protection Detail to show the fencing located at the Critical Root Zone (1 foot outside of dripline).**
2. **Tree fencing placed at 1' outside of the dripline needs to be shown on the removal and grading plans.**

LANDSCAPING REQUIREMENTS

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

1. **Proposed berm needs to be a minimum of 4' tall and vary vertically and horizontally. Please add contour labels to grading shown and revise the berms.**
2. **Please provide calculations for all canopy/large evergreen trees and subcanopy trees required along both 8 Mile Road and Garfield Road.**
3. **Please clearly label which plantings are intended to meet which requirement (greenbelt vs. street trees).**
4. **Berm cross section detail has been provided. Please revise it to show construction of loam with a 6" top layer of topsoil.**

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

1. **Street tree calculations for interior street trees are incorrect for a number of units. Please refer to the table on page 3 of the Landscape Design Manual for the correct number of trees and place the correct number of trees on the plan.**
2. **12 deciduous canopy street trees are required for Eight Mile Road (1 tree per 35 feet of frontage, less the 100' Covington Drive Right-of-way at 8 Mile Road). 3 deciduous canopy trees are required along Garfield Road. They should be located between the right of way line and the road. If any of those trees are not allowed per the Road Commission for Oakland County, a waiver can be sought for those trees, and will be supported by staff. Please provide a letter from the RCOC.**
3. **All street trees, along major roads and interior to the subdivision, should be located within the right-of-way. A number of interior street trees are shown behind the right-of-way line. Please relocate them.**
4. **Relocate trees at street corners so they are outside the clear vision zone.**

Parking Lot Landscape (Zoning Sec. 5.5.3.C.)

Not applicable

Woodland Replacement Trees (Chapter 37 – Woodlands Protection Sec 37-8.)

Calculations are provided, and the correct number of red maples are placed within the 8 Mile Road greenbelt.

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

1. **A mix of shrubs and trees are provided around the ponds to provide 70% coverage. A landscape waiver must be requested for this, but will be supported by staff.**
2. **Seeding has been indicated for the ponds, and the seed mix details have been provided.**
3. **Please replace *Hamamelis xintermedia* with another shrub species such as *Cornus sericea*, *Cornus racemosa*, *Aronia melanocarpa*, *Physocarpus opulifolius* or *Rhus aromatica*. Short/diminutive cultivars should not be used.**

Transformer/Utility Box and Fire Hydrant Plantings (LDM 1.3 from 1-5, Zoning Sec 5.5.3.C.ii.d)

No utility boxes or hydrants are shown. When utility boxes are added, please add the required screening landscaping.

Trees near overhead utilities (LDM 3.e)

Label/dimension the distance from overhead utilities near proposed trees. If no overhead utility lines exist, please indicate that with a note on the landscape plan.

Landscape Tree Credit (LDM 3.b.(d))

Not provided and not required, but applicant may want to see if they can benefit from provision.

OTHER REQUIREMENTS

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

1. Acceptable.
2. **Please replace *Acer platanoides* and *Pyrus calleryana* with species from the Novi Street Tree list that aren't as invasive.** Possible substitutions are *Celtis occidentalis*, *Liriodendron tulipifera*, *Quercus rubra*, *Gleditsia triacanthos*, Valley Forge Elm, *Ostrya virginiana*, or *Zelkova serrata*.

Planting Notations and Details (LDM)

1. Most landscape notes meet City of Novi requirements.
2. **Please add the note stating that there should be a minimum of 1 cultivation in planted areas in June, July and August for the 2-year warranty period.**
3. **Please add "in writing" to General Note #7.**
4. **Please add note on the plan near the property lines stating that plant materials should not be planted within 4 feet of property line.**
5. **Specify color of mulch as "natural" in planting details.**

Cost estimates for Proposed Landscaping (LDM 2.t.)

Provided.

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

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

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

Please label berm contours to verify height of berms.

Snow Deposit (LDM.2.q.)

Provided.

Corner Clearance (Zoning Sec 5.9)

Provided.

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



Rick Meader – Landscape Architect

LANDSCAPE REVIEW SUMMARY CHART

Review Date: May 31, 2016
Project Name: JSP15 – 0002: COVINGTON ESTATES
Plan Date: May 5, 2016
Prepared by: Rick Meader, Landscape Architect E-mail: rmeader@cityofnovi.org;
 Phone: (248) 735-5621

Items in **Bold** need to be addressed by the applicant before approval of the Preliminary Site Plan.
Underlined items need to be addressed for Final Site Plan.

Item	Required	Proposed	Meets Code	Comments
Landscape Plan Requirements (LDM (2))				
Landscape Plan <i>(Zoning Sec 5.5.2, LDM 2.e.)</i>	§ New commercial or residential developments § Addition to existing building greater than 25% increase in overall footage or 400 SF whichever is less. § 1"=20' minimum with proper North. Variations from this scale can be approved by LA § Consistent with plans throughout set	Yes	Yes	1"=50' This is acceptable. A scale is needed for the section of land connecting to Garfield Road (Sheet L-3).
Project Information <i>(LDM 2.d.)</i>	Name and Address	Yes	Yes	
Owner/Developer Contact Information <i>(LDM 2.a.)</i>	Name, address and telephone number of the owner and developer or association	Yes	Yes	On Cover Sheet
Landscape Architect contact information <i>(LDM 2.b.)</i>	Name, Address and telephone number of RLA/LLA	Yes	Yes	
Sealed by LA. <i>(LDM 2.g.)</i>	Requires original signature	Yes	Yes	<u>Required on Final Site Plan</u>
Miss Dig Note (800) 482-7171 <i>(LDM.3.a.(8))</i>	Show on all plan sheets	Yes	Yes	
Zoning <i>(LDM 2.f.)</i>	Include all adjacent zoning	R-A on site and surrounding parcels	Yes	On Sheet 3
Survey information <i>(LDM 2.c.)</i>	§ Legal description or boundary line survey § Existing topography	Yes	Yes	On Sheet 2

Item	Required	Proposed	Meets Code	Comments
Existing plant material Existing woodlands or wetlands (LDM 2.e.(2))	§ Show location type and size. Label to be saved or removed. § Plan shall state if none exists.	Yes	Yes	1. On Sheet 2 2. Please leave id #s for trees to remain on landscape plan.
Soil types (LDM.2.r.)	§ As determined by Soils survey of Oakland county § Show types, boundaries	Yes	Yes	
Existing and proposed improvements (LDM 2.e.(4))	Existing and proposed buildings, easements, parking spaces, vehicular use areas, and R.O.W	Yes	Yes	
Existing and proposed utilities (LDM 2.e.(4))	Overhead and underground utilities, including hydrants	Yes	Yes	1. Existing utility lines, including overhead lines, are shown – please label overhead lines clearly. If there are none, please add a note stating that. 2. Proposed utilities included.
Proposed grading. 2' contour minimum (LDM 2.e.(1))	Provide proposed contours at 2' interval	Yes/No	No	1. Proposed berm contours shown. 2. Please show proposed contours for entire site on Landscape Plan.
Snow deposit (LDM.2.q.)	Show snow deposit areas on plan	Yes	Yes	
LANDSCAPING REQUIREMENTS				
Parking Area Landscape Requirements LDM 1.c. & Calculations (LDM 2.o.)				
General requirements (LDM 1.c)	§ Clear sight distance within parking islands § No evergreen trees	NA		
Name, type and number of ground cover (LDM 1.c.(5))	As proposed on planting islands	NA		
General (Zoning Sec 5.5.3.C.ii)				
Parking lot Islands (a, b. i)	§ A minimum of 300 SF to qualify § 6" curbs § Islands minimum width 10' BOC to BOC	NA		
Curbs and Parking stall reduction (c)	Parking stall can be reduced to 17' and the	NA		

Item	Required	Proposed	Meets Code	Comments
	curb to 4" adjacent to a sidewalk of minimum 7 ft.			
Contiguous space limit (i)	Maximum of 15 contiguous spaces	NA		
Plantings around Fire Hydrant (d)	No plantings with matured height greater than 12' within 10 ft. of fire hydrants	Yes	Yes	
Landscaped area (g)	Areas not dedicated to parking use or driveways exceeding 100 sq. ft. shall be landscaped	NA		
Clear Zones (LDM 2.3.(5))	25 ft corner clearance required. Refer to Zoning Section 5.5.9			Please show clear zones for cul-de-sacs at Covington Drive and move all trees out of clear zones.
Berms, Walls and ROW Planting Requirements				
Berms				
§ All berms shall have a maximum slope of 33%. Gradual slopes are encouraged. Show 1ft. contours § Berm should be located on lot line except in conflict with utilities. § Berms should be constructed with 6" of top soil.				
Residential Adjacent to Non-residential (Zoning Sec 5.5.3.A and LDM 1.a)				
Berm requirements (Zoning Sec 5.5.A)	Adjacent Zoning is RA and R1	NA		
Planting requirements (LDM 1.a.)	LDM Novi Street Tree List	NA		
Adjacent to Public Rights-of-Way (Zoning Sec 5.5.3.A and LDM 1.b)				
Cross-Section of Berms (Zoning Sec 5.5.3.B and LDM 2.j)				
Slope, height and width (Zoning Sec 5.5.3.A.v)	§ Label contour lines § Maximum 33% slope § Min. 4 feet crest	Yes	Yes	1. Berms appear to meet minimum height requirement. 2. Please revise berm detail to show construction of loam with 6" top layer of topsoil and indicate groundcover. 3. Also, please show 4' wide crest on detail.
Type of Ground Cover		Yes	Yes	Lawn
Setbacks from Utilities	Overhead utility lines and 15 ft. setback from	No	No	Please show any overhead utilities –

Item	Required	Proposed	Meets Code	Comments
	edge of utility or 20 ft. setback from closest pole			existing or proposed, and dimension closest trees.
Walls (LDM 2.k & Zoning Sec 5.5.3.vi)				
Material, height and type of construction footing	Freestanding walls should have brick or stone exterior with masonry or concrete interior	None proposed		
Walls greater than 3 ½ ft. should be designed and sealed by an Engineer		NA		
ROW Landscape Screening Requirements (Sec 5.5.3.B. ii)				
Greenbelt width (2)(3) (5)	34 ft.	220-230''	Yes	
Min. berm crest width	4 ft.	2'	No	1. Please widen crest width. 2. Please add horizontal variation to berm.
Minimum berm height (9)	4 ft.	4'	Yes/No	Please add vertical variation to berm, with minimum height of 4' maintained.
3' wall (4) (7)	NA	No		
Canopy deciduous or large evergreen trees Notes (1) (10) LDM1.d.(1)(b)	§ 1 tree per 35 l.f.; § 8 Mile Road 535/35 = 15 trees § Garfield Rd: 155' /35 = 4 trees	<u>8 Mile Road:</u> 30 large evergreens <u>Garfield Road:</u> 0 trees	Yes/No	1. Colorado Blue Spruce at the 8 Mile Road entry are placed too close together for long term health. Please provide more spacing or choose smaller species for the close plantings. 2. Please show calculations for Garfield Road frontage and add required trees and berm there.
Sub-canopy deciduous trees Notes (2)(10)	§ 1 tree per 20 l.f.; § <u>8 Mile Road:</u> 535/20 = 27 trees § <u>Garfield Road:</u> 115/20= 6 trees	<u>8 Mile Road:</u> 12 subcanopy trees <u>Garfield Road:</u> 0 subcanopy trees	No	1. Please provide calculations. 2. Please provide required number of subcanopy trees. 3. Be sure to use subcanopy trees whose height does not exceed utility line

Item	Required	Proposed	Meets Code	Comments
<p>Street Trees (LDM 1.d.(1) and Novi Street Tree List))</p>	<p>§ <u>8 Mile Road</u>: 1 tree per 35 lf (535-100)/35= 12 trees § <u>Garfield Road</u>: 115/35 = 3 trees § <u>Internal lots</u>: Trees set by frontage – see table in LDM</p>	<p><u>8 Mile Road</u>: 0 trees <u>Garfield Road</u>: 0 trees <u>Lots</u>: 126 trees</p>	<p>No</p>	<p>height requirements.</p> <ol style="list-style-type: none"> 1. The right-of-way width for Covington Drive where it meets 8 Mile can be deducted from the basis of calculation. 2. Show calculation for street trees along 8 Mile Road and Garfield Road. 3. Please add required number of street trees for 8 Mile Road and Garfield Road to plan and label uniquely. 4. Please verify calculations for lot trees based on lot frontages per table in Landscape Design Manual 1.d.(1)(b). 5. Please correct the number of lot trees provided per the Landscape Design Manual table 1.d.(1)(b). Units #9, 10, 22, 2632, and 34 do not have the correct number of trees. 6. Please note that boulevard and cul-de-sac island trees do not count toward the required number of lot trees. 7. If the Road Commission for Oakland County does not allow some or all of the required street trees, a waiver for the disallowed trees will be supported. A copy of the notice from the RCOC must be submitted with the

Item	Required	Proposed	Meets Code	Comments
				waiver request.
Island & Boulevard Planting (Zoning Sec & LDM 1.d.(1)(e))	§ Must be landscaped & irrigated § Mix of canopy/sub-canopy trees, shrubs, groundcovers, etc. § No plant materials between heights of 3-6 feet as measured from street grade	Trees shown in all islands, additional plantings in entry island.		1. A mix of canopy and subcanopy trees, shrubs, groundcovers etc. is provided. 2. Please do not include these plantings in street tree planting calculations. 3. Please be sure selected plantings conform to requirements listed to left.
Transformers/Utility boxes (LDM 1.e from 1 through 5)	§ A minimum of 2ft. separation between box and the plants § Ground cover below 4" is allowed up to pad. § No plant materials within 8 ft. from the doors	NA		When location of transformer/utility boxes is determined, add landscaping per city requirements.
Detention/Retention Basin Requirements (Sec. 5.5.3.E.iv)				
Planting requirements (Sec. 5.5.3.E.iv)	§ Clusters shall cover 70-75% of the basin rim area § 10" to 14" tall grass along sides of basin § Refer to wetland for basin mix	Mix of trees and shrubs provided.	No	1. The shrubs provided do not provide the required coverage, but the combination of trees and shrubs does. A landscape waiver is required for this but will be supported. 2. Plants surrounding the detention ponds must be native to Michigan. Please replace the Hamamelis xintermedia with a large native shrub species.
Woodland Replacements (Chapter 37 Woodlands Protection)				
Woodland Replacement Calculations – Required/Provided		§ Extent of regulated woodland boundaries is clearly indicated in plans.	No	1. Replacement tree calculations are provided on Sheet 3. 2. The required number of replacement trees (red maples) are

Item	Required	Proposed	Meets Code	Comments
		§ Tree chart showing trees to be removed has been provided.		provided in the 8 Mile Road greenbelt.
LANDSCAPING NOTES, DETAILS AND GENERAL REQUIREMENTS				
Landscape Notes – Utilize City of Novi Standard Notes				
Installation date (LDM 2.i. & Zoning Sec 5.5.5.B)	Provide intended date	Between Mar 15 – Nov 15	Yes	
Maintenance & Statement of intent (LDM 2.m & Zoning Sec 5.5.6)	§ Include statement of intent to install and guarantee all materials for 2 years. § Include a minimum one cultivation in June, July and August for the 2-year warranty period.	Yes	Yes	Please add note regarding cultivations in June-Aug
Plant source (LDM 2.n & LDM 3.a.(2))	Shall be northern nursery grown, No.1 grade	Yes	Yes	
Irrigation plan (LDM 2.s.)	A fully automatic irrigation system and a method of draining is required with Final Site Plan	No	No	<u>Need for final site plan</u>
Other information (LDM 2.u)	Required by Planning Commission	NA		
Establishment period (Zoning Sec 5.5.6.B)	2 yr. Guarantee	Yes	Yes	
Approval of substitutions. (Zoning Sec 5.5.5.E)	City must approve any substitutions in writing prior to installation.	Yes	Yes	Please add “in writing” to General note #7.
Plant List (LDM 2.h.) – Include all cost estimates				
Quantities and sizes	Refer to LDM suggested plant list	Yes	Yes	Please add the 170 arborvitae to the plant list, with costs.
Root type		Yes	Yes	
Botanical and common names		Yes	Yes	
Breakdown of genus/species diversity (LDM 1.d.(1).d.		Yes	Yes	
Type and amount of lawn		Yes	Yes	<u>Need for Final Site Plan</u>
Cost estimate (LDM 2.t)	For all new plantings, mulch and sod as listed on the plan	Yes	Yes	<u>Need for Final Site Plan</u>

Item	Required	Proposed	Meets Code	Comments
Planting Details/Info (LDM 2.i) – Utilize City of Novi Standard Details				
Canopy Deciduous Tree	Refer to LDM for detail drawings	Yes	Yes	
Evergreen Tree		Yes	Yes	
Shrub		Yes	Yes	
Perennial/ Ground Cover		Yes	Yes	
Tree stakes and guys. (Wood stakes, fabric guys)		No	No	Please add attached to detail sheet.
Tree protection fencing	Located at Critical Root Zone (1' outside of dripline)	No	No	1. Please revise detail to show fencing at a minimum of 1' outside of dripline. 2. Please add fencing to demolition and grading plans.
Other Plant Material Requirements (LDM 3)				
General Conditions (LDM 3.a)	Plant materials shall not be planted within 4 ft. of property line	No	No	Please add note near property lines.
Plant Materials & Existing Plant Material (LDM 3.b)	Clearly show trees to be removed and trees to be saved.	Yes	Yes	Please leave tree labels for trees to be saved on Landscape Plans L-1 and L-2.
Landscape tree credit (LDM3.b.(d))	Substitutions to landscape standards for preserved canopy trees outside woodlands/ wetlands should be approved by LA. Refer to Landscape tree Credit Chart in LDM	None		
Plant Sizes for ROW, Woodland replacement and others (LDM 3.c)	Refer to Chapter 37, LDM for more details	Yes	Yes	Subdivision street trees can be 2.5" caliper.
Plant size credit (LDM3.c.(2))	NA			
Prohibited plants (LDM 3.d)	No plants on City Invasive Species List		No	Please replace <i>Acer platanoides</i> and <i>Pyrus calleryana</i> with species that aren't invasive.
Recommended trees for planting under overhead utilities (LDM 3.e)	Label the distance from the overhead utilities			Please dimension distance from proposed trees close to overhead lines
Collected or		NA		

Item	Required	Proposed	Meets Code	Comments
Transplanted trees <i>(LDM 3.f)</i>				
Nonliving Durable Material: Mulch <i>(LDM 4)</i>	§ Trees shall be mulched to 4" depth and shrubs, groundcovers to 3" depth § Specify natural color, finely shredded hardwood bark mulch. Include in cost estimate. § Refer to section for additional information	Yes	Yes	

NOTES:

1. This table is a working summary chart and not intended to substitute for any Ordinance or City of Novi requirements or standards.
2. The section of the applicable ordinance or standard is indicated in parenthesis. For the landscape requirements, please see the Zoning Ordinance landscape section 5.5 and the Landscape Design Manual for the appropriate items under the applicable zoning classification.
3. Please include a written response to any points requiring clarification or for any corresponding site plan modifications to the City of Novi Planning Department with future submittals.

WOODLANDS REVIEW

May 26, 2016

Ms. Barbara McBeth
City Planner
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Covington Estates (JSP15-0002)
Woodland Review of the Preliminary Site Plan (PSP15-0169)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Preliminary Site Plan for the proposed Covington Estates project prepared by Fazal Khan & Associates, Inc. dated May 5, 2016 (Plan). ECT visited the site on Tuesday, March 17, 2015 for the purpose of a Woodland Evaluation. The Plan was reviewed for conformance with the City of Novi Woodland Protection Ordinance Chapter 37. The purpose of the Woodlands Protection Ordinance is to:

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

ECT recommends approval of the Preliminary Site Plan for woodlands. We recommend that the Applicant address the items noted under the "*Woodland Comments*" section of this letter prior to receiving Final Site Plan approval. Specifically, appropriate provision shall be made to guarantee that the replacement trees shall be preserved as planted, such as through a conservation or landscape easement to be granted to the city. Such easement or other provision shall be in a form acceptable to the city attorney and provide for the perpetual preservation of the woodland replacement trees and related vegetation.

The proposed development is located north of Eight Mile Road and west of Garfield Road in Section 31. The proposed development includes the construction of a 38-unit residential development, associated roads, utilities and a storm water retention basin. The majority of the proposed project site is currently idle agricultural field. It should be noted that the proposed development would be located just west of the proposed Ballantyne residential development, which is to be developed at the northwest corner of Eight Mile Road and Garfield Road.

What follows is a summary of our findings regarding on-site woodlands and proposed woodland impacts associated with the proposed project.

Onsite Woodland Evaluation

ECT has reviewed the City of Novi Official Woodlands Map and completed an onsite Woodland Evaluation on Tuesday, March 17, 2015. At that time, ECT found that the *Boundary and Topographic Survey Plan* (Sheet 2) and the *Tree Survey* appeared to accurately depict the location, species composition and the size of the existing trees. ECT took numerous diameter-at-breast-height (d.b.h.) measurements and found that the data provided on the Plan was consistent with the field measurements.

The entire site is approximately 49 acres with regulated woodland mapped across a small portion of the property. These mapped, regulated woodlands are located in the northwest portion of the site, near existing Wetland A (see Figure 1). On-site trees consist of black walnut (*Juglans nigra*), box elder (*Acer negundo*), shagbark hickory (*Carya ovata*), American basswood (*Tilia americana*), white ash (*Fraxinus americana*), eastern cottonwood (*Populus deltoides*), American elm (*Ulmus americana*) and several other species.

The *Tree Survey* on Sheet 2 of the Plan includes approximately 100 surveyed trees. Many of the surveyed trees appear to be outside the property boundaries (mainly along the west side of the site). As noted above, for the most part the majority of the proposed project site is currently idle agricultural field and lacks trees. It should be noted however that after our woodland evaluation and review of the *Tree Survey* submitted by the applicant's woodland consultant, there are six (6) trees on-site that meet the minimum caliper size for designation as a specimen tree (Section 37-6.5). These trees include:

- Tree #420, 25" black walnut ($\geq 24"$, the minimum caliper size for specimen trees);
- Tree #437, 34.5" red maple ($\geq 24"$, the minimum caliper size for specimen trees);
- Tree #2740, 25" Bitternut hickory ($\geq 24"$, the minimum caliper size for specimen trees);
- Tree #2741, 28"/33" black walnut ($\geq 24"$, the minimum caliper size for specimen trees);
- Tree #2743, 31.5" black walnut ($\geq 24"$, the minimum caliper size for specimen trees);
- Tree #2744, 31.5" black walnut ($\geq 24"$, the minimum caliper size for specimen trees);

Proposed Woodland Impacts

A note on the *Boundary and Topographic Survey Plan* (Sheet 2) indicates that a total of three (3) trees are proposed for removal:

- Tree #2737, 8" diameter black cherry (requires 1 Woodland Replacement Credit);
- Tree #2744, 32" diameter black walnut (requires 4 Woodland Replacement Credits);
- Tree #2745, 17" diameter black walnut (requires 2 Woodland Replacement Credit).

Also, of the six (6) total trees that appeared meet the minimum caliper size for designation as a specimen tree (Section 37-6.5), the Plan indicates the proposed removal of one (1) of these trees (approximately 17% of the potential specimen trees). The potential specimen tree proposed for removal is Tree #2744, 32" black walnut.

The Applicant should be aware of the City's Specimen Tree Designation as outlined in Section 37-6.5 of the Woodland Ordinance. This section states that:

"A person may nominate a tree within the city for designation as a historic or specimen tree based upon documented historical or cultural associations. Such a nomination shall be made upon that form provided by the community development department. A person may nominate a tree within the city as a specimen tree based upon its size and good health. Any species may be nominated as a specimen tree for consideration by the planning commission".

Woodland Comments

The following are repeat comments from our *Woodland Review of the RUD Conceptual Plan* (PRUD15-0001) dated March 24, 2015. The current status of each comment is listed below in ***bold italics***:

1. The *Tree Survey* on the *Boundary and Topographic Survey Plan* (Sheet 2) does not clearly indicate which of the surveyed trees are proposed for removal. The *Tree Survey* should be revised to indicate which trees are being removed and how many Woodland Replacement credits are required for each removal.

This comment has been addressed. Sheet 2 contains a note that indicates that a total of three (3) regulated trees are to be removed. The Landscape Details Plan (Sheet L-3) notes that a total of seven (7) Woodland Replacement tree requirements are required for these tree removals. A total of seven (7) Woodland Replacement trees (red maple; 'October Glory') will be provided at the entrance to the development, along Eight Mile Road.

2. The Applicant is encouraged to provide preservation/conservation easements for any areas of remaining woodland.

This comment has been addressed. The Site Plan notes that a proposed preservation/ conservation easement is proposed for the area of remaining woodland in the northwest portion of the site. The Plan notes that the wetland and woodland in this area is to remain undisturbed.

3. It is currently not clear if the seven (7) required Woodland Replacement credits will be provided on-site. The Plan should be reviewed and revised as necessary in order to provide clarification.

This comment has been addressed. Several of the plan sheets note that the seven (7) required Woodland Replacement tree credits will be planted on-site (provided at the entrance to the development, along Eight Mile). The plan proposes the planting of seven (7) red maples ('October Glory') near the entrance to the development.

4. The Applicant is encouraged to provide woodland conservation easements for any areas containing woodland replacement trees, if applicable.

This comment has been partially addressed. The applicant has noted in a plan review response letter dated November 18, 2015 that "if possible, woodland conservation easements will be provided for the areas containing woodland replacement trees". Sheet L-1 (Preliminary Landscape Plan) appears to indicate that the proposed Woodland Replacement Trees will be located within a Non-Access Greenbelt Easement. It should be noted that where (woodland) replacements are installed in a currently non-regulated woodland area on the project property, appropriate provision shall be made to guarantee that the replacement trees shall be preserved as planted, such as through a conservation or landscape easement to be granted to the city. Such easement or other provision shall be in a form acceptable to

the city attorney and provide for the perpetual preservation of the replacement trees and related vegetation.

The applicant may want to consider planting the Woodland Replacement requirements within the proposed preservation/conservation area in the northwest portion of the site such that the trees will be preserved as planted in perpetuity.

5. A Woodland Permit from the City of Novi would be required for proposed impacts to any existing trees 8-inch d.b.h. or greater located within areas designated as regulated woodland. Such trees shall be relocated or replaced by the permit grantee. All replacement trees shall be two and one-half (2 ½) inches caliper or greater (deciduous) or 7-foot tall (evergreen).

This comment still applies.

6. A Woodland Replacement financial guarantee for the planting of replacement trees will be required. This financial guarantee will be based on the number of on-site woodland replacement trees (credits) being provided at a per tree value of \$400.

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

This comment still applies. The Woodland Replacement financial guarantee will be \$2,800 (7 x \$400). As noted, based on a successful inspection of the installed on-site Woodland Replacement trees, seventy-five percent of the original Woodland Financial Guarantee (or \$2,100) shall be returned to the Applicant. Twenty-five percent of the original Woodland Replacement financial guarantee (or \$700) will be kept for a period of 2 years after the successful inspection of the tree replacement installation as a Woodland Maintenance and Guarantee Bond.

7. The Applicant will be required to pay the City of Novi Tree Fund at a value of \$400/credit for any Woodland Replacement tree credits that cannot be placed on-site or otherwise accounted for.

This comment still applies; however, the applicant appears to be prepared to meet the requirement for providing all necessary Woodland Replacement trees on-site. Currently, there are no replacement trees that cannot be placed on-site.

8. Replacement material should not be located 1) within 10' of built structures or the edges of utility easements and 2) over underground structures/utilities or within their associated easements. In addition, replacement tree spacing should follow the *Plant Material Spacing Relationship Chart for Landscape Purposes* found in the City of Novi *Landscape Design Manual*.

This comment still applies. The applicant appears ready to meet this requirement.

Covington Estates (JSP15-0002)
Woodland Review of the Preliminary Site Plan (PSP15-0169)
May 26, 2016
Page 5 of 8

Recommendation

ECT recommends approval of the Preliminary Site Plan for woodlands. We recommend that the Applicant address the items noted above under "*Woodland Comments*" prior to receiving Final Site Plan approval. Specifically, appropriate provision shall be made to guarantee that the replacement trees shall be preserved as planted, such as through a conservation or landscape easement to be granted to the city. Such easement or other provision shall be in a form acceptable to the city attorney and provide for the perpetual preservation of the woodland replacement trees and related vegetation. The applicant may want to consider planting the Woodland Replacement requirements within the proposed preservation/conservation area in the northwest portion of the site such that the trees will be preserved as planted in perpetuity.

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

Respectfully submitted,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



Pete Hill, P.E.
Senior Associate Engineer

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

Attachments: Regulated Woodlands & Wetlands Map (Figure 1)
Site Photos



Figure 1. City of Novi Regulated Woodlands & Wetlands Map (accessed March 23, 2015). Regulated wetland areas are shown in blue and regulated woodland areas are shown in green. The approximate project boundary is shown in red.

Site Photos



Photo 1. Looking west towards area of proposed tree removals (Tree #TT2744 and #TT2745), ECT, March 17, 2015.



Photo 2. Tree #2737, 8-inch black cherry, to be removed (ECT, March 17, 2015).



Photo 3. Looking northwest at Tree #2738 through #2742, all to be preserved during development (ECT, March 17, 2015).



Photo 4. Looking east at Tree #2738 through #2742, all to be preserved during development (ECT, March 17, 2015).

TRAFFIC REVIEW

Memorandum

To Barbara McBeth, AICP Page 1
 CC Sri Komaragiri, Kirsten Mellem, Brian Coburn, Jeremy Miller, Richelle Leskun
 Subject JSP 15-0002 – Covington Estates – Preliminary – Traffic Review

From Matt Klawon, PE
 Date June 1, 2016

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

GENERAL COMMENTS

1. The applicant, Biltmore Land, LLC, is proposing to develop 48.85 acres near 8 Mile Road and Garfield Road in the City of Novi.
2. The applicant is proposing a 38-unit single-family residential development with a RUD option (special land use with RA zoning).

TRAFFIC IMPACTS

1. AECOM performed an initial trip generation estimate based on the ITE Trip Generation Manual, 9th Edition, as follows:

ITE Code: 210 (Single-Family Detached Housing)
 Development-specific Quantity: 38 units
 Zoning Change: N/A

Trip Generation Summary					
	City of Novi Threshold	Estimated Trips (Permitted under R-A zoning, assumes 39 units)	Estimated Trips (Permitted under R-1, assumes 81 units)	Proposed Development (Assumes 38 lots)	Analysis
AM Peak-Hour, Peak-Direction	100	37	66	37	

Trips					
PM Peak-Hour, Peak-Direction Trips	100	45	86	44	
Daily (One-Directional) Trips	750	442	855	432	

- The number of trips does not exceed the City’s threshold of more than 750 trips per day or 100 trips per either the AM or PM peak hour. AECOM recommends performing the following traffic impact study in accordance with the City’s requirements:

Traffic Impact Study Recommendation	
Type of Study	Justification
None	N/A

EXTERNAL SITE ACCESS AND OPERATIONS

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

- The Covington Drive entrance dimensions meet the requirements for a divided driveway for a local street as provided by the City of Novi Code of Ordinances.
- Provide dimensions for any proposed changes to the existing geometry of Eight Mile Road
- Sight distance and driveway spacing are in compliance with City standards.
- There are three emergency access drives in addition to the one main access point to the development. The emergency access drives are designed to City standards; however, the emergency access gates do not match Figure VIII-K of the City of Novi Code of Ordinances.
- The applicant plans to submit a variance due to the excessive length from Eight Mile Road to emergency access.
- Please check volumes for turn lane warrants and comment as applicable.

INTERNAL SITE OPERATIONS

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

- General traffic flow
 - Provide road widths and turning radii in order to determine if large trucks and emergency vehicles are able to efficiently access the site.
 - Provide dimensions for the three cul-de-sacs in the development according to Figure VIII-F in Chapter 11 Article VIII of the City of Novi Code of Ordinances.
- Parking facilities
 - Provide information related to on-street parking.
- Sidewalk Requirements

- a. The development proposes to include 5' sidewalks adjacent to all development roadways and an 8' sidewalk along Eight Mile Road, which is in compliance with City standards and the City of Novi Non-Motorized Master Plan.
 - b. Provide additional details for the proposed sidewalk such as ADA ramps, connections, and stubs.
4. All on-site signing and pavement markings shall be in compliance with the Michigan Manual on Uniform Traffic Control Devices. Please include all signing and pavement markings in future submittals.

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

Sincerely,

AECOM



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



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

FIRE REVIEW



May 24, 2016

TO: Barbara McBeth- City Planner
Sri Komaragiri- Plan Review Center

RE: Covington Estates

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Gwen Markham

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Brian Burke

City Manager
Pete Auger

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

Director of EMS/Fire Operations
Jeffery R. Johnson

Assistant Chief of Police
Erick W. Zinser

Assistant Chief of Police
Jerrod S. Hart

PSP#15-0002

Project Description: Residential unit development of 38 homes on 48.85 acres

Comments:

- 1) **All emergency access roadways must meet city design standards. (D.C.S. Sec 11-194 (a)(19))** Proposed Emergency access to the property either through an adjacent development or from Garfield Rd. is approved.
- 2) **Main entry gates at Eight mile must have a Knox keyed entry system. 503.5 Required gates or barricades.**
The *fire code official* is authorized to require the installation and maintenance of gates or other *approved* barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.
- 3) **Hydrants and watermains are approved with the proposed looping of the system from Garfield Rd.**

Recommendation: Approved pending the above comments.

Sincerely,

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

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

cityofnovi.org

cc: file

APPLICANT RESPONSE LETTER

FAZAL KHAN & ASSOCIATES, INC.

Civil Engineers & Land Surveyors

Fazlullah M. Khan, P.E., MSCE
Donald H. King, P.S.
Carol P. Thurber, P.E., CFM
Shannon L. Filarecki, P.E.
Thomas R. DeHondt, P.E.
Ottavio Palazzolo, P.E.

July 1, 2016

City of Novi
Community Development
Ms. Sri Ravali Komaragiri
45175 West 10 Mile Road
Novi, MI 48375

RE: Proposed Covington Estates
Preliminary Site Plan
SE ¼ Sec 31, 8 Mile Road, West of Garfield Road
FKA JOB NO. 14-031

Dear Ms. Komaragiri,

We have received your two e-mails dated June 28, 2016 and June 30, 2016.

As requested we are addressing all comments from all review letters received. We have the following comments:

Planning Review

The following comments specifically highlighted in the planning review letter dated June 28, 2016 are addressed below. It is our intent to comply with all items in the planning review letter, prior to or with submittal for final site plan approval.

Ordinance Requirements

1. **Sidewalks** – 8' sidewalks are proposed along Eight Mile Road and Garfield Road. Engineering comments are addressed under **Engineering Review**.
2. **Master Deed and By-Laws** – The Master Deed and By-Laws will be submitted for review with the Final Site Plan Submittal.
3. **Lighting** – An entrance light has been proposed on Eight Mile Road. We will contact Jeremy Miller (248-735-5694) in the engineering division to begin the process of working with the City and DTE on the installation of the entrance light.

4. **Temporary Emergency Access** – The two emergency access and water lines will be differentiated on the plans as alternates. The following notes will be provided on the layout plan:
- a. “The temporary emergency access will terminate on completion of the development of the property to the east, when the emergency access between lots 12 & 13 in Covington Estates will become active and permanent.”
 - b. “The emergency access drive shall be mowed and kept clear of snow and ice as necessitated by weather conditions.”

Other Reviews – Attached Separately.

Planning Commission Approval for Preliminary Site Plan

1. This response letter addresses ALL the comments from ALL the review letters.
2. A PDF version of the all Site Plan drawings that were submitted for the Preliminary for the Preliminary review dated May 05, 2016 has been provided. **NO CHANGES MADE.**
3. A revised color rendering of the Site Plan will be e-mailed to you separately.

Final Site Plan Submittal

After receiving Planning Commission approval, the following will be submitted:

1. Six copies 10 size 24” x 36” copies with original signature and original seals
2. Final site plan application
3. Response letter addressing the comments in all of the staff and consultant review letters,
4. Application for Lot Addressing. See below under Site Addressing for more details.

Electronic Stamping Set Submittal and Response Letter

After receiving final site plan approval, plans addressing the comments in all of the staff and consultant review letters will be submitted electronically for informal review and approval prior to printing Stamping Sets. A letter from either the applicant or the applicant’s representative addressing comments in this and other review letters and associated charts will be submitted with the electronic stamping set.

Stamping Set Approval

After receiving the approval for the electronic stamping set submittal from all reviewing agencies, **10 size 24” x 36” copies with original signature and original seals** will be submitted to the Community Development Department for final approval.

Drafts for all required legal documents with a legal transmittal will be submitted along with stamping sets.

Site Addressing

The applicant will contact the Building Division for an address. **The address application will be found on the Internet at www.cityofnovi.org under the forms page of the Community Development Department.** We will contact Jeannie Niland [248.347.0438] in the Community Development Department with any specific questions regarding addressing of sites.

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. If we have questions regarding the checklist or the Pre-Con itself, we will contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

Chapter 26.5

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. We will contact Sarah Marchioni at 248-347- 0430 for additional information on starting permits. The applicant will review and be aware of the requirements of Chapter 26.5 before starting construction.

Signage

Exterior Signage is not regulated by the Planning Division or Planning Commission. We will contact Jeannie Niland (248.347.0438) for information regarding sign permits.

If we have any questions concerning the review or the process in general, we will contact you at (248.735.5607) or skomaragiri@cityofnovi.org.

ENGINEERING REVIEW

Project Summary

- Construction of an approximately 38 lot residential development is proposed. Site access will be provided by a Private roadway from 8 Mile Rd.
- Water service will be provided by an extension from the proposed Ballantyne water main along the north side of 8 Mile Rd. and looping to the Ballantyne water main, along with 8 additional hydrants. An alternate connection plan will loop

the water main to the water main on the west side of Garfield Rd. if a connection through Ballantyne is not possible.

- Sanitary sewer service will be provided from an extension from the proposed Ballantyne sanitary sewer along the north side of 8 Mile Rd.
- Storm water will be collected by a single storm sewer collection system and detained in two on-site retention ponds.

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

General

1. A right-of-way permit will be obtained from the City of Novi and Oakland County.
2. A traffic control sign table will be provided listing the quantities of each sign type proposed for the development. A note will be provided along with the table stating all traffic signage will comply with the current MMUTCD standards.
3. Traffic signs in the RCOC right-of-way will be installed by RCOC.
4. A note will be provided indicating that compacted sand backfill shall be provided for all utilities within the influence of paved areas, and illustrate on the profiles.
5. A construction materials table will be provided on the Utility Plan listing the quantity and material type for each utility (water, sanitary and storm) being proposed.
6. A utility crossing table will be provided indicating that at least 18-inch vertical clearance will be provided, or that additional bedding measures will be utilized at points of conflict where adequate clearance cannot be maintained.
7. Generally, all proposed trees shall remain outside utility easements. Where proposed trees are required within a utility easement, the trees shall maintain a minimum 5-foot horizontal separation distance from any existing or proposed utility. All utilities shall be shown on the landscape plan, or other appropriate sheet, to confirm the separation distance.
8. The City standard detail sheets will not be provided for the Final Site Plan submittal. They will be provided with the Stamping Set submittal.

Water Main

9. A profile for all proposed water main 8-inch and larger will be provided.
10. The water main stub to the east shall terminate with a hydrant followed by a valve in well. If the hydrant is not a requirement of the development for another reason the hydrant will be labeled as temporary allowing it to be relocated in the future.
11. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (1/07 rev.) for water main construction and the Streamlined

Water Main Permit Checklist shall be submitted to the Engineering Department for review, once no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

Sanitary Sewer

12. A testing bulkhead shall be provided immediately upstream of the sanitary connection point. Additionally, a temporary 1-foot deep sump shall be provided in the first sanitary structure proposed upstream of the connection point, and A secondary watertight bulkhead shall be provided in the downstream side of this structure.
13. A profile for sanitary sewer 8-inches and larger shall be provided.
14. Seven (7) sealed sets of revised utility plans along with the MDEQ permit application (04/14 rev.) for sanitary sewer construction and the Streamlined Sanitary Sewer Permit Certification Checklist shall be submitted to the Engineering Department for review, once no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets. The MDEQ may be contacted for an expedited review by their office.

Storm Sewer

15. A minimum cover depth of 3 feet shall be maintained over all storm sewers. Grades shall be elevated and minimum pipe slopes shall be used to maximize the cover depth. In situations where the minimum cover cannot be achieved, Class V pipe will be used with an absolute minimum cover depth of 2 feet. An explanation shall be provided where the cover depth cannot be provided.
16. A 0.1-foot drop shall be provided in the downstream invert of all storm structures where a change in direction of 30 degrees or greater occurs.
17. The 0.80 diameter depth above invert for pipe size increases shall be matched.
18. Storm manholes with differences in invert elevations exceeding two feet shall contain a 2-foot deep plunge pool.
19. All inlet storm structures on the profiles will be labeled. Inlets are only permitted in paved areas and when followed by a catch basin within 50 feet.
20. The 10-year HGL on the storm sewer profiles shall be labeled, and the HGL shall remain at least 1-foot below the rim of each structure.
21. A schedule shall be provided listing the casting type and other relevant information for each proposed storm structure on the utility plan. Round castings shall be provided on all catch basins except curb inlet structures.
22. An easement shall be provided over the storm sewer accepting and conveying offsite drainage.

Storm Water Management Plan

23. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.

24. An adequate maintenance access route to the basin outlet structure and any other pretreatment structures shall be provided (15 feet wide, maximum slope of 1V:5H, and able to withstand the passage of heavy equipment). It shall be verified that the access route does not conflict with proposed landscaping.
25. An access easement shall be provided for maintenance over the storm water detention system and the pretreatment structure. Also, an access easement to the detention area from the public road right-of-way shall be included.
26. Infiltration rate calculations shall be provided for the three design storm events (first flush, bank full, 100-year).
27. A runoff coefficient of 1.00 shall be used for all basin areas.
28. Storm basin volume calculations shall include all disturbed area; the calculations shall be revised to include the "east leg".
29. A pre-treatment structure shall be provided prior to discharge to the basin.
30. A 25-foot vegetated buffer shall be provided around the east pond. This buffer will not be on residential lots.

Paving & Grading

31. The emergency access gates shall be removed from the combined emergency access/bike path.
32. Pedestrian connections shall be provided outside of gates at the emergency access drives.
33. Top of curb/walk and pavement/gutter grades shall be provided to indicate height of curb.
34. The standard Type 'M' approach shall be provided at the 8 Mile Rd. intersection
35. A note shall be added to the plan stating that the emergency access gate is to be installed and closed prior to the issuance of the first TCO in the subdivision.
36. An opening shall be provided in the fence for the pedestrian connection to the west.
37. A cross-section shall be provided for all proposed paving and curb and gutter.

Soil Erosion and Sediment Control

38. A SESC permit shall be obtained. All SESC requirements shall be addressed in accordance with the review checklist. A SESC permit application shall be submitted.

The following must be submitted at the time of Final Site Plan submittal:

39. A letter from either the applicant or the applicant's engineer shall be submitted with the Final Site Plan highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved.
40. An itemized construction cost estimate shall be submitted to the Community Development Department at the time of Final Site Plan submittal for the determination of plan review and construction inspection fees. This estimate shall only include the civil site work and not any costs associated with construction of the building or any

demolition work. ***The cost estimate will be itemized*** for each utility (water, sanitary, storm sewer), on-site paving, right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pretreatment structure and restoration).

The following will be submitted at the time of Stamping Set submittal:

41. A draft copy of the maintenance agreement for the storm water facilities, as outlined in the Storm Water Management Ordinance, will be submitted to the Community Development Department with the Final Site Plan. Once the form of the agreement is approved, this agreement will be approved by City Council and shall be recorded in the office of the Oakland County Register of Deeds.
42. A draft copy of the 20-foot wide easement for the water main to be constructed on the site will be submitted to the Community Development Department.
43. A draft copy of the 20-foot wide easement for the sanitary sewer to be constructed on the site will be submitted to the Community Development Department.
44. A 20-foot wide easement where storm sewer or surface drainage crosses lot boundaries will be shown on the Exhibit B drawings of the Master Deed.
45. Executed copies of any required off-site utility easements will be submitted to the Community Development Department.

The following will be addressed prior to construction:

46. A pre-construction meeting shall be required prior to any site work being started. Sarah Marchioni in the Community Development Department shall be contacted to setup a meeting (248-347-0430).
47. A City of Novi Grading Permit will be obtained prior to any grading on the site. This permit will be issued at the pre-construction meeting. Once determined, a grading permit fee will be paid to the City Treasurer's Office.
48. An NPDES permit will be obtained from the MDEQ because the site is over 5 acres in size. The MDEQ requires an approved plan to be submitted with the Notice of Coverage.
49. A Soil Erosion Control Permit will be obtained from the City of Novi. Sarah Marchioni in the Community Development Department will be contacted (248-347-0430) for forms and information.
50. A permit for work within the right-of-way of 8 Mile Rd. and Garfield Rd. will be obtained from the City of Novi. The application is available from the City Engineering Department and will be filed at the time of Final Site Plan submittal. The Engineering Department will be contacted at 248-347-0454 for further information.
51. A permit for work within the right-of-way of 8 Mile Rd. will be obtained from the Road Commission for Oakland County. The RCOC (248-858-4835) will be contacted directly

with any questions. The applicant will forward a copy of this permit to the City. A note shall be provided on the plans indicating all work within the right-of-way will be constructed in accordance with the Road Commission for Oakland County standards.

52. A permit for water main construction will be obtained from the MDEQ. This permit application will be submitted through the City Engineer after the water main plans have been approved.
53. A permit for sanitary sewer construction will be obtained from the MDEQ. This permit application will be submitted through the City Engineer after the sanitary sewer plans have been approved.
54. Construction Inspection Fees to be determined once the construction cost estimate is submitted will be paid prior to the pre-construction meeting.
55. A storm water performance guarantee, equal to 1.5 times the amount required to complete storm water management and facilities as specified in the Storm Water Management Ordinance, will be posted at the Treasurer's Office.
56. An incomplete site work performance guarantee, equal to 1.5 times the amount required to complete the site improvements (excluding the storm water detention facilities) as specified in the Performance Guarantee Ordinance, will be posted at the Treasurer's Office.
57. A street sign financial guarantee in an amount to be determined (\$400 per traffic control sign proposed) will be posted at the Treasurer's Office.

To the extent the review letter addresses items and requirements that require the approval of or a permit from an agency or entity other than the City, this review shall not be considered an indication or statement that such approvals or permits will be issued.

Jeremy Miller shall be contacted at (248) 735-5694 with any questions.

Landscaping review

EXISTING ELEMENTS

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

We will clearly indicate whether utilities are overhead.

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

We will leave ID numbers for trees to remain on Landscape Plan.

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

1. **The Tree Protection Detail will be revised to show the fencing located at the Critical Root Zone (1 foot outside of dripline).**
2. **Tree fencing placed at 1' outside of the dripline will be shown on the removal and grading plans.**

LANDSCAPING REQUIREMENTS

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

1. **Proposed berm will be a minimum of 4' tall and vary vertically and horizontally.
Contour labels will be added to the grading shown and the berms revised.**
2. **Calculations will be provided for all canopy/large evergreen trees and subcanopy trees required along both 8 Mile Road and Garfield Road.**
3. **Which plantings are intended to meet which requirement (greenbelt vs. street trees) will be clearly labeled.**
4. **Berm cross section detail has been provided. It will be revised to show construction of loam with a 6" top layer of topsoil.**

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

1. **Street tree calculations for interior street trees are incorrect for a number of units. Please refer to the table on page 3 of the Landscape Design Manual for the correct number of trees and place the correct number of trees on the plan. (Item 1 will be revised as requested).**
2. **12 deciduous canopy street trees are required for Eight Mile Road (1 tree per 35 feet of frontage, less the 100' Covington Drive Right-of-way at 8 Mile Road). 3 deciduous canopy trees are required along Garfield Road. They should be located between the right of way line and the road. If any of those trees are not allowed per the Road Commission for Oakland County, a waiver can be sought for those trees, and will be supported by staff. Please provide a letter from the RCOC. (Item 2 will be addressed as requested).**
3. **All street trees, along major roads and interior to the subdivision, should be located within the right-of-way. A number of interior street trees are**

shown behind the right-of-way line. Please relocate them. (Item 3 will be addressed as requested).

- 4. Relocate trees at street corners so they are outside the clear vision zone. (Item 4 will be addressed as requested).**

Parking Lot Landscape (Zoning Sec. 5.5.3.C.)

Not applicable

Woodland Replacement Trees (Chapter 37 – Woodlands Protection Sec 37-8.)

Calculations are provided, and the correct number of red maples are placed within the 8 Mile Road greenbelt.

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

- 1. A mix of shrubs and trees are provided around the ponds to provide 70% coverage. A landscape waiver must be requested for this, but will be supported by staff. (A landscape waiver will be requested).**
2. Seeding has been indicated for the ponds, and the seed mix details have been provided.
- 3. Please replace *Hamamelis xintermedia* with another shrub species such as *Cornus sericea*, *Cornus racemosa*, *Aronia melanocarpa*, *Physocarpus opulifolius* or *Rhus aromatica*. Short/diminutive cultivars should not be used. (Item 3 will be addressed as requested).**

Transformer/Utility Box and Fire Hydrant Plantings (LDM 1.3 from 1-5, Zoning Sec 5.5.3.C.ii.d)

No utility boxes or hydrants are shown. When utility boxes are added, please add the required screening landscaping. (This item will be addressed as requested).

Trees near overhead utilities (LDM 3.e)

Label/dimension the distance from overhead utilities near proposed trees. If no overhead utility lines exist, please indicate that with a note on the landscape plan. (This item will be addressed as requested).

Landscape Tree Credit (LDM 3.b.(d))

Not provided and not required, but applicant may want to see if they can benefit from provision. (Applicant will review).

OTHER REQUIREMENTS

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

1. Acceptable.
2. **Please replace *Acer platanoides* and *Pyrus calleryana* with species from Novi Street Tree list that aren't as invasive.** Possible substitutions are *Celtis occidentalis*, *Liriodendron tulipifera*, *Quercus rubra*, *Gleditsia triacanthos*, Valley Forge Elm, *Ostrya virginiana*, or *Zelkova serrata*. **(Item 2 will be addressed as requested).**

Planting Notations and Details (LDM)

1. Most landscape notes meet City of Novi requirements.
2. **A note will be added stating that there should be a minimum of 1 cultivation in planted areas in June, July and August for the 2-year warranty period.**
3. **“In writing” will be added to General Note #7.**
4. **A note will be added on the plan near the property lines stating that plant materials should not be planted within 4 feet of property line.**
5. **A color of mulch will be specified as “natural” in planting details.**

Cost estimates for Proposed Landscaping (LDM 2.t.)

Provided.

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

Irrigation plan for landscaped areas shall be provided for Final Site Plan.

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

Berm contours will be labeled to verify height of berms.

Snow Deposit (LDM.2.q.)

Provided.

Corner Clearance (Zoning Sec 5.9)

Provided.

1. The Applicant is encouraged to provide woodland conservation easements for any areas containing woodland replacement trees, if applicable.

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

The applicant will consider planting the Woodland Replacement requirements within the proposed preservation/conservation area in the northwest portion of the site such that the trees will be preserved as planted in perpetuity.

2. A Woodland Permit from the City of Novi would be required for proposed impacts to any existing trees 8-inch d.b.h. or greater located within areas designated as regulated woodland. Such trees shall be relocated or replaced by the permit grantee. All replacement trees shall be two and one-half (2 ½) inches caliper or greater (deciduous) or 7-foot tall (evergreen).

This comment will be addressed as requested.

3. A Woodland Replacement financial guarantee for the planting of replacement trees will be required. This financial guarantee will be based on the number of on-site woodland replacement trees (credits) being provided at a per tree value of \$400.

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

This comment will be addressed.

The Woodland Replacement financial guarantee will be \$2,800 (7 x \$400). As noted, based on a successful inspection of the installed on-site Woodland Replacement trees, seventy-five percent of the original Woodland Financial Guarantee (or \$2,100) shall be returned to the Applicant. Twenty-five percent of the original Woodland Replacement financial guarantee (or \$700) will be kept for a period of 2 years after the successful inspection of the tree replacement installation as a *Woodland Maintenance and Guarantee Bond*.

4. The Applicant will be required to pay the City of Novi Tree Fund at a value of \$400/credit for any Woodland Replacement tree credits that cannot be placed on-site or otherwise accounted for.

This comment will be addressed; however, the applicant appears to be prepared to meet the requirement for providing all necessary Woodland Replacement trees on-site. Currently, there are no replacement trees that cannot be placed on-site.

5. Replacement material should not be located 1) within 10' of built structures or the edges of utility easements and 2) over underground structures/utilities or within their associated easements. In addition, replacement tree spacing should follow the Plant Material Spacing Relationship Chart for Landscape Purposes found in the City of Novi Landscape Design Manual.

This comment will be addressed. The applicant is ready to meet this requirement.

AECOM COMMENTS

EXTERNAL SITE ACCESS AND OPERATIONS

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

1. The Covington Drive entrance dimensions meet the requirements for a divided driveway for a local street as provided by the City of Novi Code of Ordinances.
2. Dimensions will be provided for any proposed changes to the existing geometry of Eight Mile Road.
3. Sight distance and driveway spacing are in compliance with City standards.
4. There are three emergency access drives in addition to the one main access point to the development. The emergency access drives are designed to City standards; the emergency access gates will be revised to Figure VIII-K of the City of Novi Code of Ordinances.

5. The applicant plans to submit a variance due to the excessive length from Eight Mile Road to emergency access.
6. Volumes will be checked for turn lane warrants and commented as applicable.

INTERNAL SITE OPERATIONS

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

1. General traffic flow
 - a. Road widths and turning radii will be provided in order to determine if large trucks and emergency vehicles are able to efficiently access the site.
 - b. Dimensions will be provided for the three cul-de-sacs in the development according to Figure VIII-F in Chapter 11 Article VIII of the City of Novi Code of Ordinances.
2. Parking facilities
 - a. Provide information related to on-street parking.
3. Sidewalk Requirements
 - a. The development proposes to include 5' sidewalks adjacent to all development roadways and an 8' sidewalk along Eight Mile Road, which is in compliance with City standards and the City of Novi Non-Motorized Master Plan.
 - b. Additional details will be provided for the proposed sidewalk such as ADA ramps, connections, and stubs.
4. All on-site signing and pavement markings shall be in compliance with the Michigan Manual on Uniform Traffic Control Devices. All signing and pavement markings shall be included in future submittals.

FIRE DEPARTMENT COMMENTS

- 1) **All emergency access roadways shall meet city design standards. (D.C.S. Sec 11-194 (a)(19))**

Proposed Emergency access to the property either through an adjacent development or from Garfield Rd. shall be provided.

- 2) **Main entry gates at Eight mile shall have a Knox keyed entry system. 503.5 Required gates or barricades.**

The *fire code official* is authorized to require the installation and maintenance of gates or other *approved* barricades across fire apparatus access roads, trails or other access

ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

3) Hydrants and water mains shall be provided as indicated with the proposed looping of the system from Garfield Rd.

If you have any questions or require further information, please feel free to contact me at (586)739-8007.

Sincerely,
Fazal Khan & Associates, Inc.

Thomas R. DeHondt, P.E.
tz

RUD AGREEMENT

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI**

**COVINGTON ESTATES
RESIDENTIAL UNIT DEVELOPMENT (RUD) AGREEMENT**

THIS AGREEMENT FOR RESIDENTIAL UNIT DEVELOPMENT (referred to herein as the "Agreement") made effective the ___ day of _____, 2016, by and between the CITY OF NOVI, Oakland County, Michigan, herein called the "City", 45175 Ten Mile, Novi, Michigan, 48175, and BILTMORE LAND LLC, a Michigan limited liability company, 89 Lake Shore Road, Grosse Pointe Farms, Michigan 48236, and its successors and assigns, herein called the "Developer."

RECITATIONS

A. Developer is the owner of a parcel of real property (the "Property") within the City proposed for development as a residential site condominium community to be known as "Covington Estates" (generally referred to hereafter as the "Project"). The legal description of the Property is attached as **Exhibit A**.

B. Developer is pursuing approval of the Project as a Residential Unit Development ("RUD") pursuant to Section 3.29 of the City of Novi Zoning Ordinance, Residential Unit Development (the "RUD Ordinance"). The intent of the RUD Ordinance is to permit an optional means of development flexibility in the RA district and in the R-1 through R-4 districts, which allows a mixture of various types of residential dwelling units (one-family, attached one-family cluster). It is further the intent of this Section to permit permanent preservation of valuable open land, fragile natural resources, and rural community character that would be lost under conventional development. Final approval of Developer's RUD Plan, attached as **Exhibit B**, has been tentatively approved pursuant to the RUD Ordinance, subject to certain terms and conditions, by the City Council, following recommendation by the Planning Commission.

C. Section 3.29.9 contemplates the preparation of a contract setting forth the conditions upon which the approval of the final RUD Plan has been granted, which in turn serves as the basis for site plan approval, and thereafter for the development, use, and maintenance of the Project. City Council approval of the contract is required, and the contract is to incorporate and attach an RUD plan.

D. Set forth below are the terms and conditions of the contract for the Project, which is to be recorded with the Register of Deeds for the County of Oakland following execution by

the parties.

E. Developer will organize and create a Michigan non-profit corporation to administer the affairs of the condominium project in accordance with Act 78, P.A. 1978, as amended, to be known as the "Covington Estates Homeowners Association," hereinafter called the "Association." The Association shall be subject to all of the terms of this Agreement.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

I. GENERAL PROJECT DESCRIPTION

The proposed Project consists of an approximately 48.83-acre parcel of property located in the southwest portion of the City. The Project includes 38 single-family home sites within the Covington Estates community to be established as part of a site condominium, designed to fit and complement character of the existing and surrounding neighborhood, together with site infrastructure improvements (potable water, sanitary sewer, storm sewer). Each of the home sites will be referred to in this Agreement as a "lot" or "unit." Approximately 28.16 acres of the Property will be developed with home sites; the remaining approximately 20.67 acres will be permanently restricted for use as passive and active open space for the benefit of the Condominium. The Project provides benefits from the preservation and creation of open space and the establishment of park facilities that would not occur with conventional residential development.

II. EFFECT OF RUD AGREEMENT

A. This Agreement consists of this text, along with the attached and incorporated Final RUD Plan, consisting of Preliminary Site Plan dated 11/18/15, Alternative Concept RUD Plan dated 3-31-16, Utility Plan dated 11/18/15, Alternative Utility Plan dated 3-31-16, Boundary and Topographical Survey dated 11/18/15, and Preliminary Landscape Plan dated 11/18/15 (full-sized original of the Final RUD Plan on file in the City Clerk's office), and all conditions and requirements made part of the approved Final RUD Plan. This Agreement is intended to serve as the contract contemplated under Section 3.29.9 of the Zoning Ordinance, and establishes the fundamental terms and provisions of subsequent final approval, construction, use, and maintenance of the Project. The preliminary site plan for the Project submitted for Planning Commission approval shall substantially conform to the Final RUD Plan, subject to and in accordance with the text of this Agreement, and as contemplated by Section 35-135.G of the Zoning Ordinance.

B. Approval of this Agreement authorizes Developer to pursue approval of a site plan in accordance with Section 3.29.20.C of the Zoning Ordinance, as amended, and any and all other applicable laws, ordinances and regulations, and with this Agreement and any conditions imposed with its approval.

C. This Agreement shall be binding upon and benefit the City and Developer, as well as their respective successors, assigns, and transferees, and shall run with the land.

D. Physical development of the Project shall be in accordance with the final site plan, and shall not be commenced until after the final site plan has been approved by the City, subject to

and in accordance with applicable procedures.

E. Consistent with the City's ordinances and resolutions, including but not limited to Chapter 26.5 of the City of Novi Code, as amended from time-to-time, the City shall require Developer to provide financial guarantees for the completion of improvements, including without limitation, roads, water mains, sanitary sewers, pump stations, storm drains, pathways and landscaping.

III. USES PERMITTED

Uses permitted within the Project shall consist of single-family, detached residences, located on site condominium units or lots as shown on the Final RUD Plan, subject to the terms of this Agreement, and in accordance with the approved final site plan.

The underlying zoning of the Property is RA, Residential Acreage. In accordance with the Final PUD Plan, the single-family homes shall be situated on lots generally conforming with the R-1, Residential District, regulations of the Zoning Ordinance as provided in the Final RUD Plan and this Agreement. All development and use shall be in accordance with this Agreement, applicable laws, regulations, and ordinances not inconsistent with this Agreement.

IV. DENSITY

The Project shall consist of 38 residential units or lots. The proposed density is 0.8 units per acre consistent with the RA, Residential Acreage zoning of the site.

V. LOT AREA AND LOCATION

Reduction in allowable lot sizes is conditioned upon providing the lot configuration shown in the Final RUD Plan and in accordance with the approved final site plan. Minimum lot area shall be approximately 21,766 sq. ft. with a minimum width of 120 ft., which is a deviation from the 1 Acre lot area and width of 150 ft. required by the Zoning Ordinance.

VI. YARD SETBACKS/ENCROACHMENTS

Yard setbacks and lots shall conform to the R-1 regulations.

VII. TRAFFIC CIRCULATION/PRIVATE ROADS

The streets within the Development shall remain private. Boulevard access from Eight Mile Road shall be provided substantially as shown on the RUD Plan, and in accordance with the approved final site plan. The entrance to Covington Estates shall be gated and will connect to a series of internal roadways and cul-de-sacs substantially as shown on the RUD Plan, and in accordance with the approved final site plan. The internal streets shall be designed as local residential streets with 60-foot rights-of-way. No residence shall have direct driveway access from or to Eight Mile Road.

Traffic calming features have been planned and designed into the development by the utilization of curvilinear streets, and by avoiding "straightaway" street design. Further

consideration shall be given to the use of additional traffic-control devices to be determined by the City during final site plan review, and also following construction, drawing upon experiences as they occur in the use of the development.

A deviation from City Ordinance standards set forth in Section 11-194(a)(7) of the City of Novi Code has been granted to allow the Development to exceed the maximum distance between Eight Mile Road and: (A) the proposed emergency access to connect with the approved access in the adjacent "Ballantyne" development to the east ("Ballantyne Emergency Access Connection"); and (B) the proposed alternate emergency access from the north end of Covington Drive east to Garfield Road, which includes a 20' wide secondary access route consisting of grass pavers, as shown on the approved site plan, on each side of an 8' paved pathway ("Garfield Road Alternate Emergency Access"). The Ballantyne Emergency Access Connection and the Garfield Road Alternate Emergency Access shall be constructed in accordance with the City of Novi standard detail plan for "Emergency Access Drive" as approved by the City Engineer and in accordance with the approved Engineering Plans dated_____. The Ballantyne Emergency Access Connection and the Garfield Road Alternate Emergency Access are referred to below as the "Emergency Access Drives."

The Garfield Road Alternate Emergency Access shall only be installed if the Ballantyne Project has not commenced and the Ballantyne Emergency Access has not been constructed prior to the preconstruction meeting for the Project. If the Garfield Road Alternate Emergency Access is installed, Developer shall also install 170 six-foot arbor vitae along the north boundary of the Property in areas where there is no existing tree line. If the Garfield Road Alternate Emergency Access is not installed, Developer shall have no obligation to grant install the 170 six-foot arbor vitae or the fire department access gates or Emergency Access Easements associated with the Garfield Road Alternate Emergency Access. The 8' paved pathway shall be installed even if the Garfield Road Alternate Emergency Access is not installed.

The Ballantyne Emergency Access Connection shall in all events be installed as part the Project and shall consist of an all-weather emergency access drive, and pedestrian access, installed adjacent to the north end of the retention basin connecting to the adjacent proposed Ballantyne development to the east.

Developer shall grant the necessary Emergency Access Easements to allow police, fire and all other emergency service providers to access the Emergency Access Drives as needed for ingress to and from the Development. The Emergency Access Easements shall be included within the Master Deed for the Development in a form acceptable to the City of Novi. All keys or codes to access the gated entry shall be provided to the Fire Department, and final design of the gated entranceway will be approved with the Final Site Plan.

The Emergency Access Easement for the Garfield Road Alternate Emergency Access shall automatically terminate at such time as the Ballantyne RUD is constructed and the Ballantyne Emergency Access Connection becomes operative.

Additionally, a variance from Appendix C Section 4.04(A) (1) of Novi City Code has also been granted for not providing a stub street to the subdivision boundary along subdivision perimeter. In connection with the variance, Developer shall construct an additional emergency access drive and pedestrian connection to the parcel to the west, in the location shown in, and in accordance

with the approved Engineering Plans dated_____. The emergency access drive shall be constructed in accordance with the City of Novi standard detail plan for "Emergency Access Drive" and as approved by the City Engineer. Developer shall grant the necessary Emergency Access Easement to allow police, fire and all other emergency service providers to access the Emergency Access Drive as needed for ingress to and from the Development. The Emergency Access Easement shall be included within the Master Deed for the Development in a form acceptable to the City of Novi. All keys or codes to access the gated entry shall be provided to the Fire Department, and final design of the gated entranceway will be approved with the Final Site Plan.

All road improvements shall be in accordance with the design and construction standards of the City at the time of final Site Plan approval.

VIII OPEN SPACE

The preservation of open space is a primary consideration of the project design. Approximately 20.67 acres, or 42 percent of the total site area, shall be dedicated to open space, including wetland areas, woodland areas, storm water basins, parks and other internal green space areas. The areas of open space shall be substantially as shown on the RUD Plan, and in accordance with the approved final site plan. The majority of the preserved open space acres will be available to residents for passive and active recreation. An approximately 2.90 acre open park area, which extends to Garfield Road along the north property line will be provided. This open park area is intended for both active and passive recreation and specific uses can be determined by the Association. All such areas shall be constructed and maintained by Developer and/ after transition of control, the Association.

The open space shall be permanently preserved as required by Section 3.29.10.C of the RUD Ordinance. Developer shall provide a schedule for the completion of portions of the open space so that it coincides with completion of dwelling units. The mechanism to assure the permanent preservation and maintenance of open space areas, RUD amenities and common areas shall be in the Master Deed and shall be subject to review and approval by the City Attorney as provided in Article XV below. The mechanism shall permit, in the event of the failure of the property owners to preserve and maintain areas, the City to perform maintenance and preservation functions and to assess the cost of such performance to the property owners.

IX. PEDESTRIAN CIRCULATION

Developer will construct an 8 foot sidewalk along the Eight Mile Road and Garfield Road frontage of the Property. 5 foot sidewalks will be constructed along both sides of internal streets. A paved pathway connection will be provided through the open space park area connecting to Garfield Road, which shall be constructed at the time of street construction, and prior to the City Engineering Division granting the "Acceptable for Service" approval for the Project, and in all events prior to the issuance of the first building permit. Such pathway will encourage further active pedestrian and bicycle recreation and a larger pathway loop. The proposed pathways will further connect with the existing and planned pathways in Garfield

Road.

A proposed 8,940-foot (1.69 miles) walking trail, with both natural features and other amenities will be provided within the open space area to provide active recreation for the residents. The trail will be constructed of compacted fine grade stone. Other amenities that will encourage active recreation on the trail will be provided including benches, bird houses, and quarter-mile marker signage. Pedestrian connections to the adjacent properties shall be provided as shown on the RUD Plan. Walking trail and pedestrian connections shall be constructed at the time of street construction, and prior to the issuance of the first building permit.

X. NATURAL RESOURCE PRESERVATION

A. Wetlands

The existing wetland areas on the site, comprising approximately 0.311 acres, shall be preserved, as shown on the RUD Plan, as part of the overall "open space," as set forth in Section IX, above.

Any disturbance and/or restoration of the wetland area shall be undertaken in accordance with applicable laws and ordinances, the approved final RUD Plan and any wetland permit issued for the Development, as may be required.

B. Woodlands

Regulated woodlands are located in the northwest portion of the site near existing wetlands. Woodland Replacement credits will be provided as required in accordance with the City's Woodlands Ordinance. The Applicant is required to provide preservation/conservation easements for any areas of remaining woodland and any areas containing woodland replacement trees, if applicable, in accordance with the preservation requirements set forth in Section IX, above.

A tree planting and fence maintenance financial guarantee, along with woodlands inspection fees, shall be paid, with the amounts to be determined at the time of the Final Woodlands Engineering Review. Approved protective fencing shall be established prior to construction of subdivision improvements, including any clearing or grubbing.

XI. ON AND OFF-SITE IMPROVEMENTS

It is understood that certain on-site and off-site (if any) infrastructure improvements may be required for the Project, to be set forth in the final site plan and engineering plans, including improvements for storm water management, sanitary sewer, and public water, and that Developer shall be solely responsible for all costs and expenses of and associated with such improvements. The City has no obligation to construct or provide in any way for such improvements, and the City has made no guarantees, assurances, or representations with regard to the viability of any such improvements. All off-site easements required for the

construction of Project improvements shall be submitted in draft form at the time of final site plan submittal. All off-site easements must be, (1) in final format; (2) executed by all required property owners; and, (3) submitted to and approved by the City prior to the issuance of final stamping sets of the final approved site plans.

XII. STORM WATER MANAGEMENT

Storm water shall be retained on the Property in a manner to be approved by the City as part of final site plan review. Subject to Developer securing the appropriate easements at its sole cost and expense, and subject to appropriate review and approval, storm water would be collected by a single storm sewer collection system and retained in two on-site retention ponds. The storm water and drainage conveyance facilities shall be designed and constructed by Developer, and approved and inspected by the City, in accordance with the approved final site plan, and all applicable City, County of Oakland, and State of Michigan ordinances, codes, regulations and laws. The drainage conveyance facilities, which shall constitute a part of the overall storm water management system for the Development, shall be operated and maintained on a permanent basis by the Developer until the transition of control to the Association and the Association thereafter, in accordance with the terms and conditions of applicable City ordinance and the approved final site plan.

XIII. WATER AND SANITARY SEWER

Sanitary sewer and water are available to the Property subject to completion of off-site sanitary sewer improvements by the adjacent property owner to the east, or alternatively, by the City. SAD 170 was approved in 2003 in accordance with the Agreement for the Finance of Sanitary Sewer Improvements and Creation of Special Assessments on Properties, dated September 23, 2003, and First Amendment thereto, dated December 21, 2005 (the "SAD 170 Agreements"), and provides for the construction of an extension of the public sanitary sewage disposal system to serve the Property and surrounding developments. Although the Property was not subject to the SAD 170 Agreements and was not assessed any cost of constructing SAD 170, all Phases of the SAD 170 Improvements must be completed and operational to allow for the Development to receive service from the public sanitary sewage disposal system. To date, Phases I and II of SAD 170 have been completed. Phase III of SAD 170 still requires the installation of certain electrical and mechanical components necessary in order for the lift station to service the Property. Phase III of SAD 170 is for the direct benefit of, and is proposed to be completed in connection with, the Ballantyne RUD immediately to the east of the Development. In the event that the Phase III lift station improvements have not been completed in connection with the Ballantyne RUD prior to the preconstruction meeting for the Project, the Developer shall notify the City's Engineering Division in writing regarding its intent to initiate construction and shall provide at least 90-days' notice to allow the City adequate time to seek bids for the completion of the SAD 170 Phase III Improvements. The City will pursue construction of the remaining Phase III improvements in a reasonably expeditious manner in accordance with the provisions of the SAD 170 Agreements. In all events, including but not limited to Developer's inability to provide at least 90-days' notice as set forth above, the City shall not be responsible for, and the Developer hereby indemnifies and holds harmless the City, for any delay in initiating construction of the Development or delay in obtaining a connection to public sanitary sewer

service attributable to the construction of the remaining SAD 170 improvements.

Developer shall, at its sole expense, construct and install improvements and/or connections tying into the municipal water and sewage systems. Such improvements shall be designed and constructed in accordance with the Final RUD Plan and the approved final site plan, and all applicable City, State and County standards, codes, regulations, ordinances, and laws, including the requirements of the City engineer.

In the event that Developer initiates construction of the Development prior to completion of the water system improvements for the proposed Ballantyne RUD, Developer shall loop the Project water system improvements by installing a connection to the existing water main along Garfield Road across the north end of the Project property. If Ballantyne is constructed before the Project, then Developer shall have no obligation to connect to the existing water main along Garfield Road across the north end of the Project property.

All water and sanitary sewer service facilities necessary to serve the Development, including any on-site and off-site facilities, extensions, and easements to reach the area to be served, shall be provided by and at the sole expense of Developer, and shall be completed, approved, dedicated to, and accepted by the City in accordance with applicable laws and ordinances. Prior to connecting to the City's public water and/or sanitary sewage disposal systems, the Developer and/or the ultimate unit owner shall pay all applicable availability fees, as well as the "user connection" fees or "tap" fees required to "tap-in" to the City's public water and sanitary sewer system. This amount is set by Ordinance, as amended from time to time, and is subject to increase on an annual basis.

The City shall not be responsible for any delay or inability to connect to public water and sewer facilities related to Developer's failure to obtain the necessary easements to loop the water main to Garfield Road, and/or to complete the necessary lift station facilities.

XIV. MECHANISM FOR PRESERVATION, REGULATION, MAINTENANCE AND FINANCE OF COMMON ELEMENTS, AREAS, AND IMPROVEMENTS

As part of final site plan review and approval, Developer shall submit to the City proposed covenants, restrictions, including, but not limited to covenants and restrictions requiring permanent preservation and maintenance of open space, woodland and wetland areas, within the master deed and by-laws to be recorded for Covington Estates. Before submitting the Master Deed to the City for approval, Developer shall create the Association referred to herein.

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

As part of such Master Deed, there shall be provisions obligating Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, and then all future successor owners of lots or units within the Development and the Association to maintain, repair and preserve common areas, pathways, landscaping, signage, storm drainage, private roads, sidewalks, and any other common elements and improvements in and for Covington Estates. Such maintenance, repair, and preservation shall be to a high standard of care.

The Master Deed shall additionally provide that, in the event Developer or successor owners of the Property and/or the Association shall at any time fail to carry out one or more responsibilities or obligations relative to maintenance, repair, and/or preservation, the City shall have the right to serve written notice upon Developer or successor owners (through the Association), setting forth the deficiencies in maintenance, repair and/or preservation. The notice may also set forth a demand that such deficiencies be cured within a stated reasonable period of time, and further state a date, time and place of hearing before the City Council or other board, body or official delegated by the City Council, for the purpose of allowing Developer or successor owners to be heard as to why the City should not proceed with the maintenance, repairs and/or preservation which had not been undertaken. At the hearing, the City may take action to extend the time for curing the deficiencies, and the date of the hearing may itself be extended and/or continued to a date certain. If, following the hearing, the City shall determine that the maintenance, repairs and/or preservation have not been completed within the time specified in the notice, as such time may have been extended by the City, the City shall thereupon have the power and authority, but not the obligation, to enter upon the Property, or cause its agents and/or contractors to enter upon the Property, and perform such maintenance, repairs and/or preservation as found by the City to be appropriate. The cost and expense of making and financing such maintenance, repairs and/or preservation, including the cost of all notices and hearing, including reasonable attorneys' fees, plus a reasonable administrative fee, shall be paid by Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, and then the successor owners and the Association, and such amounts shall constitute a lien on all taxable portions of the Property. The City may require the payment of such monies prior to the commencement of any work.

If such costs and expenses have not been paid within thirty (30) days of a billing to Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, or successor owners, through the Association, all unpaid amounts may be

placed on the delinquent tax roll of the City as regards the taxable portions or the Property (allocated among the several units or lots), and shall accrue interest and penalties, and shall be collected in the manner made and provided for the collection of delinquent real property taxes in the City. In the discretion of the City, such costs and expenses may also be collected by suit initiated against Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, and then successor owners and the Association, and in such event, Developer until the Association becomes responsible for the maintenance of the common elements under the Master Deed, the successor owners and the Association, as the case may be, shall pay all Court costs and reasonable attorneys' fees incurred by the City in connection with such suit if the City obtains relief in such action.

Any failure or delay by the City to enforce any provision of the Master Deed shall in no event be deemed or construed, or otherwise relied upon, as a waiver or estoppel of the right to eventually pursue and insist upon strict enforcement.

In all instances in which the City is authorized to pursue maintenance, repairs and/or preservation, as provided above, the City and its agents and contractors, shall be permitted, and are hereby granted authority, to enter upon all portions of the Property reasonably necessary or appropriate for the purpose of inspecting and/or completing the respective work.

XV. LANDSCAPING AND SIGNAGE

Landscaping and signage shall be provided as set forth in the Final RUD Plan, and in accordance with the approved final site plan.

XVI. PHASING

The project shall be developed in a single phase.

XVII. GENERAL PROVISIONS

A. The Zoning Board of Appeals shall have no jurisdiction over the approval of the RUD or this Agreement or the application of this Agreement. Upon completion of the development, the Board of Appeals may exercise jurisdiction over the Property in accordance with its authority under the Zoning Ordinance, in a manner not inconsistent with this Agreement.

B. Except as may be specifically modified by this Agreement, the City Code and all applicable regulations of the City shall apply to the Property. Any substantial violation of the City Code by Developer and/or any successor owners or occupants with respect to the Property shall be deemed a breach of this Agreement, as well as a violation of the City Code.

C. A breach of this Agreement shall constitute a nuisance per se which shall be abated. Developer and the City therefore agree that, in the event of a breach of this Agreement by Developer or the successor owners or the Association, the City, in addition to any other relief to which it may be entitled at law or in equity, shall be entitled under this Agreement to relief in the form of specific performance and an order of the court requiring abatement of the nuisance per se. In the event of a breach of this Agreement, the City may notify Developer or the

successor owners or the Association of the occurrence of the breach and issue a written notice requiring the breach be cured within thirty (30) days; provided, however, that if the breach, by its nature, cannot be cured within thirty (30) days, Developer or the successor owners or the Association shall not be in the breach hereunder if Developer or the successor owners or the Association, as the case may be, commences the cure within the thirty (30) day period and diligently pursues the cure to completion. Failure to comply with such notice shall, in addition to any other relief to which the City may be entitled in equity or at law, render Developer or the successor owners or the Association as the case may be liable to the City in any suit for enforcement for actual costs incurred by the City including, but not limited to, attorneys' fees, expert witness fees and the like.

D. This Agreement may not be amended except in writing signed by the parties and recorded in the same manner as this Agreement. In the event Developer desires to propose an amendment, an application shall be made to the City's Community Development, which shall process the application in accordance with the procedures set forth in the Zoning Ordinance.

E. Both parties understand and agree that if any part, term, or provision of this Agreement is held by a court of competent jurisdiction, and as a final enforceable judgment, to be illegal or in conflict with any law of the State of Michigan or the United States, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular part, term, or provisions held to be invalid.

F. The 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.

G. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. A delay in enforcement of any provision of this Agreement shall not be construed as a waiver or estoppel of the City's right to eventually enforce, or take action to enforce, the terms of this Agreement. All remedies afforded in this Agreement shall be taken and construed as cumulative; that is, all remedies afforded in this Agreement are in addition to every other remedy provided by law.

H. The signers of this Agreement warrant and represent that they have the authority to sign this Agreement on behalf of their respective principals and the authority to bind each party to this Agreement according to its terms. Further, each of the parties represents that the execution of this Agreement has been duly authorized and is binding on such parties.

I. This Agreement shall run with the land described herein as the Property and bind the parties, their heirs, successors, and assigns. This Agreement shall be recorded in the Oakland County Register of Deeds by the City. The parties acknowledge that the Property is subject to changes in ownership and/or control at any time, but that heirs, successors, and assigns shall take their interest subject to the terms of this Agreement, and all references to "Developer " in this Agreement shall also include all heirs, successors, and assigns of Developer. The parties also acknowledge that the members of the City Council and/or the City Administration and/or its departments may change, but the City shall nonetheless remain bound by this Agreement.

J. Developer hereby represents and warrants that it will become the owner in fee simple of the Property described on the attached Exhibit A.

K. Developer has negotiated with the City the terms of the Final RUD Plan and this Agreement, and such documentation represents the product of the joint efforts and mutual agreements of Developer and the City. [Duplicative see next paragraph:] Developer and the City agree that this Agreement and its terms, conditions, and requirements are lawful and consistent with the intent and provisions of local ordinances, state and federal law, and the Constitutions of the State of Michigan and the United States of America. Developer has offered and agreed to proceed with the undertakings and obligations as set forth in this Agreement in order to protect the public health, safety, and welfare and provide material advantages and development options for the Developer, all of which undertakings and obligations Developer and the City agree are necessary in order to ensure public health, safety, and welfare, to ensure compatibility with adjacent uses of land, to promote use of the Property in a socially, environmentally, and economically desirable manner, and to achieve other reasonable and legitimate objective of the City and Developer, as authorized under applicable City ordinances and the Michigan Zoning Enabling Act, MCL 125.3101, *et seq.*, as amended.

Developer fully accepts and agrees to the final terms, conditions, requirements, and obligations of this Agreement, and Developer shall not be permitted in the future to claim that the effect of this Agreement results in an unreasonable limitation upon use of all or any portion of the Property, or to claim that enforcement of this Agreement causes an inverse condemnation or taking of all or any portion of such property. It is further agreed and acknowledged that the terms, conditions, obligations, and requirements of this Agreement are clearly and substantially related to the burdens to be created by the development and use of the Property under the approved Final RUD Plan, and are, without exception, clearly and substantially related to the City's legitimate interests in protecting the public health, safety and general welfare.

L. Developer acknowledges that, at the time of the execution of this Agreement, Developer has not yet obtained site plan and engineering approvals for the Project. Developer acknowledges that the Planning Commission and Engineering Consultant may impose additional conditions other than those contained in this Agreement during site plan reviews and approvals as authorized by law; provided, however, that such conditions shall not be inconsistent with the Final RUD Plan or documents and shall not change or eliminate any development right authorized thereby. Such conditions shall be incorporated into and made a part of this Agreement, and shall be enforceable against Developer.

M. None of the terms or provisions of this Agreement shall be deemed to create a partnership or joint venture between Developer and the City.

N. The recitals contained in this Agreement and all exhibits attached to this Agreement and referred to herein shall for all purposes be deemed to be incorporated in this Agreement by this reference and made a part of this Agreement.

O. This Agreement is intended as the complete integration of all understandings between the parties related to the subject matter herein. No prior contemporaneous addition, deletion, or other amendment shall have any force or effect whatsoever, unless embodied herein in

writing. No subsequent notation, renewal, addition, deletion or other amendment shall have any force or effect unless embodied in a written amendatory or other agreement executed by the parties required herein, other than additional conditions which may be attached to site plan approvals as stated above.

P. The parties intend that this Agreement shall create no third-party beneficiary interest except for an assignment pursuant to this Agreement. The parties are not presently aware of any actions by them or any of their authorized representatives which would form the basis for interpretation construing a different intent and in any event expressly disclaim any such acts or actions, particularly in view of the integration of this Agreement.

Q. Where there is a question with regard to applicable regulations for a particular aspect of the development, or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the Final RUD Plan and this Agreement which apply, the City, in the reasonable exercise of its discretion, shall determine the regulations of the City's Zoning Ordinance, as that Ordinance may have been amended, or other City Ordinances that shall be applicable, provided that such determination is not inconsistent with the nature and intent of the RUD Documents and does not change or eliminate any development right authorized by the RUD documents. In the event of a conflict or inconsistency between two or more provisions of the Final RUD Plan and/or this Agreement, or between such documents and applicable City ordinances, the more restrictive provision, as determined in the reasonable discretion of the City, shall apply.

R. Both parties acknowledge and agree that they have had the opportunity to have the Final RUD Plan, and this Agreement, reviewed by legal counsel.

S. Notwithstanding the foregoing, Developer retains the right at any time prior to commencement of construction of the improvements contemplated by the Final RUD Plan and this Agreement to terminate the RUD subject to and in accordance with the requirements of the Zoning Ordinance applicable to such a termination.

CITY OF NOVI

By: _____
Robert J. Gatt, Mayor

By: _____
Maryanne Cornelius, Clerk

STATE OF MICHIGAN)
) SS

COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on this ____ day of _____, 2016, by Robert J. Gatt, Mayor, and Maryanne Cornelius, Clerk, on behalf of the City of Novi, a Municipal Corporation.

Notary Public
Oakland County, Michigan
My Commission Expires: _____

BILTMORE LAND LLC,
a Michigan limited liability company

By: _____
David J. Stollman, its Manager

The foregoing instrument as acknowledged before me in Oakland County, Michigan, on this ____ day of _____, 2016, by David J. Stollman the Manager of BILTMORE LAND LLC, a Michigan limited liability company, on behalf of the company.

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

Drafted by:
Thomas R. Schultz
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331-3550

And when recorded return to:
Maryanne Cornelius, City Clerk
City of Novi
45175 Ten Mile Road
Novi, MI 48375