



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item J
March 14, 2016

SUBJECT: Approval of the request of JS Evangelista Development, LLC for a revised Concept Plan and the "Second Amendment to the Planned Rezoning Overlay (PRO) Agreement for Maple Manor of Novi Development". This approval is associated with a previously approved zoning map amendment with Planned Rezoning Overlay (PRO) request. The subject property is located in Section 2, at the southwest corner of Fourteen Mile Road and Novi Road, on 3.88 net acres. The applicant is currently proposing to add an exterior storage garage and a pavilion/gazebo area to serve the existing convalescent / nursing home building.

SUBMITTING DEPARTMENT: Community Development Department - Planning *Back*

CITY MANAGER APPROVAL: *PA*

BACKGROUND INFORMATION:

The petitioner is requesting consideration of a revised Planned Rezoning Overlay (PRO) Agreement and Concept Plan, in conjunction with rezoning request 18.682 for property located at the southwest corner of Fourteen Mile and Novi Roads in Section 2. The property totals 3.88 net acres. The applicant previously received approval for the proposed rezoning to the RM-1, Low-Density Multiple Family district, the associated concept plan, and the PRO Agreement showing a convalescent (nursing) home building. The approved PRO Agreement has been recorded and construction on the site has been completed. An amendment was prepared for consideration and approval by the City Council in 2010.

Since Maple Manor has been in operation, the applicant has identified a need for additional storage to house items used on a regular basis at the facility, and wishes to add a pavilion to provide for passive recreation for current residents of the facility. A flag pole near the entrance to the facility is also proposed. Corresponding site improvements to the stormwater management plan and landscaping are also proposed at this time.

Amendment to Planned Rezoning Overlay Concept Plan and Agreement

According to section 7.13.G. Amendment of PRO Agreement, any amendment of a PRO Agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with PRO.

The PRO option creates a "floating district" with a conceptual plan attached to the rezoning of a parcel. As part of the PRO Amendment, the City and the applicant agree to tentative approval of a conceptual plan for development of the site. Following final approval of the PRO concept plan and PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the rezoning and PRO concept plan expires and the agreement

becomes void.

The city's professional staff and consultants reviewed the proposed revisions to the Concept Plan and recommended approval to the Planning Commission. The Planning Commission held the required public hearing on December 9, 2015 and recommended approval to the City Council, subject to one ordinance deviation, and further modifications to be made on the next plan submittal. Draft minutes of the Planning Commission's favorable recommendation are attached.

Ordinance Deviation

One deviation from ordinance standards was identified in the review letters, regarding the location of the proposed storage garage. The proposed storage garage near the south side of the property is partially located in the required front yard. According to the applicant's cover letter, the needs for storage are crucial and this is best possible location for a storage garage within the site that has a minimal deviation from the ordinance and does not conflict with the utility locations and easements. **This deviation requires City Council approval** and is included in the Second Amendment to the PRO agreement.

RECOMMENDED ACTION: Approval of the request of JS Evangelista Development, LLC for a revised Concept Plan and the "Second Amendment to the Planned Rezoning Overlay (PRO) Agreement for Maple Manor of Novi Development". This approval is associated with a previously approved zoning map amendment with Planned Rezoning Overlay (PRO) request. The subject property is located in Section 2, at the southwest corner of Fourteen Mile Road and Novi Road, on 3.88 net acres. The applicant is currently proposing to add an exterior storage garage and a pavilion/gazebo area to serve the existing convalescent / nursing home building.

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

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

DRAFT EXCERPT
PLANNING COMMISSION MEETING MINUTES
DECEMBER 9, 2015



Draft Excerpt from:
PLANNING COMMISSION MINUTES
Regular Meeting
DECEMBER 9, 2015 7:00 PM
Council Chambers | Novi Civic Center | 45175 W. Ten
Mile (248) 347-0475

ROLL CALL

Present: Member Anthony, Member Baratta, Member Giacometti, Member Lynch,
Member Zuchlewski

Absent: Member Greco (excused), Chair Pehrson (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Sri Komaragiri, Planner;
Chris Gruba, Planner; Rick Meader, Landscape Architect; Brian Coburn, Engineer; Gary
Dovre, City Attorney; Maureen Peters, Traffic Consultant; Pete Hill, Environmental
Consultant; Matt Carmer, Environmental Consultant; Rod Arroyo, Planning Consultant.

PUBLIC HEARINGS

1. MAPLE MANOR, JSP 08-09

Public hearing at the request of J. S. Evangelista Development, LLC for Planning Commission's recommendation to City Council for revised concept plan associated with a previously approved zoning map amendment with a Planned Rezoning Overlay (PRO) and approval of Preliminary Site Plan and Storm water Management Plan subject to City Council approval of PRO Concept Plan. The subject property is located in Section 2, at the southwest corner of Fourteen Mile and Novi Road on 3.88 net acres. The applicant is currently proposing to add an exterior storage garage and a pavilion/gazebo area to serve their existing convalescent (nursing) home building.

Planner Sri Komaragiri stated that the subject property is located Section 2, located at the southwest corner of Fourteen Mile Road and Novi Road. The subject property was developed with a Planned Rezoning Overlay with RM-1: Low Density, Low Rise Multiple Family Residential zoning in 2009. It is abutted by RM-1 on the west, R-4 on the south and RA Residential Acreage on the east. It is currently developed as Maple Manor. The property is abutted by Commerce Township on the north.

The Future Land Use map indicates multiple-family uses on west, educational facility on the south, and local commercial on the east.

There are no regulated woodlands or wetlands on current site.

The applicant is currently proposing two accessory structures (a storage garage and a pavilion) to facilitate the current maintenance operations and to provide passive recreation for current residents of the facility. A flag pole is also proposed at the entrance to the building. The site plan also proposes corresponding site improvements to storm water management and minor improvements to landscape.

The proposed storage garage is located partly in the required front yard. According to applicant's cover letter, the needs for storage are crucial and this is best possible location for a storage garage within the site that has a minimal deviation from the ordinance and does not conflict with the utility locations and easements. Staff agrees and recommends that this deviation be included in the revised PRO agreement. Planning recommends approval.

Engineering and landscape also recommend approval with additional comments to be addressed during Final Site Plan, which the applicant has agreed to provide.

The City's Façade consultant reviewed the proposed structures as a Canopy structure and an accessory structure and stated that the improvements are in conformance with the ordinance. The applicant

agreed to propose materials for the proposed storage garage that match the existing building. Façade recommends approval.

The Planning Commission is asked tonight to recommend approval of the amended Planned Rezoning Overlay Concept Plan to the City Council and approval of the Preliminary Site Plan Permit and Storm water Management Plan subject to the City Council's approval of the revised PRO Concept Plan.

The applicant, Zack Ostroff, 2640 Water Oaks Drive, West Bloomfield, MI came forward to state to the Planning Commission members that they will be matching the bricks and shingles to the main building so it should look like the improvements were all done at the same time.

Chair Lynch opened the Public Hearing and asked if there is any correspondence. Member Baratta read the correspondence regarding the Amendment to Maple Manor and the Site Plan. The first letter is from Janet Nissen who is in support. Carol Ulinowski is in support. Linda Bogumil is in support and the last one is from Nataliya Syzhgn who is also in support.

Member Lynch opened the Public Hearing to the audience for comment. No one in in the audience responded. Chair Lynch closed the Public Hearing, and asked if there is any discussion or a motion.

Moved by Member Anthony and seconded by Member Baratta.

ROLL CALL VOTE ON THE REVISED CONCEPT PLAN APPROVAL MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER BARATTA:

In the matter of Maple Manor, JSP08-09, motion to recommend approval to the City Council to amend the approved Planned Rezoning Overlay (PRO) Concept Plan. The recommendation shall include the following Ordinance Deviation from Section 4.19.1.B that requires accessory buildings not to be located within any required front yard or in any required exterior side yard. The proposed storage garage partly falls within the required front yard. If the City Council approves the amendment to the PRO, the Planning Commission recommends the following condition be included in the revised Planned Rezoning Overlay Agreement: Applicant complying with the conditions listed in the staff and consultant review letters. 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 5-0.*

Moved by Member Anthony and seconded by Member Baratta.

ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER BARATTA:

In the matter of Maple Manor, JSP08-09, motion to approve the Preliminary Site Plan subject to approval by City Council of the amended PRO Agreement and Concept Plan and subject to the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with the approved Amendment to the PRO, Article 3, Article 4 and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

Moved by Member Anthony and seconded by Member Baratta.

ROLL CALL VOTE ON THE STORMWATER MANAGEMENT PLAN APPROVAL MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER BARATTA:

In the matter of Maple Manor, JSP08-09, motion to approve the Stormwater Management Plan, based on and subject to approval by City Council of the amended PRO Concept Plan and the PRO agreement and the conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan. This motion is made because it otherwise in compliance with the approved Amendment to the PRO, Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

PROPOSED SECOND AMENDMENT TO
PLANNED REZONING OVERLY (PRO) AGREEMENT
MAPLE MANOR OF NOVI

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

This Second Amendment to Planned Rezoning Overlay Agreement (“the Second Amendment”) is made and entered into as of this _____ day of _____, 2016, by and between the CITY OF NOVI, a Michigan municipal corporation (the “City”), whose address is 45175 Ten Mile Road, Novi, Michigan 48375, and JS EVANGELISTA DEVELOPMENT, LLC, a Michigan limited partnership (“Developer”), whose address is 7071 Orchard Lake Road, Suite 353, West Bloomfield, Michigan 48322.

RECITALS:

A. On September 28, 2009, the City entered into a certain Planned Rezoning Overlay Agreement (the “Original PRO Agreement”) with Developer authorizing the Development of a 58,852 square foot convalescent/long-term care facility use, including accessory uses such as dining, pharmacy, beauty shop, clinic and therapy services. The Original PRO Agreement was recorded on February 4, 2010 at Liber 41819, Pages 213 through 241, both inclusive, Oakland County Records. The land included in the Original PRO Agreement (now known as “Maple Manor of Novi”) and hereinafter referred to as the “Development” is legally described in the attached Exhibit “A”.

B. On August 9, 2010, the City approved a First Amendment to Planned Rezoning Overlay (PRO) Agreement for Maple Manor of Novi Development (the “First Amendment to PRO”). The First Amendment to PRO was dated August 10, 2010 and recorded on June 24, 2011 at Liber 43160, Pages 151 through 158, inclusive, Oakland County Records. The First Amendment to PRO generally, reduced the size of the permitted structure and changed the maximum number of beds permitted in the facility. Except for the changes identified in the First Amendment to PRO Agreement, the Original PRO Agreement remained unchanged.

C. The Development has been constructed in use in accordance with the approved PRO Concept Plan and Conditions and the final site plan for the Development, as set forth in the Original PRO Agreement and the First Amendment to PRO Agreement. The Developer has requested, and the City has approved, a second proposal to modify the approved PRO Concept Plan and Conditions, as set forth within the Original PRO Agreement and First Amendment to PRO Agreement to permit the construction of an exterior storage garage and pavilion/gazebo area to serve the existing convalescent/nursing home facility.

C. Developer has submitted, and the City has considered and approved, a revised PRO Concept Plan associated with a previously approved zoning map amendment with a Planned Rezoning Overlay (PRO) and a corresponding Preliminary Site Plan and Storm water Management Plan, both consistent with the revised PRO Concept Plan.

D. The City and Developer now wish to amend the Original PRO Agreement, as amended, to permit the additional permitted uses, including construction of an exterior storage garage and pavilion/gazebo area to serve the existing convalescent/nursing home facility, consistent with the revised PRO Concept Plan and to document the terms and conditions applicable to the revised PRO Concept Plan, subject to applicable conditions and recommendations.

NOW, THEREFORE, in consideration for the mutual covenants provided herein, the parties agree as follows:

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Additional Undertakings and Permitted Uses. The PRO Concept Plan for the Development is hereby amended and is superseded by the PRO Concept Plan set forth in the attached and incorporated Exhibit “B” (the “Revised PRO Concept Plan”). The Revised PRO Concept Plan shall permit the Developer to construct an exterior storage garage and pavilion/gazebo area to serve the existing convalescent/nursing home facility, subject to all required conditions, applicable laws and ordinances, in accordance with the final approved site plan.

2. Additional Deviations for Development of the Storage Garage and Pavilion Gazebo Area. Paragraph D of the Original PRO Agreement is hereby amended to permit the following additional deviation for the standards of the zoning ordinance:

5. Deviation from Section 4.19.1.B, which prohibits accessory buildings from being constructed within any required front yard or in any required exterior side yard, allowing the proposed storage garage to be constructed partly within the required front yard, as shown in the Revised PRO Concept Plan.

3. Additional PRO Conditions. Paragraph F of the Original PRO Agreement is hereby amended to include the following additional PRO Condition:

8. Developer shall comply with conditions listed in the staff and consultant review letters, attached hereto and incorporated as Exhibit C.

4. Continuing Effect of Original PRO, as Amended. Except for the revisions described herein, the Original PRO Agreement, as amended by the First and Second Amendment thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment on the date first written above.

“CITY”

CITY OF NOVI, a Michigan municipal corporation

By: _____
Robert J. Gatt
Its: Mayor

By: _____
Maryanne Cornelius
Its: Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND

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

NOTARY PUBLIC
County of _____, State of Michigan

My Commission Expires:
Acting in _____ County

(Signatures continue on following page)

“DEVELOPER”

JS EVANGELISTA DEVELOPMENT, a Michigan limited liability company

By: _____

STATE OF MICHIGAN) ss.
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this _____ day of _____ 2016, by _____ of JS Evangelista Development, a Michigan limited liability company, on its behalf.

NOTARY PUBLIC
County of _____, State of Michigan

My Commission Expires:
Acting in _____ County

THIS INSTRUMENT DRAFTED BY:

Elizabeth K. Saarela
Johnson, Rosati, Schultz & Joppich, PC
27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331

WHEN RECORDED RETURN TO:

Maryanne Cornelius, Clerk
City of Novi
45175 Ten Mile
Novi, MI 48375

EXCERPT FROM
PLANNED REZONING OVERLY (PRO) AGREEMENT
MAPLE MANOR OF NOVI
SEPTEMBER 28, 2009

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2010 FEB -4 AM 8:24

LIBER 41819 PG 213

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

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

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

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

RECITATIONS:

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

O.K. - A.N.

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

- V. In proposing the Proposed Classification to the City, Developer has expressed as a firm and unalterable intent that Developer will develop and use the Land in conformance with the following undertakings by Developer, as well as the following forbearances by the Developer (each and every one of such undertakings and forbearances shall together be referred to as the "Undertakings"):
- A. Developer shall develop and use the Land solely for an approximately 58,852 square foot facility for a convalescent care, congregate care, nursing care, assisted living, or senior housing facility, retirement home for the aged, or other long-term care uses with accessory uses such as dining, pharmacy, beauty shop, clinic and therapy services for residents of the facility, to the extent permitted under the Proposed Classification. Developer shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.
- B. Developer shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable height, area, and bulk requirements of the Zoning Ordinance as relates to the Proposed Classification, except as expressly authorized herein. The PRO Plan is acknowledged by both the City and Developer to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City's ordinances, rules, or regulations are depicted in the PRO Plan and are approved by virtue of this Agreement; however, except as to such specific deviations enumerated herein, the Developer's right to develop the facility under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement. The building design, façade, and elevations shall be substantially similar (as determined by the City) to that submitted as part of the Developer's final approval request, as depicted in **Exhibit B**.
- C. In addition to any other ordinance requirements, Developer shall seek, obtain approval for, and use best management practices and efforts with respect to all storm water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the development contemplated in the Proposed Classification.

- D. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.
1. A variance on the maximum building height permitted (maximum 35 feet, two stories permitted; 40.75 feet, 3 stories provided).
 2. A variance on the maximum amount of parking, loading area and driveways in required setback (30% maximum; over 30% provided).
 3. A variance in the permitted maximum building length (180 feet required or up to 360 feet permitted with increased setbacks; 365 feet without increased setbacks provided).
 4. A variance in the minimum building setbacks as follows
 - a. Building front (east) – 136 feet required; 66.6 feet provided.
 - b. Building rear (west) --136 feet required; 37.65 feet provided.
 5. Variances in the parking, drives and loading area setbacks as follows:
 - a. Building front (east) – 136 feet required; 10 feet provided.
 - b. Building side north) -- 75 feet required, 64 feet provided
 - c. Building rear (west) -- 20 feet required; 2.5 feet provided.
- E. Developer acknowledges that the Land is the subject of a previously-approved PUD agreement, dated July 10, 1989 that establishes or permits a different use for the Land. The City of Novi's Planned Use Development (PUD) Ordinance, which is applicable to the Land even though the ordinance has been repealed by amendment of the zoning ordinance, provides, at §2700.10, for the revocation of a right to develop under an approved area plan [§2700.10.c] where there is no approved final site plan, and also indicates that the City Council may require a new area plan to be filed and reviewed by the City or for the City to initiate a zoning change in light of the revocation. The City and Developer agree that the City Council, in connection with its consideration of the Application for PRO approval and its approval of this Agreement, has undertaken all actions necessary to revoke the previously-approved PUD area plan for this Land *only*, in conformance with §2700, and that the City is also authorized to approve a zoning ordinance amendment applicable to the Land in accordance with the current provisions of Article 34

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

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

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

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

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

- d. The Developer shall commence and complete all actions necessary to carry out all of the PRO Conditions.
2. In the event Developer attempts to or proceeds with actions to complete improvement of the Land in any manner other than as an approximately 58,852 square foot building for Permitted Uses as defined in this Agreement, as shown on **Exhibit B**, the City shall provide Developer 30 days written notice of such deviation and a reasonable opportunity to cure. Failure of the Developer to cure such condition or abstain from such activity, the City may revoke all outstanding building permits and certificates of occupancy issued for such building and use and take any other action permitted under law or equity.
3. Developer acknowledges and agrees that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Developer in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Developer.
4. All of the Undertakings represent actions, improvements, and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing of the development for the Permitted Uses as defined in this Agreement. The burden of the Undertakings on the Developer is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.
5. In addition to the provisions in Paragraph 2, above, in the event the Developer, or its respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Developer nor its respective successors, assigns, and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Developer shall be estopped from objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a "downzoning" or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Developer from otherwise challenging the reasonableness of such rezoning as applied to the Land as permitted by law.

6. By execution of this Agreement, Developer acknowledges that it has acted in consideration of the City approving the Proposed Classification on the Land, and Developer agrees to be bound by the provisions of this Agreement.
7. After consulting with an attorney, the Developer understands and agrees that this Agreement is authorized by and consistent with all applicable state and federal laws and Constitutions, that the terms of this Agreement are reasonable, that it shall be estopped from taking a contrary position in the future, and, that the City shall be entitled to injunctive relief to prohibit any actions by the Developer inconsistent with the terms of this Agreement.
8. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and an affidavit providing notice of this Agreement may be recorded by either party with the office of the Oakland County Register of Deeds.
9. The Zoning Board of Appeals (ZBA) shall have no jurisdiction over the Property or the application of this Agreement until after site plan approval and construction of the development as approved therein.
10. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative, that is, in addition to every other remedy provided by law.
11. This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Oakland, State of Michigan.
12. The PUD Agreement dated July 16, 1989 is revoked as to the Land, in accordance with §2700 of the prior PUD ordinance, the terms and conditions of the PUD Agreement, and Article 34 of the zoning ordinance.
13. This Agreement may be signed in counterparts.

[signatures on following page]

FEE OWNER/DEVELOPER

J.S. EVANGELISTA DEVELOPMENT, LLC

By: Neuangelista

As: Dr. Stella Evangelista
Managing Member

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this 23rd day of September, 2009, before me appeared Dr. Stella Evangelista *
who states that he has signed this document of his own free will duly authorized on behalf of the
Fee Owner/Developer.

* Managing member Steven Wallace
STEVEN WALLACE, Notary Public
OAKLAND County
Acting in OAKLAND County
My commission expires: 12/3/2012

CITY OF NOVI

By: [Signature]
David B. Landry, Mayor

By: Maryanne Cornelius
Maryanne Cornelius, Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

On this 28th day of SEPTEMBER, 2009, before me appeared David B. Landry and Maryanne Cornelius, who stated that they had signed this document of their own free will on behalf of the City of Novi in their respective official capacities, as stated above.

* MAYOR
* CLERK

Marilyn S. Troutman

, Notary Public

County

Acting in County

My commission expires:

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

Drafted by:

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

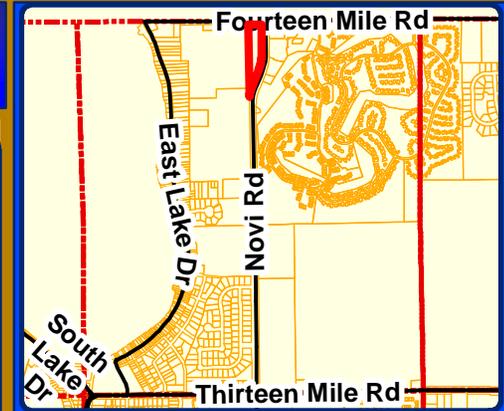
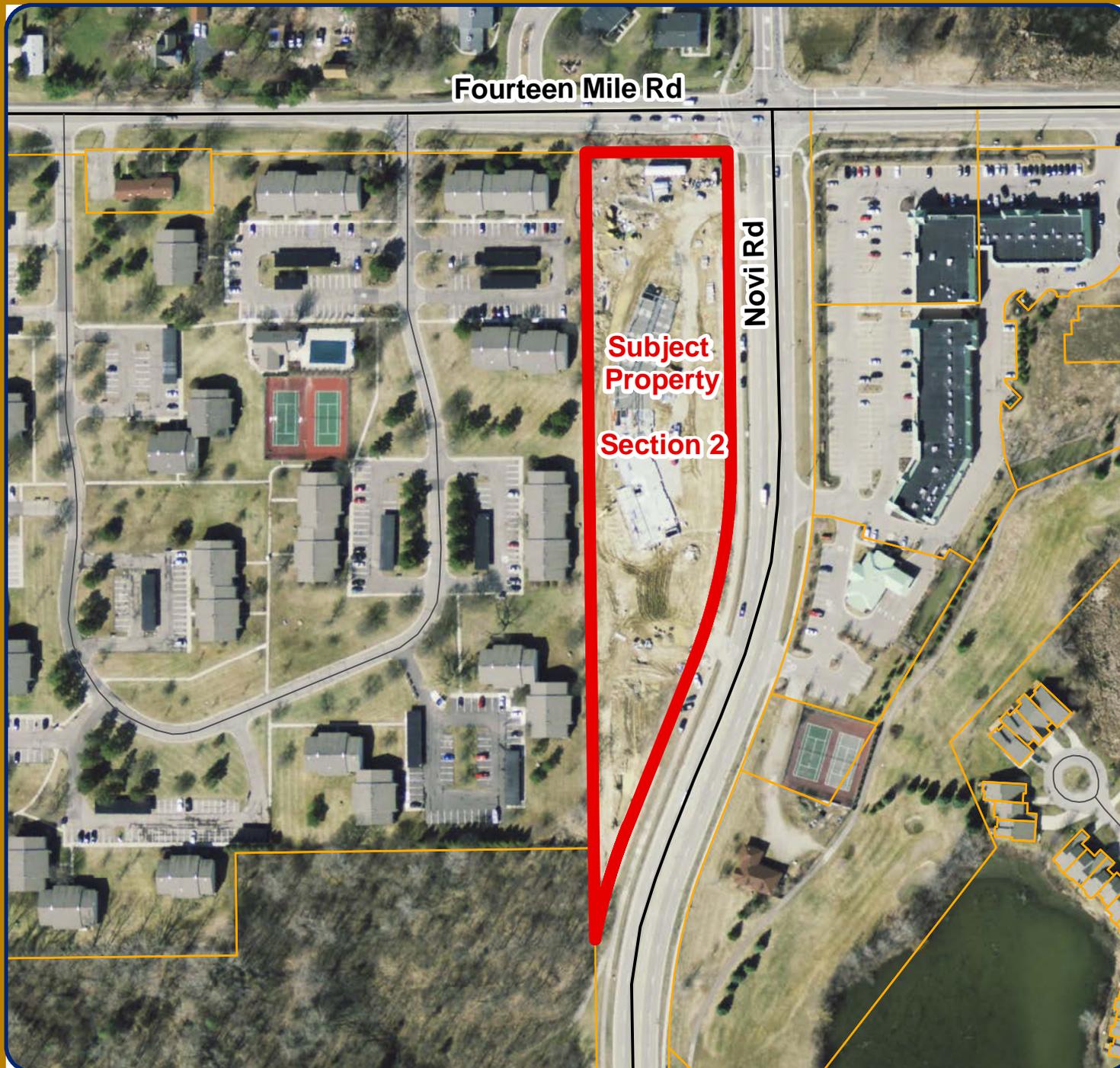
When recorded return to:

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

1292106.2

JSP 08-09: Maple Manor Rehab-Storage and Gazebo

Location



Legend



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: 12/03/15

Project: JSP 08-09 Maple Manor Rehab-Accessory Units

Version #: 1



1 inch = 208 feet

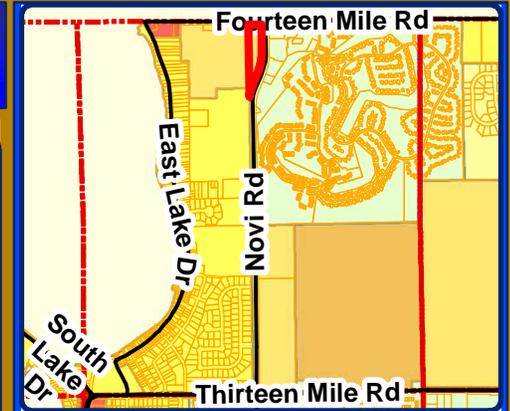
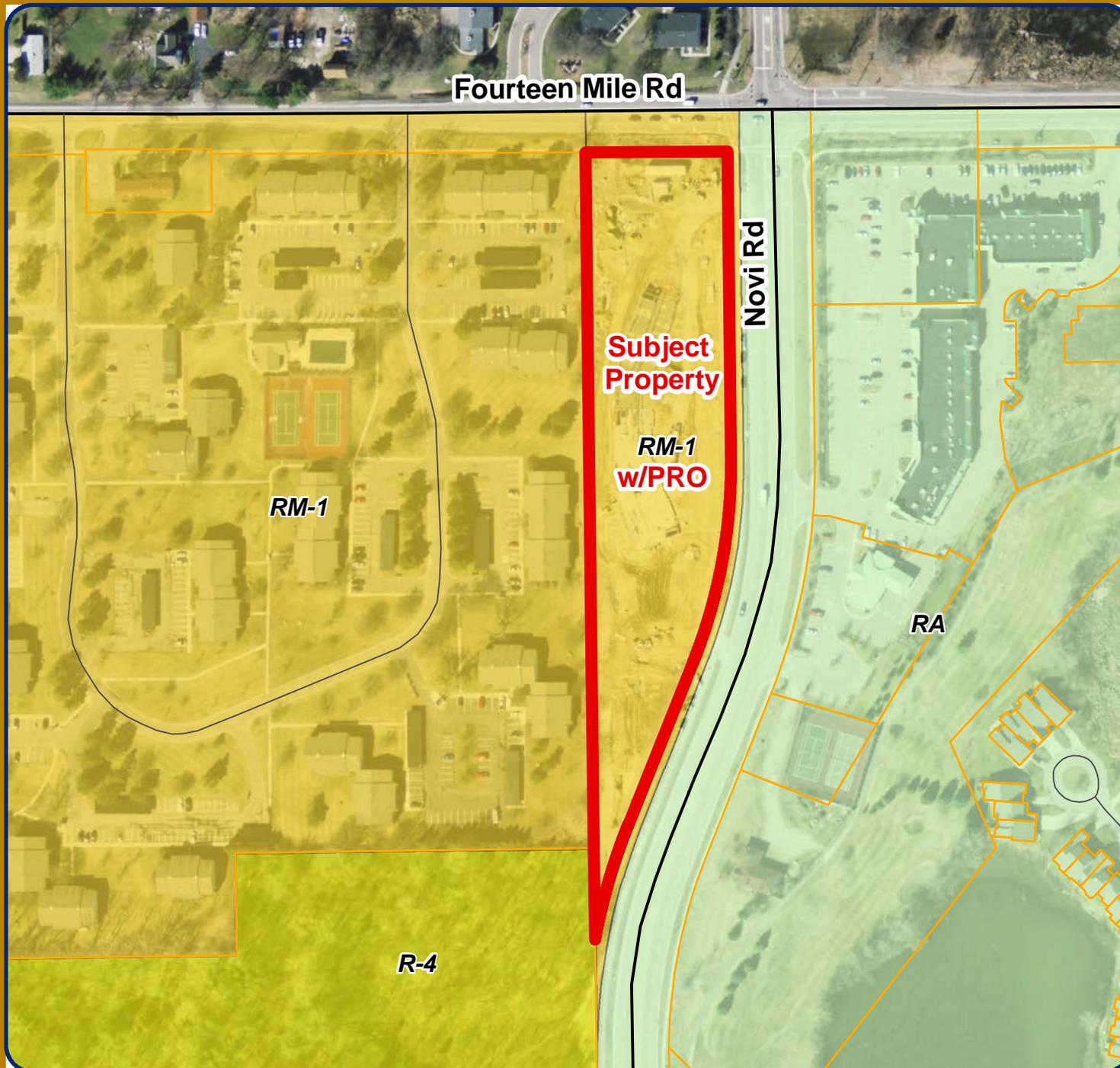


MAP INTERPRETATION NOTICE

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JSP 08-09: Maple Manor Rehab-Storage and Gazebo

Zoning



Legend

- Sections
- R-A: Residential Acreage
- R-2: One-Family Residential
- R-4: One-Family Residential District
- RM-1: Low-Density Multiple Family
- MH: Mobile Home District
- B-3: General Business District



City of Novi

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

Map Author: Sri Komaragiri
Date: 12/03/15
Project: JSP 08-09 Maple Manor Rehab-Accessory Units
Version #: 1

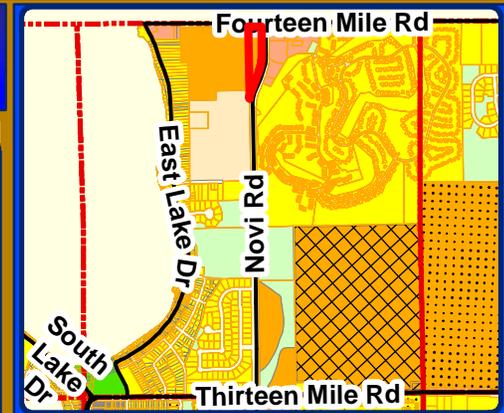


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JSP 08-09: Maple Manor Rehab-Storage and Gazebo

Future Land Use



Legend

- Sections
- SINGLE FAMILY
- PUD
- MULTIPLE FAMILY
- PD1
- MOBILE HOME PARK
- LOCAL COMMERCIAL
- EDUCATIONAL FACILITY
- PUBLIC PARK
- PRIVATE PARK



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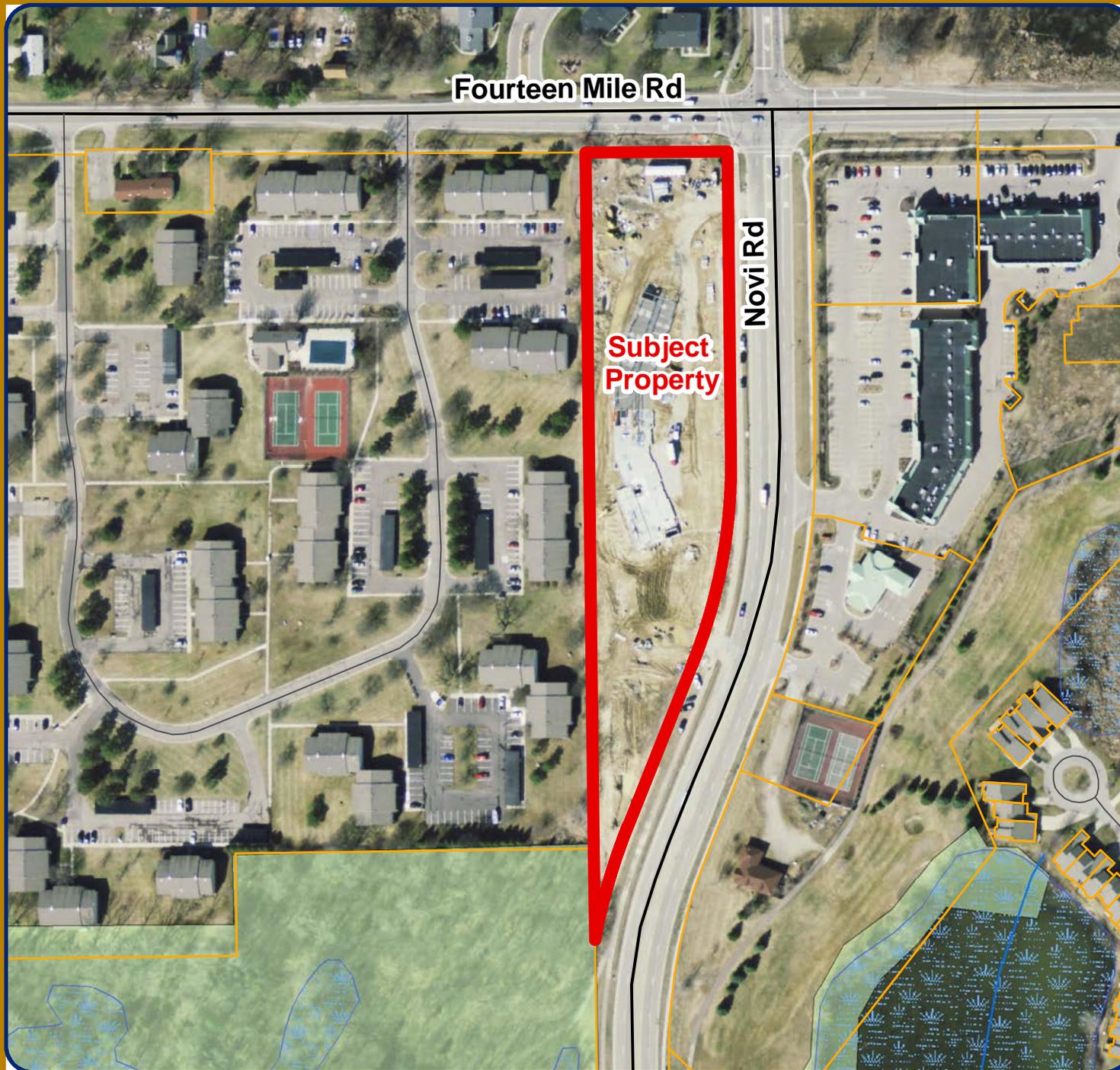


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JSP 08-09: Maple Manor Rehab-Storage and Gazebo

Natural Features



Legend

-  Sections
-  Wetlands
-  Woodlands



City of Novi

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45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Sri Komaragiri
Date: 12/03/15
Project: JSP 08-09 Maple Manor Rehab-Accessory Units
Version #: 1



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



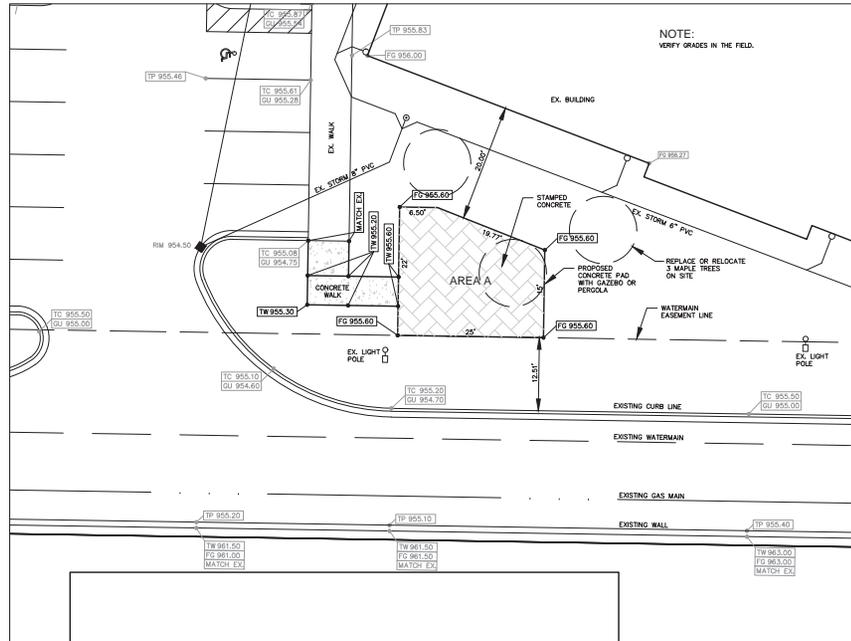
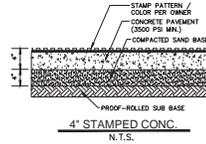
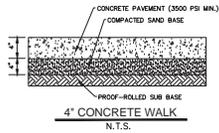
PAVILION IN AREA A

Approximately 15 x 25 feet within the proposed concrete envelope. Exact location to be verified in the field. Shingles and paint will match the existing building.

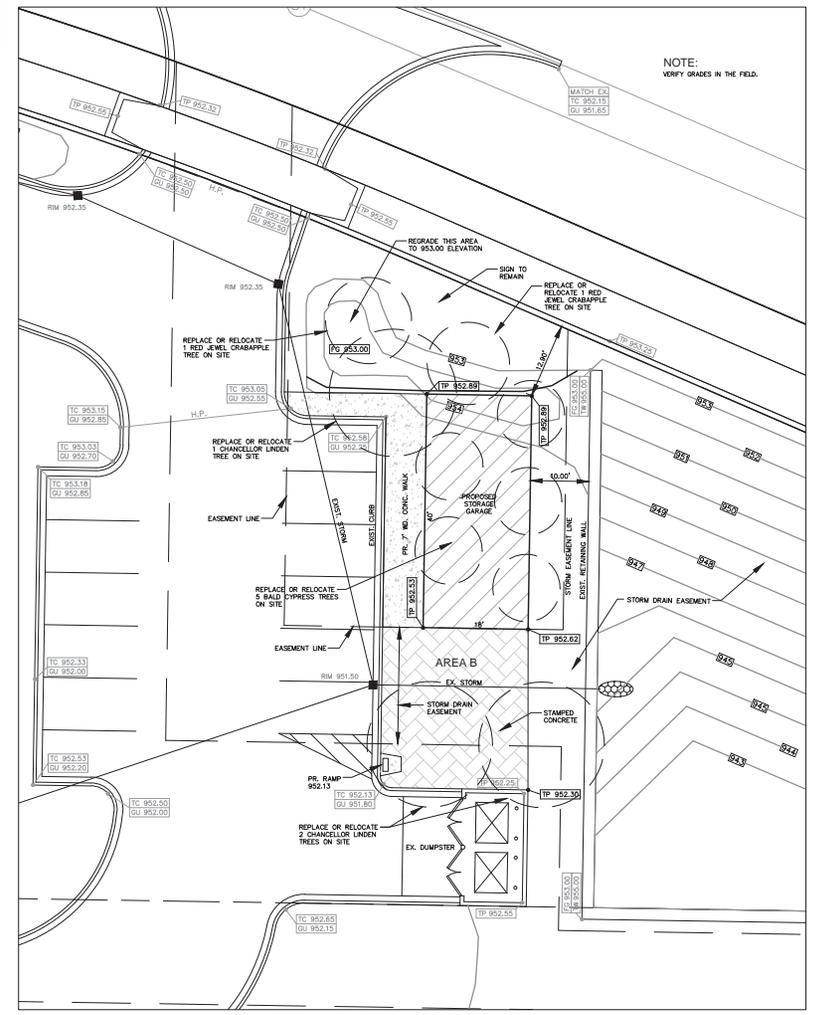


PATIO TABLE AND UMBRELLA IN AREA B

This will be on top of stamp concrete pod.



NOTES
 ALL SITE WORK SHALL CONFORM TO THE CITY OF NOVI STANDARDS AND SPECIFICATIONS.
 RIGHT-OF-WAY (R.O.W.) PERMIT WILL BE OBTAINED FROM THE CITY DEPARTMENT OF PUBLIC SERVICES FOR ANY WORK IN THE ROW ROAD R.O.W. ALL WORK WITHIN THE ROW ROAD R.O.W. SHALL CONFORM TO THE CITY OF NOVI STANDARDS AND SPECIFICATIONS.
 RIGHT-OF-WAY (R.O.W.) PERMIT WILL BE OBTAINED FROM THE ROAD COMMISSION FOR OAKLAND COUNTY (R.O.C.) FOR ANY WORK IN THE 14 MILE ROAD R.O.W. ALL WORK WITHIN THE 14 MILE ROAD R.O.W. SHALL CONFORM TO R.O.C. STANDARDS AND SPECIFICATIONS.
 REFER TO SHEET C-6 FOR ADDITIONAL DETAILS.
 ALL EXISTING APPOINTMENTS AND RIMS WITHIN THE LIMITS OF CONSTRUCTION SHALL BE ADJUSTED TO MATCH PROPOSED GRADES, AS REQUIRED.
 THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL RETAINING WALLS/FENCES SHOWN AND SEALED BY A STRUCTURAL ENGINEER LICENSED IN THE STATE OF MICHIGAN FOR APPROVAL PRIOR TO FABRICATION.
 THE PROPOSED PAVEMENT AND GRASS PAVEMENT CROSS SECTIONS MEET THE 35-TON CAPACITY REQUIREMENT FOR THE EMERGENCY ACCESS ROUTE.



NF ENGINEERS
 CIVIL ENGINEERS
 LAND SURVEYORS
 LAND PLANNERS
 NOWAK & FRAUS ENGINEERS
 1310 N. STEPHENSON HWY.
 ROYAL OAK, MI 48067-1508
 TEL: (248) 399-0886
 FAX: (248) 399-0805



PROJECT
 Maple Manor of Novi

Contact: Marcus Evangelista
 Tel: (248) 626-1114
 Fax: (248) 626-3918

Part of the Northeast 1/4 of Section 2, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan

SHEET
 Concept Plan



REVISONS
 2015-11-03 Revise Area B

DRAWN BY:
 M. Naoum
 DESIGNED BY:
 M. Peterson
 APPROVED BY:
 M. Peterson
 DATE:
 09-23-2015

SCALE: 1" = 10'
 NFE JOB NO. F197-05
 SHEET NO. 1



NF
ENGINEERS
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
1310 N. STEPHENSON HWY.
ROYAL OAK, MI 48067-1508
TEL. (248) 399-0886
FAX. (248) 399-0805



SEAL



PROJECT
Maple Manor of Novi

CLIENT
J.S. Evangelista
Development, LLC
7071 Orchard Lake Road
Suite 333
West Bloomfield, MI 48322

Contact: Marcus Evangelista
Tel: (248) 626-1114
Fax: (248) 626-3918

PROJECT LOCATION
Part of the Northeast 1/4
of Section 2, Town 1
North, Range 8 East, City of
Novi, Oakland County,
Michigan

SHEET
General /
Tree Relocation Plan



Know what's below
Call before you dig.

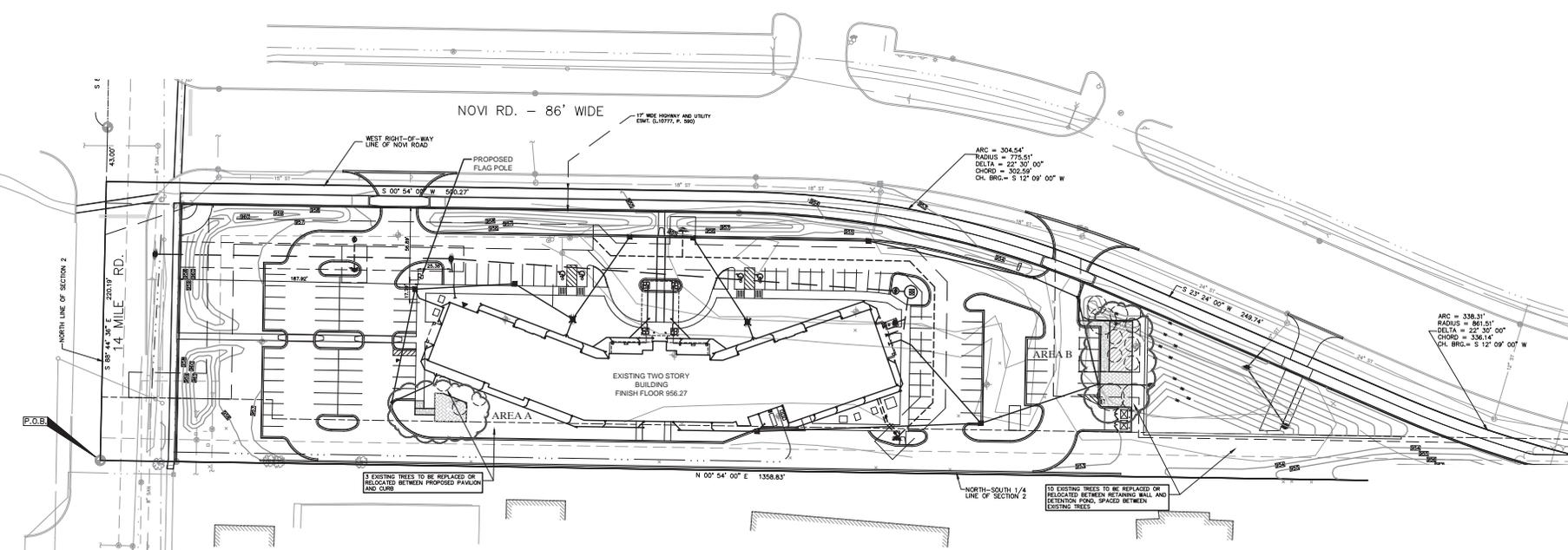
REVISIONS

10-14-2015	Add Flag Pole

DRAWN BY:
M. Naoum
DESIGNED BY:
M. Peterson
APPROVED BY:
M. Peterson
DATE:
09-23-2015

SCALE: 1" = 40'

NFE JOB NO. SHEET NO.
F197-05 2



NORTH LINE OF SECTION 2
S 88° 14' 35" E 203.12'
14 MILE RD.
43.00'

NOVI RD. - 86' WIDE

17" WIDE HIGHWAY AND UTILITY EASEMENT (L-10777, P. 350)

WEST RIGHT-OF-WAY LINE OF NOVI ROAD

PROPOSED FLAG POLE

ARC = 304.54'
RADIUS = 775.51'
DELTA = 22° 30' 00"
CHORD = 302.65'
CH. BRG. = S 12° 09' 00" W

EXISTING TWO STORY BUILDING FINISH FLOOR 956.27

AREA A

AREA B

ARC = 338.31'
RADIUS = 881.51'
DELTA = 22° 30' 00"
CHORD = 336.14'
CH. BRG. = S 12° 09' 00" W

EXISTING TREES TO BE REPLACED OR RELOCATED BETWEEN PROPOSED PAVILION AND CURB

EXISTING TREES TO BE REPLACED OR RELOCATED BETWEEN RETAINING WALL AND DETENTION POND. SPACED BETWEEN EXISTING TREES

N 00° 54' 00" E 1356.65'

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

November 11, 2015

Planning Review

Maple Manor

SP #08-09

Petitioner

J. S. Evangelista Development, LLC

Review Type

PRO Concept Plan Amendment

Property Characteristics

- Site Location: Southwest corner of Fourteen Mile and Novi Roads
- Site Size: 4.664 acres gross, 3.88 acres net
- Current Zoning: Low Density Residential (RM-1) with Planned Rezoning Overlay (PRO)
- Surrounding Zoning: East and South East: Residential Acreage (RA) with a PUD; Southwest: One-Family Residential (R-4); West: Multiple Family Residential (RM-1); North: Multiple Family Residential (RM-1) in the City of Walled Lake; and Northeast: Neighborhood Commercial (C-1) in City of Walled Lake
- Surrounding Land Uses: East: Maples Place local commercial center; Southeast: Maples of Novi residential club house and recreation area; Southwest: Hickory Woods Elementary School; West: Beachwalk Apartments; North: Lake Village multiple-family residential in City of Walled Lake; and Northeast: vacant property in City of Walled Lake
- School District: Walled Lake Consolidated Schools
- Current Use: 186 bed 75,900 sq. ft. convalescent (nursing) home
- Plan Date: September 23, 2015

Project Summary

The current site was developed with a Planned Rezoning Overlay option. It is currently zoned RM-1 with a PRO. City Council approved the PRO Overlay concept plan in September, 2009 and the PRO agreement was signed on September 23, 2009.

The applicant is currently proposing two accessory structures (a storage garage and a Pavilion) to facilitate the current maintenance operations and passive recreation for current residents of the facility and a flag pole at entrance of the building. The site plan also proposes corresponding site improvements to storm water management and landscape.

Amendment to Planned Rezoning Overlay Concept Plan and Agreement

According to section 7.13.G. Amendment of PRO Agreement, any amendment of a PRO Agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with PRO.

The PRO option creates a "floating district" with a conceptual plan attached to the rezoning of a parcel. As part of the PRO Amendment, the City and the applicant agree to tentative

approval of a conceptual plan for development of the site. Following final approval of the PRO concept plan and PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the rezoning and PRO concept plan expires and the agreement becomes void.

Recommendation

The Planning Staff recommends **approval** of the revised PRO Concept plan and requests the applicant to make minor corrections as listed below and in other reviews.

Ordinance Requirements and deviations

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 3 (Zoning Districts), Article 4 (Use Standards), Article 5 (Site Standards), and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed and incorporated as part of the final site plan submittal. Items in bold and Underline are identified to be deviating from Ordinance requirements and should be included in the revised PRO agreement

1. **Location (Sec. 4.19.1.B)** *Accessory buildings shall not be erected in any required front yard or in any required exterior side yard. **Proposed storage garage is located partly in the required front yard. According to applicant's cover letter, the needs for storage are crucial and this is best possible location for a storage garage within the site that has a minimal deviation from the ordinance and does not conflict with the Utility locations and easements. This deviation requires City Council approval and should be included in the revised PRO agreement.***
2. **Setbacks (Sec. 4.19.1.G)**: *A detached accessory building shall not be located closer than ten (10) feet to any main building and shall not be located closer than six (6) feet to any interior side lot or rear lot line. The proposed structures are in compliance with the setback requirements.*
3. **Total Floor Area (Sec. 4.19.1.C)**: *The total floor area of all accessory buildings shall not occupy more than twenty-five (25) percent of any required rear yard. **The plans appear to be in conformance. Please provide the values on the site plan.***
4. **Maximum Height (Sec. 4.19.1.B)**: *A detached accessory building in the R-1 through R-4, RT, RM-1, MH, OS-1, B-1, P-1, and NCC districts shall not exceed one (1) story or fourteen (14) feet in height. **Provide the maximum height of the structures on the plan***
5. **Building Design (Sec. 4.19.2.L)**: *All attached and detached accessory buildings in excess of two-hundred (200) square feet shall be designed and constructed of materials and architecture compatible with the principal structure, and shall have a minimum roof pitch of 3/12 and overhangs of no less than six (6) inches. **Refer to Façade review letter for more detail. Add a note to the storage garage elevations that the materials will match the existing building.***
6. **Flagpoles (Sec. 4.19.2.B)**: *Flagpoles may be located within any required front or exterior side yard. Such poles shall be located no closer to a public right-of-way than one-half (½) the distance between the right-of-way and the principal building. Flag pole is proposed in the required front yard. The distance between the flag pole and the Right of way is 57 feet which is more than half the distance between right and the building which is approximately 37 feet.*

7. **Lighting:** There is no proposed lighting indicated on the plans. Please verify if any additional lighting is proposed for the proposed structures. A proposed photometric plan conforming to the ordinance requirements is required prior to the approval of Final Site Plan.
8. **Other Reviews:**
 - a. **Engineering Review:** Additional comments to be addressed with revised submittal. Engineering recommends approval.
 - b. **Landscape Review:** Additional comments to be addressed with Final Site Plan submittal. Landscape recommends approval.
 - c. **Facade Review:** Additional comments to be addressed with Final Site Plan submittal. Façade recommends approval.

Response Letter

This Site Plan is scheduled to go before Planning Commission on December 09, 2015. Please provide the following **no later than November 20, 2015** if you wish to keep the schedule.

1. A response letter addressing **ALL** the comments from **ALL** the review letters (as dated above) and **a request for deviations as you see fit.**
2. A sample board indicating materials and colors identical to the existing primary structure should be provided not less than 5 days before the Planning Commission meeting.

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.

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.

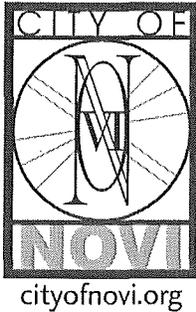
Chapter 26.5

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.

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.



ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

11/10/2015

Engineering Review

Maple Manor
JSP08-0009

Petitioner

J S Evangelista Development

Review Type

Revised PRO Amendment

Property Characteristics

- Site Location: S. of 14 Mile Rd. and E. of Novi rd.
- Site Size: Not Provided acres
- Plan Date: 10/14/15

Project Summary

- Construction of an approximately a Pavilion and Pergola on the existing site and stamped concrete areas.

Recommendation

Approval of the PRO Amendment and the Storm Water Management Plan is recommended.

Comments:

The PRO Amendment does meet the general requirements of Chapter 11 of the Code of Ordinances, the Storm Water Management Ordinance and/or the Engineering Design Manual. The following items must be addressed prior to resubmittal:

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

General

1. Provide a note on the plans that all work shall conform to the current City of Novi standards and specifications.
2. Provide a minimum of two ties to established section or quarter section corners.
3. Revise the plan set to reference at least one city established benchmark. An interactive map of the City's established survey benchmarks can be found under the 'Map Gallery' tab on www.cityofnovi.org.
4. A sheet index shall be provided on the cover sheet.

5. Provide a note stating if dewatering is anticipated or encountered during construction a dewatering plan must be submitted to the Engineering Department for review.

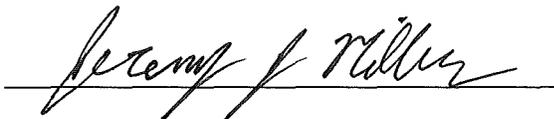
The following must be submitted at the time of Final Site Plan submittal:

6. 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 addressed prior to construction:

7. 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.
8. 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.
9. Construction Inspection Fees to be determined once the construction cost estimate is submitted must be paid prior to the pre-construction meeting.
10. An incomplete site work performance guarantee for this development will be calculated (equal to 1.5 times the amount required to complete the site improvements, excluding the storm water facilities) as specified in the Performance Guarantee Ordinance. This guarantee will be posted prior to TCO, at which time it may be reduced based on percentage of construction completed.
11. 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.

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



cc: Adam Wayne, Engineering
Brian Coburn, Engineering
Sri Komaragiri, Community Development

LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

October 9, 2015

PRO Amendment - Landscaping

Maple Manor

Review Type

PRO Amendment Landscape Review

Project Number

JSP08-0009

Property Characteristics

- Site Location: Southwest corner of Novi Rd and Fourteen Mile Road
- Site Zoning: RM-1
- Adjacent Zoning: RM-1 West, RA East
- Plan Date: September 23, 2015

Recommendation:

This project is **recommended for approval** with the understanding that the items listed below will be addressed satisfactorily in the Preliminary and Final Site Plans.

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.

EXISTING ELEMENTS

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

Existing and proposed utilities are shown on landscape plans.

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

1. All existing landscaping, tree removals and trees to be should be shown on plans. The plans identify trees in the area of work, and indicate that trees will be removed or replaced. For this project, especially in area A, shrubs in the vicinity of the project, such as building foundation plantings, should be shown on the landscape plan.
2. Tree protection fencing for existing trees to remain in the vicinity of work, and a tree protection fencing detail showing it located at 1' outside of protected trees' driplines need to be provided.

LANDSCAPING REQUIREMENTS

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

1. Calculations for the greenbelt plantings need to be provided, and the proper number of trees provided.
2. The berm in Area B needs to be configured to provide as much of the requirement (3' tall with a 2' crest) as possible, given the remaining space.

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

No changes are proposed, and no additional trees are recommended, to maintain the required sight distance down Novi Road to the south.

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

A deciduous canopy tree must be restored to the position of the linden being removed/ replaced in Area B.

Parking Lot Perimeter Canopy Trees (Zoning Sec. 5.5.3.C.(3) Chart footnote)

Required perimeter parking trees need to be maintained or replaced in other areas if removed for these projects.

Building Foundation Landscape (Zoning Sec 5.5.3.D.)

1. No additional foundation landscaping is required for this project at the main building, but existing landscaping should be maintained.
2. **Trees or shrubs should be planted along the garage's east and south sides to soften the view from Novi Road.**

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

The dead tree near the northwest corner of the detention basin should be replaced.

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

No changes are required.

OTHER REQUIREMENTS

Plant List, Notations and Details (LDM 2.h. and t.)

1. **A plant list for all proposed plantings should be provided on the Landscape Plan.**
2. **Details and notes conforming to the City of Novi standards for all plant types included on the plan should be part of the Landscape Plan. A standard detail sheet can be provided in CAD or PDF format upon request.**

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

Cost estimates for all proposed plant material need to be provided on Final Site Plans. Use the costs available on page 3 of the Community Development fee schedule at:
<http://www.cityofnovi.org/City-Services/Community-Development/Fees/Planning/FeeSchedule-OtherReviewFees.aspx>

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

An irrigation plan for all landscaped areas is required as part of the Final Site Plans.

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

Please add proposed contours to the landscape plan. The tops of berms should be 3' above the adjacent top of pavement elevations.

Snow Deposit (LDM.2.q.)

Not required for this project. Snow should not be deposited in either Area A or Area B's landscaping.

Corner Clearance (Zoning Sec 5.9)

Required corner clearances are 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 rmeader rmeader@cityofnovi.org.

Rick Meader – Landscape Architect

LANDSCAPE REVIEW SUMMARY CHART

Review Date: October 9, 2015
Project Name: JSP08 – 0009: MAPLE MANOR OF NOVI
Plan Date: September 23, 2015
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 on the Preliminary Site Plans. Underlined items need to be addressed for Final Site Plan. **Please add a Landscape Plan sheet to the set with the below items included.**

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	No	No	
Project Information <i>(LDM 2.d.)</i>	§ Name and Address	Yes	Yes	On Title Block
Owner/Developer Contact Information <i>(LDM 2.a.)</i>	§ Name, address and telephone number of the owner and developer or association	Yes	Yes	On Title Block
Landscape Architect contact information <i>(LDM 2.b.)</i>	§ Name, Address and telephone number of RLA	No	No	
Sealed by LA. <i>(LDM 2.g.)</i>	§ Requires original signature	No	No	
Miss Dig Note <i>(800) 482-7171 (LDM.3.a.(8))</i>	§ Show on all plan sheets	Yes	Yes	On Title Block
Zoning <i>(LDM 2.f.)</i>	§ Include all adjacent zoning	No	No	
Survey information <i>(LDM 2.c.)</i>	§ Legal description or boundary line survey § Existing topography	NA		
Existing plant material Existing woodlands or wetlands	§ Show location type and size. Label to be saved or removed.	Yes	Yes	

Item	Required	Proposed	Meets Code	Comments
(LDM 2.e.(2))	§ Plan shall state if none exists.			
Soil types (LDM.2.r.)	§ As determined by Soils survey of Oakland county § Show types, boundaries	NA		
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	
Proposed grading. 2' contour minimum (LDM 2.e.(1))	§ Provide proposed contours at 2' interval	NA		
Snow deposit (LDM.2.q.)	§ Show snow deposit areas on plan	NA		No change proposed in parking lots.
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		No change proposed in parking lots.
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		No change proposed in parking lots.
Curbs and Parking stall reduction (c)	§ Parking stall can be reduced to 17' and the curb to 4" adjacent to a sidewalk of minimum 7 ft.	NA		No change proposed in parking lots.
Contiguous space limit (i)	Maximum of 15 contiguous spaces	c		No change proposed in parking lots.
Plantings around Fire Hydrant (d)	§ No plantings with matured height greater than 12' within 10 ft. of fire hydrants	NA		
Landscaped area (g)	§ Areas not dedicated to parking use or driveways exceeding	NA		

Item	Required	Proposed	Meets Code	Comments
	100 sq. ft. shall be landscaped			
Clear Zones (LDM 2.3.(5))	§ 25 ft corner clearance required. Refer to Zoning Section 5.5.9	NA		Changes don't affect clear zones.
Category 1: For OS-1, OS-2, OSC, OST, B-1, B-2, B-3, NCC, EXPO, FS, TC, TC-1, RC, Special Land Use or non-residential use in any R district (Zoning Sec 5.5.3.C.iii)				
A = Total square footage of parking spaces not including access aisles x 10%	§ A = x 10% = sf	NA		No change proposed in parking lots.
B = Total square footage of additional paved vehicular use areas (not including A) under 50,000 SF) x 5%	§ B = x 5% = sf § Paved Vehicular access area includes loading areas	NA		No change proposed in parking lots.
C = Total square footage of additional paved vehicular use areas (not including A or B) over 50,000 SF) x 1 %	§ C = x 1% = sf	NA		No change proposed in parking lots.
Category 2: For: I-1 and I-2 (Zoning Sec 5.5.3.C.iii)				
A. = Total square footage of parking spaces not including access aisles x 7%	§ A = 7% x xx sf = xx sf	NA		
B = Total square footage of additional Paved vehicular use areas (not including A) under 50,000 SF) x 2%	§ B = 2% x xx sf = xx sf	NA		
C = Total square footage of additional paved vehicular use areas (not including A or B) over 50,000 SF) x 0.5%	§ C = 0.5% x 0 sf = 0 SF	NA		
All Categories				
D = A+B or A+C Total square footage of landscaped islands	xx + xx = xxx SF	NA		No change proposed in parking lots.
E = D/75 Number of canopy trees required	§ xxx/75=xx Trees	NA		No change proposed in parking lots.
Perimeter Green space	§ 1 Canopy tree per 35 lf ; xx/35=x trees § Perimeter green space	NA		No change proposed in parking lots.

Item	Required	Proposed	Meets Code	Comments
	canopy Plantings required at 1 per 35 LF. Sub-canopy trees can be used under overhead utility lines.			
Parking land banked	§ NA	NA		
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.		Yes	Yes	Existing berm at south entrance to be changed. Should be kept at least at its existing height.
Residential Adjacent to Non-residential (Sec 5.5.3.A) & (LDM 1.a)				
Berm requirements (Zoning Sec 5.5.A)	§ Refer to Residential Adjacent to Non-residential berm requirements chart	NA		
Planting requirements (LDM 1.a.)	§ LDM Novi Street Tree List	NA		
Adjacent to Public Rights-of-Way (Sec 5.5.B) and (LDM 1.b)				
Berm requirements (Zoning Sec 5.5.3.A.(5))	§ Refer to ROW landscape screening requirements chart for corresponding requirements.	Yes	Yes	Existing berm at south entrance to be changed. Should be kept at least at its existing height (could be raised to 3')
Cross-Section of Berms (LDM 2.j)				
Slope, height and width	§ Label contour lines § Maximum 33% § Min. 2 feet flat horizontal area			See above
Type of Ground Cover		No	No	Please indicate if lawn will be groundcover of non-built areas.
Setbacks from Utilities	§ Overhead utility lines and 15 ft. setback from edge of utility or 20 ft. setback from closest pole	NA		
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	NA		

Item	Required	Proposed	Meets Code	Comments
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)	§ Parking: 20 ft.	12.9' to garage, 25' to parking	Yes/No	
Min. berm crest width	§ Parking: 2 ft.	Unclear		Need to show revised grading.
Minimum berm height (9)	§ Parking: 3 ft.	Unclear		
3' wall	§ (4)(7)	NA		
Canopy deciduous or large evergreen trees Notes (1) (10)	§ Parking: 1 tree per 35 l.f.; 53/35= 1 tree	0 (possibly 1 if tree is replaced)	Yes/No	1 canopy tree needs to be located in area between parking/garage and property line.
Sub-canopy deciduous trees Notes (2)(10)	§ Parking: 1 tree per 20 l.f.; 53/20= 3 trees	2 (if trees are replaced)	No	Existing 2 crabs to be transplanted or replaced. Please have at least 2 subcanopy trees.
Canopy deciduous trees in area between sidewalk and curb (Novi Street Tree List)	§ Parking: 1 tree per 35 l.f.	0	Yes	No change in street trees from existing is proposed.
Non-Residential Zoning Sec 5.5.3.E.iii & LDM 1.d (2)				
Refer to Planting in ROW, building foundation landscape, parking lot landscaping and LDM				
Interior Street to Industrial subdivision (LDM 1.d.(2))	§ 1 canopy deciduous or 1 large evergreen per 35 l.f. along ROW § No evergreen trees closer than 20 ft. § 3 sub canopy trees per 40 l.f. of total linear frontage § Plant massing for 25% of ROW	NA		
Screening of outdoor storage, loading/unloading (Zoning Sec. 3.14, 3.15, 4.55, 4.56, 5.5)		NA		
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	NA		

Item	Required	Proposed	Meets Code	Comments
	within 8 ft. from the doors			
Building Foundation Landscape Requirements (Sec 5.5.3.D)				
Interior site landscaping SF	§ Equals to entire perimeter of the building x 8 with a minimum width of 4 ft. § xx If x 8ft = xx SF	NA		1. Existing foundation plantings on main building are not shown on plan. Please indicate that they will remain. Work area B is away from building. 2. While foundation plantings are not required for auxiliary structure, please add some sort of landscaping (trees, shrubs) along south side of garage to soften view from Novi Road. 3. Please show any proposed landscaping in vicinity of additions. 4. Please indicate location of pergolas on new paved areas on Landscape Plan.
<i>Zoning Sec 5.5.3.D.ii. All items from (b) to (e)</i>	§ If visible from public street a minimum of 60% of the exterior building perimeter should be covered in green space	NA		
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	NA		While the detention basin is not changing in this project, and no changes in detention basin landscaping is required, the dead tree behind the basin needs to be replaced.
LANDSCAPING NOTES, DETAILS AND GENERAL REQUIREMENTS				
Landscape Notes – Utilize City of Novi Standard Notes				
Installation date (LDM 2.1. & Zoning Sec 5.5.5.B)	§ Provide intended date	No	No	Please add notes to Landscape Plan. Standard City of Novi

Item	Required	Proposed	Meets Code	Comments
				notes available upon request.
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.	No	No	Please add notes to Landscape Plan.
Plant source (LDM 2.n & LDM 3.a.(2))	§ Shall be northern nursery grown, No.1 grade.	No	No	Please add notes to Landscape Plan.
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	No	No	Please add notes to Landscape Plan.
Approval of substitutions. (Zoning Sec 5.5.5.E)	§ City must approve any substitutions in writing prior to installation.	No	No	Please add notes to Landscape Plan.
Plant List (LDM 2.h.) – Include all cost estimates				
Quantities and sizes	§ Refer to LDM suggested plant list	No	No	Please add to Landscape Plan.
Root type		No	No	Please add to Landscape Plan.
Botanical and common names		No	No	Please add to Landscape Plan.
Type and amount of lawn		No	No	Please add to Landscape Plan.
Cost estimate (LDM 2.t)	§ For all new plantings, mulch and sod as listed on the plan	No	No	Please add costs on Final Site Plan. Use Community Development Fee Schedule for costs.
Planting Details/Info (LDM 2.i) – Utilize City of Novi Standard Details				
Canopy Deciduous Tree	§ Refer to LDM for detail drawings	No	No	Please add to Landscape Plan if tree is proposed.
Evergreen Tree		No	No	Please add to Landscape Plan if tree is proposed.
Shrub		No	No	Please add to Landscape Plan if

Item	Required	Proposed	Meets Code	Comments
				shrubs are proposed.
Perennial/ Ground Cover		No	No	Please add to Landscape Plan if perennials/grasses are proposed.
Tree stakes and guys. (Wood stakes, fabric guys)		No	No	Please add to Landscape Plan if tree is proposed.
Tree protection fencing	Located at Critical Root Zone (1' outside of dripline)	No	No	Please add to Landscape Plan if trees in area of work will remain.
Other Plant Material Requirements (LDM 3)				
General Conditions (LDM 3.a)	§ Plant materials shall not be planted within 4 ft. of property line	NA		
Plant Materials & Existing Plant Material (LDM 3.b)	§ Clearly show trees to be removed and trees to be saved.	Yes	Yes	
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	NA		
Plant Sizes for ROW, Woodland replacement and others (LDM 3.c)	Canopy Deciduous shall be 3" and sub-canopy deciduous shall be 2.5" caliper. Refer to section for more details	NA		
Plant size credit (LDM3.c.(2))	NA	NA		
Prohibited Plants (LDM 3.d)	No plants on City Invasive Species List	NA		
Recommended trees for planting under overhead utilities (LDM 3.e)	§ Label the distance from the overhead utilities	NA		
Collected or Transplanted trees (LDM 3.f)		Yes	Yes	If trees are to be transplanted, please add notes in Landscape Design Manual 3.f to Landscape Plan
Nonliving Durable Material: Mulch (LDM 4)	§ Trees shall be mulched to 4" depth and shrubs, groundcovers to 3"	No	No	

Item	Required	Proposed	Meets Code	Comments
	depth § Specify natural color, finely shredded hardwood bark mulch. Include in cost estimate. § Refer to section for additional information			

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.

FAÇADE REVIEW



Façade Review Status Summary:
Approved Recommended

November 12, 2015

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

Re: **FACADE ORDINANCE - Final Site Plan**
Maple Manor Accessory Structures, PSP15-0149
 Façade Region: 1, Zoning District: B-3

Dear Ms. McBeth;

The following is the Façade Review for Final Site Plan approval of the above referenced project, based on the drawings prepared by Nowak & Fraus Engineers, dated 9/23/15. The percentages of materials proposed for each façade are as shown below.

Pavilion (375 S.F.)	East	South	West	North	Façade Ordinance Section 2520 Maximum (Minimum)
Brick	0%	0%	0%	0%	100% (30% MIN.)
Wood Trim, Column, & Cornices	15%	15%	15%	15%	15%
Wood Siding	50%	50%	50%	50%	50% (Footnote 11)
Asphalt Shingles	35%	35%	35%	35%	25%

Storage Garage (720 S.F.)	East	South	West	North	Façade Ordinance Section 2520 Maximum (Minimum)
Brick	80%	60%	80%	40%	100% (30% MIN.)
Wood Trim, Column, & Cornices	0%	15%	0%	15%	15%
Wood Siding	0%	0%	0%	20%	50% (Footnote 11)
Asphalt Shingles	20%	25%	20%	25%	25%

Façade Ordinance, Section 5.15 – The Pavilion is considered a canopy in accordance with Section 5.15.12 of the Façade Ordinance. This Section requires that canopies have a minimum of 30% of one material identical to the primary structure. In this case the wood trim and asphalt shingles are consistent with the primary structure and the overage of asphalt shingles and underage of brick does not represent a violation of the Façade Ordinance. The proposed Pavilion is in full compliance with the Façade Ordinance.

Accessory Structures, Section 4.19 – This section requires accessory structures in excess of 200 square feet to be designed and constructed of materials and architecture compatible with the principle structure and have a minimum roof pitch of 3/12 and overhangs of not less than six (6) inches. It is our recommendation that design of the Storage Garage and Pavilion are in full compliance with this Section.

Recommendation – For the reasons stated above it is our recommendation that the proposed design of Storage Garage and Pavilion are in full compliance with Ordinance Sections 5.15 and 4.19.

This recommendation is contingent upon the following clarifications;

1. The drawings are titled “conceptual”. The final construction drawings should be reviewed for consistency with these approved drawings.
2. A sample board indicating materials and colors identical to the existing primary structure should be provided not less than 5 days before the Planning Commission meeting.
3. The Façade Ordinance requires screening of roof top equipment from all vantage points both on and off site. It is assumed that the parapets are raised sufficiently to screen any roof top equipment. If roof equipment screens are used they must be consistent with the Façade Ordinance.

Notes to the Applicant:

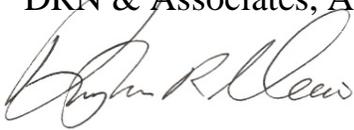
1. Inspections – The Façade Ordinance requires inspection(s) for all projects. Materials displayed on the approved sample board will be compared to materials delivered to the site. It is the applicant’s responsibility to request the inspection of each façade material at the appropriate time. Inspections may be requested using the Novi Building Department’s Online Inspection Portal with the following link.

Please click on “Click here to Request an Inspection” under “Contractors”, then click “Façade”.

<http://www.cityofnovi.org/Services/CommDev/OnlineInspectionPortal.asp>.

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

Sincerely,
DRN & Associates, Architects PC

A handwritten signature in black ink, appearing to read "Douglas R. Necci". The signature is fluid and cursive, with a large initial 'D'.

Douglas R. Necci, AIA

APPLICANT RESPONSE LETTER

Maple Manor
REHAB CENTER
A Sub Acute Skilled Nursing and Neuro Center

December 3, 2015

Sri Ravali Komaragiri
Planner
City of Novi Community Development
45175 Ten Mile Road
Novi, MI 48375

VIA EMAIL

**RE: Maple Manor
SP #08-09
Response to Plan Review Center Report 11/11/15**

Dear Ms. Komaragiri

I am writing in response to Plan Review Center Report dated November 11, 2015. I agree with all the comments and request the same deviations as listed in the letter. If you have any questions, please call me at 248-320-9114.

Very truly yours,



Marcus Evangelista

NOVI
31215 Novi Road | Novi, MI 48377
Phone: 248.624.8800 | Fax: 248.624.8810

WAYNE
3999 Venoy Road | Wayne, MI 48184
Phone: 734.727.0440 | Fax: 734.727.0441