



## CITY of NOVI CITY COUNCIL

**Agenda Item H**  
**May 7, 2017**

**SUBJECT:** Acceptance of the Amended and Restated Easement for the purpose of terminating and replacing the existing recorded Conservation Easement and existing recorded Drainage Easement over the subject development property, JSP 16-67 Taft Knolls III, and replacing them with an Open Space Preservation easement over different areas in the development. The Subject Property is located in Section 22, south of Eleven Mile Road and east of Taft Road at 25150 Taft Road.

**SUBMITTING DEPARTMENT:** Community Development Department - Planning <sup>Baugh</sup>

**CITY MANAGER APPROVAL:** 

### **BACKGROUND INFORMATION:**

The Subject Property is located in Section 22, south of Eleven Mile Road and east of Taft Road at 25150 Taft Road. The applicant is proposing to construct a 15 unit single-family residential development (Site Condominium) utilizing the Open Space Preservation Option. The subject property has two existing easements dedicated to City of Novi:

- A conservation easement (1.52 acres) which is intended to preserve the floodplain and wetland area in the western part of the subject property.
- A drainage easement (1.53 acres) to construct, operate, maintain and repair a storm drainage system on the eastern side of the property.

The site plan proposes to terminate the existing easements and replace those easements with the attached Restated Easement for Open Space Preservation. The existing drainage easement is 1.53 acres and the existing preservation easement is 1.51 acres. The applicant is now proposing to dedicate a total of 5.2 acres, which is 2.16 acres more than previous easements covered, on the 9.6 acre property. The attached exhibit of the existing and proposed easements is attached, as well as a memo dated August 1, 2017 which provides more background and detail about the existing and proposed easements.

The Planning Commission held a public hearing for this site plan on June 14, 2017 and postponed their decision in order to allow more time to evaluate the impacts of the recently identified pre-existing easements on the site. The Planning Commission approved Preliminary Site Plan with Open Space Preservation Option, Site Condominium, Wetland Permit, Woodland Permit and Stormwater Management Plan at the August 23, 2017 meeting, subject to City Council approval for proposed modifications to existing drainage easement and the conservation easement. Meeting minutes from the Planning Commission's August 23, 2017 meeting are attached.

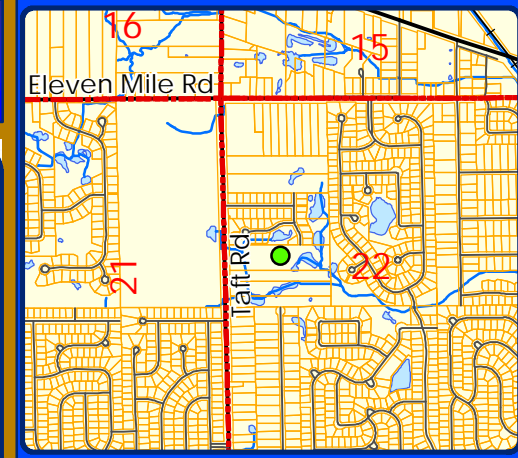
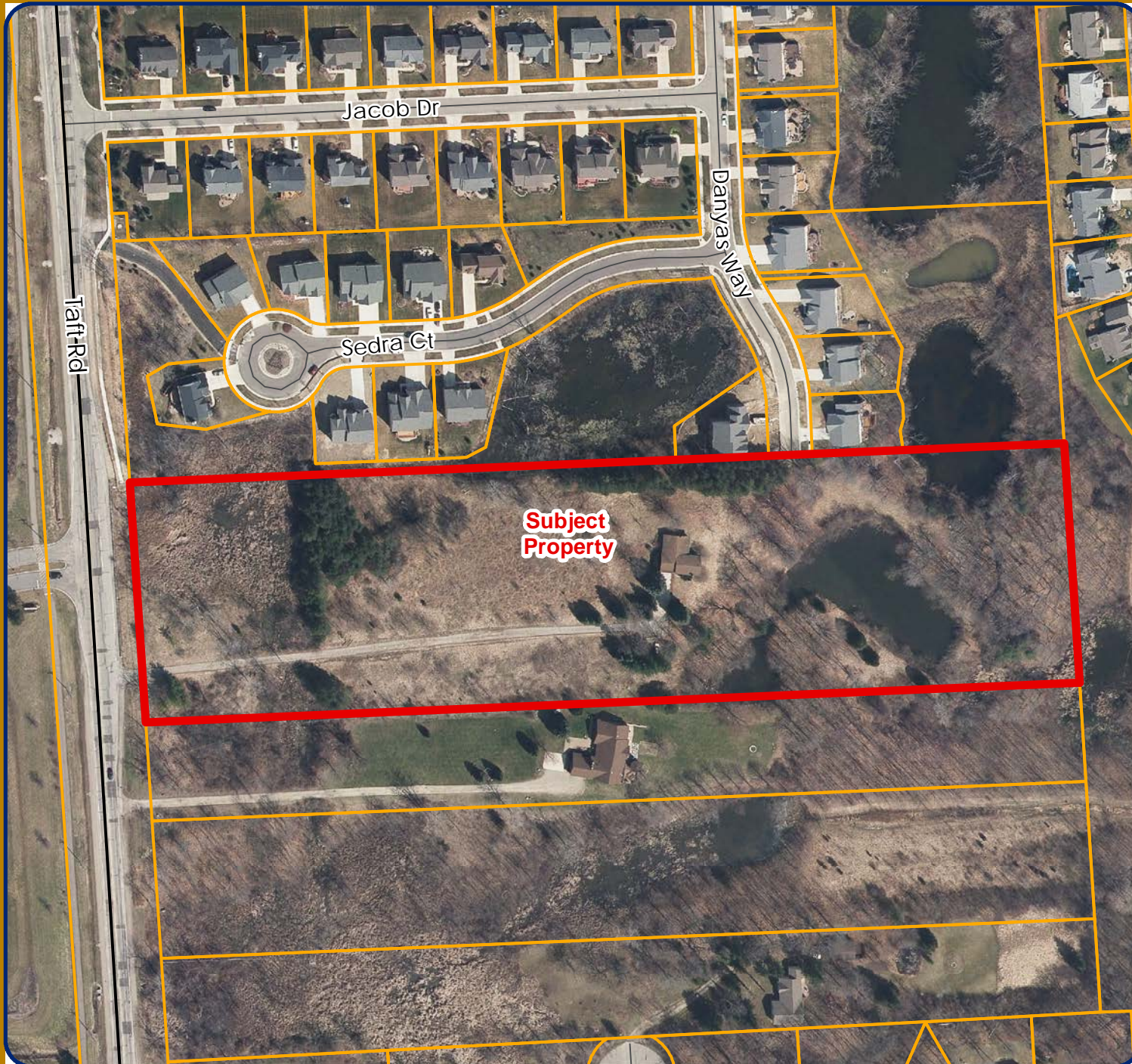
The easement is in the form recommended to be approved by the City Attorney's Office. The Planning and Engineering staff has reviewed the exhibits for accuracy. Review letters from City Attorney and Engineering Consultant are attached.

**RECOMMENDED ACTION:** Acceptance of the Amended and Restated Easement for the purpose of terminating and replacing the existing recorded Conservation Easement and existing recorded Drainage Easement over the subject development property, JSP 16-67 Taft Knolls III, and replacing them with an Open Space Preservation easement over different areas in the development. The Subject Property is located in Section 22, south of Eleven Mile Road and east of Taft Road at 25150 Taft Road.

MAPS  
Location  
Zoning  
Future Land Use  
Natural Features

# 16-67 Taft Knolls III

Location

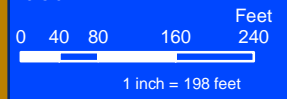


**LEGEND**  
[Red dashed box] Sections



**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: 06/08/17  
Project: 16-67 Taft Knolls III  
Version #: 1

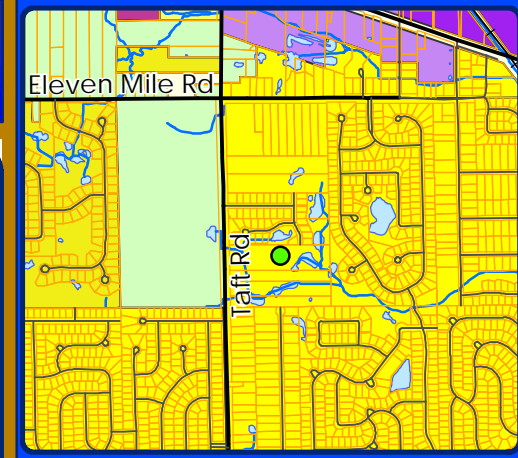
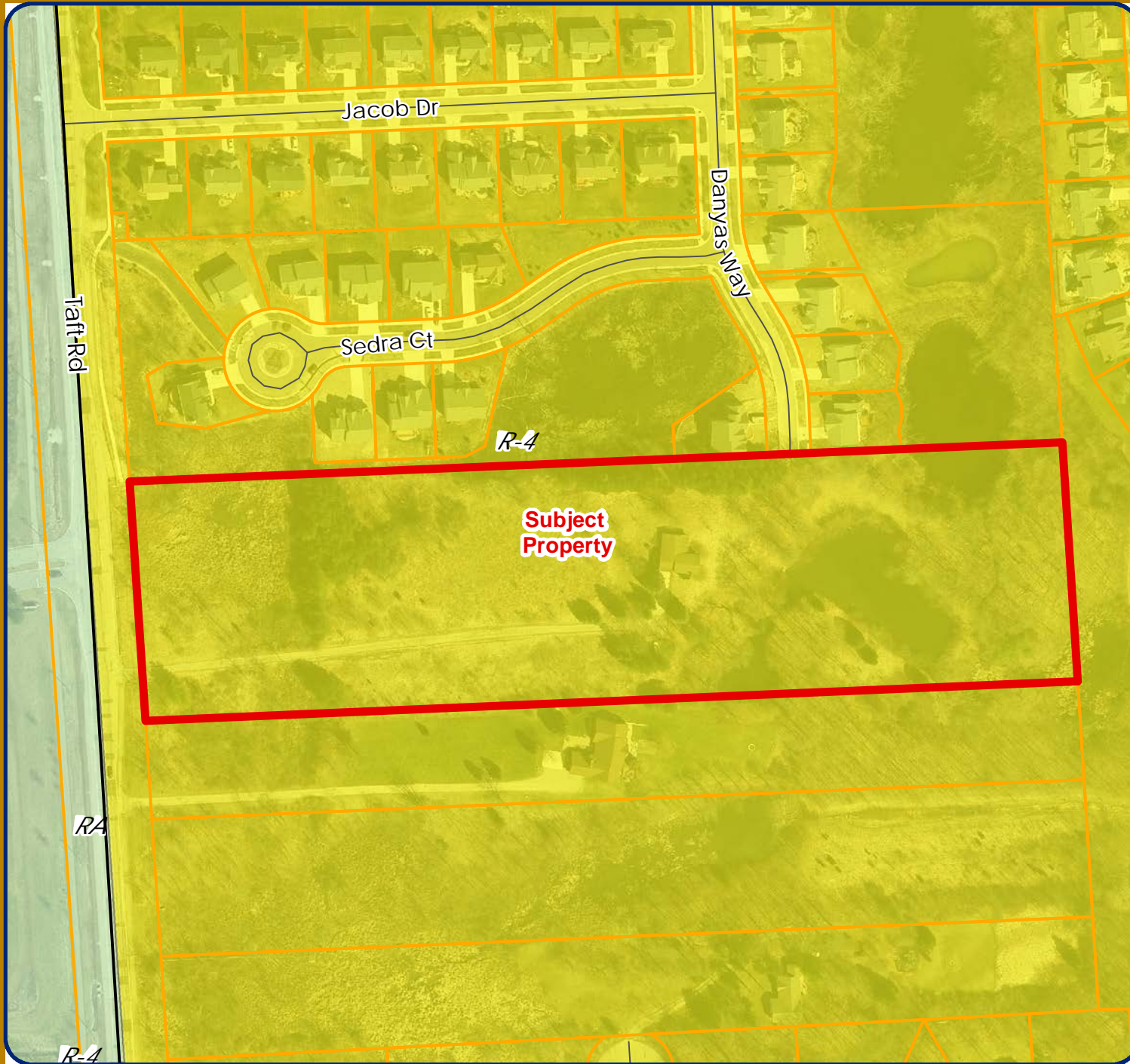


**MAP INTERPRETATION NOTICE**

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

# 16-67 Taft Knolls III

## Zoning




**LEGEND**

	R-A: Residential Acreage
	R-1: One-Family Residential District
	R-2: One-Family Residential
	R-4: One-Family Residential District
	I-1: Light Industrial District
	I-2: General Industrial District
	OST: Office Service Technology

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0 40 80 160 240 Feet  
1 inch = 198 feet

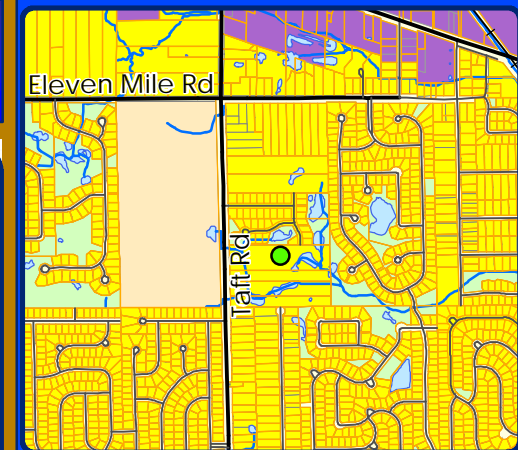


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# 16-67 Taft Knolls III

Future Land Use



**LEGEND**

**FUTURE LAND USE**


- Single Family
- Industrial RD Tech
- Educational Facility
- Private Park



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0 40 80 160 240 Feet  
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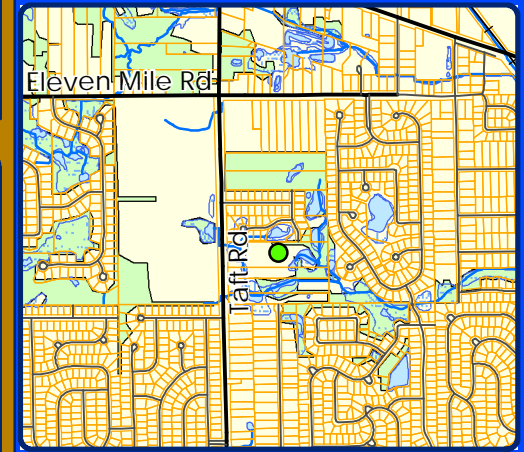


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# 16-67 Taft Knolls III

## Natural Features



### LEGEND

-  WETLANDS
-  WOODLANDS



### City of Novi

Dept. of Community Development  
City Hall / Civic Center  
45175 W Ten Mile Rd  
Novi, MI 48375  
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1 inch = 198 feet



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**ATTORNEY REVIEW LETTER**

ELIZABETH KUDLA SAARELA  
esaarela@jrsjlaw.com

27555 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331  
P 248.489.4100 | F 248.489.1726  
www.jrsjlaw.com



April 26, 2018

Barb McBeth, City Planner  
City of Novi  
45175 Ten Mile Road  
Novi, MI 48375-3024

**RE: Taft Knolls III – JSP 16-67**  
***Amended and Restated Easement – Open Space Preservation***


Dear Ms. McBeth:

We have received and reviewed the executed original Amended and Restated Easement for Open Space Preservation for the Taft Knolls III Development. The Amended and Restated Easement has been provided for the purpose of terminating and replacing the existing recorded Conservation Easement and existing recorded Drainage Easement over the subject development property and replacing them with a preservation easement over different areas in the development. The Amended and Restated Easement appears to be acceptable for the purposes provided. The attached exhibits have been approved by the City's Consulting Engineer. The Amended and Restated Easement may be placed on City Council's next available Agenda for acceptance.

Should you have any questions or concerns relating to the issues set forth above, please feel free to contact me in that regard.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

EKS  
Enclosures

C: Cortney Hanson, Clerk (w/Original Enclosures – to follow)  
Charles Boulard, Community Development Director (w/Enclosures)  
Sri Komaragiri, Planner (w/Enclosures)  
Lindsay Bell, Planner (w/Enclosures)  
Hannah Smith, Planning Assistant (w/Enclosures)  
Angie Pawlowski, Community Development Bond Coordinator (w/Enclosures)  
George Melistas, Engineering Senior Manager (w/Enclosures)  
Theresa Bridges, Construction Engineer (w/Enclosures)  
Darcy Rechtien, Plan Review Engineer (w/Enclosures)  
Sarah Marchioni, Community Development Building Project Coordinator (w/Enclosures)  
Pete Hill, ECT (w/Enclosures)  
Michael Freckelton, Taylor Reynolds and Ted Meadows, Spalding DeDecker  
(w/Enclosures)  
Sue Troutman, City Clerk's Office (w/Enclosures)  
Thomas R. Schultz, Esquire (w/Enclosures)

## **AMENDED AND RESTATED EASEMENT**

THIS AMENDED AND RESTATED EASEMENT ("Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between TROWBRIDGE HOMES CONSTRUCTION, L.L.C., a Michigan limited liability company whose address is 2617 Beacon Hill Drive, Auburn Hills, Michigan 48057 (hereinafter the "Grantor"), and the City of Novi, and its successors or assigns, whose address is 45175 Ten Mile Road, Novi, Michigan 48375 (hereinafter the "Grantee" or "City").

### **RECITATIONS:**

A. Grantor owns a certain parcel of land situated in Section 22 of the City of Novi, Oakland County, Michigan, described in Exhibit A, attached hereto and made a part hereof (the "Property"). Grantor has received preliminary site plan approval for construction of a 15-unit single family residential site condominium development using the Open Space Preservation Option ("Development") pursuant to the City of Novi Zoning Ordinance, subject to provision of an appropriate easement to permanently protect the open space areas located therein.

B. The Property is subject to two existing Easements between the Grantor's predecessor in interest and the City, as follows:

1. Drainage Easement, dated December 16, 1993, recorded on February 14, 1994, at Liber 14446, Page 893, Oakland County Records, a copy of which is attached hereto as Exhibit B; and,
2. Easement, dated December 14, 1986, recorded on January 8, 1987, at Liber 9713, Page 779, Oakland County Records, a copy of which is attached hereto as Exhibit C.

(the "Existing Easements").

C. In accordance with the approved Development plans, Grantor and the City seek to terminate and replace the Existing Easements, as set forth herein, with an expanded and modified easement area, as set forth in the attached and incorporated Exhibit D, for the purpose of preserving and maintaining the wetland and open space areas, described in Exhibit D.

D. The wetland and open space areas (the "Preservation Easement" or "Preservation Easement Areas") situated on the Property are more particularly described on Exhibit D, as attached hereto and made a part hereof, contain and included drawings depicting the protected area.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), in hand paid, the receipt and adequacy of which are hereby acknowledged, Grantor hereby reserves, conveys and grants the following Preservation Easement, which shall be binding upon the Grantor, and the City, and their respective heirs, successors, assigns and/or transferees and shall be for the benefit of the Grantee, the Grantor and purchasers of the Property and their respective heirs, successors, assigns and/or transferees.

1. The purpose of this Preservation Easement is to protect the Preservation Easement Areas as areas qualifying as "Open Space" in accordance with the Open Space Preservation Option. Unless otherwise set forth in the approved site plans, or as set forth in Section 2 below, the Preservation Easement Areas shall be perpetually preserved as open space areas, including, but not limited to, as woodlands/wetlands, parks, playgrounds, fields, walking trails, nature areas and other approved uses as permitted in accordance with the approved Development Plan in accordance with the Open Space Preservation Option of the Zoning Ordinance.

2. Notwithstanding anything to the contrary in this Agreement, Grantor retains the right to enter certain portions of the Preservation Easement Areas to conduct construction activities associated with the Development as set forth in the approved Development Plan and permits issued for the Development, including without limitation installation of utilities, paving, landscaping, woodland replacement, grading (cut and fill), and to fulfill requirements of applicable governmental authorities including FEMA, the MDEQ and the City related to wetlands and flood plain requirements, and the right to perform work within the floodplain and wetland areas in accordance with such approvals and permits.

3. Grantor initially, and thereafter the association of co-owners responsible for the administration of the Development on the portion of the Property in which one or more of the Preservation Easement Areas are located ("Association"), shall maintain and repair the Preservation Easement Areas in the condition required by the approved site plan, including but not limited to maintenance of landscaped areas and amenities, if any, therein.

4. This Amended and Restated Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession or use of the Easement Areas, except that, upon reasonable written notice to Grantor, Grantee and its authorized employees and agents (collectively, "Grantee's Representatives") may enter upon and inspect the Preservation Easement Areas to determine whether they are being maintained in compliance with the terms of the Amended and Restated Easement.

5. In the event that the Grantor shall at any time fail to carry out the responsibilities specified within this Document, and/or in the event of a failure to preserve and/or maintain the Preservation Easement Areas in reasonable order and condition, the City may serve written notice upon the Grantor setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place of the hearing before the City Council, or such other Council, body or official delegated by the City Council, for the purpose of allowing the Grantor to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other

body or official, designated to conduct the hearing, shall determine that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall thereupon have the power and authority, but not obligation to enter upon the Property, or cause its agents or contractors to enter upon the Property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the Grantor, and such amount shall constitute a lien on the Property. The City may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within 30 days of a billing to the Grantor, all unpaid amounts may be placed on the delinquent tax roll of the City, pro rata as to each unit in the Development, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the Grantor, and, in such event, the Grantor shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

6. In exchange for the Preservation Easement Areas, Grantor and the City hereby terminate the Existing Easements, which shall be of no further force and effect.


7. This Amended and Restated Easement has been made and given for a consideration of a value less than One Hundred (\$ 100.00) Dollars, and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MSA 7.456(5)(a).

8. This Amended and Restated Easement shall run with the Property and shall be binding upon and inure to the benefit of Grantor, Grantee and their respective transferees, successors and assigns.

*(Signatures Begin on Following Page)*

**GRANTOR**

TROWBRIDGE HOMES CONSTRUCTION, L.L.C

By:   
Its: Authorized Representative

STATE OF MICHIGAN        )  
  ) ss.  
COUNTY OF OAKLAND     )

The foregoing instrument was acknowledged before me this 24 day of APRIL, 2018 by Anthony W. Randozzo, as the Authorized Agent of TROWBRIDGE HOMES CONSTRUCTION, L.L.C, a Michigan limited liability company, on its behalf.

  
Notary Public

**JOHN L. APOSTOL**  
**NOTARY PUBLIC, STATE OF MICHIGAN**  
**COUNTY OF OAKLAND**  
**MY COMMISSION EXPIRES JULY 2, 2018**  
**ACTING IN THE COUNTY OF Oakland**

Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_

*(Signatures Continue on Following Page)*

**GRANTEE**  
CITY OF NOVI  
A Municipal Corporation

By: \_\_\_\_\_

Its:

By: \_\_\_\_\_

Its:

STATE OF MICHIGAN        )  
                                  ) ss.  
COUNTY OF OAKLAND     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, on behalf of the City of Novi, a Municipal Corporation.

\_\_\_\_\_  
Notary Public  
Acting in Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_

Drafted By:  
Elizabeth K. Saarela, Esquire  
Johnson, Rosati, Schultz & Joppich, P.C.  
27555 Executive Drive Suite 250  
Farmington Hills, Michigan 48331

After Recording, Return to:  
Cortney Hanson, Clerk  
City of Novi  
45175 Ten Mile Road  
Novi, Michigan 48375

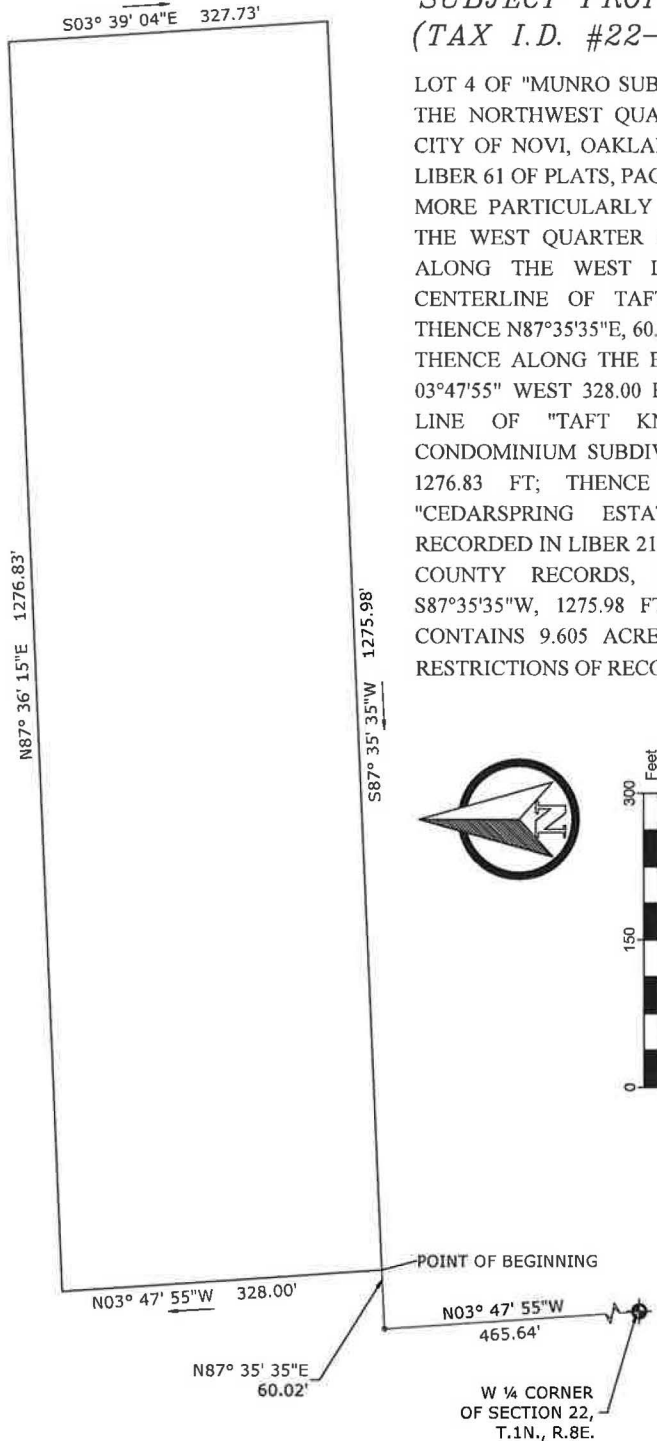


Exhibit A  
THE PROPERTY

# EXHIBIT "A"

## SUBJECT PROPERTY LEGAL DESCRIPTION (TAX I.D. #22-22-100-012)

LOT 4 OF "MUNRO SUBDIVISION" OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22, T.1N, R.8E., CITY OF NOVI, OAKLAND COUNTY, MI, AS RECORDED IN LIBER 61 OF PLATS, PAGE 26, OAKLAND COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST QUARTER CORNER OF SECTION 22; THENCE ALONG THE WEST LINE OF SECTION 22 AND THE CENTERLINE OF TAFT ROAD, N03°47'55"W, 465.64 FT; THENCE N87°35'35"E, 60.02 FT TO THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF TAFT ROAD, NORTH 03°47'55" WEST 328.00 FEET; THENCE ALONG THE SOUTH LINE OF "TAFT KNOLLS II", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 1879, N87°36'15"E, 1276.83 FT; THENCE ALONG THE WEST LINE OF "CEDARSRING ESTATES SUBDIVISION NO. 4" AS RECORDED IN LIBER 216 OF PLATS, PAGES 22-27, OAKLAND COUNTY RECORDS, S03°39'04"E, 327.73 FT; THENCE S87°35'35"W, 1275.98 FT TO THE POINT OF BEGINNING. CONTAINS 9.605 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. CONTAINS 9.605 ACRES.



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DATE: 3/27/2018



**BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171**

NOTE: TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

## THE PROPERTY EXHIBIT "A"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better  
Michigan"  
**Powell  
Engineering  
& Associates, LLC**

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895

Email: info@powelleng.net

DRAWN	MCS
DESIGNED	MCS
APPROVED	MCP
P.E. JOB No.	16-472
SCALE	1"=150'

**10F1**  
EXHIBIT A

Exhibit B  
DRAINAGE EASEMENT

# EXHIBIT "B"

LIBER 14446893

94 349733

## DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Lutheran Church Extension Fund-Missouri Synod, a Missouri Non-Profit Corporation, whose address is 1323 South Kirkwood Road, St. Louis, Missouri 63122 hereby conveys to City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, an easement for constructing, operating, maintaining and repairing a storm drainage system in, over, upon and through the following described premises situated in the City of Novi, Oakland County, State of Michigan, to-wit:

61026

Part of Lot 4 of "Munro Subdivision", a subdivision of part of the N-W 1/4 of Section 22, T.1N, R.8E., City of Novi, Oakland County, Michigan, as recorded in Liber 81 of Plats, Page 28, Oakland County Records, described as beginning at a point on the South line of Lot 4 located distant S87°30'00"E 737.28 feet from the Southwest corner of said Lot 4; thence S87°30'00"E 125.05 feet; thence N03°52'30"W 84.82 feet; thence N45°52'42"E 68.80 feet; thence S51°50'05"E 198.10 feet; thence S87°30'00"E 160.88 feet; thence N01°16'00"E 122.98 feet; thence S55°07'01"W 72.25 feet; thence N35°20'50"W 74.46 feet; thence S40°35'25"W 56.82 feet; thence N46°05'14"W 62.39 feet; thence N10°55'40"W 133.21 feet; thence S78°21'03"W 171.20 feet; thence S30°41'23"W 132.48 feet; thence S35°28'18"W 119.40 feet to the point of beginning.

22-22-100-012 part parcel

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF.

For the sum of \$ Two Thousand Four Hundred Fifty and 00/100 (\$2,450.00)

As further consideration for the granting of this easement, the City of Novi shall indemnify and save harmless, the Grantor, from and against any and all claims, damages, losses, claims, suits, costs or other expenses which the Grantor may suffer, sustain, or be subject to caused either wholly or in part, directly or indirectly, by reason of the use of the above premises pursuant to the rights granted herein.

The acquisition of the property rights conveyed herein is an exercise of the City of Novi's eminent domain authority by purchase in lieu of condemnation.

This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Signed in the presence of:

*Gerald E. Wood*  
Gerald E. Wood  
D. 828. 1.000  
DENISE TILLEY  
STATE OF MISSOURI  
COUNTY OF ST. LOUIS

Lutheran Church Extension Fund Missouri Synod, a Missouri Non-Profit Corporation  
By: *Gerald E. Wood*  
Gerald E. Wood  
Sr. Senior Vice President

8992 REG/DEERS PRLD  
0001 FEB 14 94 02:10PM  
8099 HISC 9:00

The foregoing instrument was acknowledged before me this 16th day of December, 1993, by Gerald E. Wood, Senior Vice President of the Lutheran Church Extension Fund-Missouri Synod.

5 4 3 2 1  
ALWAYS  
4 3 2 1



*Gary E. Bowman*  
Notary Public  
County of Oakland, Michigan

Drafted by and return to:  
Gary E. Bowman  
JOK & Associates, Inc.  
P.O. Box 788  
Novi, Michigan 48378

OFFICIAL NOTARY SEAL  
GARY E. BOWMAN  
Notary Public State of Michigan  
ST LOUIS COUNTY  
My Commission Expires JUL 15, 1998  
8992 REG/DEERS PRLD  
0001 FEB 14 94 02:10PM  
8098 RMF FEE 2.00

N-2729  
8/31/93

Part of 22-22-100-012  
8992 REG/DEERS PRLD  
0001 FEB 14 94 02:10PM  
8098 RMF TX 2.00

O.K. - J.S.

© 2013 Powell Engineering & Associates, LLC

DATE: 4/25/2018

BEFORE YOU DIG CALL MISS DIG 1-800-482-717

NOTE: TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

## DRAINAGE EASEMENT EXHIBIT "B"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better Michigan"  
**Powell Engineering & Associates, LLC**

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895

Email: info@powelleng.net

DRAWN MCS  
DESIGNED MCS  
APPROVED MCP  
P.E. JOB No. 16-472  
SCALE NA

**10F2**  
EXHIBIT\_B

# EXHIBIT "B"

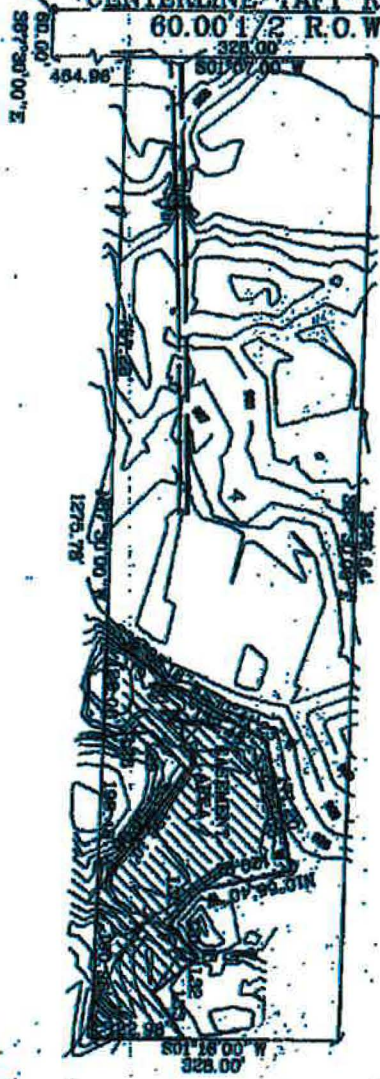
144467394

## EXHIBIT A

NEXT 1/4 CORNER  
SECTION 22, T1N, R.9E  
CITY OF NOVI



CENTERLINE TAFT ROAD  
60.00 1/2 R.O.W.



**OWNER**  
22-22-100-012  
**LOT # 4 MUNRO SUBDIVISION**  
JUDITHAN GORNER EX. FUND  
1883 SOUTH RIVERWOOD ROAD  
ST. LOUIS, MISSOURI 63122  
PARENT PARCEL - 9.81 ACRES (418,800 S.F.)  
DRAINAGE EASEMENT - 1.63 ACRES (69,988 S.F.)  
REMAINING - 8.18 ACRES (351,802 S.F.)

LINE	DIRECTION	DISTANCE
128	N05°32'30" W	64.82
129	N45°59'24" E	64.80
130	N48°05'14" W	62.89
131	S49°55'26" W	58.32
132	N55°25'55" W	74.45
133	S55°07'01" W	72.85

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JCK & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
NOVI, MICH. PH. NO. (313) 349-2888

YORKSHIRE/CEDARS PRINGS  
DRAINAGE EASEMENT

PART OF LOT # 4 MUNRO SUBDIVISION  
22-22-100-012

Drawn	Label	Date	Scale	Job No.	Sheet No.
Designed		8/20/13	1"=100'	N-2729	
Checked					

REV. B-30-03 SUB. NAME L. McL

DATE: 4/25/2018



**BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-717**

NOTICE TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-717, 22 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

## DRAINAGE EASEMENT EXHIBIT "B"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better  
Michigan"  
**Powell  
Engineering  
& Associates, LLC**

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895  
Email: info@powelleng.net

DRAWN	MCS
DESIGNED	MCS
APPROVED	MCP
P.E. JOB No.	16-472
SCALE	NA
20F2	
EXHIBIT_B	

Exhibit C  
EASEMENT

EXHIBIT "C"

LEAF 9713 PAGE 779

EASEMENT

8' 48'74

KNOW ALL MEN BY THESE PRESENTS, that LARRY M. CUPP AND JERET L. CUPP, HIS WIFE, WHOSE ADDRESS IS 25150 TAFT ROAD, NOVI, MICHIGAN 48050 hereinafter called Grantors, do hereby donate as a gift to the City of Novi, a Michigan Municipal Corporation, whose address is 45225 West Ten Mile Road, Novi, Michigan 48050, hereinafter called Grantee, being exempt pursuant to MCLA 207.505(a), an easement described herein for the purpose of preserving the floodplain and wetland areas and for ingress and egress purposes across and through the following described land situated in Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, to wit:

A permanent easement described as beginning at a point on the west property line located N03°46'50"W 148.05 feet from the southwest property corner; thence continuing along the west property line N03°46'50"W 179.95 feet to the northwest property corner; thence along the north property line N87°36'27"E 220.00 feet; thence S03°46'50"E 328.00 feet to the south property line; thence along the south property line S87°36'30"W 184.14 feet; thence N06°12'39"W 8.14 feet; thence N11°35'37"E 49.12 feet; thence N54°48'53"E 27.16 feet; thence N41°30'48"W 46.26 feet; thence N41°42'49"W 39.39 feet; thence N62°39'17"W 22.41 feet to the point of beginning on the west property line. Containing 1.51 acres.

Driveway Exception - The following is excepted from the aforementioned easement description: A 12 foot wide strip of land with a centerline beginning at a point located N87°36'30"E 35.86 feet; thence N06°12'39"W 8.14 feet; thence N11°35'37"E 49.12 feet and N54°48'53"E 27.16 feet from the southwest property corner; thence N83°30'51"E 148.39 feet to a point of ending on the east line of the aforementioned easement description.

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF.

Said easements being over and across the following described parcel:



Lot 4 "Munro Sub.", a part of the NW 1/4 of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan.

610 26

912

22-22-100-012

Handwritten initials/signature.

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DATE: 4/25/2018

BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

NOTICE TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TPO AND/OR AVAILABLE RECORDS. BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES, NOTWITHSTANDING AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

THE PROPERTY EXHIBIT "C"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers "Engineering A Better Michigan" Powell Engineering & Associates, LLC

4700 Comerstone Dr. White Lake, MI 48383 Office: 248.714.9895

Email: info@powelleng.net

Table with project details: DRAWN MCS, DESIGNED MCS, APPROVED MCP, P.E. JOB No. 16-472, SCALE NA, 10F3 EXHIBIT C

EXHIBIT "C"

USER 9713 PAGE 780

As further consideration for the granting of this Easement, the City of Novi shall indemnify and save harmless, the Grantor, from and against any and all detriments, damages, losses, claims, demand suits, costs, or other expenses which the Grantor may suffer, sustain, or be subject to caused either wholly or in part, directly or indirectly, by reason of the use of the above premises pursuant to the rights granted herein.

The premises so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the City.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures this 14th day of DECEMBER, A.D., 1986.

Witnessed By:

Handwritten signature of Pamela R. Superfisky, Jr.
FELIX F. SUPERFISKY, JR.
PAMELA R. SUPERFISKY

Grantor's Signature(s):

Handwritten signature of Larry W. Cupp (L.S.)
LARRY W. CUPP
Handwritten signature of Jeret L. Cupp (L.S.)
JERET L. CUPP
(L.S.)
(L.S.)

STATE OF MICHIGAN
COUNTY OF OAKLAND SS

On this 14th day of DECEMBER, A.D., 1986, before me, a Notary Public in and for said County, appeared LARRY W. CUPP AND JERET L. CUPP (his wife)

to me known to be the person (s) described in and who executed the foregoing instrument and respectively acknowledged the execution thereof to be their free act and deed.

This instrument was drafted by and return to: Michael G. Kallinowski

Handwritten signature of Felix F. Superfisky, Jr.
FELIX F. SUPERFISKY, JR. Notary Public
OAKLAND County, Michigan
My Commission Expires: 12-14-86

JCK & ASSOCIATES, INC.
9215 Dixie Highway
P.O. Box 329
Clarkston MI 48016

BEFORE YOU DIG
CALL MISS DIG
1-800-482-717

NOTE TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPG AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY MISS DIG AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

THE PROPERTY EXHIBIT "C"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers
"Engineering A Better Michigan"

Powell Engineering & Associates, LLC

4700 Cornerstone Dr.
White Lake, MI 48383
Office: 248.714.9895

Email: info@powelleng.net

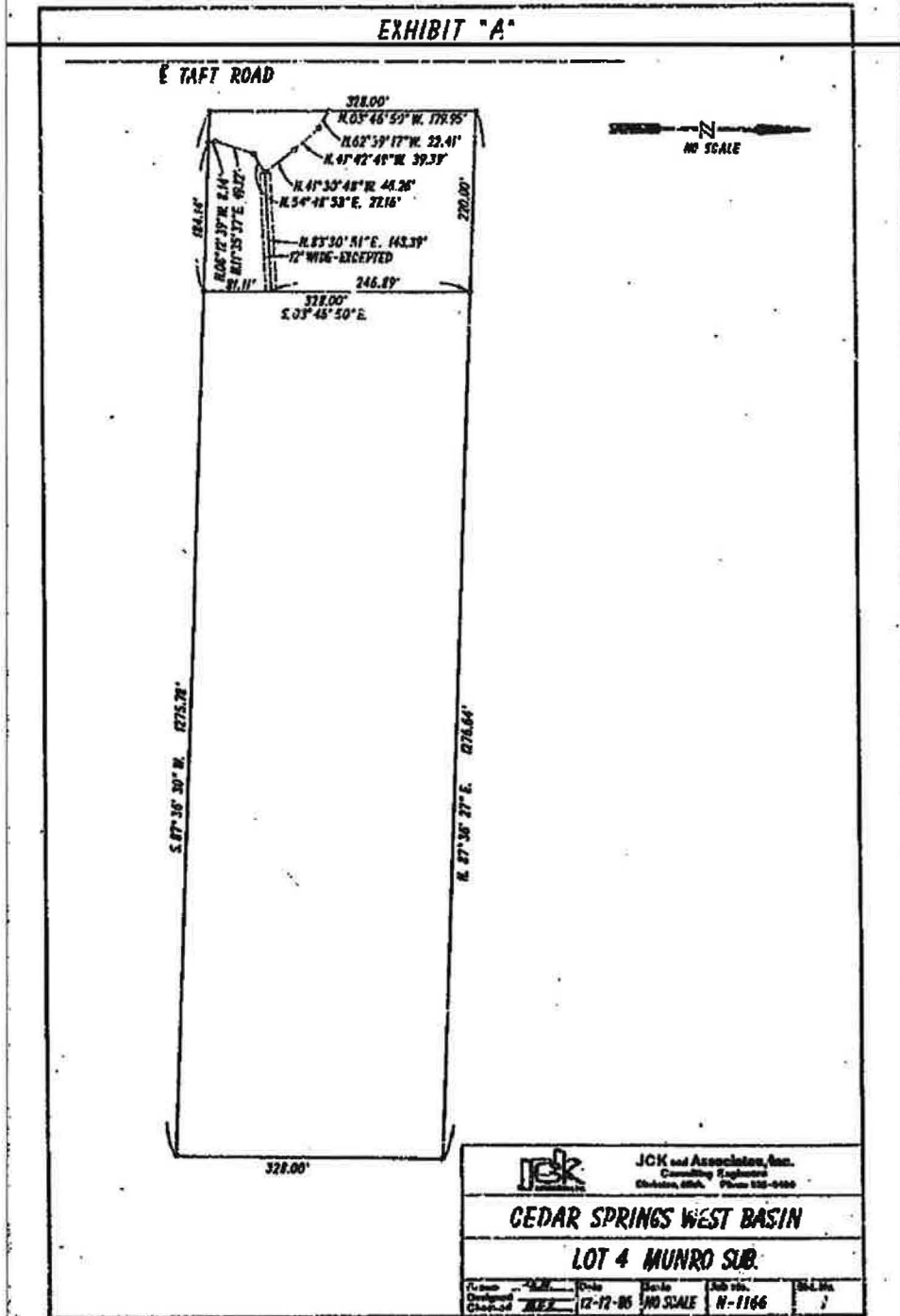
Table with 2 columns: Field (DRAWN, DESIGNED, APPROVED, P.E. JOB No., SCALE) and Value (MCS, MCS, MCP, 16-472, NA)

20F3 EXHIBIT\_C



# EXHIBIT "C"

LIBER 9713 PAGE 781



**JCK** Consulting Engineers  
 Cedar Springs, MI Phone 248-6466

**JCK and Associates, Inc.**  
 Consulting Engineers  
 Cedar Springs, MI Phone 248-6466

**CEDAR SPRINGS WEST BASIN**

**LOT 4 MUNRO SUB.**

Drawn	CHK	Date	12-12-05	Scale	NO SCALE	Sub No.	N-1166	Sheet No.	1
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DATE: 4/25/2018

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**THE PROPERTY  
EXHIBIT "C"**

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



**Powell Engineering & Associates, LLC**

Consulting Civil Engineers  
"Engineering A Better Michigan"

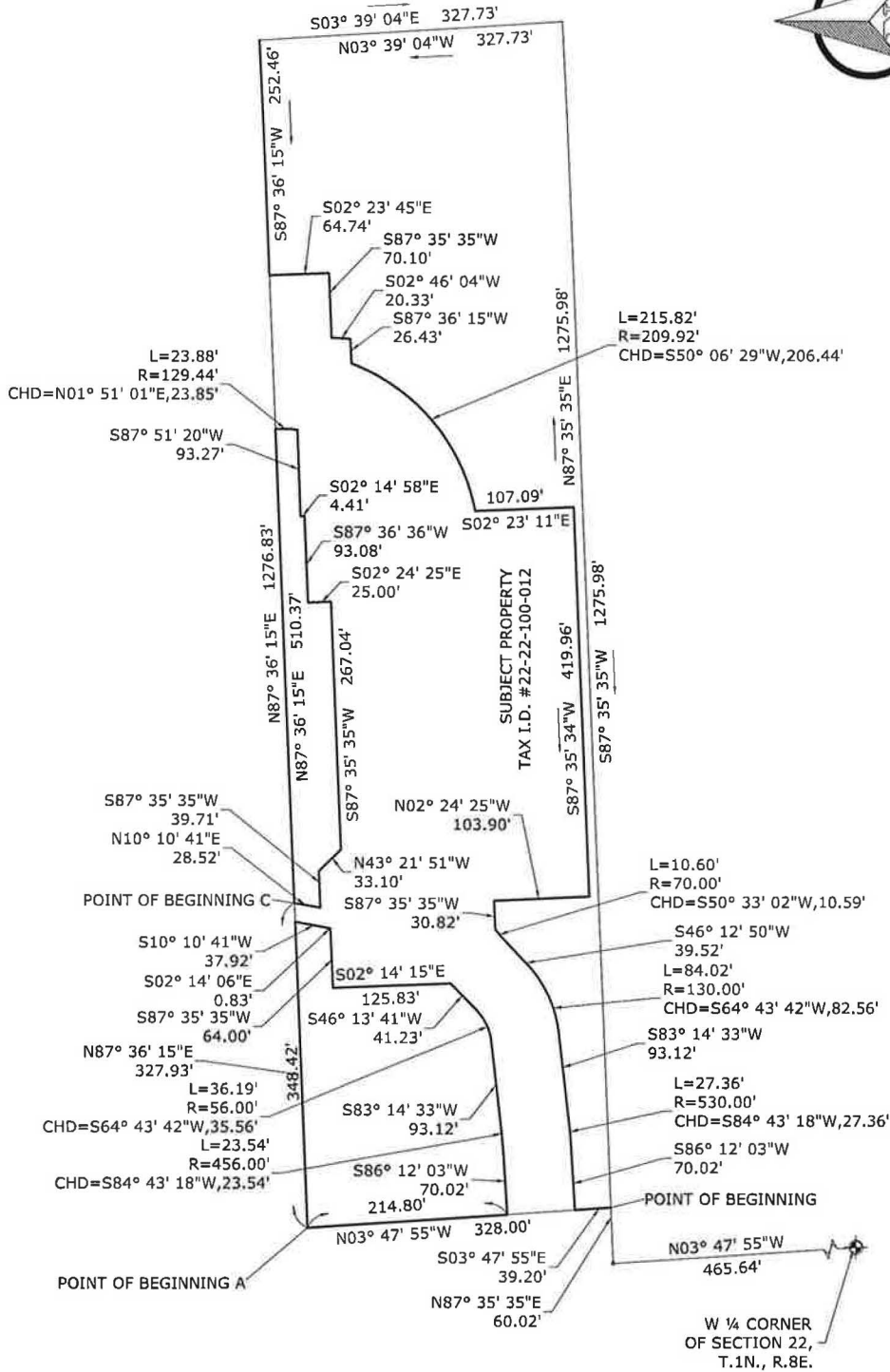
4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895  
Email: info@powelleng.net

DRAWN	MCS
DESIGNED	MCS
APPROVED	MCP
P.E. JOB No.	16-472
SCALE	NA

**30F3**  
EXHIBIT\_C

Exhibit D  
PRESERVATION EASEMENT AREAS

# EXHIBIT "D"



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DATE: 3/27/2018

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## CONSERVATION EASEMENT EXHIBIT "D"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better  
Michigan"  
**Powell  
Engineering  
& Associates, LLC**

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895

Email: info@powelleng.net

DRAWN	MCS
DESIGNED	MCS
APPROVED	MCP
P.E. JOB No.	16-472
SCALE	1"=150'

**10F2**  
EXHIBIT\_D

# EXHIBIT "D"

## CONSERVATION EASEMENT

THE PROPOSED PERMANENT EASEMENT BEING DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SUBJECT PROPERTY; THENCE ALONG THE SOUTH PROPERTY LINE N87°35'35"E, 1275.98 FT. TO THE SOUTHEAST CORNER OF SUBJECT PROPERTY; THENCE ALONG THE EAST PROPERTY LINE N03°39'04"W, 327.73 FT. TO THE NORTHEAST PROPERTY CORNER; THENCE ALONG THE NORTH PROPERTY LINE S87°36'15"W, 252.46 FT; THENCE S02°23'45"E, 64.74 FT.; THENCE S87°35'35"W, 70.10 FT; THENCE S02°46'04"W, 20.33 FT.; THENCE S87°36'15"W, 26.43 FT; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, LENGTH OF 215.82 FT AND RADIUS 209.92 FT, HAVING A CHORD S50°06'29"W, 206.44 FT; THENCE S02°23'11"E, 107.09 FT; THENCE S87°35'34"W, 419.96 FT; THENCE N02°24'25"W, 103.90 FT; THENCE S87°35'35"W, 30.82 FT; THENCE A CURVE TO THE LEFT, LENGTH 10.60 FT AND RADIUS 70.00 FT, HAVING A CHORD S50°33'02"W, 10.59 FT; THENCE S46°12'50"W, 39.52 FT; THENCE ALONG A CURVE TO THE RIGHT, LENGTH 84.02 FT; RADIUS 130.00 FT, HAVING A CHORD S64°43'42"W, 82.56 FT; THENCE S83°14'33"W, 93.12 FT; THENCE ALONG A CURVE TO THE RIGHT, LENGTH 27.36 FT, RADIUS 530.00 FT, HAVING A CHORD S84°43'18"W, 27.36 FT; THENCE S86°12'03"W, 70.02 FT TO THE WEST PROPERTY LINE OF SUBJECT PROPERTY; THENCE S03°47'55"E, 39.20 FT TO THE POINT OF BEGINNING AND SOUTH LINE OF SUBJECT PROPERTY. CONTAINS 3.65 ACRES MORE OR LESS.

ALSO INCLUDING BEGINNING AT THE NORTHWEST PROPERTY CORNER OR POINT OF BEGINNING A; THENCE ALONG THE NORTH PROPERTY LINE N87°36'15"E, 327.93 FT; THENCE S10°10'41"W, 37.92 FT; THENCE S02°14'06"E, 0.83 FT; THENCE S87°35'35"W, 64.00 FT; THENCE S02°14'15"E, 125.83 FT; THENCE S46°13'41"W, 41.23 FT; THENCE ALONG A CURVE TO THE RIGHT LENGTH 36.19 FT, RADIUS 56.04 FT, HAVING A CHORD S64°43'42"W, 35.56 FT; THENCE S83°14'33"W, 93.12 FT; THENCE ALONG A CURVE TO THE RIGHT, LENGTH 23.54 FT, RADIUS 456.00 FT, HAVING A CHORD S84°43'18"W, 23.54 FT; THENCE S86°12'03"W, 70.02 FT TO THE WEST PROPERTY LINE; THENCE ALONG THE WEST PROPERTY LINE N03°47'55"W, 214.80 FT TO THE POINT OF BEGINNING. CONTAINS 1.25 ACRES MORE OR LESS.

ALSO INCLUDING BEGINNING AT POINT OF BEGINNING B BEING 348.42 FT FROM THE NORTHWEST CORNER OF SUBJECT PROPERTY; THENCE ALONG THE NORTH PROPERTY LINE N87°36'15"E, 510.37 FT; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT LENGTH 23.88', RADIUS 129.44 FT, HAVING A CHORD S01°51'01"W, 23.85 FT; THENCE S87°51'20"W, 93.27 FT; THENCE S02°14'58"E, 4.41 FT; THENCE S87°36'36"W, 93.08 FT; THENCE S02°24'25"E, 25.00 FT; THENCE S87°35'35"W, 267.04 FT; THENCE N43°21'51"W, 33.10'; THENCE S87°35'35"W, 39.71 FT; THENCE N10°10'41"E, 28.52 FT TO THE POINT OF BEGINNING AND CONTAINING 0.48 ACRES MORE OR LESS.

## SUBJECT PROPERTY LEGAL DESCRIPTION (TAX I.D. #22-22-100-012)

LOT 4 OF "MUNRO SUBDIVISION" OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22, T.1N, R.8E., CITY OF NOVI, OAKLAND COUNTY, MI, AS RECORDED IN LIBER 61 OF PLATS, PAGE 26, OAKLAND COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST QUARTER CORNER OF SECTION 22; THENCE ALONG THE WEST LINE OF SECTION 22 AND THE CENTERLINE OF TAFT ROAD, N03°47'55"W, 465.64 FT; THENCE N87°35'35"E, 60.02 FT TO THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF TAFT ROAD, NORTH 03°47'55" WEST 328.00 FEET; THENCE ALONG THE SOUTH LINE OF "TAFT KNOLLS II", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 1879, N87°36'15"E, 1276.83 FT; THENCE ALONG THE WEST LINE OF "CEDARSPRING ESTATES SUBDIVISION NO. 4" AS RECORDED IN LIBER 216 OF PLATS, PAGES 22-27, OAKLAND COUNTY RECORDS, S03°39'04"E, 327.73 FT; THENCE S87°35'35"W, 1275.98 FT TO THE POINT OF BEGINNING. CONTAINS 9.605 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. CONTAINS 9.605 ACRES.

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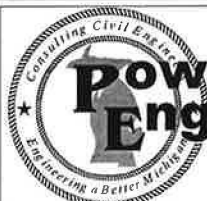
DATE: 3/27/2018

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CALL MISS DIG  
1-800-482-7171

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## CONSERVATION EASEMENT EXHIBIT "D"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better  
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**Powell  
Engineering**  
& Associates, LLC

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895

Email: info@powelleng.net

DRAWN	MCS
DESIGNED	MCS
APPROVED	MGP
P.E. JOB No.	16-472
SCALE	1"=180'
<b>20F2</b>	
EXHIBIT_D	

**ENGINEERING CONSULTANT REVIEW**

April 13, 2018

Theresa Bridges, PE  
City Civil Engineer  
City of Novi  
26300 Lee BeGole Drive  
Novi, Michigan 48375

Re: Taft Knolls 3 - Document Review  
Novi # 16-0067  
SDA Job No. NV18-203  
**EXHIBITS APPROVED**

Dear Ms. Bridges:

We have reviewed the following document package received by our office on April 13, 2018 against the provided planning document(s). We offer the following comments:

**Submitted Documents:**

1. **Conservation Easement** – (unexecuted: exhibit dated 03-27-2018) – Exhibits Approved

Documents that require revisions should be resubmitted to the City for further review. If you have any questions regarding this matter, please contact this office at your convenience.

Sincerely,  
**SPALDING DEDECKER**



Mike Freckelton, EIT  
Engineer

Cc (via Email): Sri Komaragiri, City of Novi Planning Department  
Darcy Rechtiem, City of Novi Construction Engineer  
Taylor Reynolds, Spalding DeDecker  
Ted Meadows, Spalding DeDecker

**OFF-WEEK COUNCIL MEMO  
AUGUST 01, 2017**

# MEMORANDUM



**TO:** PETE AUGER, CITY MANAGER  
**THRU:** BARBARA MCBETH, AICP, CITY PLANNER  
**FROM:** SRI RAVALI KOMARAGIRI, PLANNER  
**SUBJECT:** TAFT KNOLLS III: EXISTING AND PROPOSED EASEMENTS  
**DATE:** AUGUST 01, 2017

---

The purpose of this memo is to share information regarding a residential development plan that was recently submitted to the Plan Review Center for possible consideration of a 15 unit single-family site condominium. The subject property is located on the east side of Taft Road north of 10 Mile Road in Section 22 of the City of Novi. The property totals 9.6 acres. Following the submittal of the plans, it came to staff's attention that the property is subject to two existing easements that had previously been dedicated to the City of Novi, but had not been included in the information provided by the applicant. The applicant was apparently unaware of the easements until informed of them by the City.

## **Existing Easements**

The subject property is subject to two existing easements. The first is a preservation easement (1.52 acres) recorded on January 8, 1987, which was donated as a gift to the City of Novi by the then current owner, and is intended to preserve the floodplain and wetland area in the western part of the subject property. A twelve foot wide strip of land was excluded from the easement to allow for driveway access from Taft Road to the existing home. The second is a drainage easement (1.53 acres) recorded December 16, 1993, which was offered by the then current owner to the City of Novi to construct, operate, maintain and repair a storm drainage system on the eastern side of the property. Copies of the recorded easements are attached to this memo.

## **Project History and Planning Commission Action**

In 2014, staff reviewed a 14-unit site condominium for the subject property. A pre-application plan and a preliminary site plan were reviewed. At that time, planning did not recommend approval due to outstanding comments and the plan did not go to the Planning Commission for approval.

The applicant is now proposing a 15-unit single-family residential development (Site Condominium) utilizing the Open Space Preservation Option. A pre-application meeting was held on November 15, 2016 and a Preliminary Site Plan was reviewed in May of 2017. All reviews were recommending approval. However, staff discovered the



above mentioned existing easements, which were not indicated on the plan. Since the plan was already advertised for public hearing, the Planning Commission held a public hearing on June 14, 2017, but postponed the consideration for a later date based on the following motion:

*In the matter of Taft Knolls III JSP16-67, motion to postpone the consideration of the Preliminary Site Plan with open Space Preservation Option, Site Condominium, Wetland Permit, Woodland Permit, and Stormwater Management Plan to another Planning Commission meeting, to be determined by staff, to evaluate the impacts of recently identified pre-existing easements on the site.*

The applicant was told to review the easements and make any adjustments required as a result of their limitations.

### **Open Space Preservation Option (Section 3.30 of City of Novi Zoning Ordinance)**

The Open Space Preservation Option is intended "...to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas." This option allows certain reductions to lot development standards that can be approved by Planning Commission provided the site plan proposes to preserve a certain amount of qualifying open space. The subject property meets the general eligibility requirements outlined in the ordinance detailing the Open Space Preservation Option.

One feature of the Open Space Option that the plan may not result in more lots/units than would result if the option were not used. Per Section 3.30, a parallel (bona fide) plan shall be submitted to the approving body in order to establish the maximum permitted density:

*A parallel (bona fide) plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the City. **All unbuildable areas and areas with limitations to development must be accurately identified on the parallel (bona fide) plan** including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands and similar features. The approving body shall make the determination that a parallel (bona fide) plan is acceptable once it meets all applicable City ordinance requirements and, based on the plan, determine the maximum number of dwelling units that would be permitted under this Open Space Preservation Option.*

### **Existing vs Proposed Easements**

The bonafide plan initially submitted by the applicant did not indicate the existing easements and proposed 16 lots that can be developed per conventional standards. Absent the easements at issue, that would have been fine, because the proposed plan indicates 15 lots. However, in light of the recently discovered existing easements, staff has asked the applicant to submit a revised bonafide plan (see attached) indicating the existing easements in order to determine maximum permitted density for the open space preservation plan.

Note that the proposed development still shows improvements in the areas that are restricted by the two existing easements. The only way that such improvements would be allowed is if the easements were **amended**. The applicant is essentially asking that the existing easements be modified through the process of submittal and possible approval of the proposed plan. The Planning Commission is authorized to approve the plan under the ordinance standards. However, in this case, the applicant will also have to ask the City Council at some point to modify the existing easements. The most likely and most efficient way to do that would be to replace the separate preservation easement and the drainage easement with one "Open Space Preservation" Easement. The boundaries of the easements would be modified as shown on the attached exhibit.

**The existing drainage easement is 1.53 acres and preservation easement is 1.51 acres. The applicant is now proposing to dedicate a total of 5.2 acres (total site area of 9.6 acres) of land into open space preservation easement if the land is approved to be developed as proposed. In other words, if the submitted plan is approved, with the proposed easement, the applicant is proposing to dedicate an additional 2.16 acres to the City to be preserved.**

### **Revised submittal and staff comments**

The applicant has submitted the following for staff review and input (attached to the memo):

1. Updated bona fide plan
2. Draft Conservation Easement
3. Updated Preliminary site plan with existing and proposed easements indicated.

An additional exhibit is attached to the memo that indicates the existing and proposed easements (provided by the applicant) and additional notes from staff. Working with our attorneys, staff has made some preliminary determinations.

1. The site plan is in general conformance with all our Zoning Ordinance, except for a few deviations that are supported by staff. All reviews were recommending approval.

2. Lot 10 as indicated on the bona fide plan cannot be approved due to major conflicts with easements and natural features.
3. Lot 9 and Lot 11 on the bona fide plan includes majority of wetlands in their side yards. However, they can be counted towards the maximum permitted density.
4. The entrance drive can be moved further north in order to reduce the impacts to the wetlands and to include the existing access easement.

### **Council Input**

The feasibility of both the bonafide plan and the proposed open space preservation plan will be dependent on Council's inclination to modify the easements as indicated in this memo, following the Planning Commission's consideration and possible approval of the plan. If the City Council is not inclined to approve the modifications to the easement, it is likely that the applicant will need to modify the plan in a way that will respect the existing easements. ***Barring any comments from the City Council at this time, staff will advise the applicant to return to the Planning Commission with the plan as presented, with the formal modification of the easement to be placed on a subsequent City Council meeting for consideration and adoption. The Planning Commission's action would be subject to the formal amendment of the easements by Council at a subsequent date.***

### **Attachments**

1. Existing vs Proposed easements (staff comments)
2. Bonafide plan (by applicant)
3. Existing Drainage easement
4. Existing Conservation easement
5. Proposed preservation easement exhibit draft (by applicant)
6. Proposed layout with existing and proposed easements (by applicant)

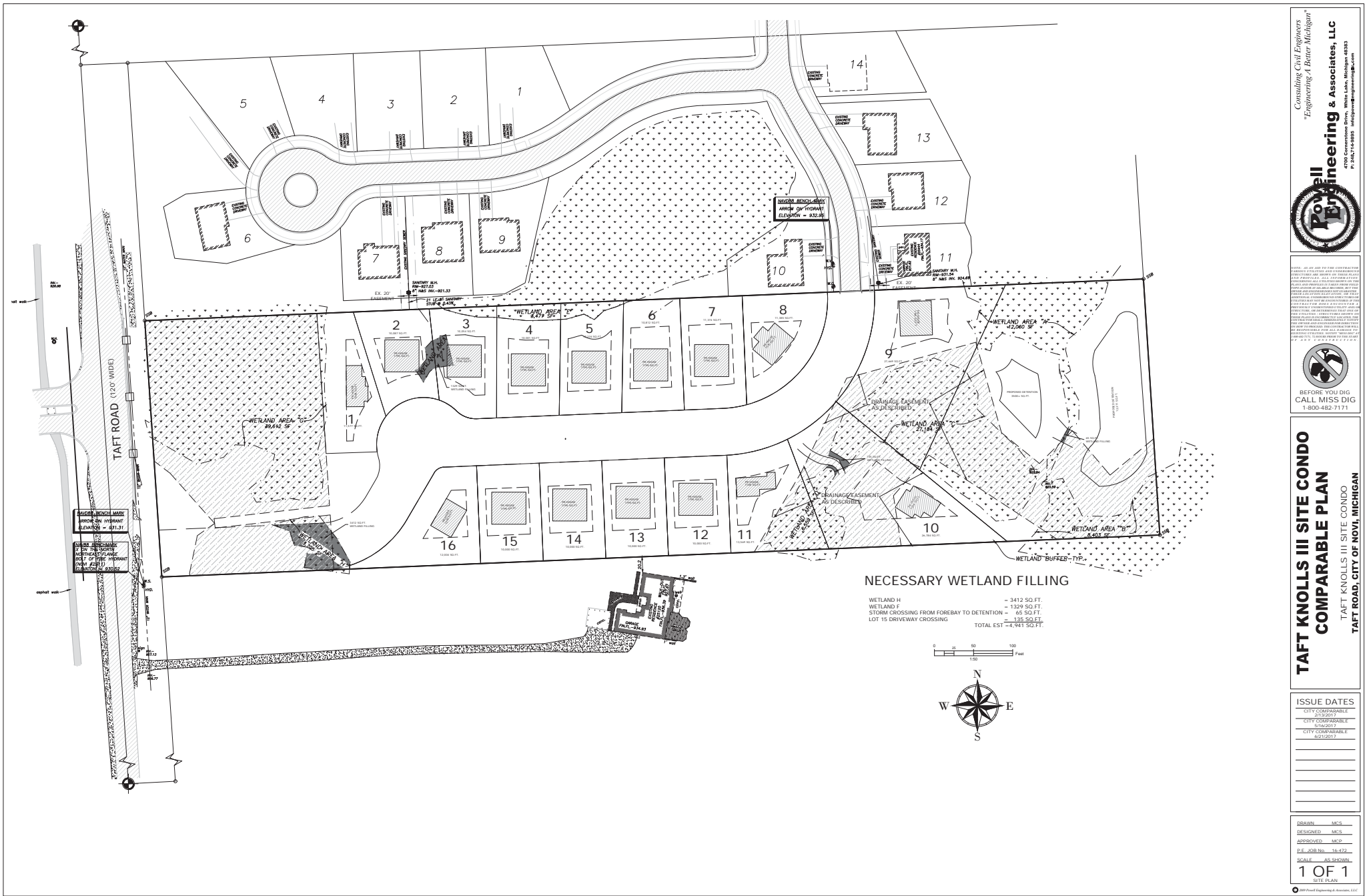
**1. Existing and Proposed Easement Overlay Plan  
(Staff comments)**

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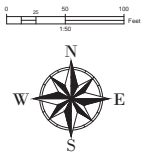
**2. Bonafide plan  
(by applicant)**

---



**NECESSARY WETLAND FILLING**

WETLAND H	= 3412 SQ. FT.
WETLAND F	= 1329 SQ. FT.
STORM CROSSING FROM FOREBAY TO DETENTION	= 65 SQ. FT.
LOT 15 DRIVEWAY CROSSING	= 138 SQ. FT.
<b>TOTAL EST</b>	<b>= 4,944 SQ. FT.</b>



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"Engineering A Better Michigan"

**Powell Engineering & Associates, LLC**  
4750 Cassin Road, Suite 100, Okemos, MI 48864  
P: 517.231.8885 info@powell-engineering.com

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1-800-482-7171

**TAFT KNOLLS III SITE CONDO  
COMPARABLE PLAN**  
TAFT KNOLLS III SITE CONDO  
TAFT ROAD, CITY OF NOVI, MICHIGAN

**ISSUE DATES**

CITY COMPARABLE	03/26/2013
CITY COMPARABLE	03/26/2013
CITY COMPARABLE	04/26/2013

DESIGN: M/S  
DESIGNED: M/S  
APPROVED: M/P  
P.E. JOB No. 16-472  
SCALE: AS SHOWN  
**1 OF 1**  
SITE PLAN

### 3. Existing Drainage easement

---



LIBER 14446893

94 049733

DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Lutheran Church Extension Fund-Missouri Synod, a Missouri Non-Profit Corporation, whose address is 1333 South Kirkwood Road, St. Louis, Missouri 63122 hereby conveys to City of Novi, a Michigan Municipal Corporation, whose address is 45175 West Ten Mile Road, Novi, Michigan 48375, an easement for constructing, operating, maintaining and repairing a storm drainage system in, over, upon and through the following described premises situated in the City of Novi, Oakland County, State of Michigan, to wit:

61026

Part of Lot 4 of "Munro Subdivision", a subdivision of part of the N-W 1/4 of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, as recorded in Liber 61 of Plats, Page 26, Oakland County Records, described as beginning at a point on the South line of Lot 4 located distant S87°30'00"E 757.28 feet from the Southwest corner of said Lot 4; thence S87°30'00"E 128.06 feet; thence N03°52'30"W 64.82 feet; thence N45°59'24"E 68.80 feet; thence S51°50'08"E 196.10 feet; thence S87°30'00"E 190.96 feet; thence N01°16'00"E 122.98 feet; thence S55°07'01"W 72.25 feet; thence N35°25'55"W 74.46 feet; thence S49°55'26"W 59.32 feet; thence N46°05'14"W 62.39 feet; thence N10°55'40"W 120.21 feet; thence S79°21'03"W 171.20 feet; thence S30°41'23"W 132.48 feet; thence S35°28'18"W 119.40 feet to the point of beginning.

22-22-100-012 part parcel

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF.

For the sum of \$ Two Thousand Four Hundred Fifty and 00/100 (\$2,450.00)

As further consideration for the granting of this easement, the City of Novi shall indemnify and save harmless, the Grantor, from and against any and all detriments, damages, losses, claims, suits, costs or other expenses which the Grantor may suffer, sustain, or be subject to caused either wholly or in part, directly or indirectly, by reason of the use of the above premises pursuant to the rights granted herein.

The acquisition of the property rights conveyed herein is an exercise of the City of Novi's eminent domain authority by purchase in lieu of condemnation.

This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Signed in the presence of:

Lutheran Church Extension Fund Missouri Synod, a Missouri Non-Profit Corporation

*[Signature]*  
Doree T. O'Quay  
DEPT. TILLEY

By: *[Signature]*  
Gerald E. Wendt  
Its: Senior Vice President

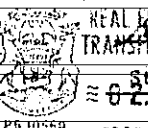
STATE OF MISSOURI  
COUNTY OF ST. LOUIS

REG. DEEDS PAID  
0001 FEB.14.94 02:10PM  
8008 MISC 9.00

The foregoing instrument was acknowledged before me this 16th day of December 1993, by Gerald E. Wendt, Senior Vice President of the Lutheran Church Extension Fund-Missouri Synod

CASINO COUNTY

STATE OF MICHIGAN  
Dept. of Taxation FEB 14 1994



*[Signature]*  
Notary Public  
County of St. Louis Missouri

My Commission Expires:

Drafted by and return to:  
Gary E. Bowman  
JCK & Associates, Inc.  
P.O. Box 759  
Novi, Michigan 48376

OFFICIAL NOTARY SEAL  
SUZANNE M RYAN  
Notary Public State of Missouri  
ST LOUIS COUNTY  
My Commission Expires JUL 15, 1994

REG. DEEDS PAID  
0001 FEB.14.94 02:10PM  
8008 TRSF TX 2.75

N-2729  
8/31/93

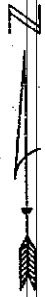
Part of 22-22-100-012

REG. DEEDS PAID  
0001 FEB.14.94 02:10PM  
8008 TRSF TX 2.75

O.K. - J.S.

UBES 144461394

EXHIBIT A



CENTERLINE TAFT ROAD  
60.00' 1/2 R.O.W.

328.00'

S01°05'00" W

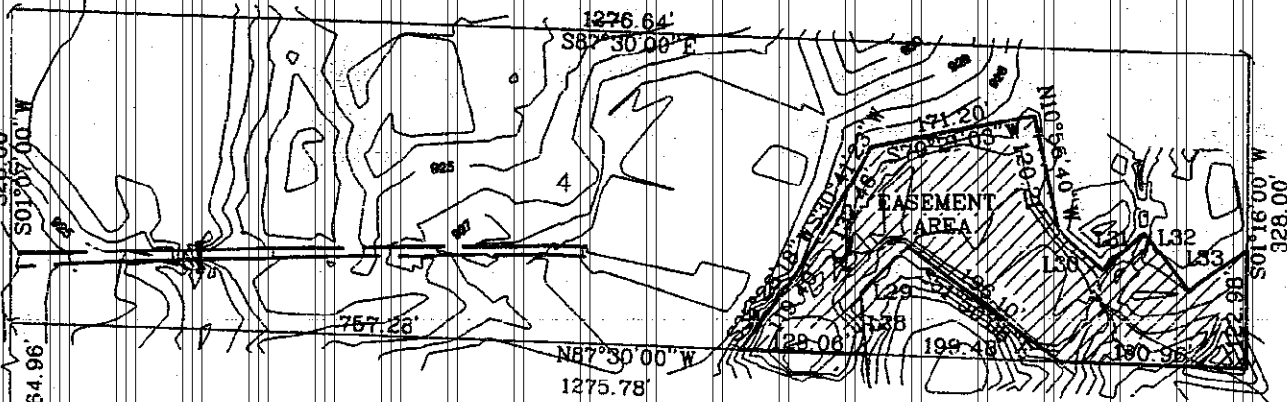
464.96'

60.00'

S87°30'00" E

WEST 1/4 CORNER  
SECTION 22, T.1N R.8E.  
CITY OF NOVI.

OWNER  
22-22-100-012  
LOT# 4 MUNRO SUBDIVISION  
LUTHERAN CHURCH EX FUND  
1333 SOUTH KIRKWOOD ROAD  
ST. LOUIS, MISSOURI 63122  
PARENT PARCEL= 9.61 ACRES: (418,500 S.F.)  
DRAINAGE EASEMENT= 1.53 ACRES: (66,598 S.F.)  
REMAINDER= 8.08 ACRES: (351,902 S.F.)



LINE	DIRECTION	DISTANCE
L28	N03°52'30" W	64.82'
L29	N45°59'24" E	68.80'
L30	N46°05'14" W	62.39'
L31	S49°55'26" W	59.32'
L32	N35°25'55" W	74.46'
L33	S55°07'01" W	72.25'

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**JCK**  
JCK & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
NOVI, MICH. PH. NO. (913) 948 - 2690

YORKSHIRE/CEDARS PRINGS  
DRAINAGE EASEMENT  
PART OF LOT#4 MUNRO SUBDIVISION  
22-22-100-012

Drawn: L.M.C.I.	Date: 5/20/93	Scale: 1"=150'	Sheet No: N-2729
Designed: _____	Checked: _____		

REV. 8-30-93 SUB. NAME L.M.C.I.  
2729-1/22100012.DWG

#### 4. Existing Conservation easement

---

January 8 1987

LIBER 9713 PAGE 779

EASEMENT 8'7 4874

KNOW ALL MEN BY THESE PRESENTS, that LARRY W. CUPP AND JERET L. CUPP, HIS WIFE, WHOSE ADDRESS IS 26150 TAFT ROAD, NOVI, MICHIGAN 48050 hereinafter called Grantors, do hereby donate as a gift to the City of Novi, a Michigan Municipal Corporation, whose address is 45225 West Ten Mile Road, Novi, Michigan 48050, hereinafter called Grantee, being exempt pursuant to MCLA 207.505(a), an easement described herein for the purpose of preserving the floodplain and wetland areas and for ingress and egress purposes across and through the following described land situated in Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan, to wit:

A permanent easement described as beginning at a point on the west property line located N03°46'50"W 148.05 feet from the southwest property corner; thence continuing along the west property line N03°46'50"W 179.95 feet to the northwest property corner; thence along the north property line N87°36'27"E 220.00 feet; thence S03°46'50"E 328.00 feet to the south property line; thence along the south property line S87°36'30"W 184.14 feet; thence N06°12'39"W 8.14 feet; thence N11°35'37"E 49.12 feet; thence N54°48'53"E 27.16 feet; thence N41°30'48"W 46.26 feet; thence N41°42'49"W 39.39 feet; thence N62°39'17"W 22.41 feet to the point of beginning on the west property line. Containing 1.51 acres.

OAKLAND COUNTY RECORDS  
 REC'D  
 JAN 14 1987  
 8 14 53

Driveway Exception - The following is excepted from the aforementioned easement description: A 12 foot wide strip of land with a centerline beginning at a point located N87°36'30"E 35.86 feet; thence N06°12'39"W 8.14 feet; thence N11°35'37"E 49.12 feet and N54°48'53"E 27.16 feet from the southwest property corner; thence N83°30'51"E 148.39 feet to a point of ending on the east line of the aforementioned easement description.

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF.

Said easements being over and across the following described parcel:

①

Lot 4 "Munro Sub.", a part of the NW 1/4 of Section 22, T.1N., R.8E., City of Novi, Oakland County, Michigan.

61076

912

3/20

January 8 1987

USER 9713 PAGE 780

As further consideration for the granting of this Easement, the City of Novi shall indemnify and save harmless, the Grantor, from and against any and all detriments, damages, losses, claims, demand suits, costs, or other expenses which the Grantor may suffer, sustain, or be subject to caused either wholly or in part, directly or indirectly, by reason of the use of the above premises pursuant to the rights granted herein.

The premises so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the City.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures this 14th day of DECEMBER, A.D., 19 86.

Witnessed By:

[Signature]  
FELIX F. SUPERFISKY JR.  
[Signature]  
PAMELA R. SUPERFISKY

Grantor's Signature(s):

[Signature] (L.S.)  
LARRY W. CUPP  
[Signature] (L.S.)  
JERET L. CUPP  
\_\_\_\_\_  
(L.S.)  
\_\_\_\_\_  
(L.S.)

STATE OF MICHIGAN  
COUNTY OF OAKLAND SS

On this 14th day of DECEMBER, A.D., 19 86, before me, a Notary Public in and for said County, appeared LARRY W. CUPP AND JERET L. CUPP (his wife)

to me known to be the person (s) described in and who executed the foregoing instrument and respectively acknowledged the execution thereof to be their free act and deed.

This instrument was drafted by and return to: Michael G. Kalinowski

JCK & ASSOCIATES, INC.  
9215 Dixie Highway  
P.O. Box 329  
Clarkston MI 48016

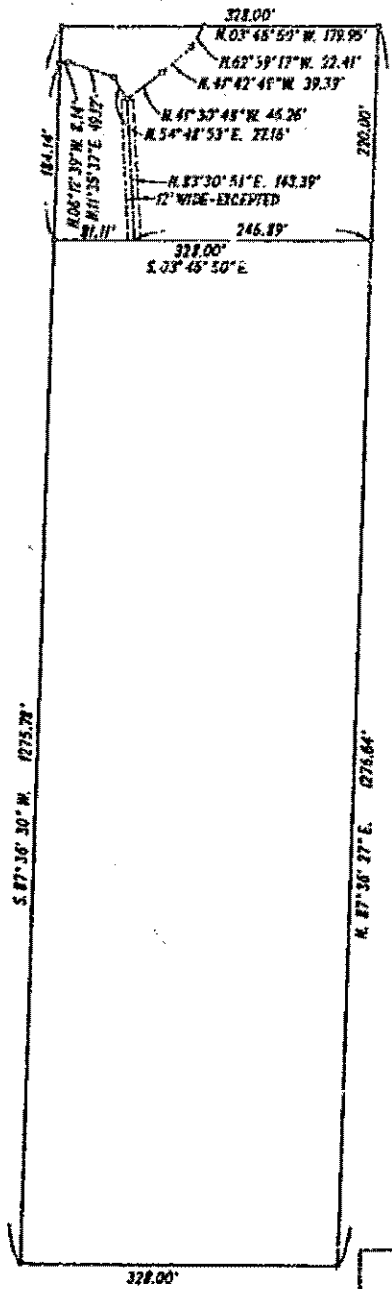
[Signature]  
FELIX F. SUPERFISKY JR. Notary Public  
OAKLAND County, Michigan  
My Commission Expires:  
12-14-86


January 8 1987

LIBER 9713 PAGE 781

EXHIBIT "A"

E TAFT ROAD



		JCK and Associates, Inc. Consulting Engineers Charlotte, N.C. Phone 628-2166			
		<b>CEDAR SPRINGS WEST BASIN</b>			
<b>LOT 4 MUNRO SUB.</b>					
Drawn Checked	Date 12-12-86	Scale NO SCALE	Job No. N-1166	Sheet No. 1	

5. Proposed preservation easement exhibit draft  
(by applicant)

---

# EXHIBIT "A"

RECEIVED

JUL 12 2017

CITY OF NOVI  
COMMUNITY DEVELOPMENT

## CONSERVATION EASEMENT

THE PROPOSED PERMANENT EASEMENT BEING DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SUBJECT PROPERTY; THENCE ALONG THE SOUTH PROPERTY LINE N87°35'35"W, 1275.98 FT. TO THE SOUTHEAST CORNER OF SUBJECT PROPERTY; THENCE ALONG THE EAST PROPERTY LINE N03°39'04"W, 327.73 FT. TO THE NORTHEAST PROPERTY CORNER; THENCE ALONG THE NORTH PROPERTY LINE S87°36'15"W, 252.46 FT; THENCE S02°23'45"E, 64.74 FT.; THENCE S87°35'35"W, 70.10 FT; THENCE S02°46'04"W, 20.33 FT.; THENCE S87°36'15"W, 26.43 FT; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, LENGTH OF 215.82 FT AND RADIUS 209.92 FT, HAVING A CHORD S50°06'29"W, 206.44 FT; THENCE S02°23'11"E, 107.09 FT; THENCE S87°35'34"W, 419.96 FT; THENCE N02°24'25"W, 103.90 FT; THENCE S87°35'35"W, 30.82 FT; THENCE A CURVE TO THE LEFT, LENGTH 10.60 FT AND RADIUS 70.00 FT, HAVING A CHORD S50°33'02"W, 10.59 FT; THENCE S46°12'50"W, 39.52 FT; THENCE ALONG A CURVE TO THE RIGHT, LENGTH 84.02 FT; RADIUS 130.00 FT, HAVING A CHORD S64°43'42"W, 82.56 FT; THENCE S83°14'33"W, 93.12 FT; THENCE ALONG A CURVE TO THE RIGHT, LENGTH 27.36 FT, RADIUS 530.00 FT. HAVING A CHORD S84°43'18"W, 27.36 FT; THENCE S86°12'03"E, 70.02 FT TO THE WEST PROPERTY LINE OF SUBJECT PROPERTY; THENCE S03°47'55"W, 39.20 FT TO THE POINT OF BEGINNING. CONTAINS 3.65 ACRES MORE OR LESS.

ALSO INCLUDING BEGINNING AT THE NORTHWEST PROPERTY CORNER OR POINT OF BEGINNING A; THENCE ALONG THE NORTH PROPERTY LINE N87°36'15"E, 327.93 FT; THENCE S10°10'41"W, 37.92 FT; THENCE S02°14'06"E, 0.83 FT; THENCE S87°35'35"W, 64.00 FT; THENCE S02°14'15"E, 125.83 FT; THENCE S46°13'41"W, 41.23 FT; THENCE ALONG A CURVE TO THE RIGHT LENGTH 36.19 FT, RADIUS 56.04 FT, HAVING A CHORD S64°43'42"W, 35.56 FT; THENCE S83°14'33"W, 93.12 FT; THENCE ALONG A CURVE TO THE RIGHT, LENGTH 19.82 FT, RADIUS 456.00 FT, HAVING A CHORD S84°57'21"W, 19.81 FT TO THE WEST PROPERTY LINE; THENCE ALONG THE WEST PROPERTY LINE N03°47'55"W, 214.80 FT TO THE POINT OF BEGINNING. CONTAINS 1.25 ACRES MORE OR LESS.

ALSO INCLUDING BEGINNING AT POINT OF BEGINNING B BEING 348.42 FT FROM THE NORTHWEST CORNER OF SUBJECT PROPERTY; THENCE ALONG THE NORTH PROPERTY LINE N87°36'15"E, 510.37 FT; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT LENGTH 23.88', RADIUS 129.44 FT, HAVING A CHORD S01°51'01"W, 23.85 FT; THENCE S87°51'20"W, 93.27 FT; THENCE S02°14'58"E, 4.41 FT; THENCE S87°36'36"W, 93.08 FT; THENCE S02°24'25"E, 25.00 FT; THENCE S87°35'35"W, 267.04 FT; THENCE N43°21'51"W, 33.10'; THENCE S87°35'35"W, 39.71 FT; THENCE N10°10'41"E, 28.52 FT TO THE POINT OF BEGINNING AND CONTAINING 0.48 ACRES MORE OR LESS.

## SUBJECT PROPERTY LEGAL DESCRIPTION (TAX I.D. #22-22-100-012)

LOT 4 OF "MUNRO SUBDIVISION" OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22, T.1N, R.8E., CITY OF NOVI, OAKLAND COUNTY, MI, AS RECORDED IN LIBER 61 OF PLATS, PAGE 26, OAKLAND COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST QUARTER CORNER OF SECTION 22; THENCE ALONG THE WEST LINE OF SECTION 22 AND THE CENTERLINE OF TAFT ROAD, N03°47'55"W, 465.64 FT; THENCE N87°35'35"E, 60.02 FT TO THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF TAFT ROAD, NORTH 03°47'55" WEST 328.00 FEET; THENCE ALONG THE SOUTH LINE OF "TAFT KNOLLS II", OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 1879, N87°36'15"E, 1276.83 FT; THENCE ALONG THE WEST LINE OF "CEDARSPRING ESTATES SUBDIVISION NO. 4" AS RECORDED IN LIBER 216 OF PLATS, PAGES 22-27, OAKLAND COUNTY RECORDS, S03°39'04"W, 327.73 FT; THENCE S87°35'35"W, 1275.98 FT TO THE POINT OF BEGINNING. CONTAINS 9.605 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. CONTAINS 9.605 ACRES.

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BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171

NOTES TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/ OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

## CONSERVATION EASEMENT EXHIBIT "A"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better  
Michigan"  
**Powell  
Engineering  
& Associates, LLC**

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895

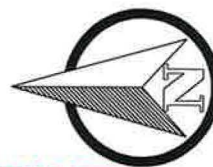
Email: info@powelleng.net

DRAWN	MCS
DESIGNED	MCS
APPROVED	MCP
P.E. JOB No.	12-441
SCALE	1"=180'

**20F2**  
EXHIBIT\_A



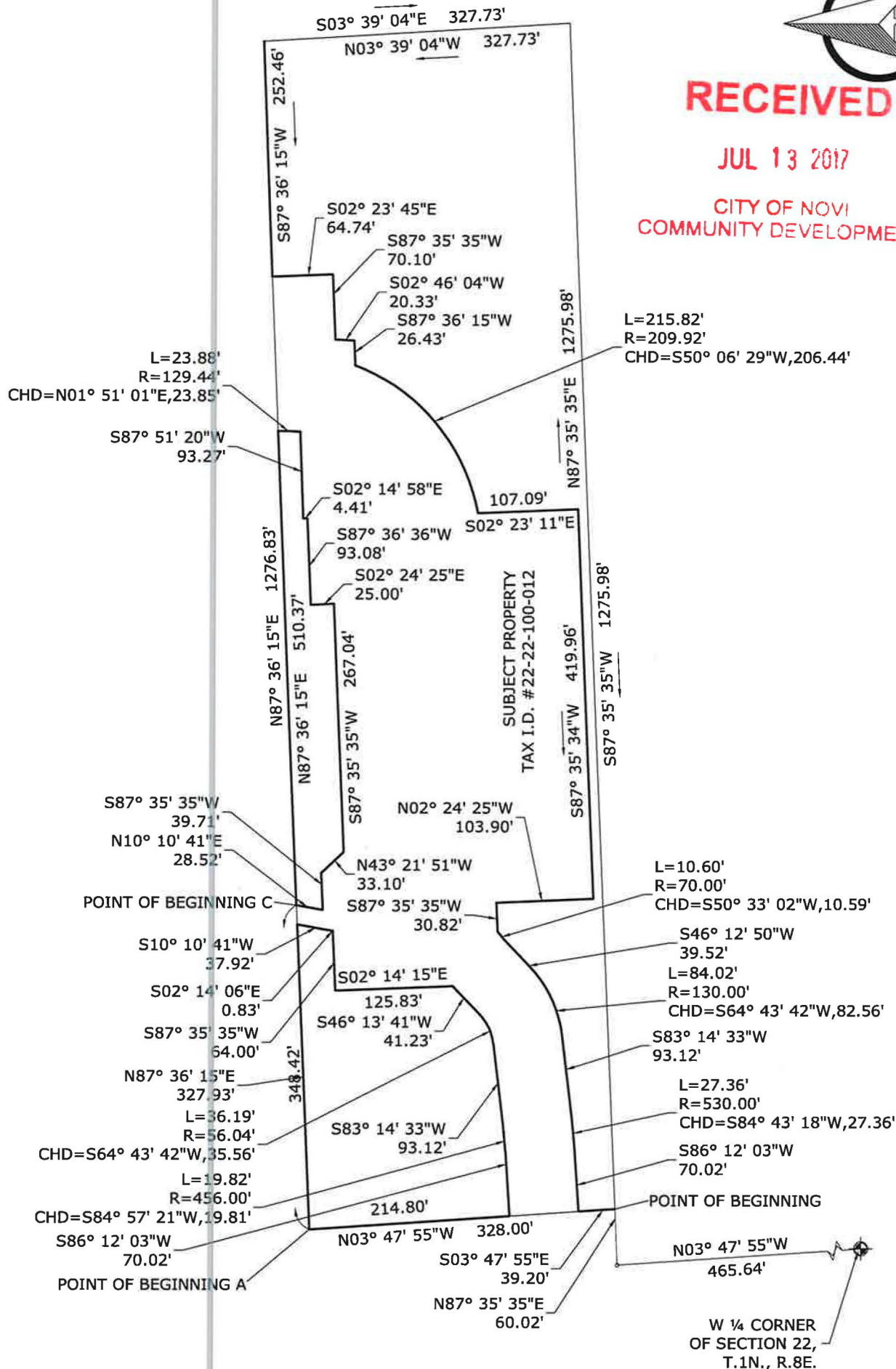
# EXHIBIT "A"



**RECEIVED**

**JUL 13 2017**

**CITY OF NOVI  
COMMUNITY DEVELOPMENT**



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1-800-482-7171**

NOTES TO THE CONTRACTOR VARIOUS UTILITIES AND UNDERGROUND STRUCTURES ARE SHOWN ON THESE PLANS AND PROFILES. ALL INFORMATION CONCERNING ALL UTILITIES SHOWN ON THE PLANS AND PROFILES IS TAKEN FROM FIELD TOPO AND/OR AVAILABLE RECORDS, BUT THE OWNER AND ENGINEER DOES NOT GUARANTEE THEIR LOCATION/ELEVATION, OR THAT ADDITIONAL UNDERGROUND STRUCTURES OR UTILITIES MAY NOT BE ENCOUNTERED. IF THE CONTRACTOR DOES ENCOUNTER A PREVIOUSLY UNIDENTIFIED UTILITY AND/OR STRUCTURE, OR DETERMINES THAT ONE OF THE UTILITIES / STRUCTURES SHOWN ON THESE PLANS IS INCORRECTLY LOCATED, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND ENGINEER FOR DIRECTION ON HOW TO PROCEED. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES. NOTIFY "MISS DIG" AT 1-800-482-7171, 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION.

## CONSERVATION EASEMENT EXHIBIT "A"

TAFT KNOLLS III, CITY OF NOVI, OAKLAND COUNTY, MI



Consulting Civil Engineers  
"Engineering A Better  
Michigan"  
**Powell  
Engineering  
& Associates, LLC**

4700 Cornerstone Dr.  
White Lake, MI 48383  
Office: 248.714.9895

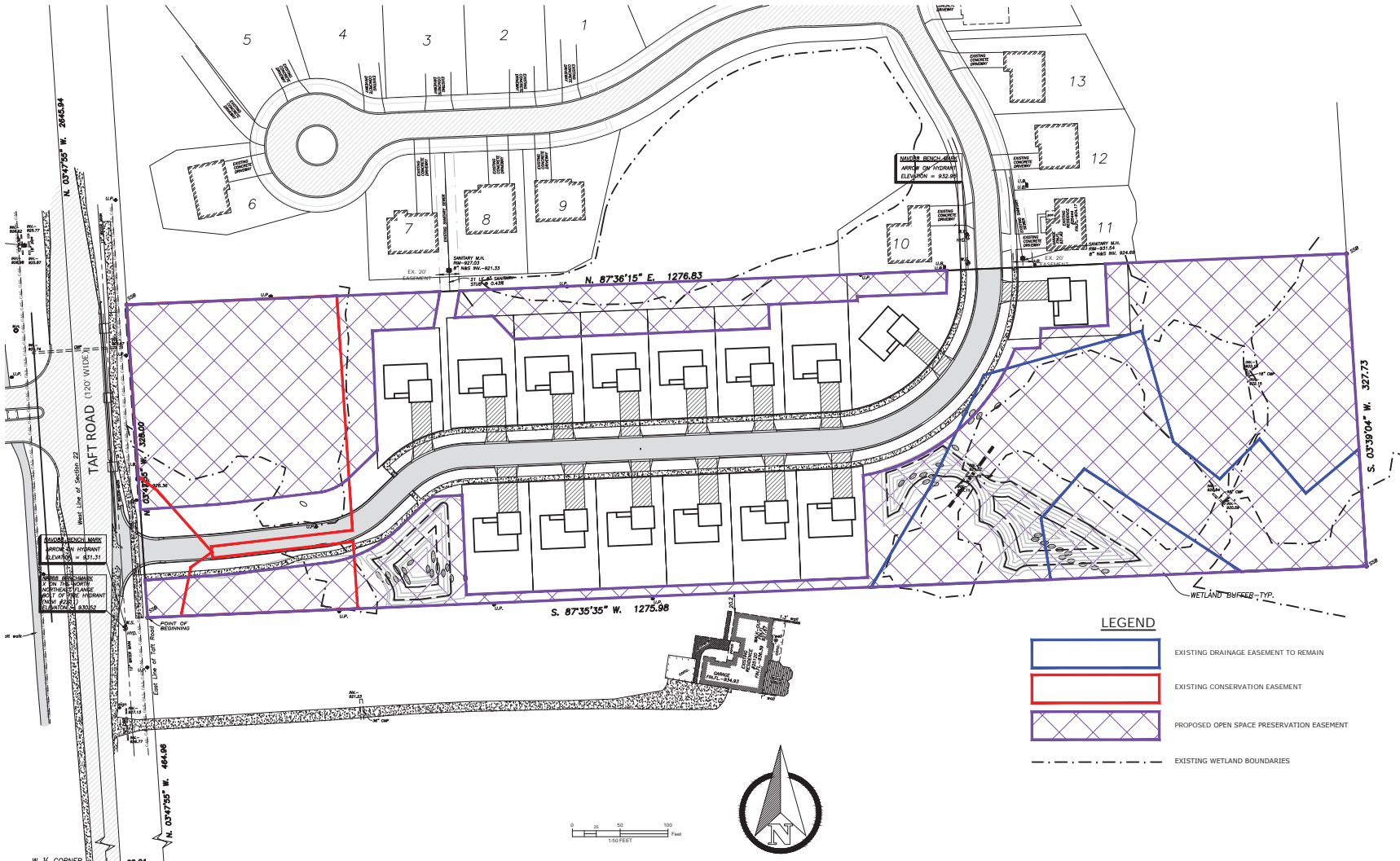
Email: info@powelleng.net

DRAWN MCS  
DESIGNED MCS  
APPROVED MCP  
P.E. JOB No. 12-441  
SCALE 1"=150'

**10F2**  
EXHIBIT\_A

**6. Existing and Proposed Easement Overlay Plan  
(by applicant)**

---



**LEGEND**

	EXISTING DRAINAGE EASEMENT TO REMAIN
	EXISTING CONSERVATION EASEMENT
	PROPOSED OPEN SPACE PRESERVATION EASEMENT
	EXISTING WETLAND BOUNDARIES

Consulting Civil Engineers  
"Engineering A Better Michigan"

**Powell Engineering & Associates, LLC**  
4700 Cornerstone Drive, White Lake, Michigan 48303  
P: 248-714-8882 info@powellengineering.com

NOTE: ALL AREAS SHOWN WITH HATCHING OR OTHER PATTERNS ARE TO BE PRESERVED OR RESTORED TO ORIGINAL OR BETTER CONDITION. ANY CHANGES TO THIS PLAN SHALL BE APPROVED BY THE CITY ENGINEER AND THE STATE DEPARTMENT OF NATURAL RESOURCES. THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEYOR. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS DISCREPANCIES. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE SURVEYOR. THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF POWELL ENGINEERING & ASSOCIATES, LLC.

BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171

**EXISTING AND PROPOSED  
EASEMENT OVERLAY PLAN**  
TAFT KNOLLS III SITE CONDO  
TAFT ROAD, CITY OF NOVI, MICHIGAN

**ISSUE DATES**

EXHIBIT	7/19/2017

DRAWN	MCS
DESIGNED	MCS
APPROVED	MCS
P.E. #/REG.	16472
SCALE	AS SHOWN
<b>S7</b>	SITE PLAN

**PLANNING COMMISSION MEETING MINUTES  
AUGUST 23, 2017  
(Related to JSP 16-67)**

REGULAR MEETING - PLANNING COMMISSION

CITY OF NOVI

August 23, 2017

Proceedings taken in the matter of the PLANNING COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi, Michigan, on Wednesday, August 23, 2017.

BOARD MEMBERS

Mark Pehrson, Chairperson

David Greco

Robert Giacobetti

John Avdoulos

Michael Lynch

Ted Zuchlewski

ALSO PRESENT:

Barbara, McBeth, City Planner

Thomas Schultz, City Attorney

Kirsten Mellem, Planner

Sri Komaragari, Planner

Rick Meader, Landscape Architect

Darcy Rechtien, Engineering

Certified Shorthand Reporter, Diane Szach

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Novi, Michigan.  
Wednesday, August 23, 2017  
7:00 p.m.

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CHAIRPERSON PEHRSON: We'll call to  
order the August 23rd, 2017 Planning Commission  
meeting.

Sri, can you call the roll, please.

MS. KOMARAGIRI: Good evening.

Member Anthony?

CHAIRPERSON PEHRSON: Absent,  
excused.

MS. KOMARAGIRI: Member Avdoulos?

MR. AVDOULOS: Here.

MS. KOMARAGIRI: Member Giacopetti?

MR. GIACOPETTI: Here.

MS. KOMARAGIRI: Member Greco?

MR. GRECO: Here.

MS. KOMARAGIRI: Member Lynch?

MR. LYNCH: Here.

MS. KOMARAGIRI: Chair Pehrson.

CHAIRPERSON PEHRSON: Here.

MS. KOMARAGIRI: Member Zuchlewski?

MR. ZUCHLEWSKI: Here.

CHAIRPERSON PEHRSON: With that,

1 could we rise for the Pledge of Allegiance, please.

2 Member Lynch, could you start us,  
3 please.

4 (Pledge recited.)

5 CHAIRPERSON PEHRSON: Thank you,  
6 sir.

7 With that we'll look for a motion  
8 to amend or approve the agenda.

9 MR. LYNCH: Motion to approve.

10 MR. GIACOPETTI: Second.

11 CHAIRPERSON PEHRSON: We have a  
12 motion and a second. Any other discussion?

13 All those in favor?

14 THE BOARD: Aye.

15 CHAIRPERSON PEHRSON: Anyone  
16 opposed? We have a motion.

17 We do have several items on the  
18 agenda, but there are no public hearings at this time,  
19 so this would be your chance at our first audience  
20 participation. If there's anyone in the audience that  
21 wishes to address the Planning Commission on one of  
22 the matters for consideration, please step forward at  
23 this time.

24 MR. ZACK: Good evening. My name  
25 is Gary Zack. I live at 359 South Lake Drive.

1 natural park.

2 I object to the fact that the  
3 pavilion recently constructed for handicapped access  
4 will now be located a significant distance from the  
5 nearest parking. Previously parking was located  
6 adjacent to this pavilion.

7 I also object that the majority of  
8 individual picnic sites available for families using  
9 the beach are now located in the rear of the park far  
10 from of the beach and separated by pavilions and paved  
11 parking areas. Thank you very much.

12 CHAIRPERSON PEHRSON: Thank you.  
13 Anyone else? Any other audience participation?  
14 Please step forward.

15 MS. TAO: Hi, good evening. My  
16 name is Lian Tao. I am the homeowner of 45257 Sedra  
17 Court, Novi, and I'm trying to express my concern with  
18 regard to the Taft Knoll III that was proposed.

19 I'm writing to say that I object to  
20 the request to develop this property, and because I'm  
21 concerned about the burden that might be placed on the  
22 public at large and the nearby homeowners in Taft  
23 Knolls I and II, in particular with respect to  
24 construction traffic, safety to the children playing  
25 in the subdivisions, home security due to construction



1 contractors entering our subdivision, and tree removal  
2 and timely completion. I mainly want to talk about  
3 the first three points here.

4 In the recent months vehicles  
5 related to preliminary work on the property -- on the  
6 proposed property have accessed the property via Jacob  
7 and the Danyas Way. The subject property has an  
8 established driveway off Taft Road, therefore there is  
9 no reason why construction traffic needs to access the  
10 property by our subdivision. The proposed site plan  
11 developer must be required to use the existing  
12 driveway off Taft Road as its construction entrance.  
13 I request a No Construction Traffic sign be posted at  
14 Jacob Drive and a No Construction Parking sign be  
15 posted at Danyas Way and Sedra Court respectively.  
16 Traffic violation tickets should be issued if  
17 construction vehicles access or park within our  
18 subdivision.

19 Furthermore, the weight of  
20 construction vehicles will put additional burdens on  
21 our streets which will cost unnecessary wear and tear  
22 on the road surface.

23 And the primary reason for our  
24 concern regarding the usage of our streets to access  
25 the development is that they put the children of our

1 subdivision, of our neighborhood at risk  
2 unnecessarily. The additional traffic of nonresidents  
3 will increase the likelihood of accidents of which we  
4 cannot accept.

5 The construction vehicles and high  
6 volume of unknown contractors entering the  
7 two-completed communities, that's Taft Knolls I and II  
8 also puts our properties at risk. In the first four  
9 months of 2017, there have been already nine daytime  
10 home break-ins occur within the City of Novi.

11 Allowing construction vehicles to enter our  
12 neighborhoods would give the potential burglars the  
13 opportunity to pretend to be a contractor, and then  
14 break into a house when he observes homeowner  
15 schedules and knows when the homeowners are not at  
16 home. We are not open to the possibility of such  
17 risks.

18 In the past when the subdivision  
19 was in the process of being finished for Taft Knolls  
20 II, that is our subdivision when it was being  
21 developed, we had already experienced increased  
22 traffic to our existing homes by both contractors  
23 using our -- using our water and electricity without  
24 asking, and the potential buyers walking through our  
25 yards as if we are model homes. This type of activity

1 subdivision, of our neighborhood at risk  
2 unnecessarily. The additional traffic of nonresidents  
3 will increase the likelihood of accidents of which we  
4 cannot accept.

5 The construction vehicles and high  
6 volume of unknown contractors entering the  
7 two-completed communities, that's Taft Knolls I and II  
8 also puts our properties at risk. In the first four  
9 months of 2017, there have been already nine daytime  
10 home break-ins occur within the City of Novi.

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12 neighborhoods would give the potential burglars the  
13 opportunity to pretend to be a contractor, and then  
14 break into a house when he observes homeowner  
15 schedules and knows when the homeowners are not at  
16 home. We are not open to the possibility of such  
17 risks.

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19 was in the process of being finished for Taft Knolls  
20 II, that is our subdivision when it was being  
21 developed, we had already experienced increased  
22 traffic to our existing homes by both contractors  
23 using our -- using our water and electricity without  
24 asking, and the potential buyers walking through our  
25 yards as if we are model homes. This type of activity

1 in addition to the recent home break-ins puts us at an  
2 unnecessary risk.

3 I think in terms of tree removal on  
4 the properties and in terms of my concerns for the  
5 timely completion of the new phase of the neighborhood  
6 I expressed to Sri.

7 So the owner of the property, of  
8 this proposed property is the same person who  
9 completed Taft Knolls II. After numerous extension  
10 and the broken promises, we all had very painful  
11 experiences in just getting the developer to complete  
12 his obligations, and those range from things within  
13 our homes to the completion of common areas and the  
14 sidewalks. I am confident that you can find numerous  
15 examples of issues the City of Novi has had with this  
16 developer. As past history indicates, we are sure  
17 this developer will have the same issues with this new  
18 development. With that being the case, we do not want  
19 to have any association to this development or have  
20 our community be used in this development.

21 Our families deserve to be left in  
22 peace with our neighborhood that has finally been  
23 completed. It is quite possible for the builder to  
24 continue his work, but not in a fashion that connects  
25 our homes to his new development. The request to

1 utilize our subdivision for construction traffic and  
2 to align the new development to our subdivision is an  
3 unnecessary burden and risk that we strongly object  
4 to.

5 Thank you.

6 CHAIRPERSON PEHRSON: Thank you.

7 Is there anyone else?

8 MR. THOMOPOULOS: Good evening. My  
9 name is John Thomopoulos. I live at 425 South Lake  
10 Drive. So I live just east of the park, and I would  
11 like to talk to you tonight about the project for Lake  
12 Shore Park.

13 So clearly living right next to it  
14 I think it's safe to say that I'm probably most  
15 affected with the proposed new building. I know that  
16 there is a lot of concerns that neighbors have raised  
17 previously, some that are speaking tonight. I agree  
18 with those concerns, but rather than rehash the same  
19 concerns, I wanted to focus on specific plans that you  
20 have in front of you tonight, even though I'm opposed  
21 to the size and location of the building.

22 Having said that, I do want to  
23 thank Rob Petty and Jeff Muck. They did stop by my  
24 house to look over the plans and answer some questions  
25 that I have. So thank you, gentlemen. I appreciate

1           that.

2                           The areas that I've got in  
3           particular of concern would be the current plans show  
4           new power lines going up right on the property line  
5           basically five feet from my house. I looked at the  
6           DTE and the NESC guidelines, and they recommend a  
7           minimum of 15 feet. So if there is something we can  
8           do to address that, I'd really appreciate it. Best of  
9           all, if you can bury the power lines, that would be  
10          even better, but having them five feet from my house  
11          seems like an unsafe situation.

12                          I've asked that the existing trees  
13          between my house and the proposed building do not get  
14          taken down regardless of whether it looks like they  
15          might be diseased or not. They provide a lot of  
16          cover. I've got a two-story home and then a  
17          third-story lookout. Basically when I look west, I'm  
18          going to be looking at this building. So if we can  
19          leave the existing trees, that's beneficial for me,  
20          and that shouldn't be any cost to the city.

21                          Given that when I'm in my kitchen,  
22          in my bedroom, on my deck, if I look west, I'm going  
23          to be looking at this building. You know, I  
24          originally built the house, it was next to a beautiful  
25          park. I think we all could agree that that's a very

1 desirable thing to have. We're looking at a 9400  
2 square foot building replacing the park next to my  
3 house. If we can use a combination of solid fencing  
4 similar to what is there right now for the volleyball  
5 court with some new plantings, that can help alleviate  
6 sitting on the deck or sitting in the kitchen and  
7 watching people pulling in and out with their cars.

8 Because of the size of this  
9 building and the size of the parking lot, there is  
10 going to be quite a few cars coming in and out during  
11 the day seven days a week. It's a large building that  
12 is large because you're expecting a lot of people to  
13 use it. So there is going to be a lot of traffic  
14 there.

15 And then lastly, the key point that  
16 I wanted to bring up is with this large parking lot,  
17 there is probably going to be some new water runoff  
18 dynamics from what is currently there. It's not all  
19 asphalt right now. I know that there is plans to have  
20 some retention ponds. If we can make sure that those  
21 things are adequate so that my backyard doesn't start  
22 flooding because of the new grading, that would  
23 appreciated.

24 So if you do proceed with the  
25 proposed building, that once again if I could push a

1 button and make it go away I would, but if you do  
2 proceed with that, I'd like you to take these into  
3 consideration with the final plans.

4 Thank you.

5 CHAIRPERSON PEHRSON: Thank you,  
6 sir.

7 Anyone else?

8 MS. CHAKRABORTY: Good evening. My  
9 name is Debejyo Chakraborty. I am a resident of 45252  
10 Sedra Court, and I have some concerns about the Taft  
11 Knolls III construction project.

12 My main concern is the construction  
13 traffic would probably try to access it through Danyas  
14 Way or through the access through Sedra Court, and we  
15 want to be assured that this will not happen and the  
16 construction traffic goes off of Taft Road and there  
17 would be a No Construction Sign in Taft Knolls I and  
18 II because we have a lot of small kids and they're  
19 always playing. I wanted to raise this to Council and  
20 have this documented at the meeting tonight.

21 Thank you.

22 CHAIRPERSON PEHRSON: Thank you.

23 Anyone else? If you guys want to  
24 line up towards the side just to expedite the stuff.

25 MR. DUNESKE: Good evening. My



1                   The current zoning of the property  
2                   is R-4, (One-Family Residential), on north, east and  
3                   south as well. The properties on west across Taft  
4                   Road are zoned Residential Acreage. The future land  
5                   use designation for the property and surrounding  
6                   properties on north, east and south is single family  
7                   as well. Educational facility is indicated on west.  
8                   The site has substantial portions of regulated  
9                   wetlands along the front and rear property lines. It  
10                  also has a considerable amount of woodlands along the  
11                  east boundary.

12                   The applicant is proposing a 15  
13                   unit single family residential development utilizing  
14                   the Open Space Preservation Option with entrance off  
15                   of Taft Road. Staff identified two existing easements  
16                   which were not included in the site plan at that time.  
17                   The Planning Commission held a public hearing on  
18                   May 10, but postponed their decision to a later  
19                   meeting so that the applicant can work with the staff  
20                   to identify the actual location of the two easements  
21                   in relation to the site plan and evaluate its  
22                   potential impacts.

23                   The existing drainage easement is  
24                   1.53 acres and the preservation easement is 1.51  
25                   acres. A twelve foot wide strip of land was excluded

1 from the easement to allow for driveway access from  
2 Taft Road to the existing home. The applicant is now  
3 proposing to dedicate a total of 5.2 acres of land  
4 into open space preservation option and is also  
5 requesting a 60-foot right-of-way through the  
6 easement. In other words, if the submitted plan is  
7 approved with the proposed easements, the applicant is  
8 proposing to dedicate an additional 2.16 acres to the  
9 city be preserved.

10 A bonafide plan was provided with  
11 the application which identifies how the property will  
12 be developed under conventional development standards.  
13 It is included in the plan which indicates 16 lots  
14 that can be developed under conventional standards.  
15 Staff determined that a maximum of 15 lots can be  
16 proposed eliminating Lot 11 or Lot 10 which is not  
17 feasible.

18 The feasibility of both the  
19 bonafide plan and the proposed Open Space Preservation  
20 Plan is dependent on Council's inclination to modify  
21 the easements. Staff has shared a memo with the City  
22 Council explaining the issues with the easements.  
23 Staff had not received any comments at that time, and  
24 has proceeded to review the plans based on the  
25 assumption that Council will be willing to consider

1 the modifications following Planning Commissions  
2 review of the plan. However, we received one comment  
3 from one Council member this morning expressing some  
4 concern about the proposed modification. Staff's  
5 current recommendation for Planning Commissions's  
6 approval is contingent on Council's approval to the  
7 easement modifications.

8 The applicant is requesting a  
9 reduction of the minimum site area from 10,000 square  
10 feet to 8,000, a minimum lot width reduction from 80  
11 feet to 70, and a minimum side yard reduction from  
12 25 feet total two sides to 20 feet total two sides, as  
13 the proposed site plan utilizes Open Space  
14 Preservation option as preserving approximately 54  
15 percent of open space on site.

16 The current site plan proposes an  
17 extension of existing Danyas Way to provide a through  
18 connection to Taft Road. Engineering review  
19 identified a couple of variances that are required for  
20 lack of sidewalk on one side of the street for a  
21 portion of Danyas Way near the wetlands, one for not  
22 meeting the minimum stormwater detention buffers, and  
23 another one for not providing a stub street at 1300  
24 feet intervals. While staff supports the stub street  
25 variance, staff is not in support of the sidewalk

1 waiver as the proposed impacts indicated by the  
2 applicant to the wetlands are not significant enough.  
3 Staff is not also in support of the vegetated buffer  
4 requirement as there is no precedent for the deviation  
5 and the proposed buffers do not serve the intent of  
6 the requirement. Landscape review identified two  
7 waivers for absence of required berm and five required  
8 street trees along Taft Road due to presence of  
9 existing wetlands. Staff is in support of those two.

10 The distance between Danyas Way and  
11 the Novi Meadows school entrance on the opposite side  
12 of Taft Road do not meet the driveway spacing  
13 requirements. Due to the estimated low volume of  
14 vehicles expected from the development, staff supports  
15 the waiver.

16 There are seven areas of wetlands  
17 on site. The site plan proposes about .13 acres of  
18 fill to five of these wetlands. The amount of fill  
19 does not require any mitigation measures. The site  
20 plan proposes to include wetland buffers on the back  
21 of the properties on the north side of Danyas Way.

22 About 66.4 percent of the regulated  
23 woodlands are being preserved. The proposed removal  
24 would require about 27 replacements, all of them will  
25 be provided on site. The removals are proposed for

1 development of lots and the proposed detention around  
2 the Danyas Way towards the east span.

3 All reviews are recommending  
4 approval contingent on City Council approval of the  
5 variances and engineering deviations and easement  
6 modifications with additional information required at  
7 the time of the Preliminary Site Plan. The Planning  
8 Commission is asked today to consider the site plan  
9 with Open Space Preservation option, site condominium,  
10 wetland and woodland permits, and stormwater  
11 management plan. We have received some public  
12 correspondence regarding this project which was  
13 included in the packet.

14 The applicant is here tonight with  
15 his engineer Mike Powell to address any concerns you  
16 have. Thank you.

17 CHAIRPERSON PEHRSON: Does the  
18 applicant wish to address the Planning Commission at  
19 this time?

20 MR. POWELL: Hello, Planning  
21 Commission. My name is Mike Powell. I'm the design  
22 engineer for the project. And I think the planning  
23 staff did an excellent job in presenting the details  
24 of this particular project, and as what was said, we  
25 were before you on May 10th in our first presentation.

1 Since then we've been working very carefully with  
2 staff to mitigate any of their concerns.

3 There are a couple of items I  
4 wanted to address before the commission tonight.  
5 First of all, the developer, Trowbridge Land  
6 Development, is very concerned about their  
7 presentation here in the city and in their  
8 relationship with the neighbors. They absolutely  
9 understand the neighbors' concern regarding the  
10 construction that might occur through the development.  
11 They are here to commit that all construction traffic  
12 will come in off of Taft Road and there will be a  
13 temporary buffer, and we'll coordinate that very  
14 carefully with the planning and with the fire  
15 department to prevent any construction traffic at all  
16 from coming through the existing development to the  
17 north.

18 There also seemed to be stated in a  
19 couple of the letters that there was concern of the  
20 previous developers of Taft I and Taft II. This is  
21 not the same developer. That development was done  
22 under a different developer, and by means of  
23 coordinating with a bank because of some foreclosure  
24 issues, and so this developer was not part of any of  
25 the development in Taft I and Taft II. To set the

1 record perfectly clear, they did purchase a couple of  
2 lots in there, but they were not responsible for any  
3 of the development requirements, and the bank was  
4 actually required to complete those improvements in  
5 Taft II.

6 That being said, there are a couple  
7 of requests for variations or for easement  
8 modifications. As was said, we have a request before  
9 the City Council for a slight modification in the  
10 conservation easement just to provide access into the  
11 site. Otherwise, the only access in here is through  
12 Danyas Way, and we all believe as traffic and  
13 planning, that the best access off of this site is off  
14 of Taft Road, which requires a 60 foot easement, and  
15 the city's minimum width roadway with the access  
16 through Danyas Way as an emergency access really only  
17 for the secondary access to the site.

18 The bigger issue is the sidewalk  
19 along the wetland area. As can be seen from the hand  
20 there along the wetlands entering Taft there on the  
21 north side of the access drive, it was just strictly  
22 my professional opinion that people have access out to  
23 Taft Road down one side of the roadway. I tried to  
24 minimize the disruption of the wetlands in that area  
25 by making the sidewalk all on the south side of the

1 drive so there would be a crossing on the Danyas Drive  
2 at the end of the homes there, just west of the homes,  
3 and they would cross to the south side of Danyas Way  
4 out to Taft Road, and then they could either way  
5 because there is another crossing out there at Taft  
6 Road. So they could turn south or go north on Taft  
7 Road. So it's just a -- or it was just a  
8 recommendation from a crazy engineer to try to  
9 minimize the disruption of the wetlands, but we opened  
10 that discussion up to the Planning Commission.

11 The other item that is a little  
12 more subjective is none of the lots encroach into any  
13 of the wetlands on this site. However, there are a  
14 number of lots that encroach the rear yards and one of  
15 the side yards, encroach into the buffer yard of the  
16 wetlands, and the request from the developer is to  
17 allow him to put signs along the rear yards and right  
18 along that buffer line notifying those homeowners, and  
19 of course it's in their Master Deed and Bylaws  
20 identifying that that is a permanent buffer easement  
21 for those wetlands letting them know that no  
22 fertilizing, no mowing, no cutting of any kind is to  
23 go beyond that 25 foot buffer line. And that probably  
24 needs additional discussion with the Planning  
25 Commission as well.



1                   Otherwise we're asking for your  
2 approval for this open space plan. As Sri pointed  
3 out, the standard development can be done with that  
4 15 lots. We believe the open space development  
5 substantially improves the preservation of the  
6 wetlands and fits the design of this lot or this  
7 parcel a great deal more than the standard development  
8 does. Therefore we're before you tonight to ask for  
9 the open space approval as well as recommendation to  
10 the City Council for the various modifications and the  
11 easement requirements.

12                   And I'm here certainly to answer  
13 any questions and not belabor the design. I think the  
14 staff did an excellent job in presenting it. Thank  
15 you.

16                   CHAIRPERSON PEHRSON: Thank you,  
17 sir. One question for Barb or Sri, what would this  
18 development conceptually look like without the open  
19 space relative to where we would be encroaching?

20                   MS. KOMARAGIRI: The one on your  
21 the screen is the bonafide plan that is submitted,  
22 which would be the alternate if they didn't go with  
23 the open space preservation option.

24                   MS. McBETH: Just to clarify, we  
25 don't believe that they would be able to get that lot

1 that Sri is pointing out right there because of the  
2 difficulty of accessing that.

3 CHAIRPERSON PEHRSON: Okay. Thank  
4 you.

5 MS. McBETH: We would point out,  
6 too, a couple of the homes are slightly unusual in  
7 terms of the shape, but they would still meet the  
8 minimum size that would be required for that district.

9 CHAIRPERSON PEHRSON: Very good.  
10 Thank you, appreciate that.

11 We'll turn it to over to the  
12 Planning Commission. Member Lynch.

13 MR. LYNCH: How are you. It looks  
14 like, you know, just listening to the comments of  
15 homeowners and reading the letters, there's three  
16 basic concerns, the construction traffic.

17 MR. POWELL: Yes.

18 MR. LYNCH: And they could pretty  
19 much address that. What guarantee do they have that  
20 the construction isn't going to be going through their  
21 neighborhood?

22 MR. POWELL: The owner is certainly  
23 willing to as I said put up a buffer there to not  
24 allow the physical entrance to traffic. We'd have to  
25 coordinate that with the fire department very

1 carefully to make sure that emergency access was in  
2 there, but we would be able to build a permanent or a  
3 physical buffer there.

4 MR. LYNCH: So no construction is  
5 going to be going through the existing thoroughfares  
6 that are in the existing neighbor, is that right?

7 MR. POWELL: Zero construction,  
8 correct.

9 MR. LYNCH: Okay. The second thing  
10 was, let's see here, was timely completion of the  
11 project. I'm looking at -- that's not what is being  
12 proposed what is on the screen, is it?

13 MR. POWELL: No. That's the  
14 standard development plan. I think the letter is  
15 stating that the development to the north, Taft II,  
16 took a long time, and as Planning Commission  
17 remembers, that was during the down turn in the  
18 economy, and so it was lost from the developer to the  
19 bank, and another bank bought it out.

20 MR. LYNCH: So that was kind of the  
21 reason that --

22 MR. POWELL: Yes.

23 MR. LYNCH: And I understand their  
24 concern is like, God, I'm going to have to have  
25 construction going on here for 15 years.

1 MR. POWELL: Right.

2 MR. LYNCH: But if this project is  
3 approved, odds are it's going to get developed  
4 relatively quickly.

5 MR. POWELL: The owner has told me  
6 it will be a six-month buildable build out.

7 MR. LYNCH: Then basically that's  
8 the two major concerns. The tree thing, I didn't look  
9 that you're going to violate any ordinances?

10 MR. POWELL: We aren't, and we're  
11 replacing trees that have to come out due to the  
12 construction, that is correct.

13 MR. LYNCH: Okay. The conservation  
14 easement that separates I think it's Knolls II and  
15 Knolls III, you just talked about a sign. I'm  
16 familiar with conservation easements. Who enforces  
17 those conservation easements? Does the city enforce  
18 it? I mean, yes, you can put it in the bylaws, but  
19 trust me, there's not a board in the world that's  
20 going to go tell one of their homeowners that they  
21 can't do something.

22 MR. POWELL: And I understand the  
23 concern. The reality is the owner has been  
24 contemplating what to do. Certainly we don't want to  
25 put chain-link fence up through the development.

1 MR. LYNCH: No, no. I'm more  
2 looking at an enforcement. Because what happens with  
3 these things is all of a sudden this wetland area,  
4 which is supposed to be this, all of sudden somebody  
5 starts mowing in and mowing in and mowing in, and  
6 pretty soon you've got these two places -- I mean,  
7 they're right next to each other.

8 MR. POWELL: Correct.

9 MR. LYNCH: Does the city under the  
10 wetland ordinance, would they have the authority -- so  
11 in other words, if somebody from Knolls II although --  
12 let me back up just one second. Is this all part of  
13 one condominium association?

14 MR. POWELL: It is not. Knolls III  
15 will be its own independent condominium association.

16 MR. LYNCH: Okay. So that makes it  
17 even more interesting. Then if those Knolls II sees  
18 an infringement into the conservation easement from  
19 Knolls III, the city, they can contact the ordinance,  
20 right, contact the ordinance officer, and they can  
21 come out there and resolve that, is that how it works?

22 MR. SCHULTZ: Through the chair.  
23 That is how that works. It's on a complaint basis.  
24 The city doesn't have an inspection program.

25 MR. LYNCH: I'm doing this for a

1 point, because that it doesn't have it.

2 MR. SCHULTZ: Sure. But  
3 absolutely, if the city -- if we're the owner of a  
4 conservation easement or the benefiting party.

5 MR. LYNCH: Well, we are the  
6 benefiting party.

7 MR. SCHULTZ: Right. And we hear  
8 of a violation, absolutely, we inspect and take  
9 appropriate action.

10 MR. LYNCH: Okay. So the Knolls II  
11 people understand that if all of sudden this stuff  
12 starts to migrate, they have the right to contact the  
13 city to say, look, stop cutting down this conservation  
14 so we can maintain that buffer. Okay.

15 So the construction traffic, the  
16 primary concern, there is not going to be anything  
17 going through that neighborhood. The time of  
18 the stuff, odds are now since now it's out of  
19 foreclosure, odds are if they can start moving on this  
20 thing, within one year it's going to be done?

21 MR. POWELL: Correct.

22 MR. LYNCH: Then as far as the  
23 trees go, you guys are meeting most of our ordinances  
24 on the buffer plantings and all that other stuff?

25 MR. POWELL: That's correct.

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MR. LYNCH: All right. Thank you.

CHAIRPERSON PEHRSON: Thank you,  
Member Lynch.

Any other comments?

Member Avdoulos.

MR. AVDOULOS: Thank you. The question of the sidewalk on the north side, does the city have a recommendation? The only reason I ask is because I know there was a concern not to disrupt any wetland or anything that would sort of impede like the natural flow on that side, but I don't know, if there is a concern and we think it's a good idea, then I would like to see it implemented. If it's something that would be of benefit to the natural resource there, then I'm fine with the way it's been presented.

MS. KOMARAGIRI: As part of the DCS variance request, the applicant has provided the numbers, like how much wetlands would have to be impacted if they proposed a sidewalk, and they expressed a concern that if those impacts were approved, then they may hit the threshold, the mitigation threshold requirement, but staff looked at the numbers, and we don't agree that they would still be under mitigation requirement threshold, and the impacts are very minor, under .1 acre. So if city

1 would still -- I mean, there is a conflict between  
2 impacting wetlands and providing connectivity.  
3 Sidewalk is a preference because maintenance-wise it  
4 is easy for the city to maintain concrete sidewalks.  
5 Boardwalk is another alternative but not highly  
6 preferred because it comes with its own set of  
7 challenges.

8 MR. AVDOULOS: Right, which I'm  
9 learning on the Walkable Novi Committee. So then I  
10 would like to see the sidewalk continue across.

11 MR. POWELL: No problem then,  
12 Commissioner.

13 MR. AVDOULOS: And then the --  
14 yeah, as we talked, if there is signage for the buffer  
15 line, that that would work out great. I've seen it in  
16 other developments, and people are pretty respectful  
17 with it.

18 MR. LYNCH: Depends on the people.

19 MR. AVDOULOS: Exactly. Everything  
20 depends on the people. I like the idea that we're  
21 developing this piece, because now it will make this a  
22 more contiguous -- it's not a contiguous development,  
23 but just the traffic flow and everything through that  
24 makes it a lot safer, and having that dead end there  
25 really doesn't make sense. And then I like the fact



1 that we've got a large amount of open space for the  
2 property to the east of this. So I appreciate that,  
3 and, you know, I'm in support of the project.

4 CHAIRPERSON PEHRSON: Thank you.  
5 Member Greco.

6 MR. GRECO: Yes, I would like to  
7 make a motion and just a brief comment. I think the  
8 development looks fine. It is zoned for what it is  
9 zoned, so although I'm looking at the correspondence  
10 and some of the comments that we heard from the  
11 members of the community, you know, it is a school  
12 time drop off traffic issue in this area, but given  
13 it's zoned appropriately for this development, and the  
14 way the set up it.

15 So with that, I would like to make  
16 a motion. In the matter of Taft Knolls III JSP16-67,  
17 motion to approve the preliminary site plan, open  
18 preservation, and site condominium based upon and  
19 subject to the items listed A through J in the motion  
20 sheet with Member Avdoulos' addition of the signage  
21 that he talked to and the continuation of the  
22 sidewalk. And this motion is made because the plan is  
23 otherwise in compliance with Article 3, Article 4, and  
24 Article 5 of the Zoning Ordinance and all other  
25 applicable provision of the Ordinance.

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MR. AVDOULOS: Second.

CHAIRPERSON PEHRSON: We have a motion by Member Greco, a second by Member Avdoulos. Member Giacobetti.

MR. GIACOPETTI: If I may through the chair ask counsel for some clarification of the motion as drafted.

CHAIRPERSON PEHRSON: Sure.

MR. GIACOPETTI: Item E, there is an "or" in Item E. Which one is staff recommending?

MS. KOMARAGIRI: We revised the motion, and there's an "or" for Item E and Item F. Do I understand correctly for Item F the Planning Commission is recommending to go with the first one, and so we strike after the or?

MR. GRECO: Correct.

MS. KOMARAGIRI: For Item E, staff's recommendation is to revise the plan to provide the buffers because the minimum required buffers around the stormwater retention is 25. The applicant is asking for a reduction of up to seven feet. We don't have a precedent for such a request, and we'd like to -- we would request the applicant to revise plan to meet the buffer requirement.

MR. GIACOPETTI: So a friendly

1 amendment that it stops after the or?

2 MR. GRECO: Yes, accepted.

3 CHAIRPERSON PEHRSON: Does the  
4 seconder accept?

5 MR. AVDOULOS: Yes.

6 MR. GIACOPETTI: I have one last  
7 question.

8 CHAIRPERSON PEHRSON: Please, yes.

9 MR. GIACOPETTI: Are we able in a  
10 recommendation to include language concerning traffic  
11 control requirements, or is that outside of our --

12 MS. KOMARAGIRI: The construction  
13 entrance off of Taft?

14 MR. GIACOPETTI: Correct. Are we  
15 allowed to add -- is it appropriate for us to add  
16 language in here that clarifies or just solidifies  
17 what the applicant said?

18 MR. SCHULTZ: Through the chair, I  
19 think the applicant has actually affirmatively said  
20 that he would do that, and I think under those  
21 circumstances I think it's appropriate. I would make  
22 it subject to review by your building department and  
23 engineering department to make sure they're in  
24 agreement with it, but assuming they are, I think we  
25 can add that.

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MS. KOMARAGIRI: I think we can say that at the time of soil erosion control permit review.

MR. SCHULTZ: Okay.

CHAIRPERSON PEHRSON: Does the maker of the motion accept that friendly amendment?

MR. GRECO: Accepted.

CHAIRPERSON PEHRSON: Secunder?

MR. AVDOULOS: Yes.

MR. GIACOPETTI: It's a motion to restrict traffic on is it Danyas Road?

CHAIRPERSON PEHRSON: Yes, Danyas off of Taft.

MR. GIACOPETTI: That the applicant would --

CHAIRPERSON PEHRSON: He's got it.

MR. SCHULTZ: Construction traffic limited to Taft Road subject to confirmation with city staff at first building permit review.

MR. GIACOPETTI: Thank you. You crystalized my thoughts.

CHAIRPERSON PEHRSON: Good catch. Thank you.

With that, any other discussions?

Sri, can you call the roll, please.

1 MS. KOMARAGIRI: Thank you. And I  
2 apologize, I couldn't follow --

3 CHAIRPERSON PEHRSON: It was Member  
4 Greco, and Avdoulos was the second.

5 MS. KOMARAGIRI: Member Lynch?

6 MR. LYNCH: Yes.

7 MS. KOMARAGIRI: Chair Pehrson?

8 CHAIRPERSON PEHRSON: Yes.

9 MS. KOMARAGIRI: Member Zuchlewski?

10 MR. ZUCHLEWSKI: Yes.

11 MS. KOMARAGIRI: Member Avdoulos?

12 MR. AVDOULOS: Yes.

13 MS. KOMARAGIRI: Member Giacopetti?

14 MR. GIACOPETTI: Yes.

15 MS. KOMARAGIRI: Member Greco?

16 MR. GRECO: Yes.

17 MS. KOMARAGIRI: Motion passes 6 to  
18 0.

19 MR. POWELL: Thank you, Council,  
20 very much.

21 MR. GRECO: Next I would like to  
22 make another motion. In the matter of Taft Knolls  
23 III, JSP16-67, motion to approve the wetland permit  
24 based on and subject to the applicant should consider  
25 demarcation of the wetland buffers on-site behind lots

1 4, 5, 6, 7, 14 and 15 through the use of proposed  
2 easement signage and potentially other means such as  
3 boulders and decorative fencing along the setback  
4 boundaries; the findings of compliance with Ordinance  
5 standards in the staff and consultant review letters;  
6 and the conditions and items listed in those letters  
7 being addressed on the Final Site Plan; and because  
8 the plan is otherwise in compliance with Chapter 12,  
9 Article V of the Code of Ordinances and all other  
10 applicable provisions of the Ordinance.

11 MR. AVDOULOS: Second.

12 CHAIRPERSON PEHRSON: We have a  
13 motion by Member Greco, second by Member Avdoulos.

14 Any other comments?

15 Sri, please.

16 MS. KOMARAGIRI: Chair Pehrson?

17 CHAIRPERSON PEHRSON: Yes.

18 MS. KOMARAGIRI: Member Zuchlewski?

19 MR. ZUCHLEWSKI: Yes.

20 MS. KOMARAGIRI: Member Avdoulos?

21 MR. AVDOULOS: Yes.

22 MS. KOMARAGIRI: Member Giacopetti?

23 MR. GIACOPETTI: Yes.

24 MS. KOMARAGIRI: Member Greco?

25 MR. GRECO: Yes.

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MS. KOMARAGIRI: Member Lynch?

MR. LYNCH: Yes.

MS. KOMARAGIRI: Motion passes 6 to 0.

MR. GRECO: Next I'd like to make a motion, another one. In the matter of Taft Knolls III JSP16-67, motion to approve the woodland permit based on and subject to 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 because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.

MR. AVDOULOS: Second.

CHAIRPERSON PEHRSON: We have a motion by Greco, second by Avdoulos.

Any other comments?

Sri, please.

MS. KOMARAGIRI: Thank you. Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. KOMARAGIRI: Member Avdoulos?

MR. AVDOULOS: Yes.

MS. KOMARAGIRI: Member Giacopetti?

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MR. GIACOPETTI: Yes.

MS. KOMARAGIRI: Member Greco?

MR. GRECO: Yes.

MS. KOMARAGIRI: Member Lynch?

MR. LYNCH: Yes.

MS. KOMARAGIRI: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. KOMARAGIRI: Motion passes 6 to 0.

MR. GRECO: Finally I'd like to make another motion. In the matter of Taft Knolls III JSP16-67, motion to approve the stormwater management plan based on and subject to 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 because it is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

MR. AVDOULOS: Second.

CHAIRPERSON PEHRSON: Motion by Member Greco, second by Member Avdoulos.

Any other comments?

Sri, please.

MS. KOMARAGIRI: Member Giacopetti?



1 MR. GIACOPETTI: Yes.  
2 MS. KOMARAGIRI: Member Greco?  
3 MR. GRECO: Yes.  
4 MS. KOMARAGIRI: Member Lynch?  
5 MR. LYNCH: Yes.  
6 MS. KOMARAGIRI: Chair Pehrson?  
7 CHAIRPERSON PEHRSON: Yes.  
8 MS. KOMARAGIRI: Member Zuchlewski?  
9 MR. ZUCHLEWSKI: Yes.  
10 MS. KOMARAGIRI: Member Avdoulos?  
11 MR. AVDOULOS: Yes.  
12 MS. KOMARAGIRI: Most passes 6 to  
13 0.  
14 CHAIRPERSON PEHRSON: Now you're  
15 all set.  
16 MR. POWELL: Thank you again,  
17 Commission.  
18 CHAIRPERSON PEHRSON: Item Number 4  
19 is the approval of the June 14, 2017 Planning  
20 Commission Minutes.  
21 MR. LYNCH: Motion to approve.  
22 MR. AVDOULOS: Second.  
23 CHAIRPERSON PEHRSON: There's a  
24 motion and a second. And I have a correction if I  
25 might. Page 51, Line Item 20, where it refers to

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C E R T I F I C A T E

I, Diane L. Szach, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the above-entitled matter at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of (121) pages, is a true and correct transcript of my said stenograph notes.

*Diane L. Szach*

Diane L. Szach, CSR-3170  
(Acting in Wayne County)  
Oakland County, Michigan  
My Commission Expires: 3/9/18

September 11, 2017.

**PLANNING COMMISSION MEETING MINUTES  
JUNE 14, 2017  
(Public Hearing for JSP 16-67)**

REGULAR MEETING - PLANNING COMMISSION

CITY OF NOVI

June 14, 2017

Proceedings taken in the matter of the PLANNING  
COMMISSION, at City of Novi, 45175 West Ten Mile Road, Novi,  
Michigan, on Wednesday, June 14, 2017

BOARD MEMBERS

Mark Pehrson, Chairperson

Robert Giacometti

John Avdoulos

Tony Anthony

Ted Zuchlewski

ALSO PRESENT: Sri Komaragiri, City Planner,  
Barbara McBeth, City Planner, Kirsten Mellem, City Planner.  
Rick Meader, Landscape Architect, Thomas Schultz, City Attorney,  
Darcie Reichiten, Engineer.

Certified Shorthand Reporter: Jennifer L. Wall

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Novi, Michigan.

Wednesday, June 14, 2017

7:00 p.m.

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CHAIRPERSON PEHRSON: I would like to call to order the June 14th, 2017 regular meeting of the Planning Commission. Sri?

MS. KOMARAGIRI: Member Anthony.

MR. ANTHONY: Here.

MS. KOMARAGIRI: Member Avdoulos?

MR. AVDOULOS: Here.

MS. KOMARAGIRI: Member Giacopetti.

MR. GIACOPETTI: Here.

MS. KOMARAGIRI: Member Greco?

CHAIRPERSON PEHRSON: Absent, excused.

MS. KOMARAGIRI: Member Lynch?

CHAIRPERSON PEHRSON: Absent, excused.

MS. KOMARAGIRI: Chair Pehrson?

CHAIRPERSON PEHRSON: Here.

1 MS. KOMARAGIRI: Member  
2 Zuchlewski?

3 MR. ZUCHLEWSKI: Here.

4 CHAIRPERSON PEHRSON: With that,  
5 if we could stand for the Pledge of  
6 Allegiance.

7 (Pledge recited.)

8 CHAIRPERSON PEHRSON: Look for a  
9 motion to approve the agenda or modify  
10 thereof.

11 MR. GIACOPETTI: Motion to  
12 approve the agenda.

13 MR. ANTHONY: Second.

14 CHAIRPERSON PEHRSON: We have a  
15 motion and a second, any comments? All those  
16 in favor say aye.

17 THE BOARD: Aye.

18 CHAIRPERSON PEHRSON: We have an  
19 agenda.

20 Come to our first audience  
21 participation. We have three public  
22 hearings. If there is anyone in the audience  
23 that wishes to address the Planning

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MS. MELLEEM: Chair Pehrson?

CHAIRPERSON PEHRSON: Yes.

MS. MELLEEM: Member Zuchlewski?

MR. ZUCHLEWSKI: Yes.

MS. MELLEEM: Member Anthony?

MR. ANTHONY: Yes.

MS. MELLEEM: Member Avdoulos?

MR. AVDOULOS: Yes.

MS. MELLEEM: Most passes five to zero.

CHAIRPERSON PEHRSON: Thank you.

Next is Taft Knolls III, JSP16-67. It's a public hearing at the request of 25150 Taft Road, LLC for preliminary site plan with open space preservation option, site condominium, wetland permit, woodland permit and storm water management plan approval.

The subject property is located in Section 22, south of Eleven Mile Road and east of Taft Road and is zoned R4, one family residential. The applicant is proposing to construct up to 15 unit single family residential development, site condominiums,

1 utilizing the open space preservation option.

2 Sri.

3 MS. KOMARAGIRI: Good evening.

4 The subject property is located on the east  
5 side of Taft Road, north of Ten Mile Road in  
6 Section 22 of the City of Novi. The property  
7 totals about 9.6 acres. The current zoning  
8 of the property is R4, one family  
9 residential, on the northeast and south. The  
10 property is zoned west across Taft Road are  
11 zoned residential acreage. Parkview  
12 Elementary School is located west of Taft,  
13 across the public subject.

14 The future land designation for  
15 surrounding properties on north, east and  
16 south is single family, educational facility  
17 is indicated on the west.

18 The site has substantial  
19 portion of regulated wetlands along the front  
20 and rear property lines. It has also a  
21 considerable amount of woodlands along the  
22 east boundary.

23 Prior to scheduling the public



1 hearing, staff and consultants reviewed the  
2 plan and were recommending approval subject  
3 to certain conditions and deviations.

4 However, just yesterday we came  
5 across two preexisting easements on the  
6 property that were not indicated on the  
7 current site plan. We believe that they may  
8 have an impact on the bona fied plan review  
9 and certain other elements. Staff would like  
10 to work with the applicant to identify the  
11 actual location of these easements in  
12 relation to the site plan and evaluate its  
13 potential impacts.

14 The applicant agreed with  
15 staff's recommendation and are now requesting  
16 a postponement. We have received some public  
17 comments regarding the project and had few  
18 people who came by the office to know more  
19 about the project. If the Commission is  
20 interested, I can go ahead with the regular  
21 presentation for the benefit of any public  
22 who are here.

23 CHAIRPERSON PEHRSON: Sure.

1 MS. KOMARAGIRI: The applicant is  
2 proposing a 15 unit single family residential  
3 development utilizing the open space  
4 preservation option, with the entrance off  
5 Taft Road. The open space preservation  
6 option is intended to increase the long term  
7 preservation of open space and natural  
8 features and the provision of recreation and  
9 open space areas. The site plan meets the  
10 general eligibility requirements outlined in  
11 the ordinance. The site plan proposes to  
12 make some modifications to existing natural  
13 features as required to meet the storm water  
14 requirements and preserve about 54 percent of  
15 the disturbed and the undisturbed natural  
16 features in the permanent open space  
17 preservation easement.

18 The applicant provided a bona  
19 fied plan which identifies how the property  
20 will be developed under the conventional  
21 development standards. The bona fied plan is  
22 included in the packet, which indicates 16  
23 lots that can developed under conventional

1 development standards. The easement -- the  
2 new information about the easements may or  
3 may not affect the number.

4 The applicant is requesting a  
5 reduction of minimum site area from 10,000  
6 square feet to 8,000, and the minimum lot  
7 width from 80 feet to 70 feet, a minimum side  
8 yard setback from 25 feet on two sides to  
9 20 feet on two sides. The proposed site plan  
10 utilizes the open space preservation by  
11 preserving 54 percent of the open space.

12 Landscape review identifies two  
13 waivers for absence of required berm and five  
14 required landscape trees along Taft Road due  
15 to the presence of existing wetlands.  
16 Landscape review recommends approval.

17 The current site plan proposed  
18 extension of existing Danya's Way to provide  
19 a through connection to Taft Road. Storm  
20 water is collected and directed to two  
21 proposed separate detention basins.  
22 Engineering's review identified a couple of  
23 variances that are required, a DCS variance

1 for lack of sidewalk on one side of the  
2 street for small a portion of Danya's Way  
3 near the wetlands at the front entrance, and  
4 the other one for not meeting the minimum  
5 storm water detention pond buffers, another  
6 one for not providing a stub street at 1,300  
7 feet intervals along the property line.

8 The distance between Danya's  
9 Way and the Novi Meadows school entrance on  
10 the opposite side of Taft Road will not meet  
11 the driving spacing requirement due to the  
12 estimated low volume of vehicles expected  
13 from the proposed development. Staff  
14 supports the waiver.

15 The applicant is also  
16 requesting a City Council variance -- I'm  
17 sorry. There are seven areas of wetlands on  
18 the site. The site plan proposed about 0.13  
19 acres of fills to about five of these  
20 wetlands. The amount of fill does not  
21 require any additional mitigation measure.  
22 The impacts require minor wetland permit that  
23 can be approved administratively. The site

1 plan proposes to include some of the wetland  
2 buffers in the rear yard for about five lots.  
3 Physical means of protection is strongly  
4 suggested for wetland buffers that are  
5 located in the rear of the proposed lots.  
6 There are a total of 349 regulated trees  
7 on-site, of which 232 trees, about  
8 66 percent, are being preserved. The  
9 proposed removal would require about 27  
10 replacements, all of them will be provided  
11 on-site. The removal are proposed for  
12 development of lots and the proposed  
13 detention pond around Danya's Way towards the  
14 eastern edge.

15 The Planning Commission is  
16 asked today to hold a public hearing and  
17 postpone the consideration to a later meeting  
18 to be determined based on the re-submittal.  
19 Staff will work with the applicant in order  
20 to address some of the public comments we  
21 have received so far.

22 We have Michelle Spencer, the  
23 engineer working on the project here, if you

1 have any questions for her. Thank you.

2 CHAIRPERSON PEHRSON: Thank you,  
3 Sri. Does the applicant wish to address the  
4 Planning Commission?

5 MS. SPENCER: Good evening,  
6 Commissioners. My name is Michelle Spencer.  
7 I am here on behalf of the applicant for the  
8 site development. I am more than happy to  
9 answer any questions you may have. And I am  
10 ready, willing to answer the questions the  
11 public may have as well. Thank you.

12 CHAIRPERSON PEHRSON: Thank you.  
13 Appreciate it. This is a public hearing. If  
14 there is anyone in the audience that wishes  
15 to address the Planning Commission on this  
16 matter, please step forward.

17 Seeing no one, I believe we  
18 have some correspondence.

19 MR. GIACOPETTI: We do. We have  
20 some correspondence. We have a response from  
21 Michael Vidal of 25541 Danya's Way. He  
22 objects to the project. His objection is on  
23 the following, traffic during construction

1 should not pass through the existing  
2 subdivision. The tree survey has to be  
3 released. There are trees that are more than  
4 200 years old, he tells us. Replacement  
5 trees have to pass inspection. He is  
6 concerned about the water level of the pond  
7 due to the additional development. He feels  
8 that the sidewalk should be prioritized  
9 around Taft. And that five neighbors of new  
10 construction will have a pond on their  
11 backyard that looks really bad, and the  
12 constructor has to put a fountain to  
13 eliminate algae. We are also writing to the  
14 mayor and city manager about this issue.

15 We have a second response of  
16 objection from a Wilming Lu, of 25444 Danya's  
17 Way, also an objection citing excess number  
18 of trees that would be cut down to have to  
19 make way for the street. Some of the trees  
20 are over 100 years old. The overflowing  
21 ponds near the site already have been -- have  
22 already had algae problems, further  
23 development will make it worse. Third,

1 increase in street traffic would cause safety  
2 concerns for children in the neighborhood.

3 We have a third letter from  
4 Jeffrey Gedeon of 25458 Danya's Way. He is  
5 particularly concerned with the burden that  
6 might be placed on the public and nearby  
7 homeowners in particular with concern to the  
8 traffic, tree removal and the timely  
9 completion of this project. Thank you.

10 CHAIRPERSON PEHRSON: That  
11 concludes the public hearing on this matter,  
12 turn it over to the Planning Commission for  
13 their consideration. Member Avdoulos.

14 MR. AVDOULOS: I would like to  
15 make a motion.

16 In the matter of Tart Knolls  
17 III JSP16-67, motion to postpone the  
18 consideration of the preliminary site plan  
19 with open space preservation option, site  
20 condominium, wetland permit, woodland permit  
21 and storm water management plan, to the next  
22 Planning Commission meeting based on  
23 applicant's request.



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MR. ANTHONY: Second.

CHAIRPERSON PEHRSON: Motion by  
Member Avdoulos, second by Member Anthony.

Member Anthony, I think you had  
a question on that?

MR. ANTHONY: I do have a couple  
of questions for staff.

Do we have our consultants,  
wetland consultants with us today, ETC?

MS. KOMARAGIRI: Not today since  
the applicant was expected to be postponed.  
But if there is any general questions, we can  
try.

MR. ANTHONY: So the wetlands  
that are on this proposed property, these are  
not state regulated wetlands, these are Novi  
regulated wetlands, is that correct?

MS. KOMARAGIRI: Some are state  
regulated.

MR. ANTHONY: The proposal  
preserves the state regulated wetlands and  
then in addition, a portion of the Novi  
regulated wetlands?

1 MS. KOMARAGIRI: So on the image  
2 in front of you, they are proposing to fill  
3 some of the wetland here, C and D and some  
4 here. The majority of the concerns from the  
5 comments is about the wetland here, the E,  
6 which the applicant is not making any  
7 modifications.

8 MR. ANTHONY: And the area where  
9 they are filling, is that actually just a  
10 Novi regulated wetland?

11 MS. KOMARAGIRI: I believe so. I  
12 would like to refer back to the letters and  
13 confirm.

14 MR. ANTHONY: I could probably  
15 help you, too. That's what I wanted to point  
16 out. This is an example of what I really  
17 like about Novi. We, in a sense, have gone  
18 beyond state regulation wetlands and  
19 identified additional wetlands that we like  
20 within the city, which gives us the  
21 flexibility to try to preserve what we can  
22 with that. And this particular development,  
23 in maintaining the homes are closer together

1 than the adjoining home -- or neighborhood,  
2 they still meet the theme in that -- in the  
3 number of homes on the lot and we do a lot of  
4 open space green preservation. I realize the  
5 reason we are postponed today was because of  
6 unknown liens right on the property. So that  
7 part I do like. I do like the wetlands.

8 There is one part of the  
9 construction on the wetland though that I  
10 would like to direct my questions to you,  
11 Michelle.

12 So there is one area next to  
13 the wetland that's being preserved, where you  
14 are proposing a waiver of no sidewalk. Help  
15 me better understand your reasoning not  
16 wanting that sidewalk.

17 MS. SPENCER: Yes, sir. The  
18 wetland G at the northwestern corner of the  
19 site, it is actually -- it is a regulated  
20 wetland, however, to get the road out, when  
21 you put the sidewalk in the required distance  
22 from the edge of the road, we already filling  
23 slightly for the roadway itself, and to

1 maintain the ADA compliant slopes and  
2 everything of the actual walkway to make sure  
3 that we meet the physical handicap  
4 requirements, we would be adding so much more  
5 fill to that wetland than what we are already  
6 are and would be tipping the scale and taking  
7 out a great amount of natural features of  
8 that wetland and filling the existing wetland  
9 to extend that sidewalk on both sides of the  
10 road, because we are extending it on the side  
11 of the road, on the other side of the road as  
12 well out to Taft.

13 MR. ANTHONY: Well, I will give  
14 you a head's up, when this comes back that  
15 will be an area I will question. I live in  
16 obviously a Novi neighborhood with wetlands  
17 and I tell you, my neighbors and I one thing  
18 we really enjoy are the sidewalks and even  
19 walking alongside the wetlands. There are  
20 other construction techniques that can be  
21 used in order to finish that sidewalk. If  
22 that sidewalk were just simply leading to a  
23 dead end, I wouldn't be supportive of it, but

1 since it's a continuation of a path that  
2 helps Novi maintain being walkable, it is  
3 something that I would like you to consider  
4 with staff, and since we are in a  
5 postponement, that's something that I will  
6 ask about when you come back.

7 MS. SPENCER: I will defer to my  
8 clients on that.

9 CHAIRPERSON PEHRSON: Thank you,  
10 Member Anthony. Any other comments? If not,  
11 Sri, could you call the roll.

12 MS. KOMARAGIRI: Member  
13 Giacometti?

14 MR. GIACOPETTI: Yes.

15 MS. KOMARAGIRI: Chair Pehrson?

16 CHAIRPERSON PEHRSON: Yes.

17 MS. KOMARAGIRI: Member  
18 Zuchlewski?

19 MR. ZUCHLEWSKI: Yes.

20 MS. KOMARAGIRI: Member Anthony?

21 MR. ANTHONY: Yes.

22 MS. KOMARAGIRI: Member Avdoulos?

23 MR. AVDOULOS: Yes.

1 MS. KOMARAGIRI: Motion passes  
2 five to zero.

3 CHAIRPERSON PEHRSON: Thank you.  
4 Next on the agenda is A123 System (aka  
5 Fountain Office Park) JSP17-21. Public  
6 hearing at the request of Etkin, LLC, for the  
7 approval of preliminary site plan, woodland  
8 permit, storm water management plan. The  
9 subject parcel is located in Section 15 west  
10 of Cabaret Drive, south of Twelve Mile Road  
11 and is zoned OST, planned office service  
12 technology. The applicant is proposing to  
13 develop the 31.25 acre parcel for two  
14 buildings, one office, one lab space of  
15 128,936 square feet and the other, an  
16 assembly building of 53,469 square feet,  
17 including associated site improvements.  
18 Kirsten, again.

19 MS. MELLEEM: So the subject  
20 property is located southwest of Twelve Mile  
21 and Cabaret Drive, just west of Fountain Walk  
22 in Section 15. The applicant is proposing to  
23 develop the 31.25 acre parcel into two

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STATE OF MICHIGAN )

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COUNTY OF OAKLAND )

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I, Jennifer L. Wall, Notary Public within and for the County of Oakland, State of Michigan, do hereby certify that this meeting was taken before me in the above entitled matter was by me duly sworn at the aforementioned time and place; that the testimony given was stenographically recorded in the presence of myself and afterward transcribed by computer under my personal supervision, and that said testimony is a full, true and correct transcript.

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I further certify that I am not connected by blood or marriage with any of the parties or their attorneys, and that I am not an employee of either of them, nor financially interested in the action.

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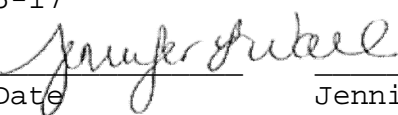
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Date

Jennifer L. Wall CSR-4183  
Oakland County, Michigan  
My Commission Expires 11/12/22

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