CITY of NOVI CITY COUNCIL



Agenda Item E May 23, 2016

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SUBJECT: Approval of a request from Mirage Development for a variance from: 1) Section 11-256(b) of the Design and Construction Standards, which requires a pathway along the frontage of the development, and alternatively to allow the applicant to dedicate an internal pathway for public use; and, 2) Section 11-68 (a)(1) of the Design and Construction Standards, which requires water main to be extended along the road frontage abutting the proposed development, and alternatively to allow the water main through the site to serve the function with proposed water main on Nine Mile to serve the adjacent parcels, for the Montebello project (parcel 22-27-452-001) located on the north side of Nine Mile Road between Taft and Novi Roads.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

The applicant, Mirage Development, is proposing to develop a 32 unit single family detached residential development on the north side of Nine Mile Road between Novi Road and Taft Road. The applicant is requesting two variances from the Design and Construction Standards for the project. The variance requests were reviewed by the Department of Public Services using the criteria in Section 11-10 of the ordinance.

The first variance is from Section 11-256(b) which requires the construction of a pathway along the Nine Mile Road frontage. Instead, the applicant is proposing a public pathway internal to the site utilizing the existing driveway and bridge for the existing home. The east and west ends of the pathway would be within the proposed right-of-way for Nine Mile Road for extension in the future. Staff is recommending approval of the variance because the applicant has demonstrated that the topography poses an exceptional difficulty in that many high quality trees would need to be removed to facilitate the necessary grading to make the proposed pathway compliant with the Americans with Disabilities Act. Further the alternative proposed by the applicant has agreed to mill and overlay the existing driveway. Staff is still working with the applicant regarding the bridge to better understand its condition and whether it can remain or be replaced as part of the site development.

The second variance is from Section 11-68(a)(1) which requires water main to be extended along the Nine Mile frontage of the proposed development. Instead, the applicant is requesting the construction of the 12-inch water main along the proposed street within the development with water main within the proposed right-of-way at the east and west end of the development. In order to serve the properties on the south side

of Nine Mile Road with water main, the developer is proposing two dead end 8-inch water mains extending from the west and the east, respectively. Staff is recommending approval of the variance because the applicant has demonstrated that the topography and number of trees poses an exceptional difficulty and that the performance of the proposed alternative will be as intended by the ordinance.

The City Attorney's office has provided separate correspondence which is included in the packet along with the application package from the applicant.

RECOMMENDED ACTION: Approval of a request from Mirage Development for a variance from: 1) Section 11-256(b) of the Design and Construction Standards, which requires a pathway along the frontage of the development, and alternatively to allow the applicant to dedicate an internal pathway for public use; and, 2) Section 11-68 (a)(1) of the Design and Construction Standards, which requires water main to be extended along the road frontage abutting the proposed development, and alternatively to allow the water main through the site to serve the function with proposed water main on Nine Mile to serve the adjacent parcels, for the Montebello project (parcel 22-27-452-001) located on the north side of Nine Mile Road between Taft and Novi Roads.

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Mayor Gatt				
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Council Member Wrobel				



Sec. 11-68. - Design considerations.

- (a) General requirements.
 - (1) Generally, the distribution system in all developments requiring more than eight hundred (800) feet of water main shall have a minimum of two (2) connections to a source of supply and shall be a looped system. Exceptions will be made in those instances when a second connection is not available, or it is not otherwise possible to provide a looped system, provided the system is designed to accommodate a second connection when made available. The ability to serve at least two thousand (2,000) gallons per minute in single-family detached residential; three thousand (3,000) gallons per minute in apartment, cluster residential and similar complexes, institutional and school areas; and at least four thousand (4,000) gallons per minute in office, industrial and shopping centers is essential.

Sec. 11-256. - Requirement.

(a) This article establishes requirements for the design and construction of off-road non-motorized facilities within the street right-of-way of platted subdivisions, the arterial and collector street system, roads in unplatted residential areas and private roads in other unplatted areas within the city. Offroad non-motorized facilities include sidewalks, bicycle paths and regional trails.

(b)

If the project entails the construction of an individual single family residential structure, the property owner/builder may request an administrative variance from this requirement. An administrative variance request shall be reviewed using the standards in subsection 11-10(b). If the subject property is located such that no other pathways exist within three hundred (300) feet on the same side of the street, the property owners/builder shall have the option to pay the city the current construction cost of the sidewalk, as approved by the city engineer, to be used by the city for construction of pathway segments elsewhere in the city. The city engineer may require the property owner to submit a pathway easement, in a location to be determined by the city engineer, for future construction, operation and maintenance of a pathway across the property by the city.

Sec. 11-10. Variances.

- (a) Upon application, a specific variance to a substantive requirement of these standards may be granted, subject to the following criteria. Where the proposed activity requires site plan or plat approval, or otherwise involves the design or construction of a facility intended to be public, the variance application shall be to the city council. Where the proposed activity does not otherwise require site plan or plat approval, the variance application shall be to the construction board of appeals.
- (b) A variance may be granted when all of the following conditions are satisfied:
 - (1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
 - (2) The alternative proposed by the applicant shall be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
 - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.
- (c) The city council may, by resolution, establish an application fee for requests for variances from these standards.

(Ord. No. 86-124, § 16.01, 4-21-86; Ord. No. 87-124.01, Pt. I (16.01), 4-13-87; Ord. No. 91-124.05, Pt. I, 6-3-91; Ord. No. 93-124.06, Pt. V, 2-1-93; Ord. No. 99-124.11, Pt. III, 7-26-99)



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Elizabeth Kudla Saarela esaarela@jrsjlaw.com

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May 16, 2016

Brian Coburn, Engineering Manager City of Novi Public Services Field Services Complex 26300 Lee BeGole Drive Novi, MI 48375

Re: *Montebello Site Condominium Development*

Variance from Design and Construction Standards

Dear Mr. Coburn:

Our office has reviewed the proposed request for two variances from the City's Design and Construction Standards:

First, the property owner has requested a waiver from Section 11-68 (a)(1) of the City of Novi Code, which states in relevant part:

- (a) General requirements.
- (1) Generally, the distribution system in all developments requiring more than eight hundred (800) feet of water main shall have a minimum of two (2) connections to a source of supply and shall be a looped system. Exceptions will be made in those instances when a second connection is not available, or it is not otherwise possible to provide a looped system, provided the system is designed to accommodate a second connection when made available. The ability to serve at least two thousand (2,000) gallons per minute in single-family detached residential; three thousand (3,000) gallons per minute in apartment, cluster residential and similar complexes, institutional and school areas; and at least four thousand (4,000) gallons per minute in office, industrial and shopping centers is essential. Water mains are required to be extended along all road frontages abutting the proposed development at the direction of the city in accordance with the City of Novi Master Plan current edition for water main construction.

Brian Coburn, Engineering Manager May 16, 2016 Page 2

The Second variance is requested from Section 11-256(b), which states:

Non-motorized facilities shall be placed across the frontage of all streets and roadways (public or private) for all projects in accordance with the "Bicycle and Pedestrian Master Plan," as well as at those locations specified in the City of Novi Subdivision Ordinance (Appendix C) and the City of Novi Zoning Ordinance. If the project entails the construction of an individual single family residential structure, the property owner/builder may request an administrative variance from this requirement. An administrative variance request shall be reviewed using the standards in subsection 11-10(b). If the subject property is located such that no other pathways exist within three hundred (300) feet on the same side of the street, the property owners/builder shall have the option to pay the city the current construction cost of the sidewalk, as approved by the city engineer, to be used by the city for construction of pathway segments elsewhere in the city. The city engineer may require the property owner to submit a pathway easement, in a location to be determined by the city engineer, for future construction, operation and maintenance of a pathway across the property by the city.

Section 11-10 of the Ordinance Code permits the City Council to grant a variance from the Design and Construction Standards when a property owner shows all of the following:

(b) A variance may be granted when all of the following conditions are satisfied:

(1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;

(2) The alternative proposed by the applicant shall be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and

(3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.

The applicant indicates with respect to the variance from the requirement to provide water main across the road frontage abutting the development, that the topography of the property and trees along the frontage of the parcel presents a practical difficulty to the installation of the water main. The applicant will alternatively provide a 12-inch water main along the proposed street within the development with water main within the proposed right-of-way at the east and west end of the development. The applicant is proposing dead end 8-inch water mains extending from the west and the east of the development along Nine Mile order to serve the properties on the south side of Nine Mile.

With respect to the variance for the non-motorized facilities across the frontage of the project, the applicant has indicated that the topography and existing trees along the frontage also provide a practical difficulty for the installation of sidewalk, similar to the difficulty created for the installation for water main. Alternatively, the applicant will provide

Brian Coburn, Engineering Manager May 16, 2016 Page 3

a public easement over an internal sidewalk through the development and will bring it into compliance with the required design standards for non-motorized facilities.

Subject to the applicant providing the necessary pathway and water system easements in the alternate proposed locations, and the Engineering Division and the Public Safety Department reviewing and approving the proposed plans from a public health, safety and welfare perspective, in the event that City Council finds that the standards for a variance or waiver have been met, our office sees no legal impediment to granting the variances.

If you have any questions regarding the above, please call me.

Verv truly yours, OHMSON, ROSATI, SCHULTZ & JOPPICH, P.C. lizabeth Kudla Saarela

EKS

Enclosures C: Maryanne Cornelius, Clerk (w/Enclosures) Charles Boulard, Community Development Director (w/Enclosures) Matt Wiktorowski, Field Operations (w/Enclosures) Kirsten Mellem, Planner (w/Enclosures) Rick Meader, Landscape Architect (w/Enclosures) Jeff Johnson, Fire Department (w/Enclosures) Thomas R. Schultz, Esquire (w/Enclosures)









NORTH SIDE OF NINE MILE ROAD FACING EAST



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NORTH SIDE OF NINE MILE ROAD FACING EAST

SEIBER KEAST ENGINEERING, LLC ENGINEERING CONSULTANTS

Clif Seiber, P.E. Patrick G. Keast, P.E. Azad W. Awad Robert Emerine, P.E. Jason Emerine, P.E. 100 MainCentre, Suite 10 Northville, MI 48167-1594 Phone No. 248.308.3331 E-Mail: cs@seibereng.com

May 12, 2016

Jeremy J. Miller, E.I.T. Staff Engineer City of Novi 45175 W. Ten Mile Road Novi, MI 48375

Re: Montebello Estates Novi Project Number JSP 15-76 Variance Response Letter

Dear Jeremy:

In accordance with our meeting on May 9, 2016, regarding the two variance requests for Montebello Estates, the following comments are offered for your consideration.

Water Main Variance Request

Per your request, the easterly water main has been extended westerly to provide 40-feet of water main frontage to the adjacent parcel located on the south side of Nine Mile Road.

Nine Mile Road Sidewalk Variance Request

- 1. The portion of the sidewalk that crosses Montebello Court on an angle has been revised to a 90-degree crossing as discussed.
- 2. A note has been added to sheet 1 indicating that 1-1/2" of asphalt will be milled from the walkway and a new 1-1/2" layer of asphalt overlaid on the pathway. It should be noted that this work will be provided in the case that the path would be maintained by the City of Novi. Such work would not be provided if maintained by the HOA.
- 3. The proposed Alternate 1 Pathway (interior route) will provide access to the parcels located on the south side of Nine Mile Road with varying distances. Parcels numbered 201-040, 201-041, 226-016, 226-021, lot 139 and lot 140 will have direct frontage to the proposed pathway. Parcel number 201-039 will be 40 feet from the pathway while parcel 201-024 will be 130 feet away. Two other parcels numbered 201-028 and 201-029, will be 130 and 350 feet from the pathway, respectively.

Out of 10 parcels located on the south side of Nine Mile Road, 6 will have direct frontage on the proposed pathway, while 3 will be located 130 feet or less to the pathway. Only

Jeremy J. Miller, E.I.T., Staff Engineer May 12, 2016 Page 2

parcel 201-029 will be farther at a distance of 350 feet. The construction of the Alternate 1 pathway will provide greatly improved pathway access for these parcel owners.

4. Attached is the structural information for the footbridge. The bridge had been used for vehicle traffic by the previous land owner and will provide sufficient structural capability to support pedestrian and bicycle traffic as well as maintenance vehicles. This bridge contains a width of 14 feet.

Also, please see the attached letter from Mirage Development, LLC regarding the easterly sidewalk location.

Two sets of revised plans are enclosed for you review. Please place this matter on the May 23, 2016, City Council agenda for consideration.

Sincerely,

SEIBER KEAST ENGINEERING, LLC

Clif Seiber, P.E.

Cc: Claudio Rossi, Mirage Development, LLC



Development, L.L.C. 45380 W TEN MILE, SUITE 135 NOVI, MI 48375 OFFICE (248) 349-0582 / FAX (248) 349-0598

Brian Coburn, P.E. | Engineering Senior Manager Department of Public Services | City of Novi Field Services Complex | 26300 Lee BeGole Drive | Novi, MI 48375

May 12, 2016

Re: Montebello

Brian,

Based on our meeting this past Monday, Mirage Development is agreeing to extend the remaining section of sidewalk along 9 Mile Rd. (approximately 300') at the east end of the proposed Montebello project. This is being done in lieu of the request to pay into the Novi fund for sidewalks.

However, due to the significant topographical issues, existing trees, and wetlands in this area, we are proposing a 6' wide sidewalk be integrated with the existing curb line along 9 Mile Rd. This will minimze the impact to the existing trees as well as not require any fill within the wetland areas. If the sidewalk were to be proposed further back and at 8' wide, significant fills would be required to bring the proposed sidewalk upto acceptable grade standards and the areas to the north of the sidewalk would require the same fills to maintain no more than the required 25% slope.

By proposing a 6' wide sidewalk integrated with the curb and with reverse pitch, this would allow the existing grade to be more closely matched and also permit the natural flow into the depressed areas to remain as it currently is. It would allow the natural environment in this area to generally remain intact.

This methd has been permitted in the past due to extenuating circumstances. Just on 9 Mile Rd., as an example, east of the proposed Montebello project on the south side of 9 Mile Rd. and west of the Chelsea Knoll community, an exisiting 5' wide city sidewalk is approximately 1' off back of curb. Also on the north side of 9 Mile Rd. between Taft and Beck roads and just east of the Royal Crown Estates subdivision, there is approximately 450 lineal feet of city sidewalk, **also at 5'** wide, that has been integrated with the 9 Mile Rd. curb. It is also important to note that the posted speed limit along 9 Mile Rd. is 30mph.

I hope that you will look at our case and agree that there are some extenuating circumstances that make sense for the proposed Montebello sidewalk at the east end to be integrated with the 9 Mile Rd, curb so as to minimize the impacts to the natural environement.

In regards to the internal sidewalk just north of the Thorton Creek, which will tie into the proposed 9 Mile Rd. sidewalk, Mirage Development agrees to dedicate a public easement to the City of Novi for the use of this sidewalk. Mirage Development also agrees to have language in the Montebello Master Deed which references this sidewalk and that the Montebello HOAshall be responsible for the maintenance of this sidewalk.

Please feel free to conact me with any questions or concerns you may have.

Sincerely,

By: Claudio Rossi, Its: Member



Testing Engineers & Consultants, Inc. 1343 Rochester Road • PO Box 249 • Troy, Michigan 48099-0249 (248) 588-6200 or (313) T-E-S-T-I-N-G Fax (248) 588-6232

GROUND PENETRATING RADAR FIELD DAILY REPORT

PROJECT: GPR Testing of Bridge Deck

LOCATION: 44000 Nine Mile Road Novi, Michigan TEC REPORT NUMBER: 55986-001 EGPR

OBSERVATION DATE: August 25, 2015

CLIENT: Mirage Development LLC c/o Seiber Keast Engineering 100 Main Centre Suite 10 Northville, Michigan 48167-1594 WEATHER: Partly Cloudy 62°F - 68°F

BRIEF RESUME OF WORK ACCOMPLISHED ON THIS DATE

Testing Engineers & Consultants, Inc. (TEC) arrived on site as scheduled to perform Ground Penetrating Radar (GPR) scanning of concrete bridge located at 44000 Nine Mile Road, Novi, MI.

The property owner showed TEC where the bridge was located near the south east portion of the property. The dimensions of the bridge were approximately 14' wide and 8.5" thick measured at edge. Excluding the curbs at the ends of the bridge, TEC estimates the bridge to be 6.5" thick. TEC chose a test area of approximately 5'x5' to represent the typical conditions of the bridge deck.

TEC used a 2000 MHz GPR antenna to scan from the top surface of the bridge to detect reinforcement pattern, size and depth. Reinforcement grid was located with a spacing of 9" O.C for bars running north and south. Bars running east to west had an O.C. spacing range from 16" to 24". Depths of these bars were determined to be at 2-1/2" to 3" below the surface of the concrete. Sizes of these bars were estimated to be a #5 or 5/8" in diameter.

Please find attached field drawing of located reinforcing steel.

Prepared by: Jordan E. Ramos/ip

Reviewed by: Justin A. Ramos

cc: Cliff Seiber - Seiber Keast Engineering (cs@seibereng.com)

Testing Engineers & Consultants, Inc.

Mirage Development LLC c/o Seiber Keast Engineering GPR Testing of Bridge Deck 44000 Nine Mile Road August 25, 2015

TEC Report Number: 55986-001 EGPR

