



CITY of NOVI CITY COUNCIL

www.cityofnovi.org

**Agenda Item B
July 23, 2007**

SUBJECT: Approval of request by E&M, Inc. (Society Hill) for one-year extension, to October 9, 2008, of site plan approval for a 312-unit apartment project developed as a PD-1 option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 1/2 Mile Road, previously extended under a consent judgment and subject to annual extension reviews.

SUBMITTING DEPARTMENT: Community Development - Planning *Burly*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Attached is the request from E & M, Inc. for a one-year extension of Society Hill, along with a copy of the general plan. Last year, the City Council approved a one-year extension to October 9, 2007. The applicant is now requesting another one-year extension of the site plan approval.

RECOMMENDED ACTION: Approval of request by E&M, Inc. (Society Hill) for one-year extension, to October 9, 2008, of site plan approval for a 312-unit apartment project developed as a PD-1 option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 1/2 Mile Road, previously extended under a consent judgment and subject to annual extension reviews.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				

**LETTER FROM E & M
REQUESTING ONE-YEAR EXTENSION
TO OCTOBER 9, 2008**

E & M

32605 West Twelve Mile Road, Suite 290
Farmington Hills, Michigan 48334
Telephone (248) 553-9225
Facsimile (248) 553-9594

June 11, 2007

Honorable David Landry, Mayor
Members of the City Council
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375

Re: Extension of Society Hill (E&M Inc.) Final Site Plan Approval

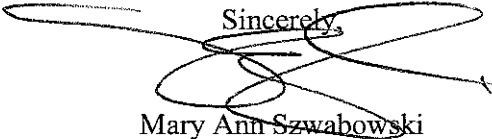
Dear Mayor Landry and Members of the City Council:

Due to the continuing market conditions, we write to request a one (1) year extension of the final site plan approval for the Society Hill project, which will be expiring October 9, 2007. This request is made in accordance with Paragraph 9.B of the Consent Judgement entered October 9, 2001 in the *City of Novi vs. Toltec Structures and E&M, Inc.* (Oakland Circuit Court No. 95-502489-CC) and follows a subsequent one (1) extension approved by City Council at the July 10, 2006 Meeting. I enclose a copy of the Consent Judgement along with prior correspondence sent to the City at the time of our last request for extension which provides some historical background of Society Hill and the Consent Judgement.

With regard to the last extension approved by City Council on July 10, 2006, the minutes to that meeting state the number of units for this project to be 294 rather than 312. Since that time I have been corresponding with the City Attorney Tom Schultz and City Planner Tim Schmitt on a correction to that matter. Accordingly, enclosed is a copy of the Memo from Tim Schmitt to Barbara McBeth which ratifies the number of units at 312.

E&M asks that the City Council place this request on its agenda. Please let us know the date this request will be heard. Your time in this matter is much appreciated. Should you require any additional information, I can be reached at 248.553.9225 ext. 123.

Sincerely,



Mary Ann Szwabowski

Enclosures


cc Mr. Clay Pearson, City Manager ✓

**CLARIFICATION REGARDING
NUMBER OF UNITS PREVIOUSLY APPROVED**



MEMORANDUM

TO: Barbara McBeth, *AICP*, Deputy Director of Community Development

FROM: Timothy R. Schmitt, *AICP*, Planner 

DATE: May 22, 2007

SUBJECT: **Society Hill – Number of Units Approved**

This memo is in response to Mr. Schultz's letter from late 2006 regarding the site plan approval extension for the Society Hill project, located on the south side of Twelve and ½ Mile Road and west of Novi Road. The City Council granted a site plan extension for the project, under the terms of the consent judgment covering the site, for one additional year. In the approval, the City Council indicated that the number of units in the development was 294. The applicant sent a letter to the City, with supporting documentation, indicating that the actual number of units approved was 312 dwelling units.

Upon review of the site plan, consent judgment, what minutes are available, and having discussed the issue with the applicant, I have come to the conclusion that 312 dwelling units were approved. There were specific references in correspondence, just prior to the filing of the consent judgment that the number of units was changed, but the overall layout did not. I have attached some of this correspondence for your information. The final number referenced was 312 dwelling units, which was indicated on Sheet SP-2 only. No modifications were needed to the remainder of the plan set, as the units were to be reconfigured within the existing building envelopes that were approved.

At this time, I would recommend forwarding this memorandum to the City Council for their information. No formal modification of the motion should be necessary, as the one-year extension will be expiring in less than three months and no plans for construction have been submitted. E&M will likely submit another extension request, at which point the formal motion can be resolved.

SECRET, WARDLE, LYNCH, HAMPTON,
TRUEX AND MORLEY, P.C.

Gerald A. Fisher
DIRECTOR ENAL (148) 538-2818
gfisher@secret(war)trm.com

Counselors at Law
30903 Northwestern Highway
P.O. Box 3090
Farmington Hills, Michigan 48333-3090

Telephone (248) 851-9500
Fax (248) 851-2158

Web Site: [www.secret\(war\)trm.com](http://www.secret(war)trm.com)

August 1, 2001

94 Macomb Place
Mt. Clemens, MI 48042-2651
(810) 565-2180
Fax (810) 463-0673

2035 Wagonway Dr., Suite 103
Livonia, MI 48150-9768
(313) 427-1811
Fax (313) 427-1817

1500 East Bechtel, SE, Suite 140
Grand Rapids, MI 49506-4051
(616) 285-0143
Fax (616) 282-0145

3603-D Crossing Center
Champaign, IL 61822-6151
(217) 374-3002
(17) 378-3003

Joseph F. Galvin, Esq.
Miller Canfield
150 W. Jefferson Avenue, Suite 2500
Detroit, MI 48226

RE: *Nowl v Toitce Structures (Society Hill)*

Dear Joe:

As you know, I inherited the referenced case, and do not have a full and complete grasp on all of the fine points. Based upon my review of the proposed Judgment you provided to me, I have the following issues I would like you to clarify:

- ❖ The number of residential units is no longer identified in the Judgment. Please send me a letter for my file and the planning file clarifying the total number of units, and a breakdown of units by number of bedrooms (the modification of bedrooms in 18 units being the sole basis for changing the plans).
- ❖ What is the status of Case No. 95-503646-CC? Such case is referenced in paragraph 8 of the Judgment, and paragraph 9 clarifies the intent for a total resolution. Paragraph E also makes reference to such case. Please provide me with insight on this.
- ❖ Does the easement, or at least a description for the easement referenced in paragraph A exist? Just trying to avoid a future battle.
- ❖ In paragraph C, easements are described and referenced. It is my assumption that the use of the term "nominal consideration" means \$1.00.

Your assistance would be greatly appreciated.

Very truly yours,



The Solomon Group

The Solomon Group
32605 W. Twelve Mile Road, Suite 290
Farmington Hills, Michigan 48334
Phone (248) 553-9225
Fax (248) 553-9594

August 8, 2001

OVERNIGHT MAIL

Joseph Galvin, Esq.
Miller, Canfield, Paddock and Stone, PLC
150 W. Jefferson Avenue, Suite 2500
Detroit, Michigan 48226

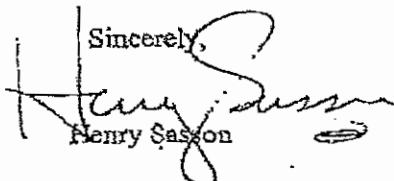
RE: Society Hill

Dear Joe:

I am writing to respond to the letter you received from Mr. Gerald Fisher dated August 1, 2001.

1. In regards to the first item in the letter, the number of residential units should be identified as 312 units. The original number of rooms was identified as 1,264. There are 18 units that were previously identified as 3 bedrooms that will now become 2 bedroom units. This change results in a reduction of the total to 1,246. We are creating 18 new units, identified as 2 bedroom, raising the new total of rooms to 1,282. I have spoken to Mr. Rod Arroya and indicated that this total number could potentially become less. Mr. Arroya has agreed to review this total number prior to and during development. We are enclosing 6 revised copies of the summary sheet (SP-2) showing these new numbers.
2. In regards to the second item in the letter regarding Case Number 95-503646-CC, this information will be provided by you.
3. In regards to the third item in the letter, we faxed to you today a copy of the easement documents.
4. In regards to the last item in the letter pertaining to Paragraph C, it is also my understanding that the term "normal consideration" means \$1.00.

Please call me if you have any questions.

Sincerely,

Henry Saxon

HS:mas

Enclosure

**EXCERPT FROM
JULY 10, 2006
CITY COUNCIL MINUTES**

Excerpt from

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 10, 2006 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul

CONSENT AGENDA (Approval/Removals)

CM-06-07-176 Moved by Margolis, seconded by Capello; CARRIED UNANIMOUSLY: To approve the Consent Agenda as presented.

Roll call vote on CM-06-07-176 Yeas: Gatt, Margolis, Mutch, Nagy, Paul, Landry, Capello. Nays: None

P. Approval of request by E&M, Inc. (Society Hill) for one-year extension, to October 9, 2007, of site plan approval for a 294-unit apartment project developed as a PD-1 option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 ½ Mile Road, previously extended under a consent judgment and subject to annual extension reviews.

**GENERAL PLAN
SOCIETY HILL**

