

CITY of NOVI CITY COUNCIL

**Agenda Item 2
August 11, 2008**

SUBJECT: Consideration of the request of Maybury Park, LLC for approval of a revised Residential Unit Development (RUD) Plan to add gated driveway access and to permit the roads within the development to be private, rather than public. The subject property is located on 133.72 acres on the north side of Eight Mile Road between Garfield and Beck Roads in the Residential Acreage (RA) District.

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Maybury Park Estates is a 106 unit single family residential site condominium originally approved by the City Council in 2001 under the Residential Unit Development (RUD) section of the Zoning Ordinance. Construction of the homes has been underway for several years, and the applicant now proposes to add gated access to the development's two entry points off of Eight Mile Road. The applicant also proposes to change the existing RUD Plan and Agreement to permit the roads within the development to be private rather than public.

Tuscany Reserve, located immediately to the west of Maybury Park Estates requested similar changes from the City Council several years ago in order to allow gated access and private streets. The Tuscany Reserve requests were approved by the City Council and the changes were incorporated into a revised site plan. This approval also eliminated the roadway connection to the access stub between the developments, located on the west side of Maybury Park Estates.

As a part of the review process for Maybury Park Estates, staff noted that the proposed request will require the City Council to consider an amendment to the RUD Plan, as well as an amendment to the RUD Agreement. A revised RUD Agreement will be considered at a subsequent City Council meeting if the City Council approves the RUD Plan on August 11th. Because of the relative simplicity of the plan changes and to streamline the review, the Planning Commission approved the Preliminary Site Plan (subject to the City Council's approved of the revised RUD Plan and RUD Agreement) at the same meeting as the RUD Plan was presented for public hearing and recommendation from the Planning Commission. City Council, however, is not obligated to approve the proposed changes to the RUD plan due to this contingent approval.

City Council is also asked to consider granting a waiver of Section 15-21 (g) of the Fire Prevention and Protection Code for the proposed gated access at Richmond Drive and Maybury Park Drive. The Fire Marshal's review has indicated that adjustments will need to be made to the type of "KNOX Box" security system proposed at the gates, to insure ready access by emergency responders. These adjustments will need to be made to the final site plan, if the City Council approves the requested waiver and the RUD Plan and Agreement.

The Planning Commission recommended favorable consideration of the request at the July 30th Planning Commission meeting. The draft minutes are attached and reflect the comments of the developer who indicated that the gates were requested by the homeowners residing in the development. The applicant indicated that approximately 35 percent of the approved homes are occupied at this time. A total of 16 responses were received by the Community Development Department as a result of the public hearing notices mailed to the property owners in the

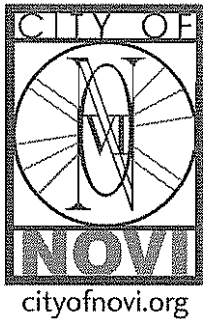
development and neighboring vicinity. Fourteen responses were in favor of the proposed request for gated access points and the private road, and two were opposed.

RECOMMENDED ACTION: Approval of the request of Maybury Park, LLC for a revised Residential Unit Development (RUD) Plan to add gated driveway access and to permit the roads within the development to be private, rather than public. This approval also includes a City Council waiver from Section 15-21 (g) of the Fire Prevention and Protection Code, which prohibits gated access. All being subject to the statements and conditions in the staff and consultant's review letters and for the reasons contained therein.

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

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

**DRAFT MINUTES
PLANNING COMMISSION
JULY 30, 2008**



PLANNING COMMISSION

DRAFT COPY

CITY OF NOVI
Regular Meeting

Maybury Park Estates Gated Entry, SP08-14, Excerpt
Wednesday, July 30, 2008 | 7 PM
Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Members Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: Brian Larson (excused), Michael Lynch (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Ben Croy, Civil Engineer; Kristin Kolb, City Attorney

PUBLIC HEARINGS

1. MAYBURY PARK ESTATES ENTRY GATES PHASES 1 & 2, SITE PLAN NUMBER 08-14A

The Public Hearing was opened of the request of Maybury Park, LLC, for a recommendation to City Council on a revised Preliminary site Plan and an amendment to the RUD, Residential Unit Development Plan. The subject property is located in Section 32, north of Eight Mile, between Garfield Road and Beck Road in the RA, Residential Acreage District. The subject property is approximately 133.72 acres and the Applicant is proposing to add gated accesses and change the existing, approved RUD plan to permit the roads to be private rather than public.

Planner Kristen Kapelanski described the two gated access points that Maybury proposes to add to their Eight Mile entrances. They also propose to make the roads private instead of public. The Planning Commission can approve the site plan if they so choose, and then they must make a recommendation to City Council for the amendment to the RUD plan.

The Planning Review noted no major problems with the plan, though it will request a City Council Waiver from the Fire Protection Code to allow gated access. The Master Deed will also have to be updated. All the other disciplines recommended approval with minor items to be addressed on the next submittal.

John Babcock addressed the Planning Commission. He said he has three reasons to make this request for gated access. The addition will allow Maybury to compete with the neighboring subdivisions – Tuscany and Bellagio. The gates will improve the value of the existing homes, which will improve the City's tax base. Security will be improved as the gates will deter vandals from coming into the subdivision.

No one from the audience wished to speak. Chair Pehrson asked Member Gutman to read the received correspondence.

- Nancy Mooney, Maybury Park: The gates might keep out solicitors and vandals but they are unwelcoming and unnecessary and require constant maintenance, especially in Michigan winters.. Not all upscale neighborhoods have gates. With construction underway, the gates will open for several years anyway.
- Tom and Kathryn Smith, Maybury Park: Objected because unwanted people can still get in, and there will be maintenance issues. It is an unnecessary expense.
- Gordon Laramie, Bellagio: Approved of the proposal.
- Del and Sieha Costi, Maybury Park: Approved of the proposal.
- Joy Inyang, Maybury Park: Approved for privacy and security reasons.
- Chris Inyang, Maybury Park: Approved for security, privacy, reduction in property insurance and stabilized property value reasons.
- Ellen and Tanner Boulas, Maybury Park: Approved for security and reduction in solicitation reasons.
- James Nafso, Maybury Park: Approved for security reasons.
- Julius Gray, Richmond Drive: Approved for security of property and children.
- Joan Newman, Rosewood: Approved of proposal.
- Marisa and Isfar Haddad, Maybury Park: Approved for security reasons and added value.

- Gina Stevens, Maybury Park: Approved of the gates and hopes that cameras will also be installed.
- Tabitha Hans, 20926 Maybury Park: Approved for security reasons. She too hopes that cameras will be installed.
- Michael and Jeanne Sheppard, Maybury Park: Approved for security and aesthetic reasons.
- Robert Sibert, Richmond: Approved for security reasons and for the similarity of design with neighboring subdivisions.

Chair Pehrson closed the Public Hearing and asked for Planning Commission comments.

Member Wrobel asked the Applicant how developed the site was. Mr. Babcock said about 35% is built. He said the association held a meeting, and the vote was unanimous to seek this approval. He was surprised there were two objections in the correspondence.

Member Wrobel was not a fan of gated entry, but it is in line with the neighboring sites, and there is support from the residents. There is adequate turning space in case someone has to pull back out.

Mr. Babcock gave a deeper description of the gate design. The gate is arched. Both sides of the gate operate. The monuments have already been built.

Member Burke thought it was a beautiful subdivision. He confirmed with the Applicant that there has been some vandalism on the new construction and even an occupied home.

Member Burke asked if there was a guard shack. Mr. Babcock said no. There would be key pad for coded entry, or a key fob could be used to open the gates. The emergency vehicles will have a Knox key. A failure of power can be addressed by providing a mechanical battery back-up system, or there can be a pump system that is operated with foot power. Mr. Babcock preferred the mechanical system. Homeowners hosting parties can be assigned an eight-hour temporary code for their guests to use for entry. There can also be a call box at the entry, on which the driver can call the resident he wishes to see. The association management company will be in charge of these decisions. The subdivision can decide to self-manage.

Mr. Babcock said that it is intrinsic that gates will improve property value. He said that prospective owners' curiosity is piqued when the concept of a gated entry is mentioned.

Member Burke noted that the Fire Marshal approved the plan.

Moved by Member Burke, seconded by Member Cassis:

In the matter of Maybury Park Estates – Entry Gates Phase 1 and 2, Site Plan 08-14A, a recommendation of approval to City Council of the amended RUD Plan subject to: 1) The Applicant addressing the outstanding issues noted in the Planning Review below and on the attached Planning Summary Chart on the Final RUD Plan; 2) The Applicant addressing all outstanding issues in the Engineering, Fire, and Traffic Reviews on the Final RUD Plan; 3) Approval of the third amendment to the RUD Agreement by City Council, including a City Council Waiver from Section 15-21(g) of the Fire Prevention and Protection Code, which prohibits gated access, and City Council approval of the change to the existing, approved RUD plan to permit the roads to be private rather than public; 4) The Applicant amending the Master Deed to address all outstanding issues in the City Attorney's May 27, 2008 review, and resubmitting it to the City for review and approval prior to recordation. In addition, this includes approval of the revised Preliminary Site Plan and Phasing Plan, subject to addressing the outstanding issues noted above on the Final Site Plan and the City Council granting approval as noted in the recommendation above.

DISCUSSION

Member Cassis confirmed with Mr. Babcock that he was the developer. Mr. Babcock said that the homes' average prices range between high \$800,000s to low \$900,000s. This gate will add to the association fees. Mr. Babcock said that the association fees will increase from \$700 to \$1,000 per year. They will have to put money aside for road

repair, since the roads will have to become private now. They are built to City standards for public roads.

Member Cassis supports gated entries, especially for a development in this price point. Gates will deter most security problems. He thought the rendering looked classy.

ROLL CALL VOTE ON MAYBURY PARK ESTATES GATED ENTRY, SP08-14A, RECOMMENDATION FOR APPROVAL MOTION MADE BY MEMBER BURKE AND SECONDED BY MEMBER CASSIS:

In the matter of Maybury Park Estates – Entry Gates Phase 1 and 2, Site Plan 08-14A, a recommendation of approval to City Council of the amended RUD Plan subject to: 1) The Applicant addressing the outstanding issues noted in the Planning Review below and on the attached Planning Summary Chart on the Final RUD Plan; 2) The Applicant addressing all outstanding issues in the Engineering, Fire, and Traffic Reviews on the Final RUD Plan; 3) Approval of the third amendment to the RUD Agreement by City Council, including a City Council Waiver from Section 15-21(g) of the Fire Prevention and Protection Code, which prohibits gated access, and City Council approval of the change to the existing, approved RUD plan to permit the roads to be private rather than public; 4) The Applicant amending the Master Deed to address all outstanding issues in the City Attorney’s May 27, 2008 review, and resubmitting it to the City for review and approval prior to recordation. In addition, this includes approval of the revised Preliminary Site Plan and Phasing Plan, subject to addressing the outstanding issues noted above on the Final Site Plan and the City Council granting approval as noted in the recommendation above. *Motion carried 7-0.*

MATTERS FOR CONSIDERATION

1. APPROVAL OF THE JULY 16, 2008 PLANNING COMMISSION MINUTES

Moved by Member Wrobel, seconded by Member Gutman:

VOICE VOTE ON MINUTES APPROVAL MOTION MADE BY MEMBER WROBEL AND SECONDED BY MEMBER GUTMAN:

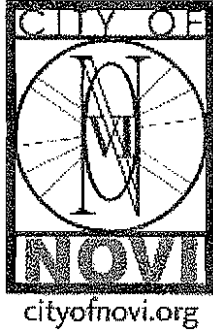
Motion to approve the July 16, 2008 Planning Commission minutes. *Motion carried 7-0.*

Transcribed by Jane L. Schimpf
Customer Service Representative
August 6, 2008
Date Approved:

Angela Pawlowski, Planning Assistant

Date

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

June 18, 2008

Planning Review

Maybury Park Estates - Entry Gates Phase 1 and 2

SP #08 14A

Petitioner

Maybury Park, L.L.C. (John Babcock)

Review Type

Amended Residential Unit Development (RUD) and revised Preliminary Site Plan (two-phases) to add gated accesses and change the existing, approved RUD plan to permit the roads to be private rather than public

Property Characteristics

- Site Location: North side of Eight Mile Road, between Garfield Road and Beck Road
- Site Size: 133.72 acres for whole development
- Zoning: RA, Residential Acreage
- Surrounding zoning: East, West and North: RA, Residential Acreage; South: Northville Township, R-2 Single Family Residential
- Proposed: Two gated entries to Maybury Park Estates - Maybury Park Drive (Phase 1) and Richmond Drive (Phase 2)
- Plan Date: June 2, 2008

Project Summary

Maybury Park Estates (RUD plan originally approved under SP00-53 in 2001) is a 106-unit Residential Unit Development (RUD) site condominium project on a 133.72 acre site located on the north side of Eight Mile Road. The applicant proposes to add gated access to the development's two entry points off of 8 Mile Road [Maybury Park Drive (Phase 1) and Richmond Drive (Phase 2)], and change the existing, approved RUD plan to permit the roads to be private rather than public. Staff notes the road right-of-way had not yet been dedicated to the City.

The Planning Commission is granted the authority to approve the site plan, but makes a recommendation to the City Council regarding the amended RUD Plan. The City Council is the approving body for the amended RUD Plan and the RUD Agreement. The proposed modifications would result in a third amendment to the Agreement.

To streamline the process for this project, the RUD plan and revised Preliminary Site Plan are being reviewed concurrently by staff and consultants. This may eliminate the need for the applicant to appear before the Planning Commission for a second time.

Recommendation

A recommendation of approval to the City Council of the amended RUD Plan, subject to the following issues:

1. Address the outstanding issues noted in the Planning Review Letter below and on the attached Planning Summary Chart on the Final RUD Plan;
2. Address all outstanding issues in the Engineering, Fire, and Traffic review letters on the Final RUD Plan;
3. Approval of the third amendment to the RUD Agreement by City Council, including a City Council waiver from Section 15-21(g) of the Fire Prevention and Protection Code, which prohibits gated access, and City Council approval of the change to the existing, approved RUD plan to permit the roads to be private rather than public.
4. Amending the Master Deed to address all outstanding issues in the City Attorney's May 27, 2008 review, and resubmit it to the city for review and approval prior to recordation.

In addition, this includes approval of the revised Preliminary Site Plan, subject to addressing the outstanding issues noted above on the final plan and the City Council granting approval as noted in the recommendation above.

Comments:

The amended RUD Plan and revised Preliminary Site Plan were reviewed per the standards of Section 2404 (RUD) Residential Unit Development; Section 2400, Schedule of Regulations; Section 2407 Site Condominiums; Article 25 General Provisions; and other sections, as noted. All underlined items, including those on the attached Planning Review Chart, should be addressed by the applicant.

1. **Approval Process:** Per the standards of Section 2404.18.A.(7) of the Zoning Ordinance, the proposed gates and change of the roads from public to private would be classified as a major change to the RUD and would require approval of a revision to the approved RUD plan and RUD Agreement by City Council. The revised RUD Plan will be scheduled for a Public Hearing by the Planning Commission, which would include a recommendation to City Council. While the Planning Commission has the authority to grant approval of the site plan, the City Council is the approving body for the RUD Plan and Agreement. The City Council will consider the RUD plan, and if approved, the RUD Agreement must be drafted, and is subject to review and approval by the City Attorney and staff prior to approval of the Agreement by the City Council. For reference, we note Tuscany Reserve, located to the west of this project, made a similar change to private streets with gated access, and also eliminated the previously-proposed road connection with Maybury Estates along the west property line. To streamline efforts for this plan, the amended RUD plan and revised PSP are being reviewed simultaneously.

- Approval History:** Plans were submitted for review per the standards of Section 2404 Residential Unit Development (RUD) of the Zoning Ordinance. The Planning Commission recommended approval of the RUD Plan to the City Council on February 7, 2001. The City Council approved the RUD Plan on March 5, 2001. The RUD Agreement was approved by City Council on September 10, 2001, with the following motion:

CM 01-09-250 Moved by DeRoche, seconded by Lorenzo, CARRIED UNANIMOUSLY: To approve the RUD agreement for Maybury Estates Condominium Project SP 00-53, Located on the north side of Eight Mile, between Beck Road and Garfield Road with Ten Year onsite retention system, being the responsibility of the applicant. Requiring minimum impact to wetland A.

The Preliminary Site Plan was approved by the Planning Commission on December 19, 2001, with the following motion:

PM-01-12-313 In the matter of Maybury Park estates SP00-53A to grant preliminary site plan approval, woodland permit and wetland permit subject to the traffic islands meeting the Design and Construction Standards to the extent required by City Council, that the active recreation facilities be designated and appropriate landscaping decreased to allow for a larger recreational area, that there be illumination of the entry islands to the extent required by City Council, that there be buffering maintained behind Lot 72 and Lot 73, that directional boring be considered to the extent that it can be required for the watermain which is entering the development south of Bellagio for reserve area, that the 30" berm be required on the right-of-way where there are no woodlands, that the woodlands be placed in a preservation easement and subject to the consultant's conditions and recommendations.

Vote on PM-01-12-313 Carried Unanimously

- City Council Waiver:** In order for the City Council to approve the proposed revision to the RUD Plan, a City Council waiver from Section 15-21(g) of the Fire Prevention and Protection Code, which prohibits gated access, would be required, as well as City Council approval of the change in the RUD plan to make the roads private rather than public. At this time, the road rights-of-way have not been dedicated to the City.
- Master Deed and Amended RUD Agreement:** Per the standards of Section 2407.2 of the Zoning Ordinance, revise the Master Deed to address the outstanding issues in the City Attorney's letter dated May 27, 2008. The revised Master Deed must be submitted for review and approval by the City prior to recordation. While the revised Master Deed should be submitted by the time of Final Site Plan review, we would encourage the applicant to provide it as early in the process as possible. Also, the attorney's letter notes that a Third Amendment to the RUD Agreement must be prepared to address the amended RUD Plan.

5. **Planning Commission Determinations:** Section 2404.8.A of the Zoning Ordinance states that the Planning Commission shall make the following determinations in making its recommendation to the City Council:
1. The appropriateness of the site for the proposed use;
 2. The effects of the proposed use upon adjacent properties and the community;
 3. The demonstrable need for the proposed use;
 4. The care taken to maintain the naturalness of the site and to blend the use within the site and its surroundings; and
 5. The existence of clear, explicit, substantial and ascertainable benefits to the City from the RUD.
6. **Response Letters and Planning Commission:** Once the plan is scheduled for the Planning Commission, 13 full-sized (folded) copies of the plan (no changes made from submitted plans), 13-8.5"x11" black and white copies of the site plan drawing (single sheet), 1-8.5"x11" color copy of the site plan (single-sheet), and a response letter addressing how each of the outstanding issues in each review letter will be resolved, is due to the Community Development Department by noon on the Thursday before the meeting.

Karen F. Reinowski

Karen F. Reinowski, AICP, PCP; 248.347.0484, kreinowski@cityofnovi.org

Attachment: Planning Review Summary Chart

PLANNING REVIEW SUMMARY CHART

Review Date: 6.18.08
Project Name: Maybury Park Estates Entry Gates – Phase 1 and 2 [Amendment to approved RUD for proposed gates at Maybury Park Drive (Ph 1) and Richmond Drive (Ph 2) and designation of streets as private rather than public]
Project Number: Revised Concept/Preliminary Site Plan
Plan Date: 6.2.08

Items in **Bold** need to be addressed by the applicant and/or the Planning Commission before approval of the Concept/Preliminary Site Plan.

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Single-Family	No change proposed	Yes	
Zoning	RA, approved with RUD Option	No change proposed	Yes	
Use (Section 2404, RUD Residential Unit Development)	Permits mixture of residential dwelling units, in conjunction with permanent preservation of open land, natural resources, and rural character.	Add gates adjacent to existing gate houses on Maybury Park Dr. (Phase I) and Richmond Dr. (Phase II); Remove curb between gatehouse and sidewalk to provide 20' wide 'bypass' to exit from site if gates are not accessible	Yes	Turnaround will accommodate vehicles; School buses will have a key fob for access into the development
Residential Entranceway (Section 2512)	"...entranceway structures including but not limited to walls, columns and gates marking entrances to single-family subdivisions ...may be permitted and be located in a required yard, except as provided in Section 2513 Corner Clearance....."	Gated entranceways	No	Residential Entranceway standards cover decorative structures designating the entranceway, but do not include access gates. <u>A waiver from City Council would be required to provide the gates.</u>
Corner Clearance (Section 2513)	Fences, walls, etc. may not be placed within the area composing the 25' Corner Clearance	Proposed gates do not impact Corner Clearance area	Yes	

Prepared by Karen F. Reinowski, AICP, PCP (248) 347-0484 or kreinowski@cityofnovi.org

LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

July 2, 2008

Preliminary Site Plan
Maybury Gates SP#08-14

Review Type

Preliminary Site Plan Landscape Review

Property Characteristics

- Site Location: Eight Mile Road
- Site Zoning: RA
- Site Use(s): Residential
- Plan Date: 6/2/2008

Ordinance Considerations and Recommendation

The installation of the entry gates as proposed does not significantly affect the landscape design as originally approved. **Staff supports Planning Commission approval of SP#08-14 Maybury Gates,**

Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification. Also see the Woodland and Wetland review comments, if applicable.

Reviewed by: David R. Beschke, RLA

TRAFFIC REVIEW

July 1, 2008

Ms. Barbara E. McBeth
Deputy Director Community Development
45175 West Ten Mile Road
Novi, MI 48375-3024



Re: Maybury Gates Ph. 1 & 2 – Preliminary – 2nd Review
SP No. 08-14
OHM Job No. 163-07-0502

As requested, we have reviewed the revised preliminary plans submitted for Maybury Gates, Phases 1 & 2. The plans were prepared by Warner, Cantrell, & Padmos, Inc. and are dated June 2, 2008.

OHM RECOMMENDATION

At this time, we recommend approval of the preliminary site plan, subject to the items noted below being addressed prior to final plan submittal.

ROADWAY NETWORK

The development is located west of Beck on the north side of 8 Mile Road. 8 Mile Road is functionally classified as an arterial route with an unposted speed limit, and is under the jurisdiction of the Road Commission of Oakland County (RCOC). Beck Road is also considered an arterial with a posted speed limit of 40 mph, and falls within the jurisdiction of the City of Novi. The Maybury development currently has two boulevarded access points on 8 Mile Road. The developer is proposing to add gates to both entrances.

CONCERNS

We note that, for the Phase 1 plans, it appears that the longitudinal slope of the existing roadway exceeds 2%. As such, the cross-slope of the pedestrian crossing to the gate house is not ADA-compliant.

SITE PLAN CORRECTIONS

1. Ramp Detail: Please update the MDOT Special Detail for Sidewalk Ramps, R-28-F, to reflect the most recent version available. The current version is dated June 20, 2008.

If you have any concerns or questions, please feel free to contact us at 734-522-6711.

Sincerely,
Orchard, Hiltz & McCliment, Inc.

A handwritten signature in black ink, appearing to read "Stephen B. Dearing".

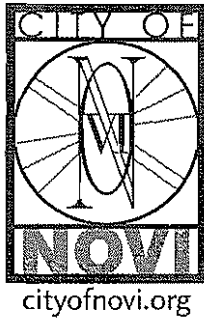
Stephen B. Dearing, P.E., PTOE.
Manager of Traffic Engineering

A handwritten signature in black ink, appearing to read "Sara A. Merrill".

Sara Merrill
Traffic Engineer

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ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

June 30, 2008

Engineering Review

Maybury Park Gates Phases 1&2
SP #08-14A

Petitioner

Maybury Park, LLC

Review Type

Revised Concept/Preliminary Site Plan

Property Characteristics

- Site Location: North side of Eight Mile, west of Beck Road.
- Site Size: 2 acres
- Plan Date: June 2, 2008

Project Summary

- Construction of entry gates at the Phase 1 and Phase 2 entrances off of Eight Mile.
- The streets within both phases are now proposed to remain as private streets. The original site plans for both phases were approved with streets proposed to be public.
- Easements over the public utilities within the street limits (previously proposed right-of-way) have been granted to the City.

Recommendation

Approval of the Revised Concept/Preliminary Site Plan is recommended.

Comments:

The Revised Preliminary Site Plan meets the general requirements of Chapter 11 with the following items to be addressed at the time of Final Site Plan submittal:

General

1. Label the Eight Mile right-of-way on Sheet 5.
2. Please note that only a ¼-inch change in grade (or 1/2-inch at a 1H:2V slope) is allowed along ADA accessible routes. It may be difficult to meet this standard at the existing curb if the curb is horizontally cut to create a ramp. Full depth curb removal is recommended.
3. The final site plan shall deemphasize the portions of the plans that are not part of the proposed improvements.

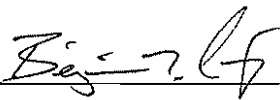
The following must be submitted at the time of Final Site Plan submittal:

4. An itemized construction cost estimate must be submitted to the Community Development Department at the time of Final Site Plan submittal for the determination of plan review and construction inspection fees.

The following must be addressed prior to construction:

5. A City of Novi Grading Permit will be required prior to any grading/work on the site. This permit will be issued at the pre-construction meeting. Once determined, a grading permit fee must be paid to the City Treasurer's Office.
6. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department (248-347-0430) for forms and information.
7. The current plans do not show any work proposed in the Eight Mile right-of-way. If future plan modifications include right-of-way improvements, a permit for work within the right-of-way of Eight Mile must be obtained from the City of Novi and the Road Commission for Oakland County.
8. Construction Inspection Fees to be determined once the construction cost estimate is submitted must be paid prior to the pre-construction meeting.

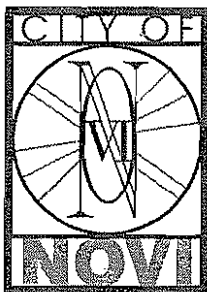
Please contact Benjamin Croy, PE at (248) 735-5635 with any questions or concerns.



cc: Rob Hayes, City Engineer
Karen Reinowski, Community Development Department

FIRE REVIEW

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June 27, 2008

CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Kim Capello

Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

City Manager
Clay J. Pearson

Fire Chief
Frank Smith

Deputy Fire Chief
Jeffrey Johnson

TO: Barbara McBeth, Deputy Director
Community Development, City of Novi

RE: Maybury Park Estates, Entry Gates Phases 1 & 2, SP08-14A
Revised Concept / Preliminary Site Plan
Fire Department Review

Dear Ms. McBeth,

The above plan has been reviewed and is **Recommended for Approval** with the following items being corrected and addressed.

1. This plan to install gates at the entry access drives to this subdivision of single family residential units is prohibited by Section 15-21(g) of the Novi City Ordinance and will require a waiver from the Novi City Council.
2. The submittal has addressed the access through the gates by emergency responders with the exception of the following that needs to be corrected.
 - a. The plan calls for a KNOX Box at the gate for emergency access. This shall be a KNOX Key Switch that is wired directly into the controller for emergency access.

Sincerely,

Michael W. Evans
Fire Marshal

cc: file

Novi Fire Department
42975 Grand River Ave.
Novi, Michigan 48375
248.349-2162
248.349-1724 fax

cityofnovi.org

LEGAL REVIEW



May 27, 2008

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretwardle.com

Karen Reinowski, Planner
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

Elizabeth M. Kudla
Direct: 248-539-2846
ekudla@secretwardle.com

**Re: Maybury Park
Gated Access Issue - Master Deed
Our File No. 72236.NOV**

Dear Ms. Reinowski:

We have reviewed the materials that you provided with respect to the proposal for a gated entry for Phases 1 and 2 of Maybury Park. We have also reviewed the Master Deed for Maybury Park which is recorded at Liber 32412, Page 650, Oakland County Records, a copy of which is enclosed.

We note that the Master Deed was recorded consistent with the original site plan and RUD Agreement with roadways proposed to be dedicated to the public. It is our understanding the proposal to add a gated entry to the Condominium includes maintaining the interior roads as private.

In the event that the gated entry and private roads are approved with respect to Maybury Park, the Master Deed should be amended as follows:

1. Article IV, Section (a)(2) should be amended to state as follows:

The roads throughout the Condominium as designated in Exhibit B.

2. Article IV, Section (c)(4) should be amended to state as follows:

The Association shall provide for snow removal over the Condominium roads.

3. Article VII, Section (b) should be amended to delete the following terms from the beginning of the first sentence:

"...intends to, and...."

4. The following language should be added to the Master Deed:
 - 1) The Developer, and the Association shall indemnify and hold harmless the City, its officials and agents, the Police and Fire Departments and all City employees, inspectors and officers from and against all claims and damages of any kind that may arise or result from the entry gate delaying or preventing access by police, fire, ambulance or other emergency vehicles or personnel to the Condominium premises and/or any units or persons therein in the event of an emergency.
 - 2) Developer and the Association agree to reimburse the City for any damage that may be caused to fire trucks, police vehicles or other emergency vehicles and equipment by the entrance or as a result of the entry gate malfunctioning. The Developer and the Association shall reimburse the City within thirty (30) days of a billing for same, and agrees to the placement of a lien on the Condominium common elements to secure such payment.
 - 3) The City, its officials and agents, the Police and Fire Departments and all City employees, inspectors and officers shall not be responsible for any damage to the entry gate as a result of the City's response to an emergency within the Condominium.
 - 4) The Developer, and the Association after transition of control, shall ensure that the entry gate is regularly maintained and in good working condition at all times. The Developer and the Association shall ensure that the Fire Department is at all times provided with the proper key or code to the gated entry, and shall replace the key and/or forward the code upon change or modification to the key or code.

We are also enclosing a copy of the most recent version of the RUD Agreement for Maybury Park. The Maybury Park Estates Residential Unit Development Agreement (Second Amendment), recorded at Liber 32412, Page 727, Oakland County Records, amends the terms of the original RUD Agreement and First Amendment, fully restating the terms of the Agreement which were not previously amended.

Karen Reinowski, Planner
May 27, 2008
Page 3


In order to provide for a gated entry and private roads within Maybury Park, the RUD must be amended pursuant to subsection 18 of Section 2404 of the Zoning Ordinance to reflect a change in the character of the streets. A Third Amendment to the RUD Agreement must be prepared accordingly.

Article VIII of the Residential Unit Development Agreement regarding Traffic Circulation should be amended to reflect a change in the character of the roads to identify the roads as private, and to provide for a gated entry, along with any related conditions required by the City.

We would be happy to work with the Developer or Developer's Attorney to prepare the Amendment to RUD Agreement as necessary.

Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

cc: Maryanne Cornelius, Clerk (w/Enclosures)
Steve Rumble, Director of Community Development (w/Enclosures)
Barb McBeth, Deputy Director of Community Dev. (w/Enclosures)
Benny McCusker, Director of Public Works (w/Enclosures)
Marina Neumaier, Assistant Finance Director (w/Enclosures)
Sarah Marchioni, Building Department (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

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APPLICANT'S RESPONSE LETTER

WARNER, CANTRELL & PADMOS, INC.

CIVIL ENGINEERS & LAND SURVEYORS

27300 Haggerty Road, Suite F2
Farmington Hills, MI 48331

July 22, 2008

City of Novi
Planning Department
45175 West 10 Mile Road
Novi, Michigan 48375-3024

Attn: Karen F. Reinowski, AICP, PC
Planner

Re: Maybury Park Estates _ Entry Gates
Phase 1 and 2, SP #08 - 14A
Estates - Maybury Park Drive (Phase I) and
Richmond Drive (Phase II)
Section 32, T.1N., R.8E.
City of Novi, Oakland County

Dear Ms. Reinowski:

We have reviewed the Preliminary Site Plan Review for Maybury Park Estates per the review packet dated June 18, 2008. Our response to review comments are listed below:

D. Engineering Review, Letter Dated June 30, 2008

1. The Eight Mile Right-of-Way will be labeled on sheet 5.
2. The curb removal will be labeled as full depth curb removal to achieve only a ¼ - inch change in grade per ADA accessible route standards.
3. The final site plan will deemphasize the portion of the plans that are not part of the proposed improvements.
4. Noted
5. Noted
6. Noted
7. Noted
8. Noted

E. Traffic Review, OHM Letter Dated July 1, 2008

1. The MDOT Special Detail for sidewalk ramps, R-28-F will be updated to current version dated June 20, 2008.

City of Novi
Ms. Karen F. Reinowski, AICP, PC

July 22, 2008
page 2 of 2

If you have any questions, please call our office.

Enclosed are 13 full size copies of the Preliminary/Final Site Plan

Very truly yours,

WARNER, CANTRELL & PADMOS, INC.



Katerina Kollar

KK/ss

Cc: Babcock Homes, Mr. John Babcock

Enc

**PLANNING COMMISSION AND CITY COUNCIL MOTIONS
INITIAL APPROVAL OF MAYBURY GATES**

Planning Commission – February 7, 2001; Recommendation to City Council for RUD Plan approval

City Council – March 5, 2001; RUD Plan approval

Planning Commission – June 12, 2001; Postpone Preliminary Site Plan approval, Woodland Permit approval, and Wetland Permit approval

City Council – August 27, 2001; Postpone RUD Agreement until next meeting on September 10, 2001

City Council – September 10, 2001; RUD Agreement approval;

Planning Commission – December 19, 2001; Approval of Preliminary Site Plan, Woodland Permit and Wetland Permit

REGULAR MEETING OF THE NOVI PLANNING COMMISSION

WEDNESDAY, FEBRUARY 7, 2001 AT 7:30 P.M.

COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 WEST TEN MILE ROAD

(248)-347-0475

PRESENT: Members Canup, Churella, Kocan, Konedda, Landry, Mutch, Nagy, Piccinini, Richards

PUBLIC HEARINGS

MAYBURY PARK ESTATES SP 00-53A

This condominium project is located in Section 32, on the north side of Eight Mile Road between Beck and Garfield Roads. The 134.75 acre site is zoned Residential Acreage (RA). The applicant is seeking Preliminary Site Plan and Woodland Permit approval. The applicant is also seeking a positive recommendation to City Council for a Wetland Permit and to develop as a Residential Unit Development (RUD).

PM-01-02-019 TO POSTPONE THE PRELIMINARY SITE PLAN APPROVAL, WOODLAND PERMIT APPROVAL AND THE WETLANDS PERMIT FOR MAYBURY PARK ESTATES SP 00-53A.

Moved by Mutch, seconded by Nagy, CARRIED (6-3): To postpone the Preliminary Site Plan approval, Woodland Permit approval and the Wetlands Permit for Maybury Park Estates SP 00-53A.

PM-01-02-020 TO SEND A POSITIVE RECOMMENDATION TO CITY COUNCIL FOR THE RUD OPTION FOR MAYBURY PARK ESTATES SP 00-53A

Motion by Canup, seconded by Konedda, CARRIED (8-1): To send a positive recommendation to City Council for the RUD option for Maybury Park Estates SP 00-53A.

REGULAR MEETING OF THE CO JNCIL OF THE CITY OF NOVI

MONDAY, MARCH 5, 2001 AT 7:30 PM

NOVI CIVIC CENTER – COUNCIL CHAMBERS – 45175 W. TEN MILE ROAD

MATTERS FOR COUNCIL ACTION – Part I

1. Approval of Residential Unit Development (RUD) for Maybury Estates – SP 00-53, located in Section 32, on the north side of Eight Mile Road between Beck and Garfield Roads, 134.75-acre site zoned Residential Acreage (RA).

CM-01-03-061 Moved by Kramer, seconded by Cassis; MOTION CARRIED:

To approve the application for the Residential Unit Development

(RUD) for Maybury Estates conditioned upon receipt of the

resolution of the water and sewer issues discussed at the table,

developer to confirm that the final site plan was contingent

upon City code and ordinance requirements for portable water and sewer service and would conform to all the consultants recommendations and all the open items to be resolved and brought back when the contract returns to Council.

Roll call vote on CM-01-03-061 Yeas: Lorenzo, Cassis, Csordas, DeRoche, Kramer

REGULAR MEETING OF THE NOVI PLANNING COMMISSION

WEDNESDAY, JUNE 12, 2001 AT 7:00 P.M.

COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 WEST TEN MILE ROAD

(248)-347-0475

Meeting called to order at 7:00 p.m. by Chairperson Piccinini.

PRESENT: Members Kocan, Koneda, Landry, Mutch, Nagy, Piccinini, Richards

ABSENT/EXCUSED: Member Canup, Churella (excused)

MATTERS FOR CONSIDERATION

1. MAYBURY PARK ESTATES SP 00-53A

This condominium project is located in Section 32, on the north side of Eight Mile Road between Beck and Garfield Roads. The 134.75 acre site is zoned Residential Acreage (RA). The applicant is seeking Preliminary Site Plan and Woodland Permit approval. The applicant is also seeking a positive recommendation to City Council for a Wetland Permit.

Mr. Capello requested Preliminary Site Plan Approval subject to the RUD contract being signed by the City Council. He commented that the City Council has approved the concept of the RUD Plan with the proposed plan in mind. He indicated that he has been working with Mr. Fisher to

PM-01-06-146 IN THE MATTER OF MAYBURY PARK ESTATES SP 00-53A TO POSTPONE PRELIMINARY SITE PLAN APPROVAL, WOODLAND PERMIT APPROVAL AND THE WETLAND PERMIT APPROVAL TO MATTERS FOR CONSIDERATION ON THE FIRST AGENDA FOLLOWING THE CITY COUNCIL APPROVAL OF THE WRITTEN RUD CONTRACT.

VOTE ON PM-01-06-146 CARRIED UNANIMOUSLY

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI

MONDAY, AUGUST 27, 2001 AT 7:30 PM

NOVI CIVIC CENTER - COUNCIL CHAMBERS - 45175 W TEN MILE ROAD

Mayor Clark called the meeting to order at 7:39 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Clark, Council Members Bononi, Cassis, Csordas, DeRoche (absent/excused), Kramer, Lorenzo

CM-01-08-226 Moved by Cassis seconded by Csordas; CARRIED

UNANIMOUSLY: To postpone this item until the next Regular Council Meeting held on September 10, 2001.

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI

MONDAY, SEPTEMBER, 10 2001 AT 7:30 PM

NOVI CIVIC CENTER - COUNCIL CHAMBERS - 45175 W TEN MILE ROAD

6. Approval of Residential Unit Development Agreement for Maybury Estates Condominium project, SP 00-53, located on the north side of Eight Mile between Beck and Garfield Roads.

Mayor Clark reviewed the retention/detention system questions posed at the last meeting. Council requested additional information about a 10-year onsite detention system, which would be built by the developer. The 100-year regional detention basin would require more land, financial expenditures and future maintenance from the City of Novi. This site was not in the original storm-water master plan. JCK reported the cost of the 10-year on-site detention system would be \$107,800 and the 100-year retention basin \$ 342,800 for Wayne County Design Standards and \$298,900 using Oakland County Design Standards.

CM 01-09-250 Moved by DeRoche, seconded by Lorenzo, CARRIED UNANIMOUSLY: To approve the RUD agreement for Maybury Estates Condominium Project SP 00-53, Located on the north side of Eight Mile, between Beck Road and Garfield Road with Ten Year onsite retention system, being the responsibility of the applicant. Requiring minimum impact to wetland A.

Also to strike the language on page 9 of the RUD agreement. He requested it to read "As determined and approved by the City of Novi in accordance with the laws of the State of Michigan, and the County of Oakland"

Mr. Fisher stated an alternative would be to put a period after the word discharge, two lines from the bottom, we would still give them notice. Member DeRoche and Mayor Pro-Tem Lorenzo agreed, placing a period after the word discharge; second line in the paragraph and taking off the last two lines.

Roll call vote on CM 01-09-250 Yeas: Kramer, Clark, Lorenzo, Bononi, Cassis, Csordas, DeRoche

Nays: None.

**REGULAR MEETING OF THE NOVI PLANNING COMMISSION
WEDNESDAY, DECEMBER 19, 2001 AT 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 WEST TEN MILE
ROAD**

3. MAYBURY PARK ESTATES SP 00-53A

Consideration of the request of Maybury, LLC for approval of the Preliminary Site Plan, Woodlands Permit, and Wetlands Permit. The subject property is located in Section 32, on the north side of Eight Mile Road between Beck and Garfield Roads. The developer proposes 106 detached condominium units on 134.75 acres. The property is proposed as a Residential Unit Development and is zoned (RA) Residential Acreage.

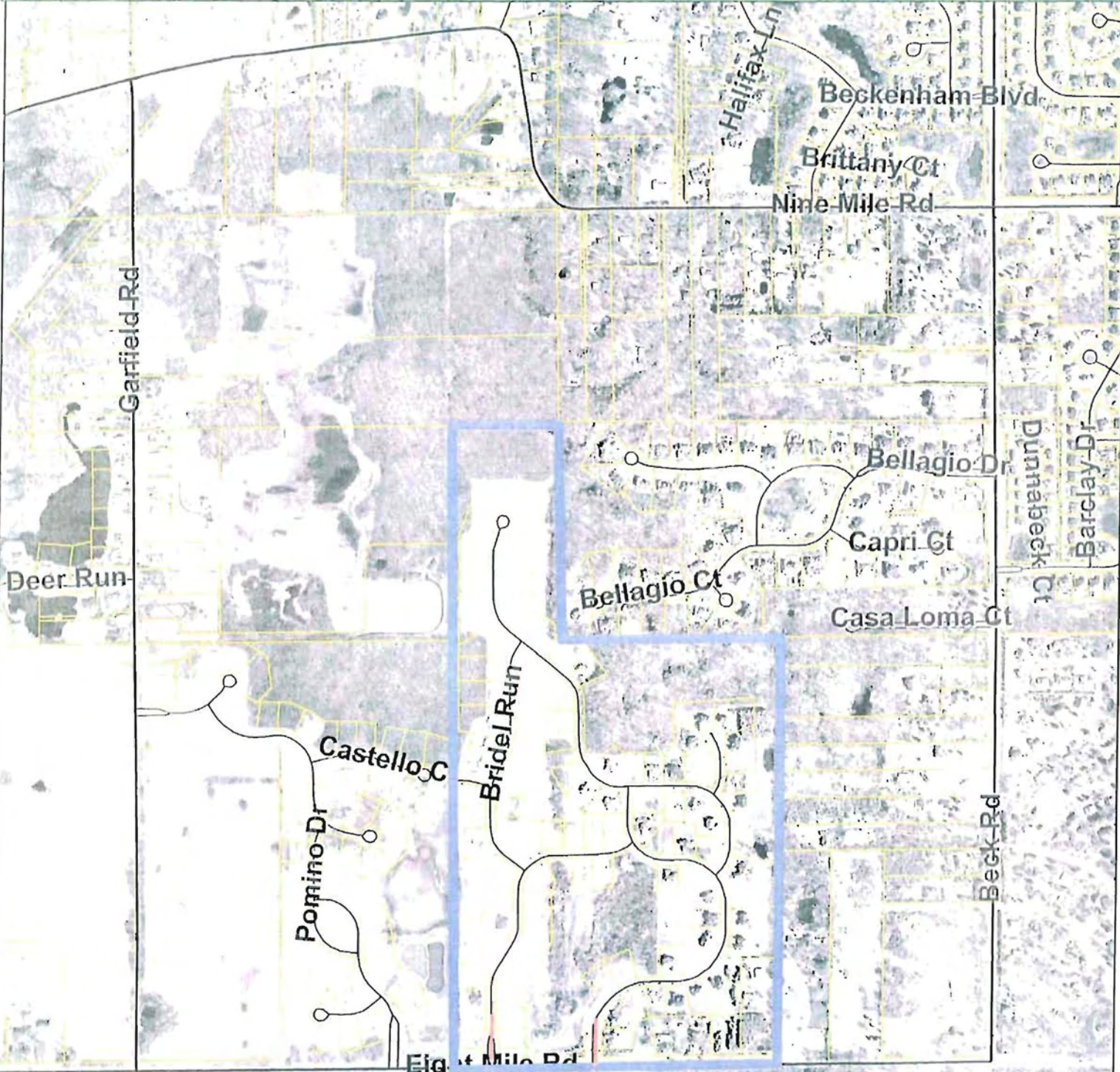
PM-01-12-313 IN THE MATTER OF MAYBURY PARK ESTATES SP00-53A TO GRANT PRELIMINARY SITE PLAN APPROVAL, WOODLAND PERMIT AND WETLAND PERMIT SUBJECT TO THE TRAFFIC ISLANDS MEETING THE DESIGN AND CONSTRUCTION STANDARDS TO THE EXTENT REQUIRED BY CITY COUNCIL, THAT THE ACTIVE RECREATION FACILITIES BE DESIGNATED AND APPROPRIATE LANDSCAPING DECREASED TO ALLOW FOR A LARGER ACTIVE RECREATIONAL AREA, THAT THERE BE ILLUMINATION OF THE ENTRY ISLANDS TO THE EXTENT REQUIRED BY CITY COUNCIL, THAT THERE BE BUFFERING MAINTAINED BEHIND LOT 72 AND LOT 73, THAT DIRECTIONAL BORING BE CONSIDERED TO THE EXTENT THAT IT CAN BE REQUIRED FOR THE WATERMAIN WHICH IS ENTERING THE DEVELOPMENT SOUTH OF BELLAGIO FOR RESERVE AREA, THAT THE 30" BERM BE REQUIRED ON THE RIGHT-OF-WAY WHERE THERE ARE NO WOODLANDS, THAT THE WOODLANDS BE PLACED IN A PRESERVATION EASEMENT AND SUBJECT TO THE CONSULTANT'S CONDITIONS AND RECOMMENDATIONS.

VOTE ON PM-01-12-313 CARRIED UNANIMOUSLY

Yes: Canup, Kocan, Markham, Nagy, Paul, Ruyle, Shroyer

No: None

Maybury Park Estates - Entry Gates Phase 1 and 2
Location Map



City of Northville

Proposed Richmond Dr. Gate Phase 2

Proposed Maybury Park Dr. Gate Phase 1

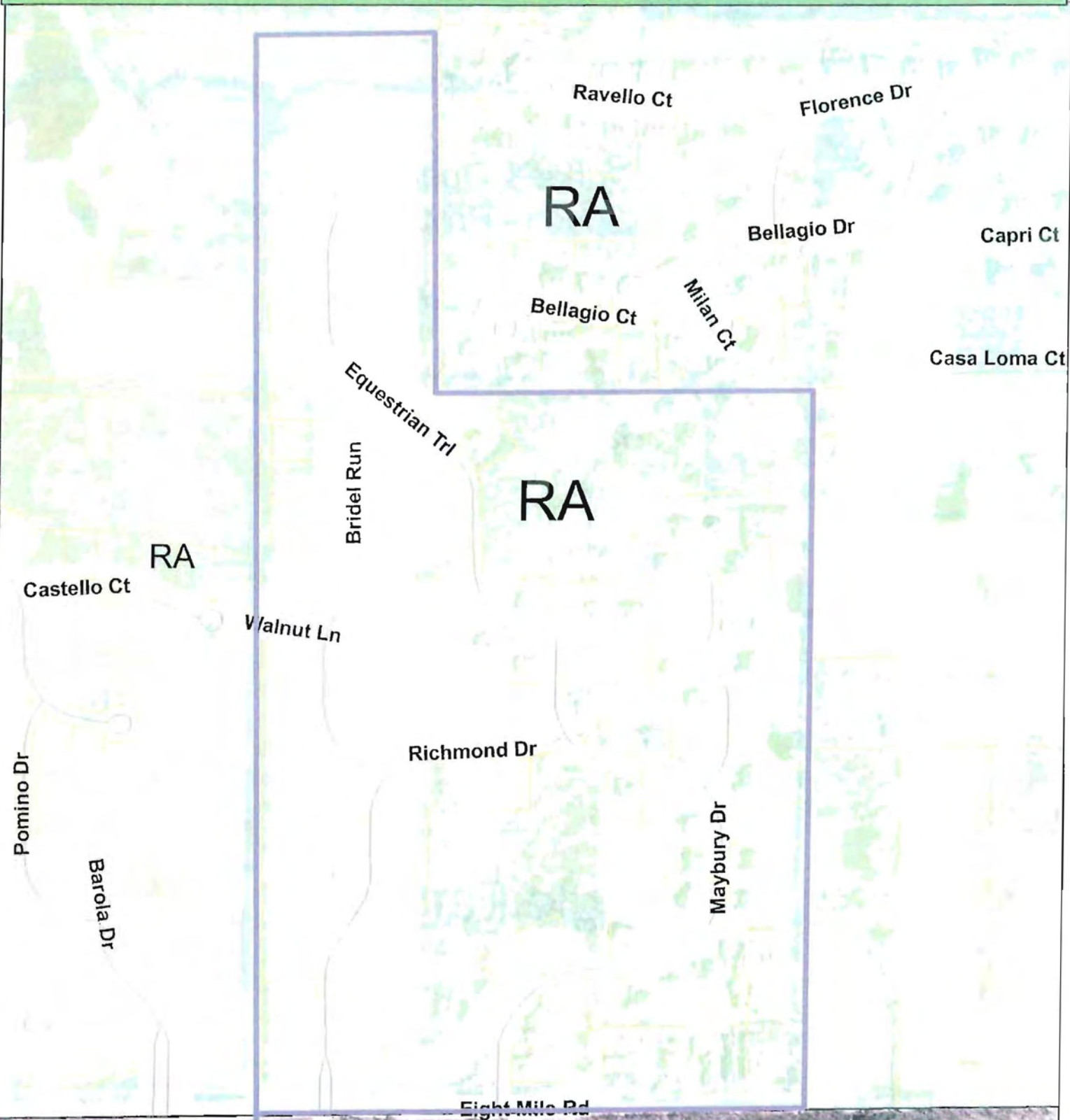
CITY OF NOVI
DEPARTMENT OF COMMUNITY DEVELOPMENT
4875 W. TOWN MILE ROAD
NOVI, MI 48242
313.487.2000

1 INCH EQUALS 8.978 FEET
MAP PRINT DATE: JULY 17, 2009

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MAPS
Location
Zoning
Future Land Use
Wetlands/Regulated Woodlands

08-14A Maybury Park Estates - Entry Gates Phase 1 and 2
Zoning Map



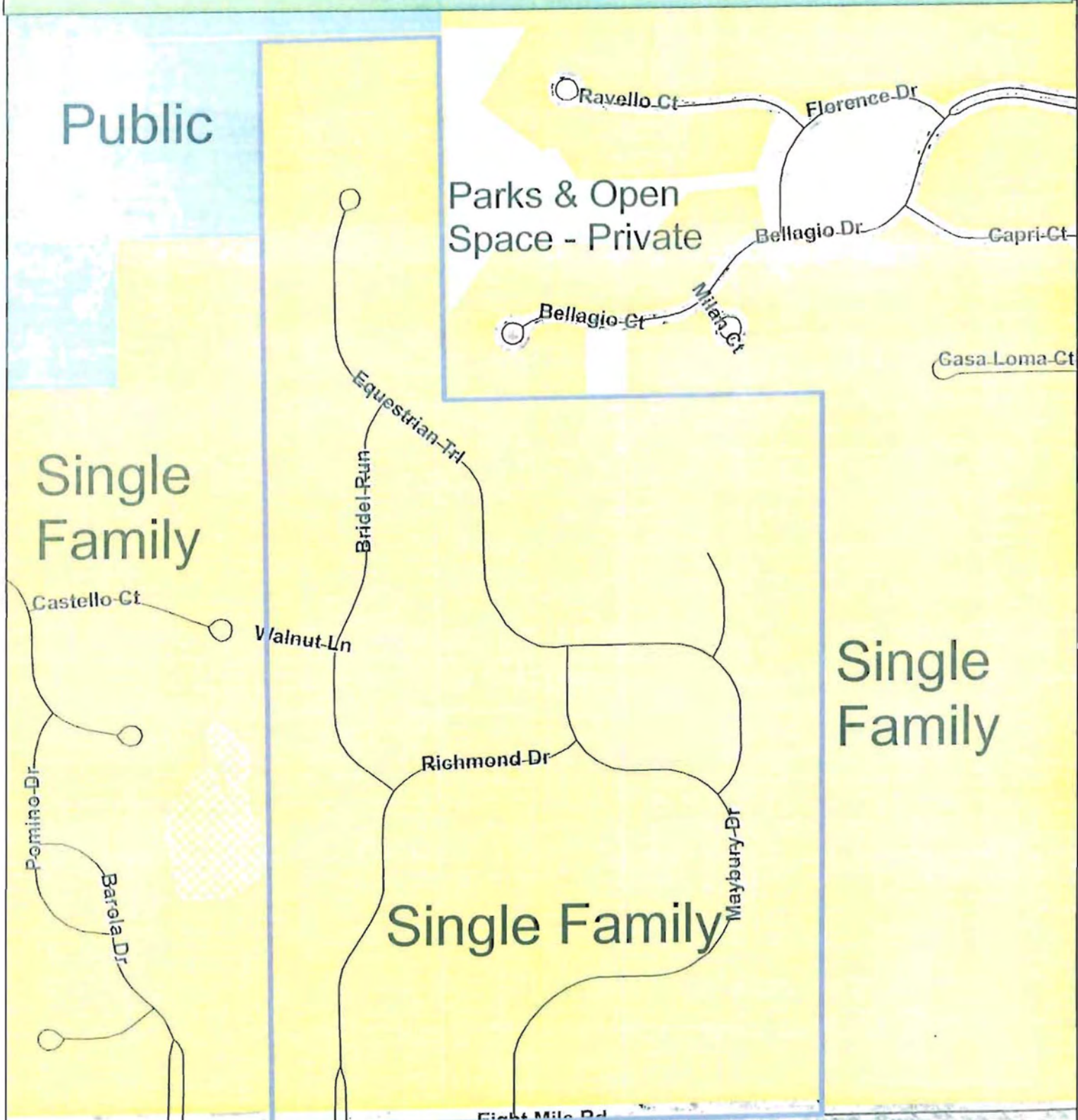
City of Northville

CITY OF NOVI
DEPARTMENT OF COMMUNITY DEVELOPMENT
45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415
MAP AUTHOR: Karen F. Rejnowski, AICP, POP

0 195 390 780 1,170
FEET
1 INCH EQUALS 490 FEET
MAP PRINT DATE: July 17, 2008

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4A Maybury Park Estates - Entry Gates Phase 1 and 2
 Future Land Use Map



Eight Mile Rd

City of Northville

CITY OF NOVI
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 4800 W. TEN MILE ROAD
 LYONS, MI 48035-3004
 (248) 847-0414
 H&E AUTHOR: Craig J. Peterson, AICP, PCT

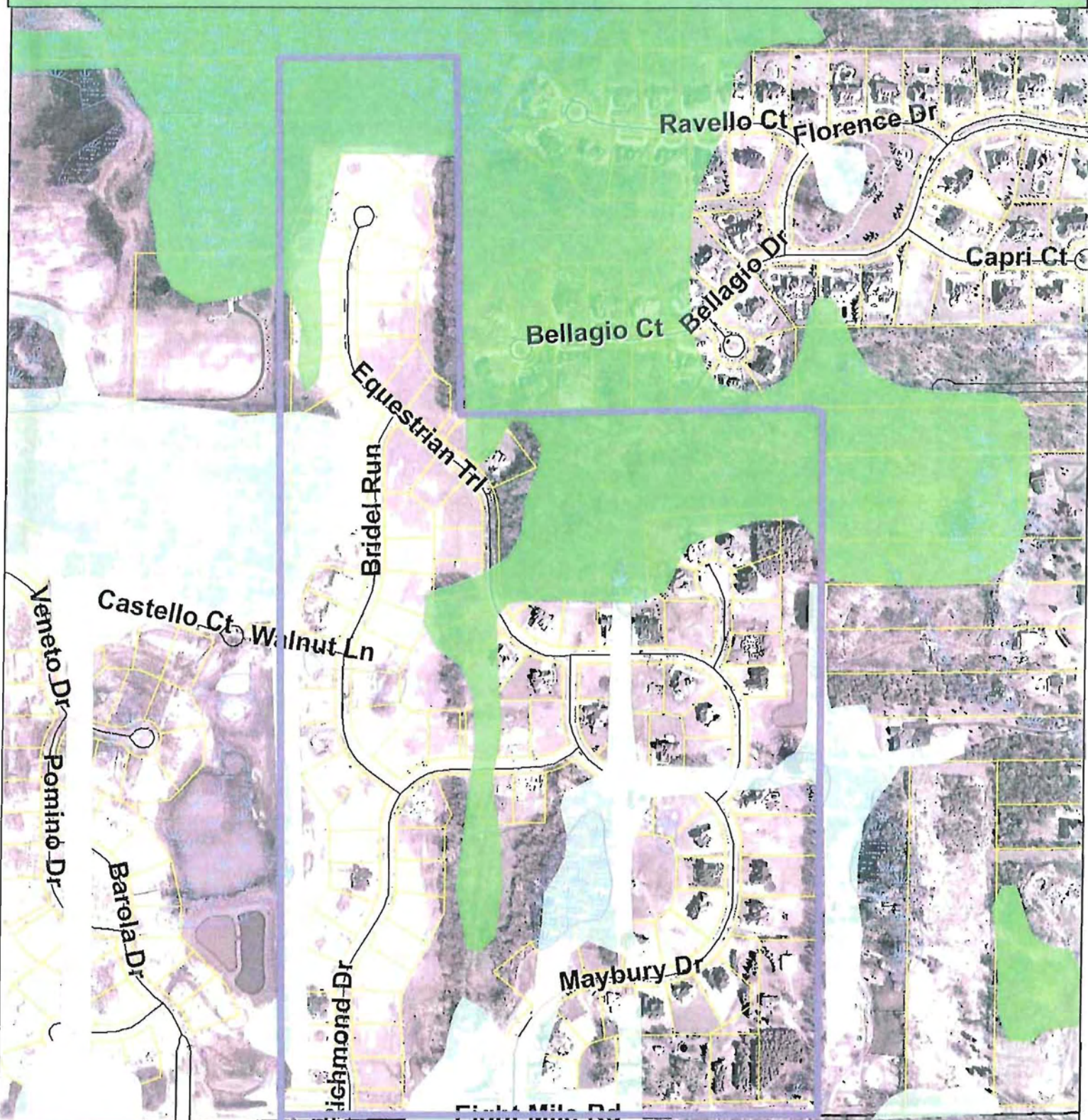
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0 100 200 300 400 500
 FEET
 1" = 400'

MAP PRINT DATE: July 17, 2008

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08-14A Maybury Park Estates - Entry Gates Phase 1 and 2
Wetlands and Regulated Woodlands



City of Northville

CITY OF NOVI
DEPARTMENT OF COMMUNITY DEVELOPMENT
46175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0515
MAP AUTHOR: Karen F. Radowski, AICP, PCP



0 205 410 620 1,230
FEET
1 INCH EQUALS 500 FEET
MAP PRINT DATE: July 17, 2008

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SITE PLAN

