

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 2
September 28, 2009

SUBJECT: Consideration of Zoning Map Amendment 18.682 with Planned Rezoning Overlay (PRO) SP08-09C from the applicant, J.S. Evangelista, LLC, to rezone property located at the southwest corner of Fourteen Mile and Novi Roads from RA, Residential Acreage with a Planned Unit Development (PUD) to RM-1, Low-Density, Low Rise, Multiple-Family Residential, final approval of the revised PRO Concept Plan, approval of the PRO Agreement, and revocation of the right to develop under the existing Maples of Novi PUD. The subject property is 3.88 net acres.

SUBMITTING DEPARTMENT: Community Development ^{Burb} Department - Planning

CITY MANAGER APPROVAL 

BACKGROUND INFORMATION: The petitioner is requesting consideration of a Planned Rezoning Overlay (PRO), in conjunction with rezoning request 18.682 for property located at the southwest corner of Fourteen Mile and Novi Roads in Section 2. The property totals 3.88 net acres. The PRO acts as a zoning map amendment, creating a “floating district” with a conceptual plan attached to the rezoning of the parcel. As part of the PRO, the underlying zoning is changed, in this case to RM-1 as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and the applicant agree to any deviations to the applicable ordinances, use restrictions and tentative approval of a conceptual plan for development for the site. After final approval of the PRO Concept Plan and agreement, the applicant would submit for Preliminary and Final Site Plan under the typical review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the PRO Concept Plan expires, the zoning reverts back and the agreement becomes void.

Prior approval as Senior Housing under Maples PUD

The current zoning of the parcel is RA, Residential Acreage **with a PUD**. The Maples of Novi PUD was approved on January 9, 1989. The PUD included one-family residential units (Maples of Novi Condominium), a golf course (Maples Golf Course), local commercial buildings (Maples Place) and – on the subject site – a senior housing building. The project was proposed as a phased development and the subject site was approved for a 100-unit congregate care senior apartment housing building with one and two bedroom apartments. The Planning Commission approved a Preliminary Site Plan (SP98-57) for this building in January 2000 and the Final Site Plan was stamped approved in December of 2000. The Planning Commission approved three one-year Final Site Plan extensions but site plan approval expired in 2005.

Tentative approval granted in 2008 for convalescent (nursing) home

In 2008, the applicant applied for a rezoning to RM-1 with a PRO for a 186 bed/93 unit 62,000 square foot convalescent (nursing) home building and accessory uses for the occupants. This plan was very similar to the previously approved plan for senior apartments. On September 24, 2008, the Planning Commission reviewed the rezoning petition and associated Concept Plan SP08-09A and made a positive recommendation to City Council. At their October 20, 2008 meeting, the City Council reviewed the rezoning petition and proposed Concept Plan and granted tentative approval pending City Council approval of a PRO agreement. As part of the PRO approval process, the City Council will need to revoke the right to develop under the existing Maples of Novi PUD plan and agreement. Revocation on the basis of the failure to develop a part of a phased development pursuant to a final site plan approval was contemplated in the former PUD ordinance. While final

site plan approval was secured here, the expiration of that plan made it “of no effect,” and required action to reestablish the approval. A request for renewed approval has not occurred, and instead the PRO rezoning has been requested.

Current proposal modified from concept plan submitted in 2008

The applicant is now proposing a revised rezoning petition with a PRO to facilitate the construction of a 76 unit, 110 bed, 56,643 square foot convalescent (nursing) home building and accessory uses for the occupants. The proposed Concept Plan is very similar to the Concept Plan tentatively approved in 2008.

This matter was brought before the Planning Commission for a public hearing and recommendation on September 16th, 2009. At that time, the Planning Commission reaffirmed the positive recommendation to rezone the property with the PRO to the RM-1, Low Density, Low Rise, Multiple Family Residential District including a positive recommendation for the revised PRO Concept Plan. At the same meeting, the Planning Commission approved the applicant’s Concept Plan as a Preliminary Site Plan (SP08-09) contingent on the City Council approving the rezoning and the PRO Concept Plan and minor revisions to the Site Plan as requested in the Plan Review Center reports.

Included with the proposed PRO Concept Plan, the applicant is seeking positive consideration of several minor Zoning Ordinance deviations as listed in the Planning Review. The Zoning Ordinance permits deviations from the Ordinance provided that the City Council find that “*each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas.*” The applicant has stated that these deviations are necessary to construct the project and that these deviations are reasonable since the use is less intense and the same or similar to the deviations previously approved senior housing planned for this site. The applicant has also noted that a wall and landscaping will provide a buffer to the adjoining multiple family residential parcel.

The applicant is also proposing the following PRO conditions:

| | Currently submitted Concept Plan | Previously approved Concept Plan |
|---------------------------------|--|---|
| Use | Use limited to a convalescent (nursing), congregate care and assisted living with accessory uses including dining, pharmacy, beauty shop, clinic and therapy services; | Same |
| Maximum square footage | 56,643 square feet | 62,000 square feet |
| Maximum lot coverage (building) | 13% | Same |
| Minimum open space | 46% | 45% |
| Maximum number of units | 76 | 93 |
| Maximum beds 110 | 110 | 186 |

These conditions will limit the scope and size of the development and are consistent with the submitted PRO Concept Plan.

Public Benefit

As part of the PRO, the applicant is required to provide a public benefit that would demonstrate more than just the usual benefits associated with standard rezoning and development of the property. As part of their public benefit, the developer again has agreed to donate, install, maintain and provide an easement for a City of Novi entrance sign on their site. Staff notes that additional public benefits include: the development of a 76-unit convalescent facility is slightly less intense than the previously approved senior apartment building and will have less impact upon utilities and roads, and the applicant proposed a 6-foot tall screen wall (per the applicant’s response letter). A row of 200 upright evergreen shrubs are proposed on the residential side of the wall and 12

canopy trees are shown along the west side of the building to soften the wall and buffer the new building from the apartments to the west. The applicant notes that the use will provide additional jobs in the community and add to the tax base since this is a for-profit venture and the proposed long-term care facility will provide a needed facility to the elderly.

The Plan Review Center reports again support the following findings:

1. The applicant's proposal to donate, install and maintain a City of Novi entrance sign and sign easement, as approved by the City, is a public benefit;
2. Constructing the proposed convalescent facility provides additional public benefit by increasing the City's tax base, providing an additional long term care facility, providing new jobs, and expanding service to the City's elderly population is a public benefit; and
3. The ordinance deviations associated with the proposed concept plan are acceptable since the deviations proposed permit an enhancement of the development that would not occur if not granted, are consistent with the Master Plan and are compatible with the surrounding area.

A rezoning from RA to RM-1 requires the submittal of a Rezoning Traffic Impact Assessment. Since a traffic assessment was conducted for the Maples of Novi PUD and the proposed use is less intense than that approved with the PUD, the City's Traffic Consultant continues to recommend waiver of this requirement.

RECOMMENDED ACTION: Approval of Zoning Map Amendment 18.682 with Planned Rezoning Overlay (PRO) SP08-09C from the applicant, J.S. Evangelista, LLC, to rezone property located at the southwest corner of Fourteen Mile and Novi Roads from RA, Residential Acreage with a Planned Unit Development (PUD) to RM-1, Low-Density, Low Rise, Multiple-Family Residential; final approval of the revised PRO Concept Plan; approval of the PRO Agreement; and revocation of the right to develop under the existing Maples of Novi PUD. Approval is subject to the following:

1. Waiver of the Traffic Impact Assessment for the revised petition, because the proposed convalescent (nursing) home use will generate less traffic than the previously approved senior housing apartment building;
2. Imposition of the proposed six PRO conditions in the table provided above and as proposed in the PRO Plan as appropriate limitations on the use of the property in consideration of adjacent or other area uses;
3. Acceptance of the applicant's offer for public benefits;
4. Approval of the revised PRO Concept Plan subject to the Planning Commission's conditions of approval of the Preliminary Site Plan SP08-09C; and
5. Approval of the PRO Agreement between the applicant and the City Council, including provisions required to revoke the PUD approval for this site and withdraw this property from that development.

For the following reasons:

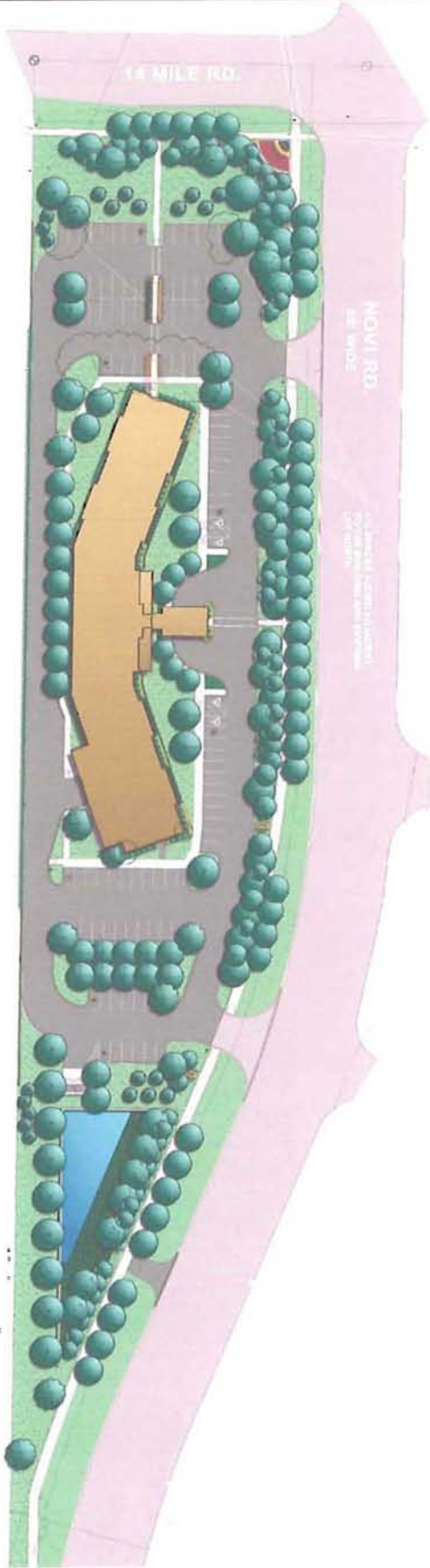
- The petition is consistent with the Master Plan for Land Use 2004 which depicts this area for multiple family uses and in accordance with the previously-approved PUD;
- The nursing home and other uses described in the PRO Agreement are compatible with the surrounding land uses;
- Adequate infrastructure exists to support the nursing home and other multiple-family uses;
- The proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area and by providing adequate access and utilities;
- The ordinance deviations associated with the proposed concept plan are acceptable since the deviations proposed permit an enhancement of the development that would not occur if not granted, are consistent with the Master Plan and are compatible with the surrounding area; and
- The applicant's proposal to donate, install, and maintain a City of Novi entrance sign and sign easement, as approved by the City, is a public benefit. Similarly, constructing the proposed convalescent facility provides additional public benefit by increasing the City's tax base, providing an additional long term care facility, providing new jobs, and expanding service to the City's elderly population is a public benefit.

| | 1 | 2 | Y | N |
|--------------------------------|---|---|---|---|
| Mayor Landry | | | | |
| Mayor Pro Tem Gatt | | | | |
| Council Member Burke | | | | |
| Council Member Crawford | | | | |

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

**PRO CONCEPT PLAN
(Preliminary Site Plan) SP08-09C**

- 1. Reduced Site Plan with proposed parking changes**
- 2. Building Elevations**



NFE
ENGINEERS
 CIVIL ENGINEERS
 LAND SURVEYORS
 LAND PLANNERS
 1100 W. WASHINGTON HWY.
 ANN ARBOR, MI 48106-2708
 TEL: (313) 963-0100
 FAX: (313) 963-0105



PROJECT
 Maple Manor in Novi

OWNER
 J.S. Evangelista
 Development, LLC
 7071 Orchard Lake Road,
 Suite 313
 West Bloomfield, MI 48322
 Tel: (248) 826-9114
 Fax: (248) 826-9114
 Contact:
 Mr. Martin Evangelista
 mte@jsedevelopment.com

part of the Northland 14
 at Station 2, T. 18N.,
 R. 3E., Ctr. of Novi,
 Oakland County,
 Michigan

SHEET
 Parking Addition



REVISIONS:

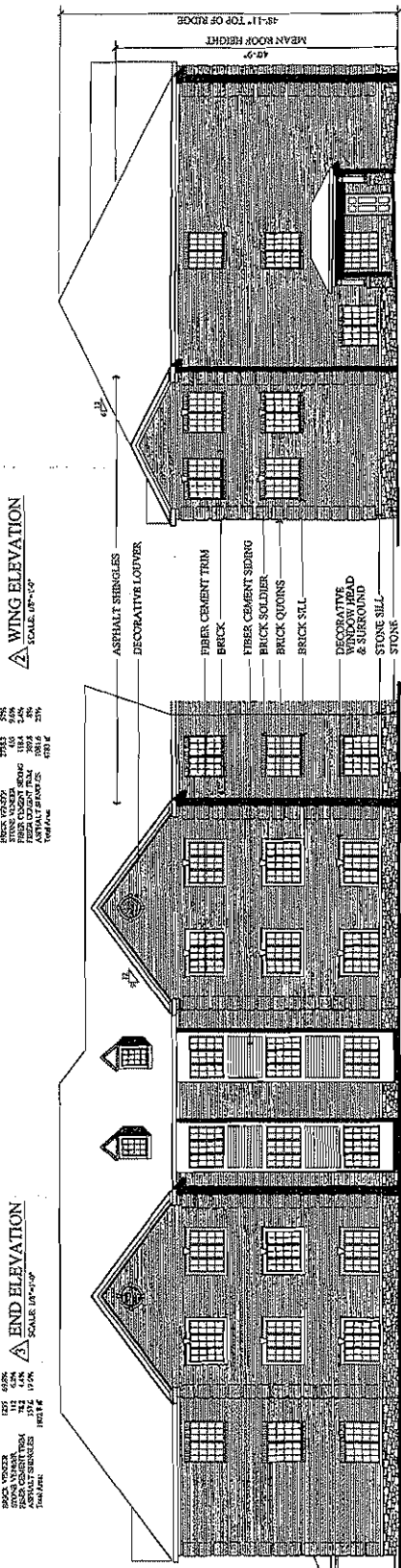
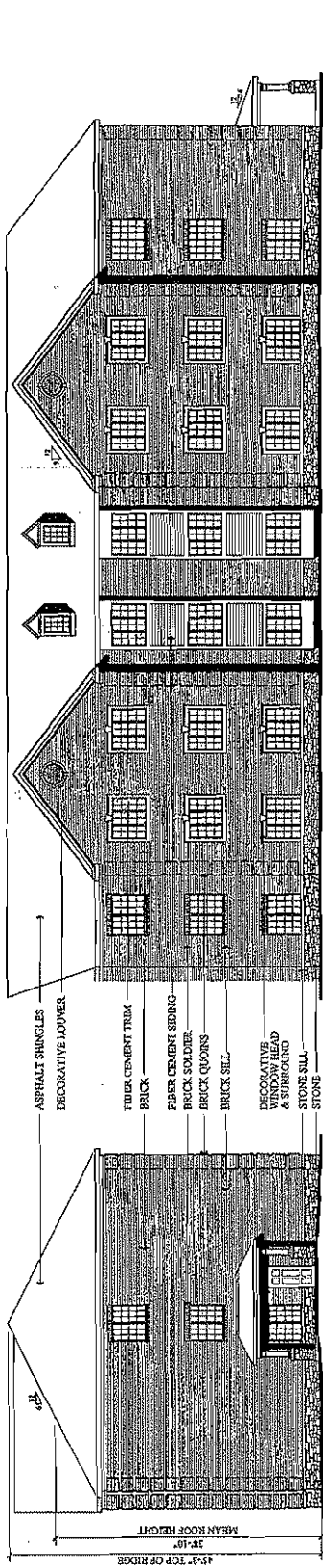
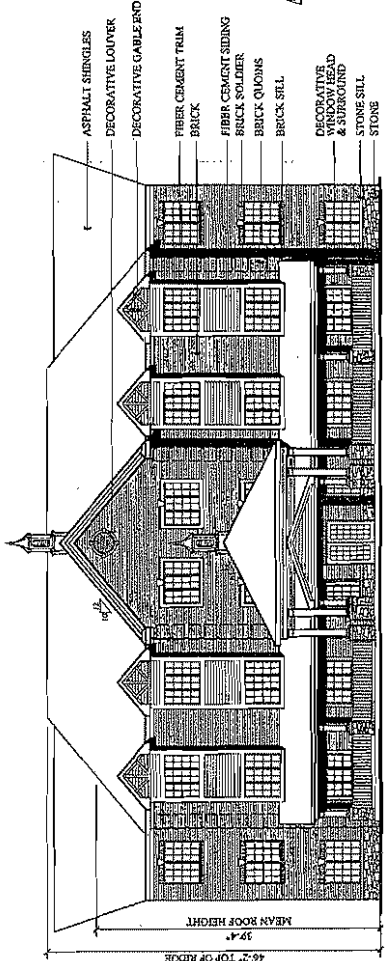
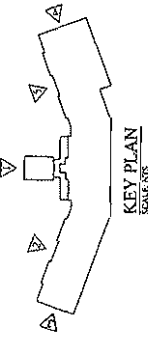
DESIGNED BY
 G. Ostronski
 SUPERVISOR
 G. Ostronski
 CHECKED BY
 G. Ostronski
 DATE
 05/01/09
 SCALE
 1" = 20'

DATE PLOTTED: 05/11/09
 PLOT SCALE: 1/8" = 1'-0"
 PLOT NUMBER: C-112

518 W. Long Lake #220
Novi, Michigan 48165
248.562.5940 Fax: 248.540-4320
Email: info@progressiveassociates.com
Northern Michigan Office
10000 Lakeshore Blvd.
Searsfield, MI 49778
231.457.9990 Fax: 231.457.9299
Email: ryan@shawand.com



Issued For:
REVIEW
2.10.09
REVIEW
6.04.09 / S.A.M.



Project: MAPLE MANOR of NOVI
Novi, Michigan
Sheet Title: PROPOSED ELEVATIONS
Project Number: 09-108
Drawn: JTC
Checked: JTC
Date: 5.19.09
Sheet Number: 2014
Scale: 1/8"=1'-0"

SKS

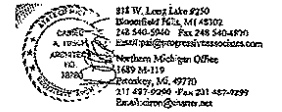
NOTES: 1. CEILING HT. @ 8'4" FLOOR

END ELEVATION
SCALE: 1/8"=1'-0"

BRICK VOLUME: 1934 67K
STONE VOLUME: 1219 4.0K
FIBER CEMENT TRIM: 219 1.0K
FIBER CEMENT SIDING: 1064 33.1K
ASPHALT SHINGLES: 385.5#
Total Area: 1827.6

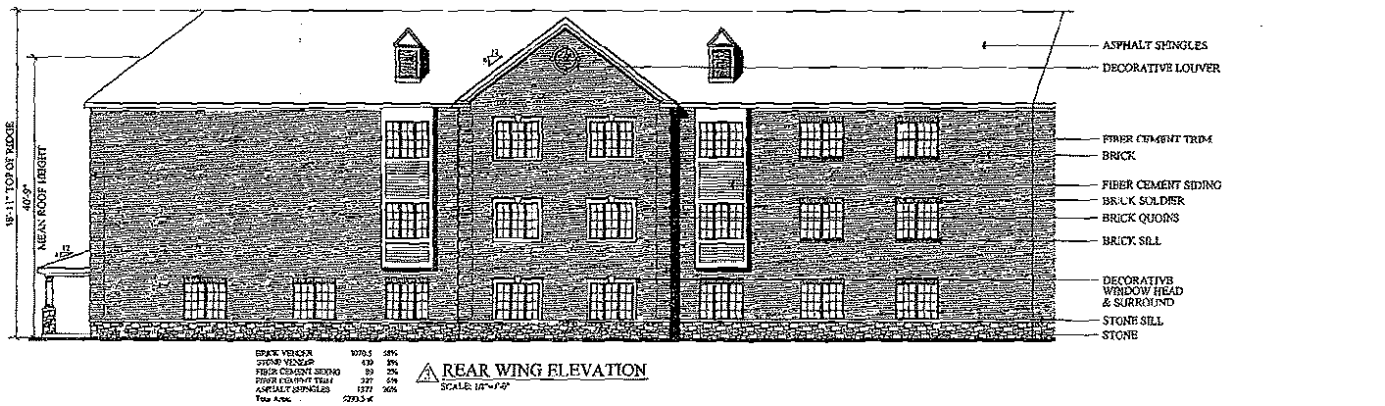
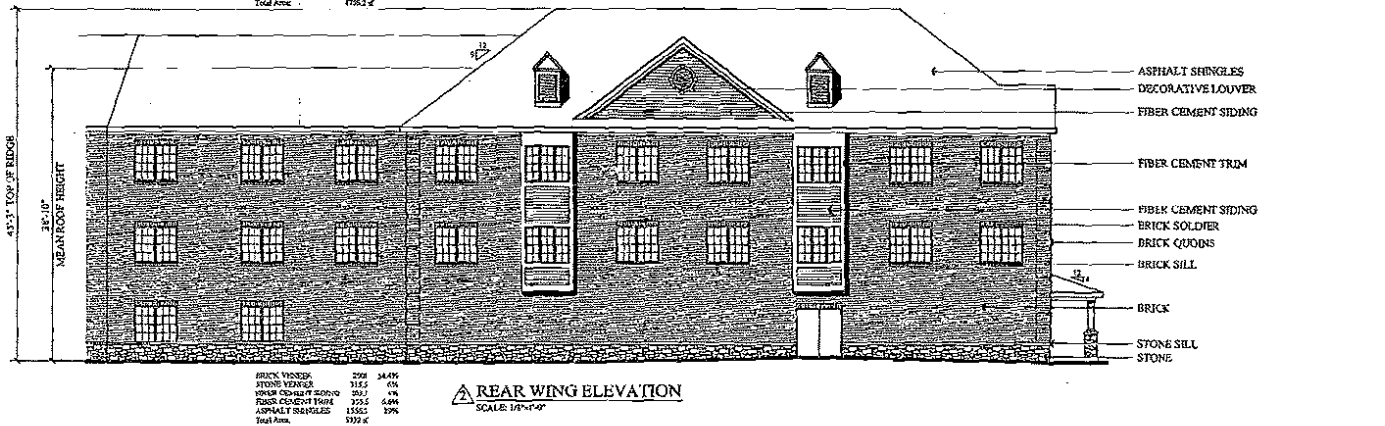
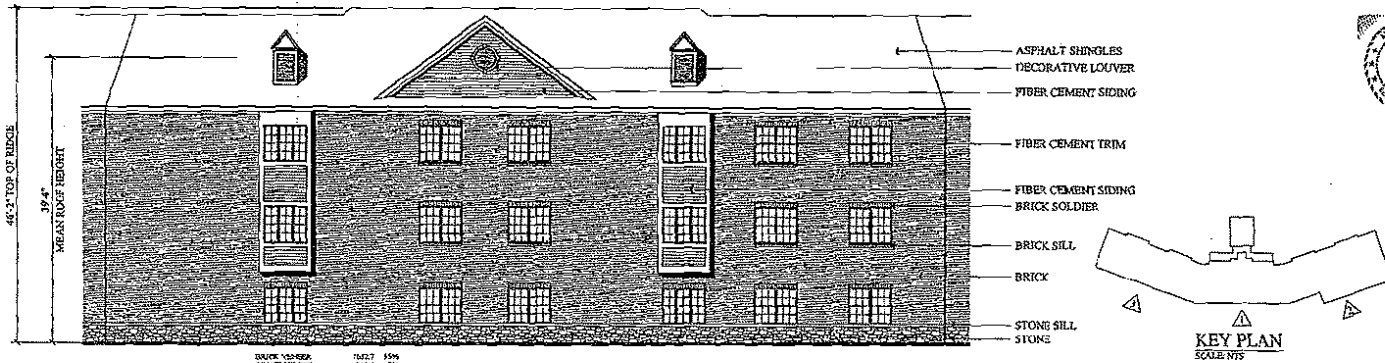
END ELEVATION
SCALE: 1/8"=1'-0"

BRICK VOLUME: 1535 69.9K
STONE VOLUME: 142 4.4K
FIBER CEMENT TRIM: 142 1.7K
FIBER CEMENT SIDING: 1064 33.1K
ASPHALT SHINGLES: 402.4#
Total Area: 1827.6



314 W. Long Lake #220
 Bloomfield Hills, MI 48302
 248.540.5240 Fax 248.540.4770
 25007ps@progressiveassociates.com
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 Eastwood@psa.com

Issued For:
 REVIEW
 5.30.09
 REVIEW
 6.04.09 / 6.11.09



Project:
MAPLE MANOR
 of NOVI

Novi, Michigan

Sheet Title:
PROPOSED
ELEVATIONS

Project Number: 09-108
 Drawn: VC
 Checked: DT
 Date: 5.19.09
 Sheet Number: **SK6**

PRO AGREEMENT

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

THIS AGREEMENT, is made and entered into this ____ day of _____, 2009, by and among J.S. Evangelista Development, LLC, a Michigan limited liability company whose address is 7071 Orchard Lake Road (referred to as “**Developer**”); and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 (“**City**”). West Bloomfield, MI 48322
Suite #333

RECITATIONS:

- I. Developer is the fee owner and developer of the “Land” described on **Exhibit A**, attached and incorporated herein.
- II. For purposes of improving and using the Land for an approximately 56,643 square foot convalescent care, congregate care, nursing care, assisted living, or senior housing facility, retirement home for the aged, or other long-term care uses, with accessory uses, such as dining, pharmacy, beauty shop, clinic and therapy services for residents of the facility (the “Permitted Uses”), Developer petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from RA, Residential Acreage with a Planned Unit Development (PUD), to RM-1, Low-Density, Low Rise, Multiple-Family Residential. The RA with PUD classification shall be referred to as the “**Existing classification**” and RM-1 shall be referred to as the “**Proposed Classification.**”
- III. The Proposed Classification would provide the Developer with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Developer.
- IV. The City has reviewed and approved the Developer’s proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City’s Zoning Ordinance; has reviewed and approved the Developer’s proposed PRO Plan (including building façade, elevations, and design) attached hereto and incorporated herein as **Exhibit B** (the “PRO Plan”), which is a conceptual or illustrative plan for the development of the Land under the Proposed Classification, and not an approval to construct the proposed

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

- V. In proposing the Proposed Classification to the City, Developer has expressed as a firm and unalterable intent that Developer will develop and use the Land in conformance with the following undertakings by Developer, as well as the following forbearances by the Developer (each and every one of such undertakings and forbearances shall together be referred to as the "Undertakings"):
- A. Developer shall develop and use the Land solely for an approximately 56,643 square foot facility for a convalescent care, congregate care, nursing care, assisted living, or senior housing facility, retirement home for the aged, or other long-term care uses with accessory uses such as dining, pharmacy, beauty shop, clinic and therapy services for residents of the facility, to the extent permitted under the Proposed Classification. Developer shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.
 - B. Developer shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable height, area, and bulk requirements of the Zoning Ordinance as relates to the Proposed Classification, except as expressly authorized herein. The PRO Plan is acknowledged by both the City and Developer to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City's ordinances, rules, or regulations are depicted in the PRO Plan and are approved by virtue of this Agreement; however, except as to such specific deviations enumerated herein, the Developer's right to develop the facility under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement. The building design, façade, and elevations shall be substantially similar (as determined by the City) to that submitted as part of the Developer's final approval request, as depicted in **Exhibit B**.
 - C. In addition to any other ordinance requirements, Developer shall seek, obtain approval for, and use best management practices and efforts with respect to all storm water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the development contemplated in the Proposed Classification.

D. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.

1. A variance on the maximum building height permitted (maximum 35 feet, two stories permitted; 40.75 feet, 3 stories provided).
2. A variance on the maximum amount of parking, loading area and driveways in required setback (30% maximum; over 30% provided).
3. A variance in the permitted maximum building length (180 feet required or up to 360 feet permitted with increased setbacks; 365 feet without increased setbacks provided).
4. A variance in the minimum building setbacks as follows
 - a. Building front (east) – 136 feet required; 66.6 feet provided.
 - b. Building rear (west) --136 feet required; 37.65 feet provided.
5. Variances in the parking, drives and loading area setbacks as follows:
 - a. Building front (east) – 136 feet required; 10 feet provided.
 - b.
 - c. Building rear (west) --20 feet required; 2.5 feet provided.

E. Developer acknowledges that the Land is the subject of a previously-approved PUD agreement, dated July 10, 1989 that establishes or permits a different use for the Land. The City of Novi's Planned Use Development (PUD) Ordinance, which is applicable to the Land even though the ordinance has been repealed by amendment of the zoning ordinance, provides, at §2700.10, for the revocation of a right to develop under an approved area plan [§2700.10.c] where there is no approved final site plan, and also indicates that the City Council may require a new area plan to be filed and reviewed by the City or for the City to initiate a zoning change in light of the revocation. The City and Developer agree that the City Council, in connection with its consideration of the Application for PRO approval and its approval of this Agreement, has undertaken all actions necessary to revoke the previously-approved PUD area plan for this Land *only*, in conformance with §2700, and that the City is also authorized to approve a zoning ordinance amendment applicable to the Land in accordance with the current provisions of Article 34

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

- F. The following PRO Conditions shall apply to the Land and/or be undertaken by Developer:
1. Permitted Uses shall be limited to a facility for convalescent care, congregate care, nursing care, assisted living, senior housing, retirement home for the aged, or other long term care uses , together with accessory uses for the use of the residents of the facility only including but not limited to dining facilities, pharmacy, beauty shop, clinic and therapy services.
 2. The facility shall have a maximum square footage of 56,643 feet.
 3. Maximum lot coverage for the facility shall be 11%.
 4. The property shall have a minimum open space of 46%.
 5. The facility shall have a maximum of 76 units, with a maximum of 110 patient beds.
 6. Developer shall install a 6-foot tall screen wall, and shall plant 200 upright evergreen shrubs along the residential side of said wall. Developer shall further plant 12 canopy trees along the west side of the wall to soften the wall and buffer the new building from the apartments to the west.
 7. Developer shall provide an easement for, and shall donate, install and maintain, a City of Novi entrance sign on the Land. The sign shall be identical to the City of Novi entrance signs installed elsewhere in the City.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

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

- d. The Developer shall commence and complete all actions necessary to carry out all of the PRO Conditions.
2. In the event Developer attempts to or proceeds with actions to complete improvement of the Land in any manner other than as an approximately 56,643 square foot building for Permitted Uses as defined in this Agreement, as shown on **Exhibit B**, the City shall provide Developer 30 days written notice of such deviation and a reasonable opportunity to cure. Failure of the Developer to cure such condition or abstain from such activity, the City may revoke all outstanding building permits and certificates of occupancy issued for such building and use and take any other action permitted under law or equity.
3. Developer acknowledges and agrees that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Developer in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Developer.
4. All of the Undertakings represent actions, improvements, and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing of the development for the Permitted Uses as defined in this Agreement. The burden of the Undertakings on the Developer is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.
5. In addition to the provisions in Paragraph 2, above, in the event the Developer, or its respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Developer nor its respective successors, assigns, and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Developer shall be estopped from objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a “downzoning” or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Developer from otherwise challenging the reasonableness of such rezoning as applied to the Land as permitted by law.

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

[signatures on following page]

FEE OWNER/DEVELOPER

J.S. EVANGELISTA DEVELOPMENT, LLC

By: *Neuangelista*

Its: Dr. Stella Evangelista
Managing Member

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

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

 Steve Wallace
STEVEN WALLACE, Notary Public
OAKLAND County
Acting in OAKLAND County
My commission expires: 12/3/2012

CITY OF NOVI

By: _____
David B. Landry, Mayor

By: _____
Maryanne Cornelius, Clerk

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

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

, Notary Public
County
Acting in County
My commission expires:

Drafted by:

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

When recorded return to:

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

1292106.2

MAPS



- 1. Location**
- 2. Future Land Use**
- 3. Zoning**
- 4. Regulated Woodlands, Wetlands,
Floodplains & Natural Features**

Rezoning 18.682 & SP08-09 Maple Manor

Location Map

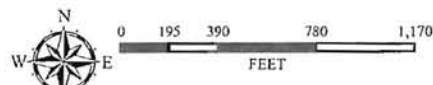


Legend

-  Municipal Boundaries
-  Tax Parcel



CITY OF NOVI PLAN REVIEW CENTER
 Created by Mark Spencer
 5/29/08
 NOVI COMMUNITY DEVELOPMENT DEPARTMENT
 45175 W. TEN MILE ROAD
 NOVI, MI 48375-3024
 (248) 347-0475
 WWW.CITYOFNOVI.ORG



/18.682 Maple Manor location.mxd

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.

Rezoning 18.682 & SP08-09 Maple Manor

Future Land Use Map

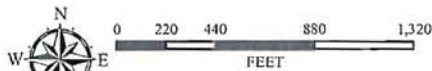


Legend

- | | | | |
|---|--|---|---|
| <ul style="list-style-type: none"> Municipal Boundaries SINGLE FAMILY MULTIPLE FAMILY PD1 | <p>Future Land Use 2008</p> <ul style="list-style-type: none"> LOCAL COMMERCIAL EDUCATIONAL FACILITY PRIVATE PARK | <ul style="list-style-type: none"> MOBILE HOME PARK GATEWAY MIXED USE LOCAL COMMERCIAL PRIVATE PARK | <p>Neighbor's FLU</p> <ul style="list-style-type: none"> MULTIPLE FAMILY TOWNSHIP PARK SINGLE FAMILY |
|---|--|---|---|



CITY OF NOVI PLAN REVIEW CENTER
 Created by Mark Spencer
 5/29/08
 NOVI COMMUNITY DEVELOPMENT DEPARTMENT
 45175 W. TEN MILE ROAD
 NOVI, MI 48375-3024
 (248) 347-0475
 WWW.CITYOFNOVI.ORG



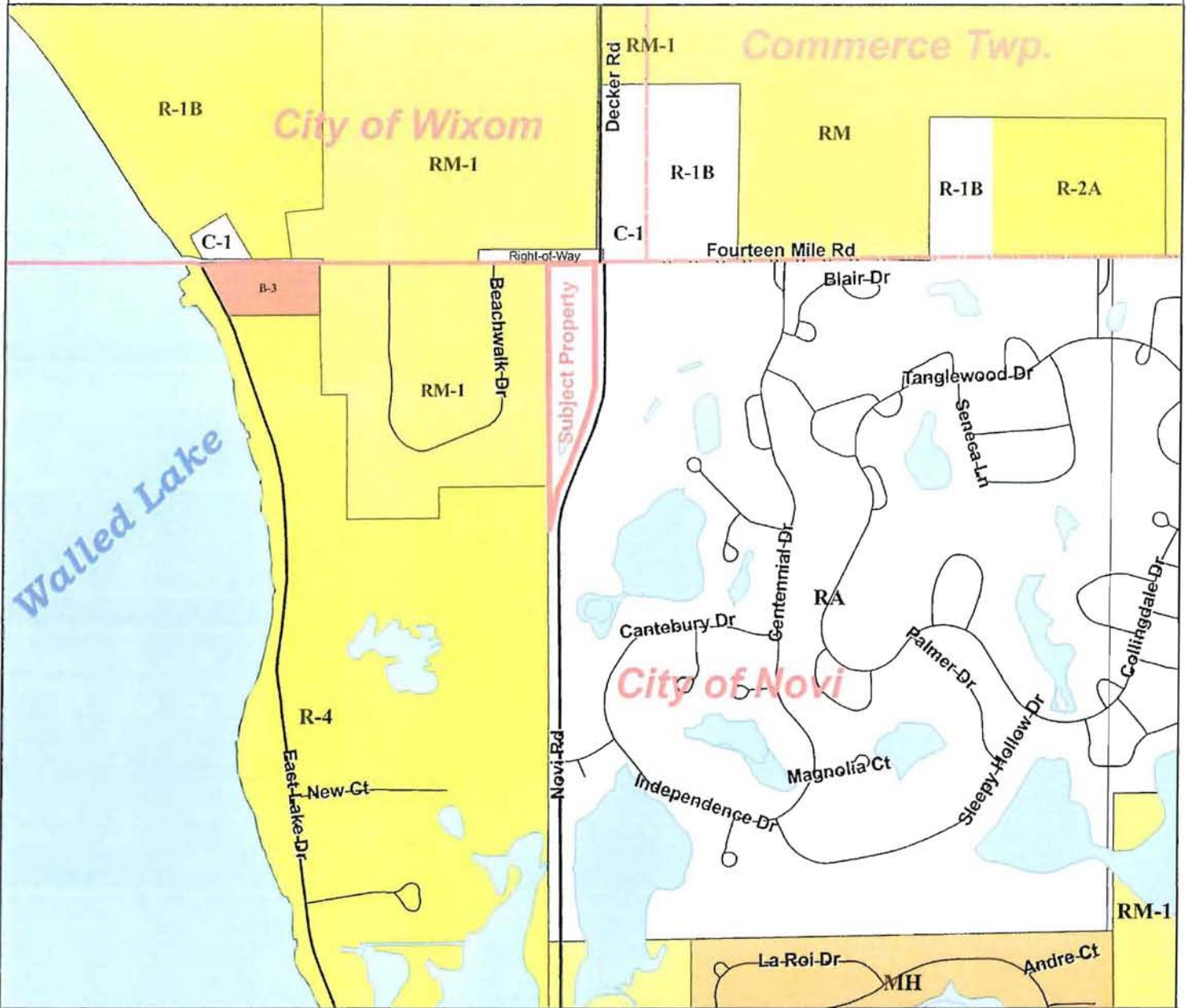
/18.682 Maple Manor flu.mxd

MAP INTERPRETATION NOTICE

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Rezoning 18.682 & SP08-09 Maple Manor

Zoning Map



Legend

Novi Zoning

- R-A: Residential Acreage
- R-4: One-Family Res.; 10,000 sq. ft.
- RM-1: Low-Density Multiple Family
- MH: Mobile Home
- B-3: General Commercial

Municipal Boundaries

- Municipal Boundaries
- R-1B: One-Family Res.
- R-2A: Two-Family Res.
- RM: Multiple Family Res.

Walled Lake Zoning

- C-1: Neighborhood Commercial
- R-1A: Single Family Res. 12,000 sq. ft.
- R-1B: Single Family Res. 9,000 sq. ft.
- RM-1: Multiple Family Res. Low Density



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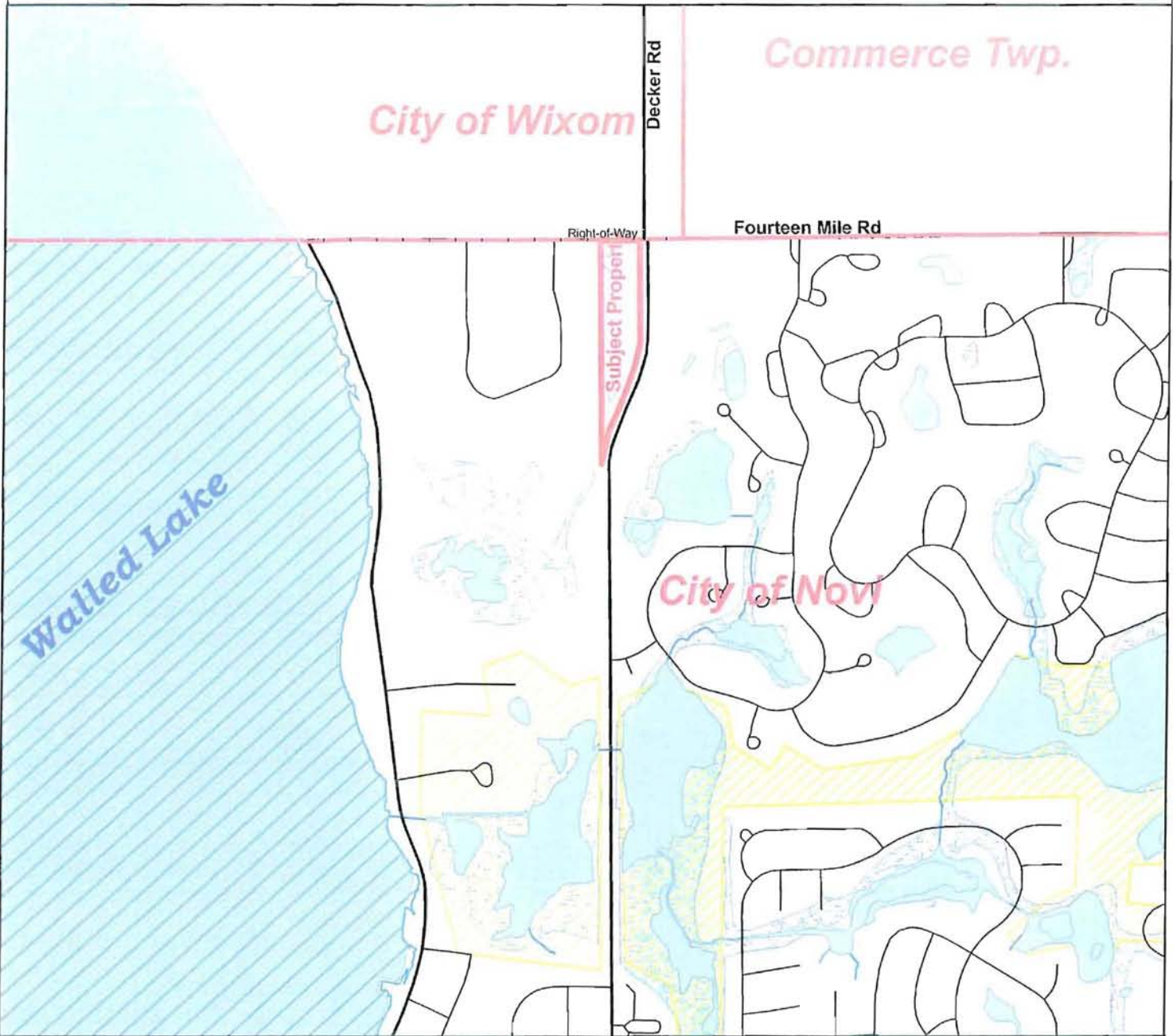
/18.682 Maple Manor zoning.mxd

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Rezoning 18.682 & SP08-09 Maple Manor

Wetlands, Flood Plains, Regulated Woodlands & Natural Feature Map

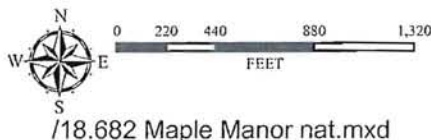


Legend

- | | | | |
|--|--|---|---|
| <ul style="list-style-type: none"> Municipal Boundaries Waterbodies Wetlands | <p>Flood Hazard Areas</p> <ul style="list-style-type: none"> 100 yr. Flood Zones Flood Zone A Flood Zone AE | <p>Natural Features</p> <p>Habitat Areas</p> <p>RANK</p> <ul style="list-style-type: none"> High Priority Medium Priority Low Priority | <p>Regulated Woodlands</p> <p>Woodland Type</p> <ul style="list-style-type: none"> Light Medium Dense |
|--|--|---|---|



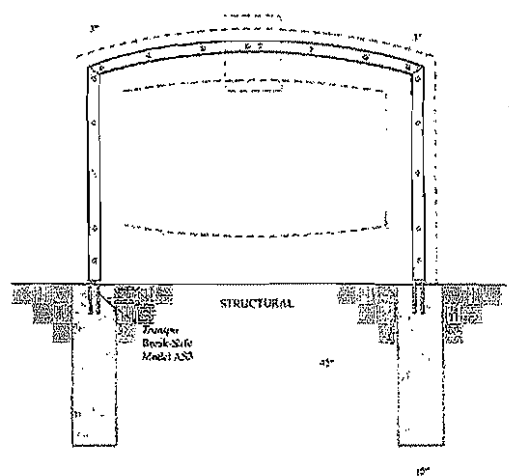
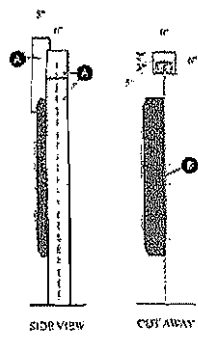
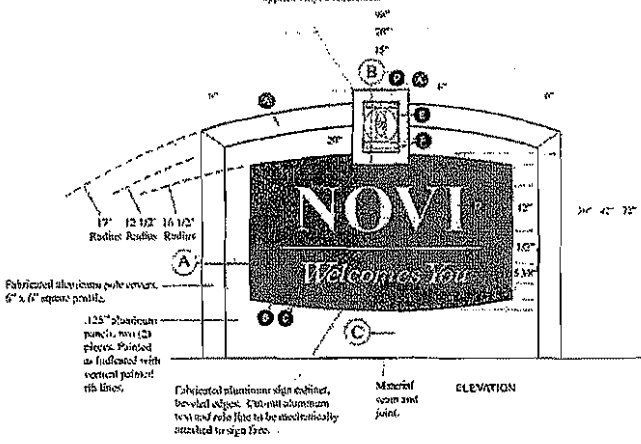
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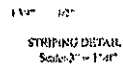
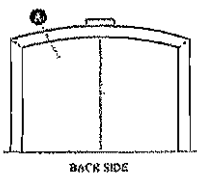
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PROPOSED CITY OF NOVI SIGN

Fabricated aluminum sign cabinet, aluminum reflective and back. Painted as indicated with surface applied vinyl as indicated.



- A MAC Gold Standard 88101SP
 - B MAC Co natch PMS 256 Blue
 - C MAC Distressed Gold 600133
 - D MAC White
 - E 3M 47725-17 Vinyl Blue
 - F 3M 47725-11 Vinyl Gold
 - G MAP #25833
 - H MAP #25820
- Standard 20" Glass Level



SIGN TYPE D MONUMENT SIGN
Scale: 1/2" = 1'-0"

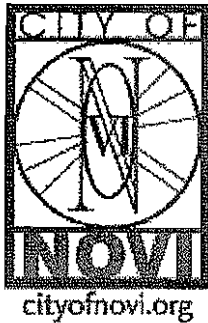
signgraphix
29755 County Club Drive, Suite B-35,
Parsippany, NJ 07054-4323
Tel: 973-261-1700 Fax: 973-261-1712
www.signgraphix.net

PROJECT: 624-48
13815
093
14722

| DATE | REVISIONS |
|------|-----------|
| | |
| | |

This design, graphic and price is provided before the opening of 30 days after the date of the contract. It is not to be used for any other project without the written consent of signgraphix, Inc. It is to be used for the project only and is not to be used for any other project without the written consent of signgraphix, Inc.

PLANNING REVIEWS



PLAN REVIEW CENTER REPORT

June 11, 2009

Planning Review

MAPLE MANOR OF NOVI PRO
Revised PRO Concept Plan
Rezoning 18.682

Petitioner

J. S. Evangelista Development, LLC

Review Type

Revised rezoning petition from Residential Acreage (RA) with an approved Planned Unit Development (PUD) to Low Density Multiple-Family Residential (RM-1), with a Planned Rezoning Overlay (PRO).

Property Characteristics

- Site Location: Southwest corner of Fourteen Mile and Novi Roads
- Site Size: 4.6 acres gross, 3.8 acres net
- Surrounding Zoning: East and Southeast: Residential Acreage (RA) with a PUD; Southwest: One-Family Residential (R-4); West: Multiple Family Residential (RM-1); North: Multiple Family Residential (RM-1) in the City of Walled Lake; and Northeast: Neighborhood Commercial (C-1) in City of Walled Lake.
- Current Site Use: Vacant
- Surrounding Land Uses: East: Maples Place local commercial center; Southeast: Maples of Novi residential club house and recreation area; Southwest: Hickory Woods Elementary School; West: Beachwalk Apartments; North: Lake Village multiple-family residential in City of Walled Lake; and Northeast: vacant property in City of Walled Lake.
- School District: Walled Lake Consolidated Schools
- Proposed Use: 76 unit, 91 bed, 56,643 square feet convalescent (nursing) home
- Plan Date: May 12, 2009

Project Summary

The petitioner is requesting a rezoning with a PRO of a 4.664 acre parcel located in Section 2 of the City of Novi from Residential Acreage (RA) with a PUD to Low Density Multiple-Family Residential (RM-1) with a PRO. The applicant's revised Site Plan is proposing a three story, 76 unit, 91 bed, 56,643 square feet convalescent home. Currently, the site is subject to the Maples of Novi PUD conditions that were approved by the City Council in 1989. The approved PUD has an area of about 230 acres and the proposed development included the Maples of Novi one-family residential units (built), the Maples Golf Course (built), the Maples Place shopping center (built) and a senior housing building (not built). The PUD project was proposed as a

phased development with an overall residential density of 4.0 dwelling units per acre. The subject Maple Manor site was approved for a 100 unit congregate care senior apartment housing building with one and two bedroom apartments but it was never started. The Planning Commission approved a Preliminary Site Plan (SP98-57) for a senior apartment building in January 2000 and the Final Site Plan was stamped approved in December of 2000. The Planning Commission approved three Final Site Plan approval extensions but the approval expired in 2005.

In 2008, the applicant submitted a new site plan and a rezoning petition for the property. The new proposal was for a convalescent (nursing home) facility rather than for congregate care facility. After receiving a positive Planning Commission recommendation, the City Council on October 20, 2008 made the following findings:

- **As part of their public benefit the developer has agreed to donate, install, maintain and provide an easement for a City of Novi entrance sign on their site;**
- **The development of a 93- unit convalescent facility is slightly less intense than the previously approved senior apartment building; and will have less impact upon utilities and roads; and**
- **The applicant's proposed 6-foot tall screen wall with a row of 200 upright evergreen shrubs on the residential side of the wall along with 12 canopy trees along the west side of the building will soften the wall and buffer the new building from the apartments to the west;**

At the same meeting the City Council granted tentative approval of the rezoning petition and the PRO Concept Plan subject to approval of a PRO agreement by City Council.

The Planned Rezoning Overlay process involves a PRO plan and specific PRO conditions in conjunction with a rezoning request. The submittal requirements and the process are codified under the PRO portion of the Zoning Ordinance (Article 34). Within the process, which is completely voluntary by the applicant, the applicant and City Council can agree on a series of conditions to be included as part of the approval. Their tentative approval included the following conditions:

- 1. Uses limited to a convalescent (nursing), congregate care and assisted living with accessory uses including dining, pharmacy, beauty shop, clinic and therapy services;**
- 2. Maximum square footage 62,000 square feet;**
- 3. Maximum lot coverage (building) 13%;**
- 4. Minimum open space 45%;**
- 5. Maximum number of units 93;**
- 6. Maximum beds 186; and**
- 7. Turn movements on Fourteen Mile Road are limited to right out only.**

Under Section 3402.D.1.c, deviations from the strict application of the Zoning Ordinance may be permitted by the City Council in the PRO agreement. The tentatively approved PRO Concept Plan included a set of Zoning Ordinance deviations listed in the Table below.

Current Proposal

The applicant is now asking the City Council to approve a revised PRO Concept Plan. The applicant has stated that the changes were done to accommodate internal building functions and to improve the building aesthetics. The revised Concept Plan is very similar to the tentatively approved Concept Plan. The applicant made the following changes:

- Redesigned the building and reduced the floor area from 62,000 to 57,000 square feet;
- Reduced the number of units from 93 to 76 and beds from 186 to 91;
- Increased the maximum height of the building from 36 feet to 40.75 feet;
- Increased the length of the building from 321 feet to 365 feet;
- Increased some of the setback deviations (due to the building length increasing);
- Angled the north and south wings of the building;
- Eliminated the court yards on the west side of the building;
- Removed access to Fourteen Mile Road;
- Reduced the height of the screen wall along the west property line from 6 feet to 4.5 feet;
- Reduced the number of evergreens on the west side of the screen wall from 200 to 117;
- Moved some of the parking spaces to the north side of the building; and
- Increased the number of parking spaces from 88 to 91.

Recommendation

In general the Planning Staff believes the above changes are minor and in keeping with the general intent of the tentatively approved Concept Plan except for the reduction in the height of the screen wall and the reduction in the number of evergreens adjacent to the screen wall that were incorporated into the previous Concept Plan to soften the wall and buffer the new building from the apartments to the west. This wall and planting configuration was the basis for the Planning Commission's waiver of the required 4.5 to 6 foot tall berm. The current PRO Concept Plan meets all of the other conditions of City Council's tentative approval and it includes the public benefit items depicted in the tentatively approved Concept Plan. Therefore, the Planning Staff **recommends approval of the revised Concept Plan subject to the applicant increasing the height of the screen wall to 6 feet and increase the number of evergreens to be planted on the west side of the wall to extend the entire length of the wall for the following reasons:**

- The petition is consistent with the Master Plan for Land Use 2004 which depicts this area for multiple family uses;
- Nursing home uses are compatible with the surrounding land uses;
- Adequate infrastructure exists to support nursing home and multiple-family uses; and
- The proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area and by providing adequate access and utilities

Ordinance Deviations

The revised Concept Plan includes a modified set of Zoning Ordinance deviations that are listed in the Table below. The District requirements and the tentatively approved deviations are also listed in the Table.

Proposed Deviations – *Items in bold require City Council approval of the change

| Proposed Ordinance Item & (Section No.) | Required in RM-1 District | Tentatively Approved | Proposed |
|---|---|--|---|
| Minimum Lot Area – (602(2)) | 1,500 square feet total land area per bed | 908 square feet per bed | Meets Ordinance requirements |
| Maximum Building Height (2400) | 35 feet two stories | 36 feet three stories | 40.75 feet three stories |
| Maximum amount of parking, loading area and driveway pavement in required setback (2400 footnote e) | 30% | Over 30% | Over 30% (no change) |
| Maximum Building Length (2400 footnote e) | 180 feet or up to 360 feet with increased setbacks | 321.87 feet increased setbacks not provided (see below) | 365 feet exceeds maximum and increased setbacks not provided (see below) |
| Minimum Building Setbacks (2400 & footnote b, e & t) | Front - 136 feet Side Exterior – 75 feet Rear – 136 feet | Front – 68.31 feet building 42.51 feet canopy Side Exterior – 54.21 feet canopy Rear- 37.73 feet | Front – 66.6 feet building 58.52 feet canopy Side Exterior – Meets Ordinance Requirements Rear- 37.65 feet |
| Minimum Parking, Drives and Loading Area Setbacks | Front - 122 feet Side Exterior – 75 feet Rear – 122 feet | Front – 15.5 feet Side Exterior – 57.4 feet Rear – 2.5 feet | Front – 10 feet Side Exterior – Meets Ordinance Requirements Rear – 2.5 feet (no change) |
| Façade (2520) | Siding not permitted Region 1 Asphalt shingles not permitted in Region 1 | Up to 20% cement fiber siding Up to 35% asphalt shingles | Up to 18% cement fiber trim and siding Up to 35.3% asphalt shingles |

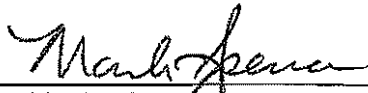
Approval Process

Due to the number and type of changes depicted on the revised Concept Plan, the Planning Staff has determined that the changes are significant enough that the **revised Concept Plan will need approval from City Council and the Final Site Plan will need approval from the Planning Commission.** The Concept Plan approval can occur at the same City Council meeting that they consider the PRO agreement. In addition, based on the area and fill quantity details now provided, Planning Commission approval will be required for a "Non-Minor Wetland/Watercourse Permit." The public hearing for the permit can occur at the same meeting that the Final Site Plan is reviewed.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested **prior to the matter being reviewed by the City Council.** Additionally, a letter from the applicant is requested to be submitted with the next set of plans highlighting the changes made to the plans and addressing each of the comments listed above and in other review letters.

Please contact Mark Spencer at (248) 735-5607 or [mspencer@cityofnovi.org](mailto:m Spencer@cityofnovi.org) with any questions or concerns.



Prepared by Mark Spencer, AICP, Planner



PLAN REVIEW CENTER REPORT

June 11, 2009

Planning Review

Maple Manor

SP #08-09C

Petitioner

J. S. Evangelista Development, LLC

Review Type

Revised Final Site Plan and Amended Special Land Use Permit

Property Characteristics

- Site Location: Southwest corner of Fourteen Mile and Novi Roads
- Site Size: 4.6 acres gross, 3.8 acres net
- Current Zoning: RA, Residential Acreage with a Planned Unit Development (PUD) – Tentative approval of rezoning to Low Density Residential (RM-1) with Planned Rezoning Overlay (PRO) pending PRO Agreement approval by City Council
- Surrounding Zoning: East and Southeast: Residential Acreage (RA) with a PUD; Southwest: One-Family Residential (R-4); West: Multiple Family Residential (RM-1); North: Multiple Family Residential (RM-1) In the City of Walled Lake; and Northeast: Neighborhood Commercial (C-1) in City of Walled Lake
- Surrounding Land Uses: East: Maples Place local commercial center; Southeast: Maples of Novi residential club house and recreation area; Southwest: Hickory Woods Elementary School; West: Beachwalk Apartments; North: Lake Village multiple-family residential in City of Walled Lake; and Northeast: vacant property in City of Walled Lake
- School District: Walled Lake Consolidated Schools
- Proposed Use: 76 unit, 91 bed, 56,643 sq. ft. convalescent (nursing) home (previously reviewed as a 93 unit, 186 bed, 61,583 sq. ft.)
- Plan Date: May 12, 2009

Project Summary

The applicant is proposing a three story, 76 unit, 91 bed, 56,643 sq. ft. convalescent home. The Site Plan is subject to the Maples of Novi PRO conditions that were tentatively approved by the City Council on October 20, 2008. The City Council must approve the applicant's rezoning petition and a PRO agreement before Final Site Plan approval may be granted. The building size, building height, parking layout, landscaping and façade have changed since the Preliminary Site Plan was approved. The Community Development Department has reviewed the changes and due to the number of changes, the Planning Staff has determined that City

Council will need to approve the revised Final Site Plan as the new Concept Plan and the Planning Commission will need to approve the Final Site Plan and amend the Special Land Use Permit.

The Planning Commission conditionally approved the Preliminary Site Plan and Special Land Use Permit on September 24, 2008 with the following motions:

In the matter of Maple Manor, SP08-09A, motion to approve the Preliminary Site Plan, subject to: 1) City Council approval of Rezoning Petition 18.682, PRO, Concept Plan SP08-09A and related PRO Agreement; 2) City Council granting a waiver of the west berm requirement and the Applicant replacing it with a six foot masonry wall; 3) City Council granting a Section 9 Façade Waiver subject to the Applicant modifying the façade to add decorative dormer windows on the front and rear façades, or other equal method of mitigating the expanse of asphalt shingles; and 4) The Applicant making minor corrections listed in the Staff and Consultant review letters; for the reason that the site plan: 1) Meets the intent of the Master Plan; 2) Meets the intent of the Zoning Ordinance; and 3) Is otherwise in compliance with Section 3402, Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

In the matter of SP08-09A, Maple Manor, motion to approve the Special Land Use Permit for a convalescent (nursing) home subject to: 1) City Council approval of Rezoning Petition 18.682, PRO, Concept Plan SP08-09A and related PRO Agreement; and 2) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reasons that the Planning Commission finds that the use is otherwise in compliance with all applicable provisions of the Zoning Ordinance and that relative to other feasible uses of the site, the proposed use: 1) Will not cause any detrimental impact on existing thoroughfares or the capabilities of public services and facilities; 2) Is compatible with the natural features and characteristics of the land and adjacent uses of land; 3) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; 4) Will promote the use of land in a socially and economically desirable manner; 5) Is (1) listed among the provision of uses requiring Special Land Use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; and 6) and the plan meets the requirements of Section 2516.

At their October 20, 2008 meeting, City Council made the following findings:

- ***As part of their public benefit the developer has agreed to donate, install, maintain and provide an easement for a City of Novi entrance sign on their site;***
- ***The development of a 93- unit convalescent facility is slightly less intense than the previously approved senior apartment building; and will have less impact upon utilities and roads; and***
- ***The applicant's proposed 6-foot tall screen wall with a row of 200 upright evergreen shrubs on the residential side of the wall along with 12 canopy trees along the west side of the building will soften the wall and buffer the new building from the apartments to the west.***

and tentatively approved the applicant's request to rezone the property and granted tentative approval to the PRO Concept Plan subject to approval of a PRO agreement by City Council.

They also approved the following PRO conditions at the same meeting:

- 1. Use limited to a convalescent (nursing), congregate care and assisted living with accessory uses including dining, pharmacy, beauty shop, clinic and therapy services;**
- 2. Maximum square footage 62,000 square feet;**
- 3. Maximum lot coverage (building) 13%;**
- 4. Minimum open space 45%;**
- 5. Maximum number of units 93;**
- 6. Maximum beds 186; and**
- 7. Turn movements on Fourteen Mile Road are limited to right out only.**

Recommendation

The Planning Staff recommends **approval** of the Final Site Plan and recommend amending the Special Land Use Permit to reflect the revised Site Plan subject to City Council approval of the revised Concept Plan and PRO Agreement and the applicant making the corrections listed below and in the other reviews because of the following reasons:

- The revised Final Site Plan is in general conformance with the tentatively approved Concept Plan;
- The proposed nursing home use is consistent with the Master Plan for Land Use 2004 which depicts this area for multiple family uses;
- Nursing home uses are compatible with the surrounding land uses;
- The proposed use is less intense than the previously approved senior housing use;
- Adequate infrastructure exists to support nursing home and multiple-family uses; and
- The proposal meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area, by providing adequate access and utilities, and by providing a City of Novi entrance sign as a public benefit.

Current Proposed Site Plan

Some details have changed on the Site Plan since the Preliminary Site Plan was conditionally approved. The applicant has stated that the changes were done to accommodate internal building functions and to improve the building aesthetics. Still, the Final Site Plan is very similar to the Preliminary Site Plan conditionally approved by the Planning Commission. The applicant made the following changes on the Final Site Plan:

- Redesigned the building and reduced the floor area from 62,000 to 57,000 square feet;
- Reduced the number of units from 93 to 76 and beds from 186 to 91;
- Increased the maximum height of the building from 36 feet to 40.75 feet;
- Increased the length of the building from 321 feet to 365 feet;
- Increased some of the setback deviations (due to the building length increasing);
- Angled the north and south wings of the building;
- Eliminated the court yards on the west side of the building;
- Removed access to Fourteen Mile Road;
- Reduced the height of the screen wall along the west property line from 6 feet to 4.5 feet;
- Reduced the number of evergreens on the west side of the screen wall from 200 to 117;
- Moved some of the parking spaces to the north side of the building; and
- Increased the number of parking spaces from 88 to 91.

In general the Planning Staff believes these changes are minor and in keeping with the general intent of the tentatively approved Preliminary Site Plan except for the reduction in the height of the screen wall and the reduction in the number of evergreens that were incorporated into the previous Concept Plan to soften the wall and buffer the new building from the apartments to the west. The Planning Staff **recommends that the applicant increase the height of the screen wall to 6 feet and increase the number of evergreens to be planted on the west side of the wall to extend the entire length of the wall** since the previous screen wall and evergreen configuration was the basis for the Planning Commission's waiver of the required 4.5 to 6 foot tall landscaped berm (see Landscape Review).

Comments:

The Final Site Plan was reviewed under the general requirements of Article 6, Low Density Multiple-Family Residential (RM-1) District, and Section 2400, the Schedule of Regulations of the Zoning Ordinance, and other sections of the ordinance, as noted. Items in **bold** need to be addressed at the time of Revised Final Site Plan or Final Site Plan stamping set submittal and items underlined need to be addressed before submitting for a building permit:

1. **Façade (2503.2)** The applicant is asked to **include details of all roof and wall mounted equipment on the Site Plan or provide a note stating that there will be no roof or wall mounted equipment.** See Façade Review for additional comments.
2. **Dumpster Enclosure (2503.2.F)** The dumpster enclosure detail depicts a brick sided enclosure with a note stating that the material will match the building. It is unclear if the brick is face brick or standard brick. In order to provide clarity, the applicant is asked to **clarify the enclosure materials and construction** in the enclosure detail.
3. **End Islands (2506.13)** End Islands with landscaping and raised curbs are required at the end of all parking bays that abut traffic circulation aisles. The parking spaces on the north side of the south drive aisle do not have an end island. The applicant is asked to **provide an end island** in this location (see Traffic Review for additional comments).
4. **Planning and Lighting Summary Charts** The applicant is asked to review other minor items in the attached Summary Charts and **make the corrections** as noted.
5. **PRO Public Benefits** As part of the proposed rezoning with the PRO option, the applicant proposed to install a City of Novi entrance sign. A location and adjacent landscaping is provided on the plan. The applicant was asked to **provide City of Novi sign details on the Site Plan.**
6. **PRO Conditions** As part of the proposed rezoning with the PRO option, the applicant proposed a set of Zoning Ordinance deviations (depicted on the site plan). As part of the PRO process, the City Council must approve any deviations. The City Council granted tentative approval of the deviations depicted on the Preliminary Site Plan, subject to the Council approving a PRO agreement. Since some of the proposed deviations have changed, City Council must approve the changes. The table below depicts the tentatively approved and proposed deviations.
7. **Address** An address must be assigned before a building permit is issued. The Planning Division recommends filing an address application (available at <http://www.cityofnovi.org/Resources/Library/Forms/Bldg-AddressesApplication.pdf>) to

the Community Development Department, at the time of submittal of a Final Site Plan, or as soon as possible prior to submittal for building permits.

- 8. Response Letters** A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters and attached charts, is requested to be submitted with the Revised Final Site Plan or Final Site Plan stamping set submittal highlighting the changes made to the plans addressing each of the comments listed above, in other review letters and with any conditions of Planning Commission approval.

Proposed Deviations – *Items in bold require City Council approval of the change

| Ordinance Item & (Section No.) | Required in RM-1 District | Tentatively Approved | Proposed* |
|---|--|--|---|
| Minimum Lot Area – (602(2)) | 1,500 square feet total land area per bed | 908 square feet per bed | Meets Ordinance requirements |
| Maximum Building Height (2400) | 35 feet two stories | 36 feet three stories | 40.75 feet three stories |
| Maximum amount of parking, loading area and driveway pavement in required setback (2400 footnote e) | 30% | Over 30% | Over 30% (no change) |
| Maximum Building Length (2400 footnote e) | 180 feet or up to 360 feet with increased setbacks | 321.87 feet increased setbacks not provided (see below) | 365 feet exceeds maximum and increased setbacks not provided (see below) |
| Minimum Building Setbacks (2400 & footnote b, e & t) | Front - 136 feet Side Exterior – 75 feet Rear – 136 feet | Front – 68.31 feet building 42.51 feet canopy Side Exterior – 54.21 feet canopy Rear- 37.73 feet | Front – 66.6 feet building 58.52 feet canopy Side Exterior – Meets Ordinance Requirements Rear- 37.65 feet |
| Minimum Parking, Drives and Loading Area Setbacks | Front - 122 feet Side Exterior – 75 feet Rear – 122 feet | Front – 15.5 feet Side Exterior – 57.4 feet Rear – 2.5 feet | Front – 10 feet Side Exterior – Meets Ordinance Requirements Rear – 2.5 feet (no change) |
| Façade (2520) | Corrected review letter up to 50% permitted Region 1 Asphalt shingles not permitted in Region 1 | Up to 20% cement fiber siding Up to 35% asphalt shingles | Up to 15% Up to 25% asphalt shingles |

Planning Review of Revised Final Site Plan
Maple Manor
SP #08-09C

June 11, 2009
Page 6 of 6

Please contact Mark Spencer at (248) 735-5607 or mspencer@cityofnovi.org with any questions or concerns.



Prepared by Mark Spencer, *AICP*, Planner

Attachment: Planning Review Chart
Lighting Chart

PLANNING REVIEW SUMMARY CHART

Review Date: 6/11/09
 Project Name: Maple Manor Revised Final Site Plan
 Project Number: SP08-09C
 Plan Date: 5/12/09

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

| Item | Required | Proposed | Meets Requirements? | Comments |
|--|---|--|---------------------|---|
| Master Plan | Multiple Family Residential – 4.0 dwelling units per acre | No change Proposed | Yes | |
| Zoning | RA, Residential Acreage with PUD for Senior Apartments – Subject to former Article 2700 Planned Unit Development (PUD) | RM-1 with PRO | Yes | Use permitted in RM-1 |
| Principal Uses Permitted | <u>Existing RA /PUD District</u> Senior Apartments (assisted living multi-family apartments – Phase 11 on approved PUD plan) Single family residential, multiple family residential & commercial and/or office uses to serve the residential portion of the PUD | Convalescent or Nursing Home Facility | Yes | Pending approval of PRO agreement |
| Balance of Review Based on Proposed RM-1 District | | | | |
| Principal Uses Permitted (Sec. 601) | Single, two and multiple - family residential. | | N/A | |
| Uses Permitted Subject to Special Conditions (Sec. 602) | Convalescent homes, assisted living facilities, hospice care facilities and child care centers subject to: | 91 beds 76 units (was 186 bed two beds per room) convalescent home | Yes | Pending approval of revised Concept Plan and PRO agreement |
| | (1.a.1) Convalescent homes, assisted living facilities and hospice care facilities: 1,500 sq. ft. total land area per bed. | 1,859 (was 908) sq. ft. of lot area per bed provided | Yes | |
| | (1.b) Min. 40 ft. building setback. | 37.65 ft. (was 37.75) from west property | Yes | |

| Item | Required | Proposed | Meets Requirements? | Comments |
|--|--|--|--|--|
| | (2) Accessory buildings and uses customarily incident to any permitted use. | line other setbacks exceed 40 ft. Accessory clinic, beauty salon and physical therapy facilities to serve facility only | Yes | agreement |
| Intent of District | Designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and major thoroughfares and freeways and lower-density Single-Family Districts. | Proposed building very similar in appearance to a multi-family apartment building | Yes | |
| Building Height (Section 2400, Schedule of Regulations & 2503.2.E) | 35 ft. two stories Roof top appurtenances additional 5 ft. | <u>40.75 ft. (was 36 ft.)</u> <u>three stories</u> Top of ridge 48 ft. 11 in. (was 42 ft. 6 in.) no appurtenances proposed | Yes | Pending approval of revised Concept Plan and PRO agreement |
| Building Length (Section 2400, footnote e) | 180 ft. or up to 360 ft. if building setback increased 1 ft. for every 3 ft. building length when bordering a residential district or major thoroughfare – In no case can the building exceed 360 ft. | <u>365 ft. (was 321.87 ft.) - requires additional setbacks that are not provided (additional) 61 ft. (was add. 43 ft.)</u> | Yes | Pending approval of revised Concept Plan and PRO agreement |
| Additional RM-1 Requirements (Section 2400, footnote e) | <ol style="list-style-type: none"> 1. Must front on public or private road 2. Maximum 30% of setback areas parking, drives & loading area 3. Sidewalk connectivity 4. Minimum distance between buildings $S = LA + LB + 2(HA + HB)$ 5. Parking and drives must be located 25 ft. from walls of | <ol style="list-style-type: none"> 1. Fronts public road 2. Exceeds 30% 3. Provided 4. One building 5. 28 ft. to dwellings west of site | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> | Pending approval of revised Concept Plan and PRO agreement |

| Item | Required | Proposed | Meets Requirements? | Comments |
|--|---|---|---------------------|--|
| | dwelling structure with openings Parking and drives must be 20 feet from property or right-of-way line | 10 ft. (was 15.6 ft.) east side 83.46 ft. (was 57 ft.) north side 2.5 ft. west side | Yes | Pending approval of revised Concept Plan and PRO agreement |
| Lot Coverage (Section 2400, footnote e) | Maximum 25% | 11% (was 12%) | Yes | |
| Building Setback | | | | |
| Front east (2400 & footnotes b, e & t) | 75 ft. plus 1/3 ft. for every foot building length exceeding 180 ft. $(365-180 \times 0.33)+75 = 136$ ft. | 66.6 ft. (was 68.31 ft.) building 58.52 ft. (42.51 ft.) canopy | Yes | Pending approval of revised Concept Plan and PRO agreement |
| Side north exterior (2400 & footnotes b, c, e & t) | 75 ft. plus 1/3 ft. for every foot building length exceeding 180 ft. – North frontage does not exceed 180 ft. – 75 ft. required | 197.46 ft. (was 109.78 ft.) | Yes | |
| Rear west (2400 footnotes b, c, e & t) | 75 ft. plus 1/3 ft. for every foot building length exceeding 180 ft. $(365-180 \times 0.33)+75 = 136$ ft | 37.65 ft. (was 37.73 ft.) | Yes | Pending approval of revised Concept Plan and PRO agreement |
| Parking Setback | | | | |
| Front east (2400 footnote b & e) | 136 ft. Must comply with building setback | 10 ft. (was 15.59 ft.) | Yes | Pending approval of revised Concept Plan and PRO agreement |
| Side north exterior (2400 footnote b & e) | 75ft. Must comply with building setback | 83.46 ft. (was 57.44 ft.) | Yes | |
| Rear west (2400 footnote b & e) | 20ft. | 37 ft (was 30 ft.) parking spaces 2.5 ft. parallel access drive | Yes | Pending approval of PRO agreement |
| Parking Requirements | | | | |
| Number of Parking Spaces (2505) | One per 4 beds and one for each employee $91 \text{ beds}/4 = 23$ parking spaces 40 employees = 63 spaces required | 91 (was 88) provided | Yes | |

| Item | Required | Proposed | Meets Requirements? | Comments |
|--|---|---|---------------------|--|
| Parking Space Dimensions and Maneuvering Lanes (2506 & 2509.c.2.1) | 9 ft. x 19 ft. parking space dimensions and 24 ft. wide two-way drives. 9 ft. x 17 ft. parking spaces allowed along 7 ft. wide interior sidewalks and landscaping as long as detail indicates a 4" curb at these locations. Min. 22 ft. two-way drives permitted with no adjacent parking -- min. 12 ft. one way drives permitted with no adjacent parking -- required fire lanes must be min. 18 ft. wide. | 9 ft. x 17.5ft. and 9 ft. x 17 ft. 90 degree spaces provided -- 24 to 25 foot wide two-way drives and 20 ft one-way drive | Yes | |
| End Islands (Section 2506.13) | End Islands with landscaping and raised curbs are required at the end of all parking bays that abut traffic circulation aisles. The end islands shall generally be at least 8 ft. wide, have an outside radius of 15ft. , and be constructed 3 ft. shorter than the adjacent parking stall as illustrated in the Zoning Ordinance. | Dimensions provided | Yes/No | Provide an end island adjacent to the west parking space on the north side of the south aisle |
| Barrier Free Spaces (Barrier Free Code) | 4 barrier free spaces required: 3 standard barrier free, 1 van accessible. | 4 barrier free spaces provided -- 2 standard and 4 van accessible | Yes | <u>The Building Code may require at least one barrier free space close to the north and south entrance -- Applicant is asked to review this issue with the Building Division</u> |
| Barrier Free Space Dimensions (Barrier Free Code) | 8 ft. wide with a 5 ft. wide access aisle for standard barrier free spaces, and 8 ft. wide with an 8 ft. wide access aisle for van accessible space | Provided | Yes | |
| Barrier Free Signs (Barrier Free Design Graphics Manual) | One sign for each accessible parking space | Provided | Yes | |

| Item | Required | Proposed | Meets Requirements? | Comments |
|--|---|--|---------------------|--|
| Loading Spaces (Section 2507) | Five (5) square ft. per front foot of building up to a total area of three hundred sixty (360) square ft. per building | 39 ft. x 35 ft. area provided (1,365 sq. ft.)* | Yes | |
| Dumpster (Chapter II, Section 21-145 and Section 2503.2.F) | Screen wall or fence required for all dumpsters, must be at least five ft. in height, and provided on three sides. Enclosure to match building materials – Design must include protective features | Enclosure exteriors match building - protective bollards provided | Yes? | Clarify the enclosure materials and construction |
| Dumpster Enclosure (Sections 2503.2.F and 2520.1) | Dumpster enclosure to be located in rear yard, and set back from property line a distance equivalent to the parking lot setback. It is to be located as far from barrier free spaces as possible. Enclosure to match building materials | Enclosure located over 20 ft. from property line | Yes | |
| Roof top equipment and wall mounted utility equipment (Section 2503.2.E.(1)) | All roof top equipment must be screened and all wall mounted utility equipment must be enclosed and integrated into the design and color of the building | None Depicted | Yes/No | Either provide note on plan that there will not be any roof or wall mounted equipment or depict all roof top and wall mounted equipment – façade details not provided |
| Exterior lighting (Section 2511) | Photometric plan and exterior lighting details needed at time of <u>Preliminary Site Plan submittal</u> | Lighting plan submitted | Yes/No | See Lighting Review Summary Chart |
| Sidewalks (City Code Section 11-276(b)) | A 5 ft. -8 ft. wide sidewalk shall be constructed along all major thoroughfares as required by the City of Novi's Pedestrian and Bicycle Master Plan. | 5 ft. sidewalk proposed on Fourteen Mile Rd. 8 ft. pathway on Novi Rd. | Yes | |
| Building Code | Building exits must be connected to sidewalk system or parking lot. | Sidewalks provided | Yes | |

| Item | Required | Proposed | Meets Requirements? | Comments |
|--|---|--|---------------------|--|
| Pedestrian Connectivity (Section 2516.2.b (3)) and 2700.2.h(4) | The Planning Commission shall consider the following factors in exercising its discretion over site plan approval ... Whether the traffic circulation features within the site and location of automobile parking areas are designed to assure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets | Connection provided Applicant response letter indicates pedestrian driveway crossings will be striped | Yes | |
| Design and Construction Standards Manual | Land description, Sidwell number (metes and bounds for acreage parcel, lot number(s), Liber, and page for subdivisions). | Provided | Yes | |
| Design and Construction Standards Manual | General layout and dimension of proposed physical improvements, showing the following: Location of all existing and proposed buildings, proposed building heights, building layouts, (floor area in square feet), location of proposed parking and parking layout, drives, and indicate square footage of pavement area (indicate public or private). | Most Provided | Yes/No | Provide construction details for wall on façade plan – include construction details for City sign – Note sign easement to City in list of easements |
| Development and Street Names | Development and street names must be approved by the Street Naming Committee before Preliminary Site Plan approval | | Yes | Development name approved by the Street Naming Committee |
| Development/ Business Sign | Signage requires a permit. | Sign proposed | Yes | For sign permit information contact Neighborhood Services 248-347-0436. |

| Item | Required | Proposed | Meets Requirements? | Comments |
|---------------------------------|--|--|---|--|
| <i>PRO Requirements (3402)</i> | Proposed more restrictive requirements or conditions. | 1. Use limited to a convalescent (nursing), congregate care and assisted living with accessory uses including dining, pharmacy, beauty shop, clinic and therapy services; 2. Maximum square footage 62,000 square feet; 3. Maximum lot coverage (building) 13%; 4. Minimum open space 45%; 5. Maximum number of units 93; 6. Maximum beds 186; and 7. Turn movements on Fourteen Mile Road are limited to right out only. 8. Provide City Entrance sign | Yes | Revised PRO conditions must be approved by City Council |
| <i>Other PRO Considerations</i> | City Council finding that applicant's proposed 6-foot tall screen wall with a row of 200 upright evergreen shrubs on the residential side of the wall along with 12 canopy trees along the west side of the building will soften the wall and buffer the new building from the apartments to the west. Applicant proposed City of Novi entrance sign as PRO benefit | 4.5 foot wall with 117 evergreens proposed Location, rear wall and pavers proposed for sign at northeast corner of parcel | Does not comply with past finding City sign details not provided | Suggest applicant increase height of the wall and provide evergreens the entire length of the wall or seek City Council finding that the proposed wall and landscaping provide an adequate screening function (see Landscape Review for additional comments) Provide City Sign details on Site Plan |

Prepared by Mark Spencer, AICP (248) 735-5607

Lighting Review Summary Chart

Project name Maple Manor Revised Final Site Plan
 Review Date: June 10, 2009
 Final Site Plan: SP 08-09C
 Plan Date: May 12, 2009

Bolded items must be addressed at the time of Final Stamping Set

| Item | Required | Meets Requirements? | Comments |
|---|---|----------------------------|--|
| Intent (Section 2511.1) | Establish appropriate minimum levels, prevent unnecessary glare, reduce spillover onto adjacent properties, reduce unnecessary transmission of light into the night sky | Yes/No | See below |
| Lighting plan (Section 2511.2.a.1) Entrance Fixtures Required (2003 State Building Code Sec.10-06) | Site plan showing location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures | Yes | |
| Lighting Plan (Section 2511.2.a.2) | Specifications for all proposed and existing lighting fixtures including: Photometric data <input checked="" type="checkbox"/> Fixture height <input checked="" type="checkbox"/> Mounting & design <input checked="" type="checkbox"/> Glare control devices <input checked="" type="checkbox"/> Type and color rendition of lamps <input checked="" type="checkbox"/> Hours of operation <input type="checkbox"/> Photometric plan <input checked="" type="checkbox"/> | Yes/No | Provide a note on the plan with hours of operation – Place all fixture and mounting details on plan set – include pole types and colors |
| Required Notes (Section 2511.3.b) | - Electrical service to light fixtures shall be placed underground - No flashing light shall be permitted | Yes/No | Provide all notes and note 24 hour operation of facility on plan set |

| Item | Required | Meets Requirements? | Comments |
|--|--|---------------------|---|
| Required conditions (Section 2511.3.e) | Average light level of the surface being lit to the lowest light of the surface being lit shall not exceed 4:1. | Yes/No | Reduce the average light level ratio in the drop off area to 4.0 or less |
| Required conditions (Section 2511.3.f) | Use of true color rendering lamps such as metal halide is preferred over high and low pressure sodium lamps. | Yes | |
| Minimum Illumination (Section 2511.3.k) | <ul style="list-style-type: none"> - Parking areas- 0.2 min. <input checked="" type="checkbox"/> - Loading and unloading areas- 0.4 min. <input checked="" type="checkbox"/> - Walkways- 0.2 min. <input checked="" type="checkbox"/> - Building entrances, frequent use- 1.0 min. <input checked="" type="checkbox"/> - Building entrances, infrequent use- 0.2 min. <input checked="" type="checkbox"/> | Yes | |
| Maximum illumination at property line (Section 2511.3.k) | Max. 1.0 at non-residential property line | Yes | |
| Cut off Angles (Section 2511.3.i & m) | All cut off angles of fixtures must be 90 degrees – City may waive cutoff requirement when historic or decorative fixtures used | Yes | |
| Abuts Residential (Section 2511.3.l) | <p>Max fixture height 25' <input checked="" type="checkbox"/></p> <p>No direct light source shall be visible at the property line</p> <p>Max 0.5 foot candle at property line</p> | Yes | |

WETLANDS REVIEW



Environmental Consulting & Technology, Inc.

June 18, 2009

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Maple Manor Rehab Center of Novi
Wetland Review of the Revised Final Site Plan (SP#08-09C)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed Maple Manor Rehab Center of Novi Revised Final Site Plan Package (Plan) including plan sheets prepared by Nowak & Fraus dated May 1, 2009. The Plan was reviewed for conformance with the City of Novi Wetland and Watercourse Protection Ordinance and the setback provisions in the Zoning Ordinance. ECT also previously visited the site on September 5, 2008.

Existing Conditions

The proposed development is located on a 4.66-acre site in Section 2 on the southwest corner of Fourteen Mile Road and Novi Road. The project includes the construction of a proposed three-story building, associated parking and utilities and an on-site stormwater detention basin. Two (2) areas labeled as 'existing watercourse' are indicated on the Plan (Sheet C-5a, Wetland Plan). It appears as if these two (2) areas were previously-constructed as stormwater detention facilities. These are currently considered to be 'watercourses' by the City of Novi Wetland and Watercourse Ordinance. In addition, these areas do not appear to be regulated by the MDEQ.

Proposed Impacts

The Plan appears to propose impacts to both of the existing, on-site "watercourse" areas.

The following impacts have now been quantified on the Plan:

| Watercourse | Existing Surface Area (Acre) | Proposed Impact Area (Acre) | Existing 25' Buffer Area (Sq. Ft.) | Proposed 25' Buffer Impact Area (Sq. Ft.) | Proposed Fill Volume (Cu. Yd.) |
|--------------------|-------------------------------------|------------------------------------|---|--|---------------------------------------|
| A | 0.41 | 0.41 | 19,950 | 19,950 | 3,363 |
| B | 0.16 | 0.16 | 12,109 | 12,109 | 576 |
| TOTAL | 0.57 | 0.57 | 32,059 | 32,059 | 3,939 |

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Comments and Conditions

The following are repeat comments from our Final Site Plan Letter dated January 21, 2009. The current status of each item follows in *italics*:

1. Any impacts (temporary or permanent) to the 25-foot wetland buffer will require a City of Novi Authorization to Encroach the 25-Foot Wetland Setback. ECT continues to ask that the wetland/watercourse and wetland/watercourse buffer impact areas and volumes be provided on the Plan for the purpose of permitting the proposed wetland (and watercourse)/wetland (and watercourse) buffer impacts. ***This condition has now been met. The Applicant has provided the impact quantities on Sheet C-5a (Wetland Plan).***
2. The wetland/watercourse buffer (25-foot wetland/watercourse setback) boundaries still do not appear to be shown on the Plan. The overall wetland/watercourse and wetland/watercourse buffer existing area quantities and proposed impact area quantities are also not indicated on the Plan. Please review and revise the Plan as necessary. We recommend adding this additional information to Sheet P-1 (Topographic Survey) and any other suitable sheets. ***This condition has now been met. The Existing Watercourse boundaries and 25' buffers have now been shown on Sheet C-5a (Wetland Plan).***
3. It is ECT's understanding that during a 1999 site assessment, no wetlands were found on site and that the two watercourses that exist on site were excavated stormwater and or sedimentation basins. In addition, it is ECT's opinion that the existing stormwater storage function of these wetland areas can be mitigated for in a proposed storm water detention basin. After review of additional material submitted since the previous Plan review, ECT has concluded that the proposed impacts to the on-site wetland/watercourses do not appear to require an MDEQ wetland permit. While an MDEQ wetland permit does not appear to be necessary, a City of Novi Minor Use wetland/watercourse permit will be required for the project because the City of Novi Wetland Code defines the detention basins as watercourses and proposed impacts to watercourses require a permit. As stated in our June 19th review letter, we continue to ask that "wetland" and watercourse impact areas and fill volumes be provided for permitting purposes.

This condition still applies. Based on the proposed "watercourse" impact quantities, it currently appears as if a City of Novi Non-Minor Use Wetland and Watercourse Permit (and approval from the City of Novi Planning Commission) will be required for the proposed work.

4. Please provide details of the oil/gas separator structure and mechanical forebay structure that is to be used prior to the discharge of storm water into the proposed detention pond. ***This condition has been met. The oil/gas separator details are now included on Sheet C-6 (Details sheet).***
5. After review of additional material submitted since the previous Plan review, ECT has concluded that the proposed impacts to the on-site wetlands do not appear to require an MDEQ wetland permit. ***No change to this comment.***

Additional Comments

1. The Applicant should provide a native wetland seed mix within the proposed detention basin. This will help to replace the existing functions of the on-site wetland and watercourse areas. ***This condition has been met. The details of a proposed Detention Basin Seed Mix are now included on the Landscape Plan (L2).***

Maples Manor of Novi
Wetland Review of the Revised Final Site Plan (SP#08-09C)
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Permits

ECT believes the proposed project will require a City of Novi Non-Minor Use Wetland Permit as well as a Natural Features Setback Authorization for proposed permanent impacts to the 25-foot wetland buffer.

It does not appear that a MDEQ wetland permit is necessary for this project.

Recommendation

ECT currently recommends APPROVAL of the Revised Final Site Plan.

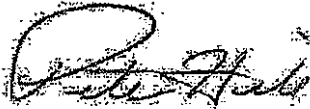
The Applicant should be advised of upcoming wetland-related review fees:

Wetland Permit Application Fee: \$200 + 15% Administration Fee = \$230.00.
Environmental Preconstruction Meeting, at the City's request: \$300 + 15% = \$345
Onsite inspections (i.e., silt fence staking inspection, silt fence installation inspection, temporary certificate of occupancy inspection, final certificate of occupancy inspection) at the City's request, per inspection: \$300.00 + 15% = \$345.

If you have any questions please contact our office

Respectfully,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



Peter F. Hill, P.E.
Associate Engineer

cc: Angela Pawlowski, City of Novi Community Development (e-mail)
Mark Spencer, City of Novi Community Development (e-mail)

WOODLANDS REVIEW



Environmental Consulting & Technology, Inc.

June 19, 2009

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Maple Manor Rehab Center of Novi
Woodland Review of the Revised Final Site Plan (SP#08-09C)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed Maple Manor Rehab Center of Novi Revised Final Site Plan Package (Plan) including plan sheets prepared by Nowak & Fraus dated May 1, 2009. The plan and supporting documentation were reviewed for conformance with the City of Novi Woodland Protection Ordinance Chapter 37.

The proposed development is located on a 4.86-acre site in Section 2 on the southwest corner of Fourteen Mile Road and Novi Road. The project includes the construction of a proposed three-story square feet convalescent home, associated parking and utilities, and an onsite stormwater detention basin.

ECT has reviewed the City of Novi Official Woodlands Map and previously completed an onsite Woodland Evaluation on Friday, September 5, 2008. The site does not contain regulated woodlands per the City of Novi Official Woodlands Map. ECT found that the *Topographic Survey Plan* (Sheet P-1) and *Tree Preservation Plan* (Sheet L1) accurately depict existing site conditions. The surveyed trees have been marked with the survey numbers in orange paint.

Plan Review

The Applicant has correctly changed the *Tree Preservation Plan* (Sheet L1) and *Landscape Plan* (Sheet L2) to reflect that only the multi-stemmed landmark trees 7, 12, and 14 are regulated, requiring 17 woodland replacement credits. In general, the Applicant is prepared to meet the requirements of the City of Novi Woodland Ordinance and tree replacement requirements.

Site Plan Compliance with Ordinance Chapter 37 Standards

The Plan continues to lack a couple of items necessary for compliance with the Site Plan standards. The following information must be provided on the Plan:

- Save vs. removal status information in the tree survey table on the *Topographic Survey Plan* (Sheet P-1).
- Clear labeling of the trees to count as woodland replacement credits on the *Landscape Plan* (Sheet L2). These replacements must be indicated *graphically* on the plan view drawing, so location and spacing suitability can be better assessed. The Plant Schedule on Sheet L2 needs to have the "Requirement" column used in the previous plan submittal added back into the table to show what species are supposed to count as woodland replacements.

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Tree Replacement Plan

The *Landscape Plan* (Sheet L2) does not clearly provide the proposed replacement species and locations onsite for the 17 replacements. It does not specify the number or species of woodland replacement trees, as the "Requirement" column shown in the previous submittal has been removed from the Plant Schedule table in this current submittal. Sheet L2 continues to not depict woodland replacement locations graphically in the plan drawing. Therefore, species suitability, location, and spacing cannot be accessed.

Three species that were indicated as being woodland replacements on the previous plan submittal, river birch (*Betula nigra*), black hills spruce (*Picea glauca* 'Densata'), and redspire pear (*Pyrus calleryana* 'Redspire'), are also included in this submittal, but it is not clear if they are still intended to provide woodland replacement credit. As stated previously in our Preliminary and Final Site Plan Review Letters, redspire pear is not native to Michigan and is not on the approved tree replacement list of species. In addition to redspire pear, the following species shown on the current plan are not acceptable replacement species because they are not native to Michigan: Princeton sentry maiden hair tree (*Ginkgo biloba* 'Princeton Sentry'), red jewel crabapple (*Malus* 'Red Jewel'), spring snow crabapple (*Malus* 'Spring Snow'), chancellor linden (*Tilia cordata* 'Chancellor'), and green vase Zelkova (*Zelkova serrata* 'Green Vase').

Please note that evergreen trees must be a minimum of 7 feet tall and each fulfills 0.5 tree replacement credits. Therefore, the 7 river birch and 10 black hills spruce may represent 12 woodland replacement credits, and 5 additional woodland replacement credits would still be needed to fulfill the 17 credit requirement. ECT recommends that more native hardwood species are used, incorporating species found within regulated woodlands in the area such as bitternut hickory (*Carya cordiformis*), northern red oak (*Quercus rubra*), white oak (*Quercus alba*), swamp white oak (*Quercus bicolor*), bur oak (*Quercus macrocarpa*), black walnut (*Juglans nigra*), sugar maple (*Acer saccharum*), red maple (*Acer rubrum*), American basswood (*Tilia americana*), American beech (*Fagus grandifolia*), and ironwood (*Ostrya virginiana*).

As stated previously in our Preliminary and Final Site Plan Review Letters, many of the proposed replacement trees, as surmised from the previous submittal, are located less than ten (10) feet from built structures and utilities and are spaced too close together. Woodland replacement trees should be set back at least ten (10) feet from buildings, walls, parking lots, and other built structures, such as the inlet pipe from the parking lot to the detention basin. The stormwater main and other utilities and structures will likely require ongoing maintenance that could disturb both the above- and belowground portions of the replacement trees. With the long-term viability of the trees in mind, woodland replacements should not be planted within ten (10) feet of overhead or belowground utilities or their associated easements. To allow room for maturation of the plant material, woodland replacement tree spacing should follow the criteria below:

- Large evergreen trees: 15 feet on-center minimum
- Large deciduous canopy trees (>40 feet tall): 35 feet on-center minimum
- Medium deciduous trees (20-40 feet tall): 30 feet on-center minimum
- Subcanopy deciduous trees (<20 feet tall): 20 feet on-center minimum

As a specific example, the black hills spruce north of the detention pond are only spaced 10-ft on-center and 10 ft from adjacent deciduous trees, and two of them are located 5 ft from the stormwater inlet pipe running between the parking lot and detention basin. If these trees are intended as woodland replacements, then spacing and location need to be rectified.

Recommendation

Since some of the comments contained in our Preliminary and Final Site Plan Review Letters have not been addressed, ECT recommends only conditional approval of the Revised Final Site Plan. The Applicant must address the missing information and corrections stated above in the Final Stamping Set. If the corrections

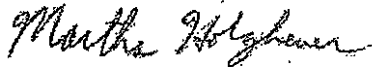
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June 19, 2009
Page 3

and additional information are not provided, then the Final Stamping Set will not be approved. Although the Applicant appears to be prepared to meet the requirements of the City of Novi Woodland Ordinance and the associated tree replacement requirements, clarification is needed regarding onsite woodland replacement trees. Missing tree 'save vs. remove' status information and replacement tree numbers, spacing, and location should be included. In consideration of the success of their establishment and long-term viability, replacement trees should not be planted within ten (10) feet of structures or utilities and their associated easements and should be spaced-appropriately for mature tree size.

If you have any questions regarding the contents of this letter, please contact us.

Respectfully,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



Martha Holzheuer, Certified Arborist
Landscape Ecologist

cc: Angela Pawlowski, City of Novi Community Development
Mark Spencer, City of Novi Community Development
David Beschke, City of Novi Community Development

LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

June 16, 2009

Revised Final Landscape Review

Maple Manor SP#08-09C

Review Type

Final Landscape Review

Property Characteristics

- Site Location: Novi Road / Fourteen Mile
- Site Zoning: RM-1 tentative, Pending PRO approval.
- Site Use(s): Health Care Facility
- Plan Date: May 12, 2009

Professional Recommendation

Site Plan Approval of the Revised Final Site Plan for Maple Manor of Novi SP#08-09C is recommended. The issues listed below must be addressed by the applicant.

Ordinance Considerations

Adjacent to Residential (Sec. 2509.3.a.)

1. The project site is adjacent to residential property to the west. A 4'6" to 6' tall landscaped berm is required. The Applicant originally proposed a 6' high masonry screen wall. On this latest plan, the wall height has been reduced to 4'6" height. The substitution of a wall for a required 4.5' to 6' berm was granted through a Planning Commission waiver. Staff recommends restoring the 6' wall to the plan.
2. On the previously approved plan, the Applicant proposed softening the wall from the neighboring residential through the use of 200 upright evergreen shrubs. The proposed quantity has been significantly reduced to 117. The quantity should be as originally approved.
3. The proposed wall should extend approximately 35' additional feet to the south, at least as far as the southern end of the dumpster screen.
4. On the previously approved plan, the Applicant proposed 11 landscape trees to be placed west of the storm basin. These should be returned to the plan. The Applicant may wish to mix the varieties and possibly include some evergreens to further buffer the adjacent residential.

Adjacent to Public Rights-of-Way – Berm (Wall) and/or Buffer (Sec. 2509.3.b.)

1. Berms are required along both right-of-ways. Adjacent to parking or access drives (Novi Road), the berm must be 2' high with a 3' crest and placed in a 20' greenbelt. Areas not adjacent to parking (Fourteen Mile) require a berm 4' high with a 4' crest and placed in a 34' wide greenbelt. The Applicant has provided landscape berms meeting these requirements.
2. Right-of-way planting requirements have been met.
3. Twenty five foot clear vision areas have been provided as required.
4. Additional shrubs and perennials have been added along the berms in order to meet opacity requirements.
5. Berm cross sections have been provided as required.

Street Tree Requirements (Sec. 2509.3.b.)

1. Street Trees have been provided as required. Sub-canopy trees are acceptable for use under the overhead utility locations.

Parking Landscape (Sec. 2509.3.c.)

1. Requirements for interior parking landscape area have been met.
2. Requirements for Parking Lot Canopy Trees have been met.

Parking Lot Perimeter Canopy Trees (Sec. 2509.3.c.(3))

1. Perimeter Parking Lot Canopy Trees are required per 35 LF surrounding parking and access areas. This requirement has been met.

Building Foundation Landscape (Sec. 2509.3.d.)

1. The minimum 4' bed has been shown at all building foundation locations with the exception of access areas.
2. The Applicant has exceeded the requirement for Building foundation area landscape.

Storm Basin (LDM)

1. A total of 70% to 75% of the basin rim area must be landscaped with large native shrubs.
2. The bottom of the basin will be seeded with appropriate native seed mix as required.

Loading Area

1. The Loading Area has been located to the rear of the building and appropriately screened.

Plant List (LDM)

1. The Plant List generally meets the requirements of the Ordinance and Landscape Design Manual. **Please provide a total cost for all landscape improvements.**

Planting Details and Notations (LDM)

1. The Planting Details and Notations meet the requirements of the Ordinance and Landscape Design Manual.

Irrigation (Sec. 2509 3.f.(6)(b))

1. An Irrigation Plan and Cost Estimate have been provided.

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.


David R. Beschke, RLA

Financial Requirements Review

To be completed at time of Final Site Plan Review.

| Item | Amount | Verified | Adjustment | Comments |
|------------------------------|---------------|----------|------------|--|
| Full Landscape Cost Estimate | \$ 156,817.50 | | | Includes street trees. Does not include Irrigation costs. |
| Final Landscape Review Fee | \$ 2,352.26 | | | 1.5% of full cost estimate Any adjustments to the fee must be paid in full prior to stamping set submittal. |

Financial Requirements (Bonds & Inspections)

| Item | Required | Amount | Verified | Comments |
|--|----------|-------------------------|----------|---|
| Landscape Cost Estimate | YES | \$ 153,217.50 | | Does not include street trees. Includes Irrigation (estimated). |
| Landscape Financial Guaranty | YES | \$ 229,826.25 (150%) | | This financial guarantee is based upon 150% of the verified cost estimate. For Commercial, this letter of credit is due prior to the issuance of a Temporary Certificate of Occupancy. For Residential this is letter of credit is due prior to pre-construction meeting. |
| Landscape Inspection Fee (Development Review Fee Schedule 3/15/99) | YES | \$ 9,193.05 | | For projects up to \$250,000, this fee is \$500 or 6 % of the amount of the Landscape cost estimate, whichever is greater. This cash or check is due prior to the Pre-Construction meeting. |
| Landscape Administration Fee (Development Review Fee Schedule 3/15/99) | YES | \$ 1,378.95 | | This fee is 15% of the Landscape Inspection Fee. This cash or check is due prior to the Pre-Construction meeting. |
| Transformer Financial Guarantee | YES | \$ 500 | | \$500 per transformer if not included above. For Commercial this letter of credit is due prior to the issuance of a Temporary Certificate of Occupancy. For Residential this is letter of credit is due prior to pre-construction meeting. |
| Street Tree Financial Guaranty | YES | \$ 15,600 | | \$400 per tree – Contact City Forester for Details |
| Street Tree Inspection Fee | YES | \$ 936 | | 6% of the Street Tree Bond as listed above. – Contact City Forester for Details |
| Street tree Maintenance Fee | YES | \$ 975 | | \$25 per trees – Contact City Forester for Details |
| Landscape Maintenance Bond | YES | \$ 15,321.75 | | 10% of verified cost estimate due prior to release of Financial Guaranty (Initial permit received after October 2004) |

TRAFFIC REVIEW

June 10, 2009

Barbara McBeth, AICP
Deputy Director of Community Development
City of Novi
45175 W. Ten Mile Rd.
Novi, MI 48375



SUBJECT: Maples Manor, Revised Final Site Plan, SP#08-09C, Traffic Review

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments.

Recommendation

We recommend that the final site plan be revised to address the concerns discussed below.

Project Description

What is the applicant now proposing?

The applicant, J.S. Evangelista Development, L.L.C., has changed the proposed building and site design substantially since approval of the preliminary plan by the Planning Commission. The building is now curved, positioned differently on the site, and contains 76 units (down from 93) and 91 beds (down from 184). The same two access drive locations are proposed on Novi Road, but the previously approved third, exit-only drive on 14 Mile Road has been deleted. Parking supply is now more balanced between the north and south ends of the site.

Traffic Design Issues

What site plan revisions need to be made before resubmitting?

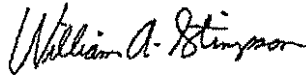
1. Although the new, north-facing dumpster location is generally commendable, a trash truck driver would find it very difficult to turn and bring the front of the truck into a good alignment with the dumpsters. To address this concern, the dumpster enclosure should be shifted at least 10 ft further south and the adjacent raised end island removed and replaced by yellow crosshatching (see attached plan mark-up).
2. With clockwise circulation by trash removal trucks, there is no need for avoiding the required parking lot end island directly north of the dumpsters (across the aisle). Our attached plan mark-up shows how this corner should be rounded.
3. Any delivery, pick-up, or service truck larger than passenger-size would not be able to easily enter the parallel truck bay at the southwest corner of the building. Longer tapers should be added, as also shown on the attached mark-up.

4. **The STOP (R1-1) signs at the two access drives should be placed 4 ft in advance of the safety path.**
5. As stated in our review letters of 9-08-08 and 1-26-09, the existing stop bars on both 14 Mile Road and Novi Road should be shown on the final site plan, to demonstrate that they are appropriately spaced from the new crosswalk locations.
6. Engineer detail sheet C-6 should be revised to show (a) a detail for the 4-inch- high curb and gutter proposed on sheet C-1, and (b) that standard parking stripes are to be white (consistent with the MMUTCD) and barrier-free parking striping is to be blue.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



William A. Stimpson, P.E.
Director of Traffic Engineering



David R. Campbell
Senior Associate

MILE 1/4
WASCO LINE
DETAILED VI
WIDE CONCOURSE
FROM R.O.W. LINE
TYPE R
FREE RAMP
STAT)

DELTA = 22° 30' 00"
CHORD = 302.59'
CH. BRG. = S 12° 09' 00" W

PR. MDOT TYPE R
FREE RAMP AT
INTERSECTIONS WIT
APPROACHES
(SEE DETAIL)

PR. "STOP" SIGN
PR. MONUMENT SIGN
EXISTING PATHWAY
BE REMOVED

S 23° 24' 00" W
CHORD = 24' 00"

PR. BARRIER FREE
VAN ACCESSIBLE
PARKING SIGN
(R7-8) &
(R7-8)

TORY
1.60

S 55° N 09° 54' 00" E 1358.83

PR. "ONE-WAY" SIGN
(R6-1(R)) MOUNTED
ON WALL

NORTH-SOUTH 1/4
LINE OF SECTION 2

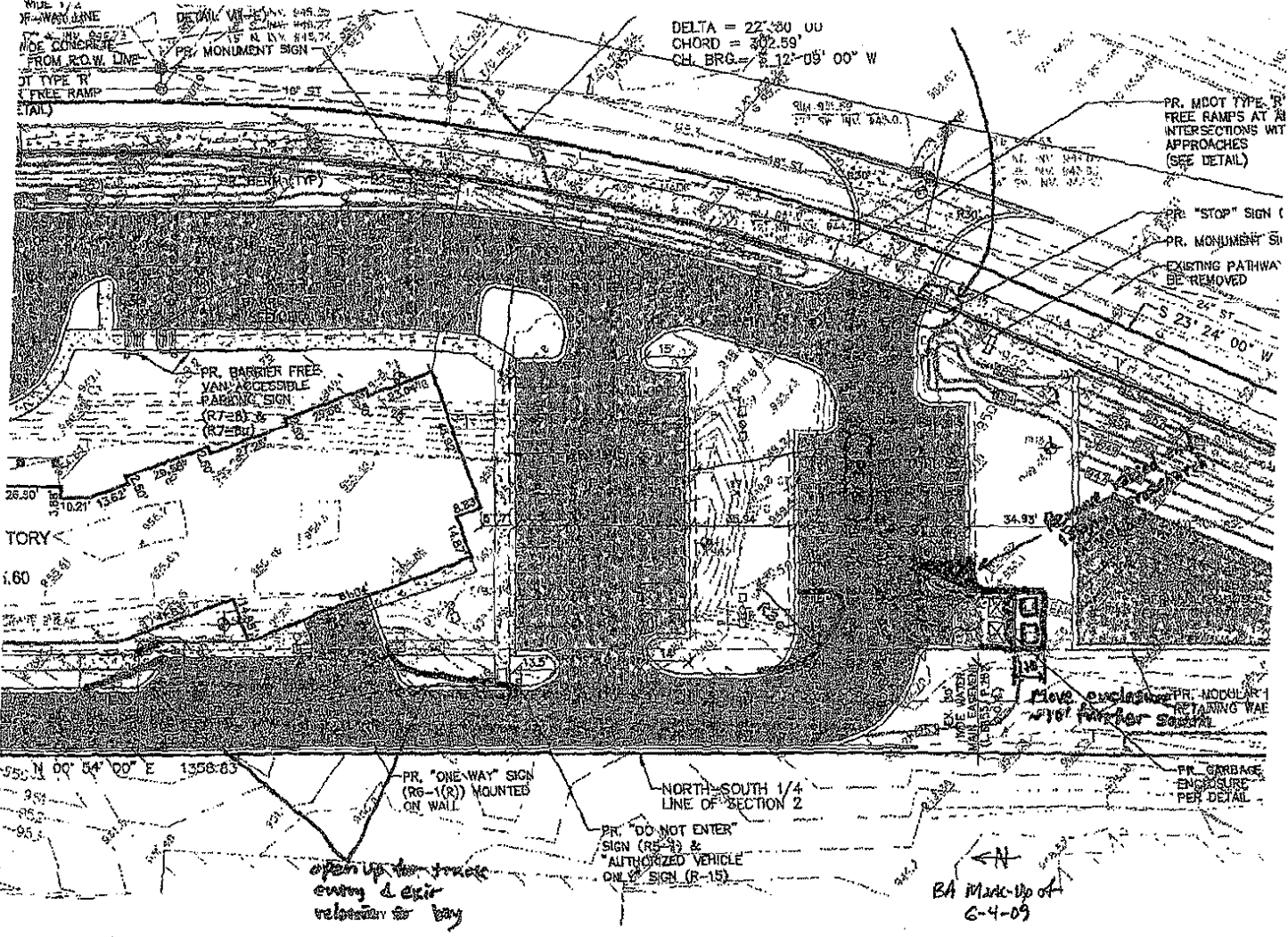
PR. "DO NOT ENTER"
SIGN (R5-1) &
AUTHORIZED VEHICLE
ONLY SIGN (R-15)

PR. MODULAR
RETAINING WALL
PER DETAIL

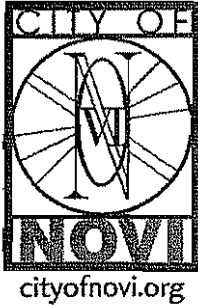
PR. GARBAGE
ENCLOSURE
PER DETAIL

*open up the front
entry & exit
necessary for bay*

← N
BA Mark-Up of
6-4-09



ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

June 22, 2009

Engineering Review

Maple Manor of Novi
SP08-09C

Petitioner

J.S. Evangelista Development, LLC

Review Type

Revised Preliminary Site Plan

Property Characteristics

- Site Location: Southwest corner of Novi Road and Fourteen Mile
- Site Size: 4.66 acres
- Plan Date: May 1, 2009

Project Summary

- Construction of a three-story, 19,570 square-foot (footprint) building and associated parking. Site access would be provided by two access points on Novi Road.
- Water service would be provided by multiple connections to the water main existing on-site. A 2-inch domestic lead and an 8-inch fire lead will be provided to serve the building. Two new hydrants are proposed and one is to be relocated.
- Sanitary sewer service would be provided by an 8-inch extension from the existing 8-inch sanitary along the south side of 14 Mile.
- Storm water would be collected by a single storm sewer collection system and routed to an on-site detention basin sized for the 100-year storm. A permanent pool within the basin is proposed to allow for sedimentation. The basin would discharge at controlled rates to the Novi Road storm sewer system.

Recommendation

Approval of the Preliminary Site Plan and Preliminary Storm Water Management Plan is recommended.

Comments:

The Revised Preliminary Site Plan meets the general requirements of Chapter 11, the Storm Water Management Ordinance and the Engineering Design Manual with the following items to be addressed at the time of Final Site Plan submittal (further engineering detail will be required at the time of the final site plan submittal):

General

1. Provide a note on the plans that all work shall conform to the current City of Novi standards and specifications.
2. Provide the City's standard detail sheets for water main (2 sheets-6/15/98), sanitary sewer (Sheet 1-6/15/98 and Sheet 2-4/24/06), storm sewer (1 Sheet-6/15/98) and paving (1 Sheet-12/15/00) at the time of the Stamping Set submittal.
3. A full engineering review could not be completed due to the lack of utility profiles.
4. The majority of comments were not addressed from the previous review. Be sure to include a response letter for the next submittal.
5. As requested in the previous reviews, specify the product proposed and provide a detail for the detectable warning surface for barrier free ramps. The product shall be the concrete-embedded detectable warning plates, or equal, and shall be approved by the Engineering Department. Stamped concrete will not be acceptable.
6. As requested in the previous review, label specific ramp locations on the plans where the detectable warning surface is to be installed.
7. Provide a utility crossing table indicating that at least 18-inch vertical clearance will be provided, or that additional bedding measures will be utilized at points of conflict where adequate clearance cannot be maintained.
8. As previously requested, provide a traffic control sign table listing the quantities of each sign type proposed for the development. Provide a note along with the table stating all traffic signage will comply with the current MMUTCD standards. Traffic signs in the RCOC right-of-way will be installed by RCOC.
9. All fees and financial guarantee amounts given throughout this review were determined from the previous review. Amounts may change with the updated construction cost estimate.

Water Main

10. As noted in the previous review, the Liber and Page information for the existing water main easements could not be located on the plans for all existing easements.
11. The new water main easement proposed for Hydrants 2 and 3 shall be extended 10 feet beyond the hydrant in all directions. Show this on the plan.
12. The proposed easement on the east side of the site near the connection does not connect to the existing easement. Please show this on the plan.
13. As stated in the previous review, provide a profile for all proposed water main 8-inch and larger.
14. Label ALL existing water main sizes on the plan.
15. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (1/07 rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

Sanitary Sewer

16. Label manhole 2 as the sanitary sewer monitoring manhole. A 20-foot wide access easement shall be provided to the monitoring manhole from the right-of-way (rather than a public sanitary sewer easement).
17. Note on the construction materials table that 6-inch sanitary leads shall be a minimum SDR 23.5, and mains shall be SDR 26.
18. Show sanitary sewer profiles on the plan.
19. Provide a testing bulkhead immediately upstream of the sanitary connection point.
20. Five (5) sealed sets of revised utility plans along with the MDEQ permit application (11/07 rev.) for sanitary sewer construction and the Streamlined Sanitary Sewer Permit Certification Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets. Also, the MDEQ can be contacted for an expedited review by their office.

Storm Sewer

21. Provide storm sewer profiles on the next submittal. The following is a list of comments stated on the previous review.
22. A minimum cover depth of 3 feet shall be maintained over all storm sewers. Currently, a few pipe sections do not meet this standard. Grades shall be elevated and minimum pipe slopes shall be used to maximize the cover depth. In situations where the minimum cover cannot be achieved, Class V pipe must be used with an absolute minimum cover depth of 2 feet. An explanation shall be provided where the cover depth cannot be provided.
23. Storm structures 9, 13, 15 and 16 shall be full size catch basins because inlets are only allowed in paved areas and when followed by a catch basin within 50 feet.
24. Storm structure 10 shall be a catch basin due to the upstream end section inlet proposed.
25. Provide a 0.1-foot drop in the downstream invert of all storm structures where a change in direction of 30 degrees or greater occurs.
26. As requested in the previous review, show and label the roof conductors, and show where they tie into the storm sewer.
27. Add casting type to the storm structure schedule. Round castings shall be provided on all catch basins except curb inlet structures.

Storm Water Management Plan

28. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
29. The multiple 6-inch outlet pipes between the primary and secondary standpipe should be replaced with one larger pipe. If this larger pipe is not used as a restrictor for the 100-year event the primary standpipe will have to be extended up to the 100-year flood elevation.
30. It is unclear why there is a method of restriction provided in addition to the holes in the standpipe. To follow the City's standard design, the 'Restrictor Pipe Detail'

should be removed from the design unless there is a compelling reason for that type of restriction to remain.

31. Provide additional notes/detail to better explain the 'Sizing Overflow Structure' calculations provided on the calculation sheet.

Paving & Grading

32. As previously requested, the approaches within the right-of-way shall be asphalt to match the adjoining Novi Road and 14 Mile cross-sections. Novi Road likely has a cross-section consisting of 5" asphalt on 12" aggregate. An additional cross-section detail shall be provided.
33. The northern Novi Road approach has a slope less than 1-percent in the right-of-way. Regrade this area to achieve a minimum 1-percent slope.
34. Provide spot grades adjacent to the retaining wall surrounding the basin to show the height of the wall above grade.
35. Provide additional spot grades as necessary to demonstrate that a minimum 5-percent slope away from the building is provided for a distance of ten feet around the perimeter of the building. It appears some grades will require adjustment.
36. Verify the slopes along the ingress/egress routing to the building from the barrier-free stalls comply with Michigan Barrier-Free regulations.

The following must be submitted with the Revised Final Site Plan:

37. A letter from either the applicant or the applicant's engineer must be submitted with the Revised Final Site Plan highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved. **Additionally, a statement must be provided stating that all changes to the plan have been discussed in the applicant's response letter.**
38. An revised itemized construction cost estimate must be submitted to the Community Development Department for the determination of plan review and construction inspection fees. This estimate should only include the civil site work and not any costs associated with construction of the building or any demolition work. **The estimate must be itemized** for each utility (water, sanitary, storm sewer), on-site paving (square footage), right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pretreatment structure and restoration).

The following must be submitted with the Stamping Set:

(Please note that all documents must be submitted together as a package with the Stamping Set submittal. Partial submittals will not be accepted).

39. A draft copy of the Storm Drainage Facility Maintenance Easement Agreement, as outlined in the Storm Water Management Ordinance, must be submitted to the Community Development Department. Once the form of the agreement is approved, this agreement must be approved by City Council and shall be recorded in the office of the Oakland County Register of Deeds. This document is available on our website.

40. A draft copy of the 20-foot wide easement for the water main to be constructed on the site must be submitted to the Community Development Department. This document is available on our website.
41. A draft copy of the 20-foot wide easement for the sanitary sewer to be constructed on the site must be submitted to the Community Development Department. This document is available on our website.

The following must be addressed prior to construction:

42. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting (no application required). A grading permit fee in the amount of \$373.75 must be paid to the City Treasurer's Office.
43. Material certifications must be submitted to Spalding DeDecker for review prior to the construction of any utilities on the site. Contact Ted Meadows at 248-844-5400 for more information.
44. Construction inspection fees in the amount of \$24,935.92 must be paid to the City Treasurer's Office.
45. A storm water performance guarantee in the amount of \$24,750.00 (equal to 150% of the cost required to complete the storm water management facilities) as specified in the Storm Water Management Ordinance must be posted at the Treasurer's Office.
46. Water and Sanitary Sewer Fees must be paid prior to the pre-construction meeting. Contact the Water & Sewer Department at 248-735-5642 to determine the amount of these fees.
47. A street sign financial guarantee in the amount of \$6,000.00 (\$400 per traffic control sign proposed) must be posted at the Treasurer's Office. Signs must be installed in accordance with MMUTCD standards.
48. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department, Building Division (248-347-0430) for forms and information. The financial guarantee and inspection fees will be determined during the SESC review.
49. A permit for work within the right-of-way of Novi Road and 14 Mile Road must be obtained from the City of Novi. The application is available from the City Engineering Department or on the City website and may be filed once the Final Site Plan has been submitted. Please contact the Engineering Department at 248-347-0454 for further information. Only submit the cover sheet, standard details and plan sheets applicable to the permit.
50. A permit for work within the right-of-way of 14 Mile Road must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-858-4835) directly with any questions. The applicant must forward a copy of this permit to the City.

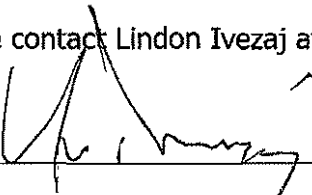
51. A permit for water main construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the water main plans have been approved. Only submit the cover sheet, overall utility sheet, standard details and plan/profile sheets applicable to the permit.
52. A permit for sanitary sewer construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the sanitary sewer plans have been approved. Only submit the cover sheet, overall utility sheet, standard details and plan/profile sheets applicable to the permit.
53. An inspection permit for the sanitary sewer tap must be obtained from the Oakland County Drain Commissioner.
54. Permits for the construction of each retaining wall must be obtained from the Community Development Department (248-347-0415).

The following must be addressed prior to issuance of a Temporary Certificate of Occupancy approval for the development:

55. The amount of the incomplete site work performance guarantee for this development at this time is \$453,006 (equal to 1.5 times the amount required to complete the site improvements, excluding the storm water facilities) as specified in the Performance Guarantee Ordinance. This guarantee will be posted prior to TCO, at which time it may be reduced based on percentage of construction completed.
56. All easements and agreements referenced above must be executed, notarized and approved by the City Attorney and City Engineer.
57. A Bill of Sale for the utilities conveying the improvements to the City of Novi must be submitted to the Community Development Department. This document is available on our website.
58. Spalding DeDecker will prepare the record drawings for this development. The record drawings will be prepared in accordance with Article XII, Design and Construction Standards, Chapter 11 of the Novi Code of Ordinances.
59. A letter of credit or cash in an amount of \$1,650 (*10% of the cost of storm water facilities for projects of less than \$100,000, or 5% for the cost of projects over \$100,000*) must be posted for the storm water facilities. This deposit will be held for one year after the date of completion of construction and final inspection of the storm water facilities.
60. Submit to the Engineering Department, Waivers of Lien from any parties involved with the installation of each utility as well as a Sworn Statement listing those parties and stating that all labor and material expenses incurred in connection with the subject construction improvements have been paid.
61. Submit a Maintenance Bond to the Engineering Department in the amount of \$8,273.50 (equal to 25 percent of the cost of the construction of the utilities to be accepted). This bond must be for a period of two years from the date of formal acceptance by City Council. This document is available on our website.

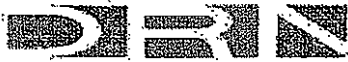
62. Submit an up-to-date Title Policy (dated within 90 days of City Council consideration of acceptance) for the purpose of verifying that the parties signing the Easement and Bill of Sale documents have the legal authority to do so. Please be sure that all parties of interest shown on the title policy (including mortgage holders) either sign the easement documents themselves or a Subordination Agreement. Please be aware that the title policy may indicate that additional documentation is necessary to complete the acceptance process.
63. Provide a warranty deed for the additional right-of-way along Novi Road and 14 Mile Road, if applicable, proposed for acceptance by the City. This document is available on our website.

Please contact Lindon Ivezaj at (248) 735-5694 with any questions.



cc: Ben Croy, Engineering
Brian Coburn, Engineering
Mark Spencer, Community Development Department
Tina Glenn, Water & Sewer Dept.
Sheila Weber, Treasurer's
T. Meadows, B. Hanson, T. Reynolds; Spalding DeDecker

FAÇADE REVIEW



Phone: (248) 380-6523
 E-Mail: direct@drnarchitects.com
 Web: drnarchitects.com

DRN & ASSOCIATES, ARCHITECTS, PC

50850 Applebrook Dr., Northville, MI 48167



June 23, 2009

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

Attn: Ms. Barb McBeth – Director of Community Development

Re: **FACADE ORDINANCE**
Maples Manor, SP08-09
 Façade Region: 1, Zoning District: R-4
 Building Size: 1 New Building, 3-stories, approx. 61,000 Sq. Ft.

Dear Ms. McBeth:

The following is the Façade Review for the above referenced project based on the drawings prepared by Progressive Associates, Inc. Architects dated 6/4/09. The percentages of materials proposed for each façade are as shown on the table below. The maximum (and minimum) percentages allowed by the Schedule Regulating Façade Materials (aka Façade Chart) are shown in the right hand column. Materials that are in non-compliance with the Façade Chart, if any, are highlighted in bold.

| | Front Façade | Rear Façade | Left | Right | Ordinance Maximum (Minimum) |
|--------------------------------------|--------------|-------------|------|-------|-----------------------------------|
| BRICK | 51% | 56% | 68% | 70% | 100% (30%) |
| STONE VENEER | 9% | 7% | 6% | 6% | 50% |
| WOOD SIDING & TRIM (CEMENT FIBER) | 15% | 12% | 4% | 4% | 50% (Note 11) |
| ASPHALT SHINGLES | 25% | 25% | 22% | 20% | 25% |

Comments:

As shown above the percentages off all materials are in full compliance with the Façade Chart. The applicant has added roof features on the front and rear facades to mitigate the expanse of asphalt shingles as recommended in the previous facade review. The applicant has also indicated that the dumpster enclosure and screen wall have been revised to indicate brick veneer to match the building.

Therefore, it is our recommendation that the design is consistent with the Façade Ordinance and that a Section 9 Waiver is not required.

Notes to the Applicant:

1. Inspections - The City of Novi requires Façade Inspection(s) for all projects. Materials displayed on the approved sample board will be compared to materials delivered to the site. It is the applicant's responsibility to request the inspection of each façade material at the appropriate time. This should occur immediately after the materials are delivered. Materials must be approved before installation on the building. Please contact the Novi Building Department's Automated Inspection Hotline at (248) 347-0480 to request the Façade inspection.

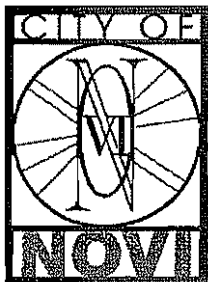
2. Revisions after Approval – The Novi Planning Commission's approval under the Façade Ordinance is based upon the façade design, materials and colors indicated on the sample board, and drawing referenced herein. Revisions and modifications to any of these items after approval will require reapplication.

Sincerely,
DRN & Associates, Architects PC



Douglas R. Necci, AIA

FIRE REVIEW



CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Brian Burke

City Manager
Clay J. Pearson

Fire Chief
Frank Smith

Deputy Fire Chief
Jeffrey Johnson

June 16, 2009

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

RE: Maples Manor Rehab Center of Novi
Novi Rd. & Fourteen Mile Rd., southwest corner

SP#: 08-09C, Revised Preliminary Site Plan

Project Description:

3 story, 56,643 S.F., 91 bed Assisted Living facility

Comments:

These comments are due to a revised site and building layout from the previous plan.

1. The fire hydrant located near the northeast entrance drive shall be relocated into the parking island near the northeast entrance drive in order to reduce the distance to the FDC and the hydrant spacing around the rear of the building.
2. The Porte Coche shall have a clear height clearance of 14' minimum.
3. No Parking Fire Lane signs shall be posted along the curbed side of the front (east) drive and along both sides of the rear (west) drive. A Fire Lane Traffic Control Order will be established for these drives.

Recommendation:

The above plan is **Recommended for Approval** with the above items being corrected on the next plan submittal.

Sincerely,

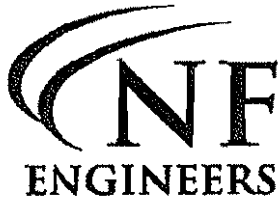
Michael W. Evans
Fire Marshal

cc: file

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

cityofnovi.org

APPLICANT RESPONSE LETTER(S)



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

August 10, 2009

City of Novi
Community Development – Planning Division
45175 West 10 Mile Road
Novi, Michigan 48375

Attention: Mr. Mark Spencer, Planner

Re: **Revised Final Site Plan Review SP#08-09**
Maple Manor of Novi
Novi Road & 14 Mile Road
N&F Job No. F197

Dear Mr. Spencer:

The following letter is a response to the various departmental review comments pertaining to the above noted project. The responses are in order of the review letters received. Any indicated changes will be reflected in the next submittal.

Planning Review of Revised Concept Plan for Rezoning Request with PRO – June 11, 2009

1. The Final Site Plan will be revised to increase the screen wall height to 6 feet and to increase the number of evergreens on the west side of the wall.

Planning Review of FSP and Special Land Use Permit – January 26, 2009

1. Please refer to the architect's letter, dated August 6, 2009 sent under separate cover regarding building items.
2. The dumpster enclosure material will be the same brick material as the building and will be so noted on the Final Site Plan.
3. The south parking will be revised to include the landscape island opposite the dumpster and to replace the landscape island adjacent to the dumpster with striping.
4. Please see below for Lighting Review comments.
5. City of Novi sign detail will be added to the Final Site Plan. Please note that coordination will be required with City staff to finalize the detail of the signage.
6. No comment.
7. The Owner will be submitting the required address application form.
8. The distribution of accessible parking spaces conforms to the requirements of the IBC. They are located at the closest point of entry to the building along the accessible route.
9. The construction detail for the City identification sign can be found on sheet L3. Details for signage will be included as mentioned above. Since the screen wall and detention basin wall are intended to be design/build, the exact construction details have not been included in plans. However, details will be added to the Final Site Plan as they become available.
10. Proposed and existing easements will be listed on the plans, as requested.
11. The length of the screen wall will be extended to the southern limit of the dumpster.

NOWAK & FRAUS ENGINEERS

Lighting Review – June 10, 2009

1. This facility will operate 24 hours per day, 7 days per week. This note was already added to sheet C-1. Please refer to sheet C-1.
2. Cut sheets of the fixtures will be added to the plans as opposed to the individual sheets submitted.
3. The intent is to have neither above ground electrical service to the light poles nor any flashing lights. This will be so noted on the plans as part of the required notes.
4. The average light level ratio at the drop off area will be reduced to 4.0 or less.

Environmental Consulting & Technology, Inc. (Wetland Review) – January 21, 2009

No comments.

Environmental Consulting & Technology, Inc. (Woodland Review) – January 18, 2009

Please refer to the enclosed letter by Mr. George A. Ostrowski, Jr., RLA, dated August 10, 2009.

Final Landscape Review – January 8, 2009

Please refer to the enclosed letter by Mr. George A. Ostrowski, Jr., RLA, dated August 10, 2009.

Birchler Arroyo Associates, Inc. – Traffic Review – June 10, 2009

1. The dumpster enclosure will be repositioned further south to allow a more generous maneuvering area in front of the dumpster with the end island eliminated.
2. An end island directly north of the dumpster will be added to the row of parking. This will limit the circulation of the waste management vehicles to a clockwise rotation on the site and negate the ingress and egress through the same approach without circumnavigating the site.
3. Longer tapers will be added to the loading area.
4. The stop signs will be located 4 feet in advance of the safety path.
5. New stop bars will be proposed to accompany the new cross walk striping at the Novi Rd. and 14-Mile intersection.
6. Detail sheet C-6 will be revised to show a 4" high concrete curb detail and that standard parking stripes are to be white while barrier free parking stripes will be blue.

Engineering Review – June 22, 2009

General

1. The required note stating work shall conform to City of Novi standards and specifications is included on sheet C-1 and repeated on sheets C-2, C-3 and C-5.
2. City standard details sheets will be provided with the stamping sets, as requested.
3. Sewer profiles will be included with the next submittal.
4. No comment.
5. Please refer to sheet C-6 for specification of detectable warning material. A note was added to the MDOT detail R-28-F specifying "Armor Tile Tactile System". As no particular material has been specified by the City of Novi, we trust this selection is acceptable.
6. The intent is for the contractor to follow the ramp details included on sheet C-6, all of which indicate detectable warning surfaces to be applied. Since all ramp types have been indicated on

the plans and they relate to a corresponding detail, it should be clear that the intent is for all curb ramps to have detectable warning surfaces.

7. A utility crossing table will be included with the next submittal.
8. Please refer to sheet C-6 for the requested Sign Quantity Table with the required MMUTCD note. Please also note that the current plans do not propose any new traffic signage to be installed within the right-of-way.
9. No comment

Water Main

10. Proposed and existing easements will be listed on the plans, as requested.
11. The water main easement for hydrants 2 and 3 will be revised in the next submission
12. The drafting will be corrected to connect the proposed easement to the existing easement.
13. Profiles, including water main profiles, will be included in the next submission.
14. All existing water main sizes will be labeled on the plans.
15. MDEQ permit sets will be forwarded at the appropriate time.

Sanitary

16. Manhole 2 will be labeled as a monitoring manhole in the structure schedule to be included with the utility information with the next submission. The 20-foot easement over the sanitary sewer will be labeled as an access easement rather than public easement with the next submittal.
17. Sanitary sewer pipe materials will be specified minimum SDR 23.5 for 6" pipe and SDR 26 for mains.
18. Profiles, including sanitary sewer profiles, will be included in the next submission.
19. A testing bulkhead will be provided immediately upstream of the connection point.
20. MDEQ permit sets will be forwarded at the appropriate time.

Storm

21. Profiles, including storm sewer profiles, will be included in the next submission.
22. No comment.
23. No comment.
24. No comment.
25. No comment
26. No comment.
27. Casting types will be added to the structure schedule.

Storm Water Management Plan

28. No comment.
29. A detail of the revised riser outlet pipe will be included in the next submission.
30. The restrictor pipe detail has been deleted from the plans, as directed.
31. The sizing overflow structure calculations are intended to ensure that the grating and the structure itself are able to handle the overflow and do not become a bottleneck. It assumes the structure functions as a weir, with the efficiency of the weir dependant upon the proximity of the structure to the embankment. An attempt will be made to clarify these calculations in the next submission.

Paving & Grading

32. As discussed with our office, the concrete pavement was accepted as an alternative to an asphalt approach. The reversal of decision is unclear.

City of Novi - Planning Commission
Re: Revised Final Site Plan Review SP#08-09
Maple Manor of Novi
August 10, 2009
Page 4 of 4

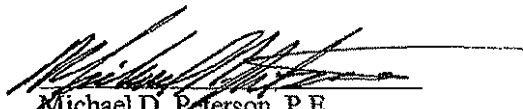
33. Please verify your information with respect to the northern Novi Road approach. The minimum pavement slopes were revised to 1-percent or greater as previously requested.
34. Spot grades have been added to the top of basin wall as previously requested. Contour information within the basin is off sufficient detail to determine the height of wall. The submitted plans are of sufficient detail to permit a design/build contractor to determine the height of wall required.
35. Additional spot grades will be added around the building as practicable to assist the reviewer ensure positive drainage away from the building is being provided.
36. Slopes around the site will be verified for compliance with barrier free requirements.

Fire Department Review – June 18, 2009

1. The fire hydrant will be relocated, as requested.
2. Deferred to the architect.
3. No Parking Fire Lanes signs for the west and east drives will be added to the next submission.

We trust the above satisfactorily address the comments and concerns of the departmental reviews.

Sincerely,
NOWAK FRAUS ENGINEERS



Michael D. Peterson, P.E.
Vice President

Encl. (1)

c.c. Mr. Marcus Evangelista, Maple Manor Rehab Center, 39999 Venoy Rd., Wayne, MI 48184

NOWAK & FRAUS ENGINEERS



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

August 10, 2009

City of Novi
Planning Commission
45175 West 10 Mile Road
Novi, Michigan 48375
Attention: Mr. Mark Spencer, Planner

Re: **Final Site Plan Submittal-Landscape Plan**
Maple Manor of Novi
N&F Job No. F197

Dear Sirs:

Please find below the revisions and additions made to the Final Site Plan drawings in response to the Final Landscape Review, dated June 16, 2009, to bring them in compliance with the Final Site Plan requirements.

Landscape Plan

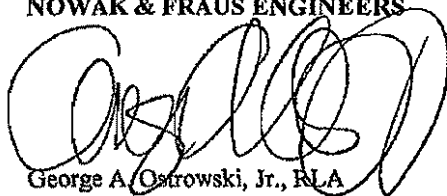
1. The height of the proposed screen wall along the western property line has been restored to the 6' height originally proposed. Additionally, the evergreen screening has been restored to the original quantity.
2. The wall along the western property line was extended an additional 35 feet to the south, as recommended to help screen the dumpster.
3. Several trees were placed in the area between the west property line and the detention basin.

Woodland Review

1. Calculations for tree removals and replacement were corrected to reflect those in the review letter by ECT.
2. The save/remove status is indicated on the tree removal plan. As indicated in the engineering review, Nowak & Fraus Engineers did not perform the original survey and therefore will not modify the contents of the drawing.
3. The trees meeting the requirements of "replacement trees" have been indicated on the plan with "R", and include revised species with more native varieties to ensure survival. Tree spacing and sizing has also been revisited to bring the plans into conformance.
4. A column in the plant list indicating the requirement of each tree has been added back to help further identify the trees which are intended to meet the replacement ordinance.

We believe that the aforementioned revisions address the comments and concerns of the departmental reviews, and look forward to discussing the matter should questions arise.

Sincerely,
NOWAK & FRAUS ENGINEERS



George A. Ostrowski, Jr., RLA
Associate

August 6, 2009

Mr. Mark Spencer, AICP
Planner
Community Development Department
City of Novi
45175 West 10 Mile Rd.
Novi, MI 48375

RE: Maple Manor of Novi
SP#08-09C

Dear Mr. Spencer:

The following information is provided pursuant to the **Planning Review Summary Chart dated 6/11/09**.

1. Currently, there are no Roof Top or Wall Mounted Utility Equipment proposed.
2. If the requirement for Roof Top/Wall Mounted Utility Equipment would be specified during the construction document phase, such equipment would be screened and/or enclosed and integrated into the design and color of the building.

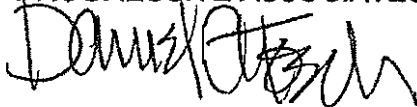
The following information is provided pursuant to the **Plan Review Comments, dated June 18, 2009 prepared by the Fire Marshal**.

Item No. 2 The Porte Cochere shall be dimensioned and constructed to have a minimum height clearance of fourteen feet (14').

If additional information is needed, please feel free to contact us.

Sincerely,

PROGRESSIVE ASSOCIATES, INC.



Daniel A. Tosch
President

DAT/gz

C: Marcus Evangelista, J.S. Evangelista Development, LLC
Mike Peterson, Nowak & Fraus

**PLANNING COMMISSION
MEETING MINUTES
EXCEPTS
SEPTEMBER 24, 2008
September 16, 2009 (action summary)**



PLANNING COMMISSION ACTION SUMMARY

EXCERPTS

CITY OF NOVI

Regular Meeting

Wednesday, September 16, 2009 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

Present: Members David Baratta, Victor Cassis, Andy Gutman, Michael Lynch, Michael Meyer, Chairperson Pehrson, Leland Prince

Absent: Members David Greco (excused), Brian Larson (excused)

PUBLIC HEARINGS

1. **MAPLE MANOR REHAB CENTER OF NOVI, SP08-09C AND ZONING MAP AMENDMENT 18.682**

Public Hearing for Planning Commission's recommendation to City Council for revised Concept Plan associated with a Zoning Map Amendment, from RA, Residential Acreage with a Planned Unit Development (PUD), to RM-1, Low Density, Low-Rise Multiple Family Residential with a Planned Rezoning Overlay (PRO) and revised Preliminary Site Plan, revised Special Land Use permit, revised Woodland Permit, revised Stormwater Management Plan and Wetland Permit approval is requested. City Council previously granted tentative approval of the Concept Plan and Rezoning Petition. The subject property is located Section 2, at the southwest corner of Fourteen Mile and Novi Road on 3.88 net acres. The applicant is proposing a 76 unit 56,643 square foot convalescent (nursing) home building.

In the matter of SP08-09C, Maple Manor, motion to recommend approval of the Revised Preliminary Site Plan SP08-09C as the Revised Concept Plan and reaffirm the Planning Commission's recommendation for approval for rezoning petition 18.682 with the following considerations: a) The proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area and by providing adequate access and utilities; b) The revised concept plan reduces the proposed ordinance deviations previously recommended for approval by the Planning Commission on September 24, 2008 and tentatively approved by City Council on October 20, 2008 and such changes to be included in the PRO agreement; c) Reaffirmation of previously granted traffic impact study and landscape waivers. *Motion carried 7-0.*

In the matter of SP08-09C, Maple Manor, motion to approve the Revised Special Land Use Permit for a convalescent (nursing) home, subject to the following conditions: a) City Council approval of rezoning petition 18.682, PRO, Concept Plan SP08-09C and related PRO agreement; and b) Compliance with all conditions and requirements listed in the staff and consultant review letters; For the reason that the Planning Commission finds that the use is otherwise in compliance with all applicable provisions of the Zoning Ordinance and that relative to other feasible uses of the site, the proposed use: 1) Will not cause any detrimental impact on existing thoroughfares or the capabilities of public services and facilities; 2) Is compatible with the natural features and characteristics of the land and adjacent uses of land; 3) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; 4) Will promote the use of land in a socially and economically desirable manner; 5) Is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; and 6) for the reason that it meets the requirements of Section 2516. *Motion carried 7-0.*

In the matter of Maple Manor, SP 08-09C, motion to approve the Revised Preliminary Site Plan, subject to the following: a) City Council approval of rezoning petition 18.682, PRO, Concept Plan SP08-09C and related PRO agreement; b) Reaffirmation of previously granted waiver of the west berm requirement and replacing it with a six foot masonry screen wall and evergreen landscaping on the west side of the wall; c) Minor corrections listed in the Staff and Consultant review letters; For the reasons that the revised Site Plan meets the intent of the Master Plan; meets the intent of the Zoning Ordinance; and because it is otherwise in compliance with Section 3402, Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

In the matter of Maple Manor, SP 08-09C, motion to approve the Revised Woodland Permit, subject to:

The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan; For the reason it is in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

In the matter of Maple Manor SP08-09C, motion to approve the Wetland Permit, subject to: The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan; For the reason it otherwise is in compliance with Chapter 12 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

In the matter of Maple Manor, SP 08-09C, motion to approve the Revised Storm Water Management Plan, subject to: The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan; For the reason that it is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*



PLANNING COMMISSION

Approved

EXERPTS

CITY OF NOVI

Regular Meeting

Wednesday, September 24, 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, Andrew Gutman, Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: Member David Greco (excused), Brian Larson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Kristen Kapelanski, Planner; Karen Reinowski, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Civil Engineer; Steve Dearing, Traffic Consultant; Doug Necci, Façade Consultant; Martha Holzheuer, Woodland Consultant; Kristin Kolb, City Attorney

1. ZONING MAP AMENDMENT 18.682 WITH A PLANNED REZONING OVERLAY

The Public Hearing was opened on the request of J. S. Evangelista Development, LLC, for possible recommendation to City Council of a Rezoning with a Planned Rezoning Overlay. The subject property is located in Section 2, at the southwest corner of Fourteen Mile and Novi Road. The subject property is 3.88 net acres and the Applicant is proposing a 93-unit, 61,583 square-foot convalescent (nursing) home.

2. MAPLE MANOR, SP08-09A

The Public Hearing was opened on the request of J. S. Evangelista Development, LLC, for Preliminary Site Plan, Special Land Use Permit, Woodland Permit and Stormwater Management Plan approval in conjunction with a Planned Rezoning Overlay rezoning petition recommendation. The subject property is located in Section 2, at the southwest corner of Fourteen Mile and Novi Road. The subject property is 3.88 net acres and the Applicant is proposing a 93-unit 61,583 square-foot convalescent (nursing) home.

Planner Mark Spencer described the Maple Manor rezoning request with Planned Rezoning Overlay. There is an approved PUD on this RA-zoned site, but this request would change the zoning to RM-1, low density Multiple Family Residential, with a PRO. This site is just inside the City limits. The Master Plan recommends Multiple Family Residential for this site. The underlying residential density is four units per acre, which is part of the density of the overall Maples PUD – which includes the Maples subdivision, commercial properties and golf course. This request is a recommendation to City Council and prior to the Planning Commission's motion, members should take under consideration the neighboring uses which are Maples Place commercial to the east (zoned RA/PUD and master planned for Commercial), the Maples recreation center to the southeast (zoned RA/PUD and master planned for Single Family Residential), Hickory Woods Elementary to the south (zoned R-1 and master planned for Educational Facilities), Beach Walk Apartments to the west (zoned RM-1), Lake Village Multiple Family Residential and vacant commercial property to the north in the city of Walled Lake (zoned Multiple Family Residential and Neighborhood Commercial and master planned for Multiple Family Residential and Commercial).

Mr. Spencer said that although the subject property is in the Master Plan with 4.0 density, this is an average for the entire PUD. The PUD plan that was approved showed one hundred dwelling units on this parcel, which is equivalent to 25 dwelling units per acre. Although residential density is not a consideration for nursing homes, the 93-unit nursing home could be considered similar to the residential that was already approved for this site.

There are no regulated wetlands on this site. A small body of water does show on the regulated wetland map. The site contains several regulated trees but the site is not in a regulated woodland. Initially, the City thought there were regulated wetlands on this site but after further review by the City's Wetland Consultant, it was determined there weren't any. There are two basins that are overgrown that have wetland species growing in them, but these were created as part of the commercial development and subdivision development at the time of their development in the late 1990s. These stormwater basins are considered watercourses by the Wetland Ordinance and therefore the modification and fill of these basins requires a Wetland and Watercourse Minor Use Permit which is approved

administratively and is not a function of the Planning Commission.

The Applicant provided information that the City determined to indicate that there are regulated trees on site, because the total of the multiple trunks of the trees exceeded the City's 36-inch requirement for landmark trees. Removal of those trees will require a Woodland Permit. Two Public Hearing notices were sent to the area residents. There are no critical habitat areas identified on the site. There may be some small amounts of wildlife in the remaining woodland areas.

The site is subject to the Maples PUD that was approved by City Council in 1989. The PUD included one-family residential units, golf course and the local commercial buildings that are opposite this site on the other side of Novi Road. This PUD is still in effect even though the site plan approved for this site has expired. That site plan included elevations that are similar to what is being reviewed at this meeting. Again that plan was a one-hundred unit, three-story congregate care senior apartment dwelling with one- and two-bedroom apartments. After three one-year Final Site Plan extensions, the plan expired in 2005, but the Applicant could still reapply with this site plan and be in compliance with the PUD.

Mr. Spencer showed the elevation of the current proposal for a 93-unit, 186-bed convalescent nursing home facility. The Applicant is not sure how many residents will occupy these rooms; the marketing strategy is to only market them to one individual for each room, but if a married couple or live-in couple or siblings wish to occupy one room this request provides the Applicant with flexibility to place two beds in one room. A nursing home is not an approved use under the current RA/PUD and therefore the Applicant is seeking this rezoning with a PRO. This change will permit the use of a nursing home.

As part of this PRO, the underlying zoning is changed and the Applicant enters into a PRO Agreement with the City whereby the City and the Applicant agree to any conditions, deviations from the Ordinance, and a concept plan for the development of the site. In order to expedite the Applicant's approval process, the Applicant has elected to submit a Preliminary Site Plan as the Concept Plan for this petition. The Applicant is asking the Planning Commission to consider a package of approvals that include a Special Land Use Permit as well, contingent upon the City Council's approval of the PRO, the PRO Conceptual Plan and the PRO Agreement. The Applicant has put a lot of effort into this project and the City feels this is a very well-developed plan at this stage, well beyond a general Concept Plan.

The Applicant has proposed the following conditions as part of the PRO Agreement:

- The use will be limited to a convalescent nursing or congregate care and assisted living facility with accessory uses including dining, pharmacy, beauty shop, clinic and therapy services that would be limited to the occupants of the site only.
- The square footage will be limited to 62,000 square feet.
- The maximum lot coverage will be 13%, providing a minimum open space of 45%.
- Unit limitation of 93 and bed limitation of 186.
- Limiting turn movements onto Fourteen Mile to right-out only, due to the proximity of the interchange.

The Ordinance also permits deviations from the strict application of the Zoning Ordinance. City Council may approve deviations if it finds that each Zoning Ordinance provision from which deviation is sought would, if not granted, prohibit an enhancement of the development that is in the public's interest, and approving said deviation would be consistent with the Master Plan and compatible with the surrounding areas.

Based on the site plan the following deviations are proposed as part of the PRO Agreement:

- Minimum lot area is required to be 1,500 square feet per bed; this plan proposes 908 square feet per bed.
- The maximum building height in RM-1 is 35 feet and two stories; this plan proposes 36 feet with three stories.
- The maximum parking, loading and driveway pavement in the required setback is 30%; this plan proposes a percentage greater than 30%, though the exact calculation was not readily available.
- The maximum building length is 180 feet, up to 360 feet with increased setbacks; this plan proposes 321 feet without increased setbacks.
- The Applicant proposes setback reductions for the building front from 122 feet to 68 feet; the exterior side yard from 75 feet to 42 feet; the rear set back from 122 feet to 37 feet. The rear and front yard setbacks are based on

- the previously stated length-of-building requirement that increases the standard 75 foot setback to 122 feet.
- The Applicant proposes parking lot set back deviations; the front and rear setbacks are 122 feet and the Applicant proposes 15.5 feet in the front and 2.5 feet for the rear. For the side exterior the Applicant proposes 57 feet in lieu of 75 feet.
- The Applicant proposes up to 35% asphalt shingles and 20% siding which is a deviation from the Façade Ordinance and requires a Section 9 Waiver.

The Applicant states these deviations are reasonable given they are less intense, the same or similar to the deviations previously approved under the senior housing component of the Maples PUD. Technically, since the zoning district changes, some of these requirements actually change as well. While this may seem like there are some big deviations, in reality this plan is a less intense use than what was previously approved.

The Applicant notes that a wall and landscaping will be provided to buffer the adjoining Multiple Family Residential parcel. The wall will be the length of the driveway. This driveway was not required on the original approved plan but because of current fire regulations an extra access was required along the back of the building. The Applicant proposes a screen wall to accommodate this design, and also a series of landscaping elements have been proposed to soften the effect of the building.

The Applicant proposed eight public benefits pursuant to the requirements under the PRO Ordinance. Several of the benefits are general items typical of many PRO proposals. One unique benefit is the Applicant's willingness to donate a new City of Novi sign, its installation and maintenance on a triangular-shaped landscaped area of about forty feet by forty feet in an easement on the northeast corner of the site. The Applicant proposes additional landscaping and a plaza for the sign; the details have not been solidified. Other public benefits include:

- Enhancing the tax base.
- Providing local long-term care
- Providing new jobs in the City.
- Expanding service to the elderly beyond the senior apartments that were previously approved.
- Providing a less intense use than what was previously approved.
- Providing a use that is compatible with the neighboring uses.

Mr. Spencer said that the plan does not demonstrate general compliance with several Ordinance requirements, and these have been covered in the list of deviation requests. Staff believes the proposed deviations are reasonable and can be recommended to City Council. The site plan is similar to what was previously approved, with the addition now of a rear access drive.

The discipline reviews propose several minor changes to the plan. The Applicant has agreed to complete all of these requests, except for Planning's suggestion to reorient the dumpster so that the doors don't face Novi Road. Oftentimes these doors are left open, leaving the dumpster visible from the public right-of-way.

The Façade Consultant recommended changes to reduce the impact of the asphalt shingles. He recommended approval of the Section 9 Waiver if the Applicant revises the rear elevation to be more consistent with the front elevation. The Applicant submitted modifications to the façades and they were distributed to the Planning Commission. The Façade Consultant asked for increased peaks that protrude into the shingles, and perhaps some relief into the façade that would better highlight the building.

There is a waiver request for the berm required for the westerly boundary; the Applicant has instead proposed a wall with landscaping to soften the effects.

A traffic study was not submitted with the application, based on the recommendation of the Traffic Consultant. He stated that this is a less intense use than what was previously submitted and approved. Therefore, the Maples PUD traffic study provided the necessary information.

The request includes a Special Land Use request. The Planning Commission must consider whether the use is detrimental to the thoroughfares or public services. Is it compatible to the adjacent land uses? Is it consistent with

the Master Plan? Does it promote a socially- and economically-use of the land?

The Planning Division recommends positive consideration of this petition, conditioned on City Council's waiving of the traffic study requirement, and the Applicant making minor changes to the concept plan as requested in the reviews. The plan is consistent with the Master Plan. Nursing home uses are compatible with the surrounding land uses. Adequate infrastructure exists to support this use. The proposed PRO plan meets with the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development. This plan protects and preserves the character of the area and provided adequate access and utilities. The Preliminary Site Plan, PRO, Concept Plan and Special Land Use Permit are recommended for approval subject to City Council's approval of the PRO, Concept Plan, deviations and the PRO Agreement, and the Planning Commission Waiver to allow for the westerly wall, and the Planning Commission Section 9 Façade Waiver, and the Applicant making the changes as discussed.

Marcus Evangelista addressed the Planning Commission. He introduced architect Dan Tosch with Progressive Associates and also his engineer, Alex Orman of Nowak and Fraus. He said that Mr. Spencer's description of the plan was accurate and complete. He reiterated that this is a less-intense use that will yield less traffic and congestion. Additionally, the nearby properties are commercial (CVS) and Multiple Family Residential. With regard to the community in general, a nursing home in Novi will serve a tremendous need. There is a high demand for long-term care service, as can be demonstrated by the new Providence Park hospital and the new Henry Ford hospital, both about four or five miles away from this site. The state of Michigan has projected 15% growth in western Oakland County, which further generates need for long-term care services. This proposal projects a minimum of one hundred new jobs in the City of Novi – professionals, nurses, therapists, dieticians, etc. This is a non-automotive sector use that will be great for the community and the economy. It will improve the Novi tax base.

With regard to the business, Mr. Evangelista said this will be family-owned and operated. The senior Evangelistas are the owners and the family provides hands-on doctors; Jose and Stella are his parents. They are both physicians. They also own Maple Manor of Wayne. They are the number one facility rated by Medicare in Michigan. They received a perfect state survey with zero deficiencies. He believed they were the only home in the state to do so. He was waiting for the final results to come out.

Their operation is JCAHO accredited, which is required for hospitals but voluntary for nursing homes. He thought his other Maple Manor was the only nursing home with this distinction in the state of Michigan. This demonstrates their commitment to quality. They are proud of their business.

Mr. Evangelista thought his corner was the ideal location for a Novi sign. This is the border between Novi and Walled Lake. The sign's appearance will be integrated into the site using landscaping and building materials.

Chair Pehrson opened the floor for public comment:

- David Tomczak, local resident: Walks this area several times per week because it is one of the remaining greenbelts in the area. He saw five deer drinking from the site's water the day prior. Monarch butterflies migrate to this site's milkweed. Goldfinches and nuthatches eat the thistles. Three species of frogs mate on this site. Two species of toads mate on this site. There are snapping turtles in the water. He leads mushroom hunts on this site – there are four edible mushrooms on this site. This building will be higher than Beach Walk Apartments and the lights will shine into those apartments. He doesn't want to hear sirens at night. Many people walk this area. He didn't want the wildlife misplaced.
- Lynne Roderick, Lake Village: Objected to the project because she will be able to see it out of her windows. She was concerned about security lighting. She was concerned about the traffic because it is heavy already. She thought a three-story building would ruin the integrity of the area. It will affect the value of her condo.
- Patti Suomo, Lake Village: Concerned about the traffic, especially that which will be caused by the 7 AM shift. She asked if the sidewalk would be continued, as it currently stops at Beach Walk.
- Gayla Rosey, Maples of Novi: Concerned about the height of the building because it was not aesthetically pleasing. She thought traffic would worsen. She said the residents of Novi already know where Novi is so she didn't see the sign as a public benefit. She is a nurse and said there is a nursing shortage in the area. She

worried about the wildlife. There is an egret rookery that is located in the Maples of Novi of which everyone is protective. The local commercial affected these grounds where the egrets eat, and she guessed that the DNR was not aware that all of this commercial was going to be developed in this area. This building and its noise may be the one that disrupts the egrets' migration flight patterns and nesting grounds.

Member Gutman read the correspondence into the record:

- Elaine Stiles, Aquaduct Drive: Objected for traffic reasons.
- Dorothy Salas, Independence: Objected for traffic reasons, proximity to school and loss of vegetation.
- Kay Placta, Lake Village: Objected because she liked the current character of the neighborhood. She is worried about the sirens and delivery trucks, increased traffic and property values.
- James Remijan: Objects because the City has enough traffic.
- Joann and David Willis, Neptune: Objected for traffic, noise, and congestion reasons.
- Michael Lawrence, Vine Court: Objected because of impact to the wetlands.
- Catherine Szuba, Neptune: Worried about the landscaping and doesn't want to become a big city.
- Rebecca Turner, Neptune: Objects because of the impact to the wetlands and habitat.
- Sandra Earhart, Neptune: Objects because of wetland, pollution, noise and traffic concerns.
- Verna Kuhlbara, Livingston: Objected for reasons of traffic, loss of trees, and danger near the elementary school.
- Daniel Tzemski, Lake Village: Objected to the use of the wetlands.
- Amy Moldenhauer, Lake Village: Objected because of loss of habitat for the deer and other animals. She doesn't want to lose her view and thinks this will be an eyesore. There will be an increase in traffic and noise.
- Melissa Hungley and Lise Traub, Canterbury: Objects because they prefer open space and trees, and they don't want more traffic.
- Kara Kite, Blue Ridge: Objected for concerns about the protected natural habitats, property values and the wetlands.
- Joseph Sisom, Arrowhead: Objected for reasons of wetland impact, noise, wildlife and the changing water table.
- Kimberly Boone, Neptune: Objected because she didn't want the trees cut down. She is worried about the sewer drains. She wished to see pre-sales before this is built.
- Barbara Zuwacki, Walled Lake: Didn't want the area built up so much.
- Lisa Price, Mariner: Objects because of impact to wildlife.
- Eric Winter, Lake Village: Objected because of impacts to trees and wetlands.
- Luanne Dillon, Lake Village: Objects because the proposal is unnecessary.
- Constance Colenzo, Jasper Ridge: Objects because she is worried about the value of her condo and foreclosures in the area.
- Barbara Miller, Independence: Objects for traffic reasons.
- Patrick Butler, English Way: Objects for reasons of excessive police, fire and rescue traffic. He wondered whether the City's resources were strong enough to support this project.
- Diane Schram: Objects because the building is too high and will damage the wetlands.
- Elaine Chow, Jasper: Objected to the plan.
- Judith Chamberlain, Mariner: Concerned about traffic, wildlife displacement and wants to see more occupancy.
- Anne Winton, Lake Village: Worried about wetlands, natural features and doesn't like the height.
- Mary Patmorose, Horton: Approved of the plan and objected.
- Joesetta Howes, Canterbury: Provided empty response.
- Theodore Solno, Blair: Approved of the plan.
- Margarita Baschillio, Canterbury: Approved of the plan.
- Jane West, Canterbury: Approved of the plan.
- Robert Henshaw, Canterbury: Thought the plan was better than a gas station or restaurant and approves.
- Sandy and Eric Gerwin, Centennial: Approved of the plan.
- Marguerite Walsh, Neptune Drive: Approved and thought it was good for the community.
- June Ferguson, Independence: Approved and welcomed it to the area.
- Arnold Johnson, Lake Village: Approved of the plan and thought the corner would look better.
- Dimitra Dadgar, Livingston: Objected for traffic reasons.

- Rose Provo, Mariner: Approved and liked the location.
- James Daly, Mariner: Approved of the plan but thought three stories is too high.
- Marilyn Donaldson, Neptune: Thought this was a good use.
- Susan Pogark, Neptune: Approved of the plan.
- Enid Stilbrecht, Primrose: Approved of the plan.
- Genevieve Riley: Approved and thought it would beautify the area.
- Lillian Bassey, Magnolia: Approved of the plan.
- Rose Provo: Approved of the plan.

Chair Pehrson closed the Public Hearings on the rezoning with PRO and the site plan.

Member Lynch confirmed this building was approved for senior housing under the PUD, which included the Maples of Novi, the golf course and the shopping center. Now, the senior housing is changing to a less-dense convalescent center. Mr. Spencer said that there are also minor modifications and a change in procedure as well. Member Lynch thought this is an improvement to the original plan.

Member Lynch asked whether the use of sirens was typical at this type of facility. Mr. Evangelista said no; ambulances will come and go but they don't typically use their sirens. Also, they will usually use just one ambulance company, and they can work this detail out with them.

Member Lynch confirmed that the sidewalks will be built along Fourteen Mile. He complimented the Applicant for having zero deficiencies on his recent state audit at their Wayne facility. Member Lynch supported this plan and reiterated that it is an improvement over the previous plan.

Member Meyer said the concerns of the area citizens should be respected. The Applicant was commended for his JCAHO attainment, which supports the notion that this Applicant provides far more than just minimum care to his residents. Member Meyer confirmed that the Section Nine Waiver is for a one-foot deviation.

Moved by Member Meyer, seconded by Member Burke:

In the matter of Zoning Map Amendment 18.682 and Planned Rezoning Overlay Concept Plan SP08-09A for Maple Manor, motion to recommend approval to the City Council to rezone the subject property from Residential Acreage, RA, with a Planned Unit Development, PUD, to Low Density Multiple Family, RM-1, with a Planned Rezoning Overlay, with the following considerations: 1) Waiving of the Traffic Impact Assessment because the proposed convalescent (nursing) home use will generate less traffic than the previously approved senior housing apartment building; 2) Inclusion of the PRO conditions as proposed by the Applicant as follows: A) Uses limited to a convalescent (nursing) home, congregate care facility and assisted living facility with accessory uses including dining, pharmacy, beauty shop, clinic and therapy services; B) Maximum building square footage 62,000 square feet; C) Maximum lot coverage (building) 13%; D) Minimum open space 45%; E) Maximum number of units 93; F) Maximum number of beds 186; and G) Turn movements on Fourteen Mile limited to right-out only; 3) A Planning Commission Finding that the Applicant's proposal to donate, install and maintain a City of Novi entrance sign and sign easement, as approved by the City, is a public benefit; 4) A Planning Commission Finding that constructing the proposed convalescent facility provides additional public benefit by increasing the City's tax base, providing an additional long term care facility, providing new jobs, and expanding service to the City's elderly population is a public benefit; 5) City Council considering the Ordinance deviations associated with the proposed concept plan as detailed in the Staff and Consultant review letters acceptable; 6) Subject to the Planning Commission conditions of Preliminary Site Plan SP08-09A approval, including the Applicant making minor changes to the Concept Plan as requested in the Preliminary Site Plan Review letters; for the reasons that: 1) The petition is consistent with the Master Plan for Land Use 2004 which depicts this area for multiple family uses; 2) Nursing home uses are compatible with the surrounding land uses; 3) The proposed use is less intense than the previously approved senior housing use; 4) Adequate infrastructure exists to support nursing home and multiple-family uses; 5) The proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a

transition between multiple family and commercial development, by protecting and conserving the character of the area, by providing adequate access and utilities and providing a City of Novi entrance sign as a public benefit; and 6) The petition is in compliance with Article 34, Section 3402 of the Zoning Ordinance.

DISCUSSION

Member Wrobel asked whether the City was going to accept the Applicant's offer to house and maintain a City of Novi sign. Mr. Spencer responded that Community Relations Manager Sheryl Walsh welcomed this opportunity.

Member Wrobel asked about the Westside lighting and the backside lighting. The Applicant responded that all lighting will comply with the City of Novi Ordinance. It will be cut-off lighting, the pole height would be no more than 15 feet tall, and no light will be disbursed on adjacent property. The lighting will all be pole-mounted. The building lighting will only be on the entrance canopy and entrances. There will be no spotlights or floodlights.

Member Wrobel asked what kind of activity would occur in the rear of the building (west side), and when would this activity occur. The Applicant said that this would accommodate the food service, and it is also where the ambulance delivery would take place. Member Wrobel thought this could potentially create a problem for the apartments. The Applicant said there are recesses in the building; these areas will accommodate the service vehicles. They are interior courts into the building. The fire department would have to come to the Novi Road side of the building.

Member Cassis said that the Master Plan and Zoning Committee has already reviewed this site and did its due diligence at that time. Member Cassis was impressed by the Applicant's parents who attended that meeting; attention by the owner impresses Member Cassis. They have excellent credentials.

Member Cassis noted that the location of this site is on Fourteen Mile, which is a well-traveled road. He thought that it was worthy of this use regardless of the potential for sirens.

Deputy Director of Community Development Barbara McBeth wished to clarify that the height deviation that was discussed earlier can be approved by City Council as part of the PRO Agreement.

ROLL CALL VOTE ON MAPLE MANOR, REZONING 18.682 AND PRO SP08-09A POSITIVE RECOMMENDATION MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER BURKE:

In the matter of Zoning Map Amendment 18.682 and Planned Rezoning Overlay Concept Plan SP08-09A for Maple Manor, motion to recommend approval to the City Council to rezone the subject property from Residential Acreage, RA, with a Planned Unit Development, PUD, to Low Density Multiple Family, RM-1, with a Planned Rezoning Overlay, with the following considerations: 1) Waiving of the Traffic Impact Assessment because the proposed convalescent (nursing) home use will generate less traffic than the previously approved senior housing apartment building; 2) Inclusion of the PRO conditions as proposed by the Applicant as follows: A) Uses limited to a convalescent (nursing) home, congregate care facility and assisted living facility with accessory uses including dining, pharmacy, beauty shop, clinic and therapy services; B) Maximum building square footage 62,000 square feet; C) Maximum lot coverage (building) 13%; D) Minimum open space 45%; E) Maximum number of units 93; F) Maximum number of beds 186; and G) Turn movements on Fourteen Mile limited to right-out only; 3) A Planning Commission Finding that the Applicant's proposal to donate, install and maintain a City of Novi entrance sign and sign easement, as approved by the City, is a public benefit; 4) A Planning Commission Finding that constructing the proposed convalescent facility provides additional public benefit by increasing the City's tax base, providing an additional long term care facility, providing new jobs, and expanding service to the City's elderly population is a public benefit; 5) City Council considering the Ordinance deviations associated with the proposed concept plan as detailed in the Staff and Consultant review letters acceptable; 6) Subject to the Planning Commission conditions of Preliminary Site Plan SP08-09A approval, including the Applicant making minor changes to the Concept Plan as requested in the Preliminary Site Plan Review letters; for the reasons that: 1) The petition is consistent with the Master Plan for Land Use 2004 which depicts this area for multiple family uses; 2) Nursing home uses are compatible with the surrounding land uses; 3) The proposed use is less intense than the previously

approved senior housing use; 4) Adequate infrastructure exists to support nursing home and multiple-family uses; 5) The proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area, by providing adequate access and utilities and providing a City of Novi entrance sign as a public benefit; and 6) The petition is in compliance with Article 34, Section 3402 of the Zoning Ordinance. *Motion carried 7-0.*

Moved by Member Meyer, seconded by Member Burke:

ROLL CALL VOTE ON MAPLE MANOR, SP08-09A SPECIAL LAND USE MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER BURKE:

In the matter of SP08-09A, Maple Manor, motion to approve the Special Land Use Permit for a convalescent (nursing) home subject to: 1) City Council approval of Rezoning Petition 18.682, PRO, Concept Plan SP08-09A and related PRO Agreement; and 2) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reasons that the Planning Commission finds that the use is otherwise in compliance with all applicable provisions of the Zoning Ordinance and that relative to other feasible uses of the site, the proposed use: 1) Will not cause any detrimental impact on existing thoroughfares or the capabilities of public services and facilities; 2) Is compatible with the natural features and characteristics of the land and adjacent uses of land; 3) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; 4) Will promote the use of land in a socially and economically desirable manner; 5) Is (1) listed among the provision of uses requiring Special Land Use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; and 6) and the plan meets the requirements of Section 2516. *Motion carried 7-0.*

Moved by Chair Pehrson, seconded by Member Burke:

In the matter of Maple Manor, SP08-09A, motion to approve the Preliminary Site Plan, subject to: 1) City Council approval of Rezoning Petition 18.682, PRO, Concept Plan SP08-09A and related PRO Agreement; 2) City Council granting a waiver of the west berm requirement and the Applicant replacing it with a six foot masonry wall; 3) City Council granting a Section 9 Façade Waiver subject to the Applicant modifying the façade to add decorative dormer windows on the front and rear façades, or other equal method of mitigating the expanse of asphalt shingles; and 4) The Applicant making minor corrections listed in the Staff and Consultant review letters; for the reason that the site plan: 1) Meets the intent of the Master Plan; 2) Meets the intent of the Zoning Ordinance; and 3) Is otherwise in compliance with Section 3402, Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

DISCUSSION

Mr. Spencer said that the sidewalks are part of the site plan, and he has had conversations with the Transportation Director of the Walled Lake Schools, and they are looking forward to this addition because the children who live in Beach Walk can walk to school.

ROLL CALL VOTE ON MAPLE MANOR, SP08-09A PRELIMINARY SITE PLAN MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER BURKE:

In the matter of Maple Manor, SP08-09A, motion to approve the Preliminary Site Plan, subject to: 1) City Council approval of Rezoning Petition 18.682, PRO, Concept Plan SP08-09A and related PRO Agreement; 2) City Council granting a waiver of the west berm requirement and the Applicant replacing it with a six foot masonry wall; 3) City Council granting a Section 9 Façade Waiver subject to the Applicant modifying the façade to add decorative dormer windows on the front and rear façades, or other equal method of mitigating the expanse of asphalt shingles; and 4) The Applicant making minor corrections listed in the Staff and Consultant review letters; for the reason that the site plan: 1) Meets the intent of the Master

Plan; 2) Meets the intent of the Zoning Ordinance; and 3) Is otherwise in compliance with Section 3402, Article 6, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 7-0.

Moved by Member Meyer, seconded by Member Burke:

ROLL CALL VOTE ON MAPLE MANOR, SP08-09A WOODLAND PERMIT MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER BURKE:

In the matter of Maple Manor, SP08-09A, motion to approve the Woodland Permit subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; for the reason that the plan is in compliance with Chapter 37 of the Code of Ordinances. Motion carried 7-0.

Moved by Member Meyer, seconded by Member Burke:

ROLL CALL VOTE ON MAPLE MANOR, SP08-09A STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER BURKE:

In the matter of Maple Manor, SP08-09A, motion to approve the Stormwater Management Plan subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; for the reason that the plan is in compliance with Chapter 11 of the Code of Ordinances. Motion carried 7-0.

Transcribed by Jane L. Schimpf, October 13, 2008
Customer Service Representative
Date Approved: October 22, 2008

Signature on File
Angela Pawlowski, Planning Assistant
Date

**CITY COUNCIL
MEETING MINUTES
EXCEPTS
OCTOBER 20, 2008**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
EXCERPTS
MONDAY, OCTOBER 20, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE RD.**

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Crawford, Gatt, Margolis-absent/excused, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
Ara Topouzian, Economic Development Director

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Zoning Map Amendment 18.682 with Planned Rezoning Overlay (PRO) SP08-09A from the applicant, J.S. Evangelista, LLC, to rezone property located at the southwest corner of Fourteen Mile and Novi Roads from RA, Residential Acreage with a Planned Unit Development (PUD) to RM-1, Low-Density, Low Rise, Multiple-Family Residential, favorable consideration of the PRO Concept Plan, and revocation of the right to develop under the existing Maples of Novi PUD. The subject property is 3.88 net acres.**

Marcus Evangelista, General Counsel for Evangelista Development, and owner and developer of the property was present as well as Alex Orman with Nowak and Fraus Engineering Firm and he believed their description was accurate and complete. Mr. Evangelista said in December of 2000, they were approved for congregate care senior apartments and they were proposing a nursing home, which was a less intense use with a lower impact on the property and ultimately less traffic and congestion in the area. He said the nursing home proposed would be very compatible with the surrounding area and would integrate well with the existing community. The adjacent property was a commercial retail mall with a CVS, Starbucks, Coney Island and Flag Star Bank. The other surrounding areas were multi family apartments and condo's; therefore the nursing home presented a viable, transitional type of use for that intersection. He said there was a tremendous need for a nursing home in the area and there was a high demand for long term care services and that could be demonstrated by the opening of the new Providence Park in Novi as well as the Henry Ford Hospital in West Bloomfield. In addition, the State of Michigan had also projected a 15% growth in western Oakland County by 2012, also supporting the need for long term care services. The other benefits included enhancing the local City economy. He commented they would improve the tax base and they were a for profit organization so the City could tax them. He said they also expected to create at least 100 new jobs in the City of Novi in a non automotive sector, which was good for the economy. Mr. Evangelista said Maple Manor was a family owned and operated company and his parents were the owners, Drs. Jose and Stella Evangelista. He said they were practicing physicians and had been practicing for over 30 years. He said they were hands on owners and he was also involved in the business as the CFO and General Counsel for the company. Mr. Evangelista said they had a track record that they were very proud of and currently owned and operated Maple Manor of Wayne and were ranked the #1 facility in Michigan rated by Medicare. He said last year they had a perfect State survey with zero citations and that was nearly impossible to do and they were also JACO credited, which was voluntary for nursing homes. They elected to be JACO credited to demonstrate their commitment to the highest quality of health care. He said their nursing was a beautiful, clean odor free environment and

Regular Meeting of the Council of the City of Novi
EXCERPTS

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that was a reflection of the care they provide at all times. As a part of the PRO they were proposing to donate the City sign and would have it professionally manufactured and it would be identical to the existing new signs and would be placed at the boundary of Walled Lake and the City of Novi.

Mayor Pro Tem Capello asked if they needed the existing Maples of Novi residents to sign off on this before the PUD status was released from this piece. Mr. Schultz said he didn't believe so as they looked at it and looked at the revocation issue. He said the prior ordinance had been repealed talked about essentially continuing to act as a regulatory body as though it was still in place and talked about the revoking the area plan, if appropriate, and talked about a hearing. Mr. Schultz thought the owner of the property was the appropriate person to give

notice to a hearing, which they were having tonight. Mayor Pro Tem Capello asked if the existing Maples residents had been given notice of this. Mr. Schultz said he didn't know if the other elements of the PUD area plan had but thought the appropriate people to give notice to were the people within this portion of the area plan. Mayor Pro Tem Capello asked if the pharmacy they wanted would be totally internal and Mr. Evangelista replied it was and was just for their patients.

CM-08-10-177

**Moved by Capello, seconded by Staudt; MOTION CARRIED:
For tentative approval of Zoning Map Amendment 18.682 with
Planned Rezoning overlay (PRO) SP08-09A from the applicant, J.S.
Evangelista, LLC, to rezone property located at the southwest
corner of Fourteen Mile and Novi Roads from RA, Residential
Acreage with a Planned Unit Development (PUD) to RM-1, Low-
Density, Low Rise, Multiple-Family Residential, favorable
consideration of the PRO Concept Plan, and revocation of the right
to develop under the existing Maples of Novi PUD. The approval
would be subject to: (1) City Council waiving the Traffic Impact
Assessment because the proposed Convalescent Nursing Home use
would generate less traffic than the previously approved senior
housing apartment building. (2) Favorable findings of the proposed
conditions as listed above, (3) Acceptance of applicant's offer for
public benefits, (4) Tentative approval of the PRO concept plan, (5)
the applicant entering into a PRO agreement with the City Council
including provisions required to revoke the PUD. Approval for this
site and withdraw this property from that development for the
following reasons. (1) conditions consistent with the Master Plan
for Land Use 2004 fit the area for multiple family uses, nursing home
uses were compatible with the family land uses, adequate
infrastructure existed to support nursing home and multiple family
uses and the proposed PRO concept plan meets the intent of the
zoning ordinance in providing a transition between multiple family
and commercial development protecting and conserving the
character of the area and providing adequate access to these
facilities.**

DISCUSSION

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Member Gatt asked if there would be independent people who drive, etc. Mr. Evangelista responded it would predominately be dependent. He said it was a skilled nursing facility and the typical patient would be people right out of the hospital who had surgery and needed to stay at their facility for a short term basis, usually up to 100 days of care. He said they would restore their abilities and confidence so they could return home. They would also have a long term care unit, which would be more the end stages of their life and was a nursing long term care facility. He said they would probably have a few beds that were independent but usually those people would stay and then progress into the long term care setting. Member Gatt said there wouldn't be any permanent residents there and it was not a home for somebody. Mr. Evangelista said there would be and they were trying to come up with the actual number but he guessed it would be about 20% of their residents would be independent/assisted living type of care. Member Gatt asked if he could compare it to anything that existed in Novi such as Waltonwood. Mr. Evangelista said no, Waltonwood was the assisted living and independent living and that was not their core competency. It would be more akin to Manor's of Novi.

Member Crawford commented she was glad that they were doing this project as she thought the City had been underserved in this area. She asked if there were any innovations in the project, like a greenhouse, that were newer than what people think of in a nursing home. Mr. Evangelista said he couldn't say they were offering anything special like a greenhouse, but were open to any suggestions Council had. However, he said they would provide a clean homelike environment. He said the facility they have now was carpeted and people said it looked like a hotel. He said they would provide staffing, care, ownership on site, which was more of a personalized, customized environment, and they would have all the usual amenities such as outdoor courtyards, activities and it would be a beautiful place. Member Crawford said she knew from being involved in the senior business some of the requests they received from Novi residents all the time was daycare. Mr. Evangelista said they offered it at Maple Manor of Wayne and called it respite care and they would definitely do that and it would be more of an ancillary business.

Member Staudt asked what type of City services he envisioned using. Mr. Evangelista said they work closely with the communities and have a lot of activities for the residents. He said they have lunches; they take them to the baseball games and to various things in the area. He thought the mall would be a great venue for them because it was safe and nearby. He said they look for things that were not too far that the seniors could enjoy and the library would definitely be one of them.

Member Mutch said he wouldn't support the motion and his reasons were not criticism of their facility. He commented everything he had read was impressive and the Planning Commission was very impressed by the standards that their facilities had met. Member Mutch said the concern he had with the proposal was the kind of use and its location and he was very concerned that on the north side of town they were really getting a concentration of facilities that would require a higher level of City services than could currently be provided for that area of town. He said some of the other facilities had created a strain on emergency services and this being located at 14 Mile and Novi Road so anytime they had to respond it created a challenge for the City. Member Mutch said with that in mind, he recognized that the change in use from what was previously proposed would be a reduction in traffic but he was concerned about the other impacts that would come from additional demands on emergency services. Member Mutch said the other criticism he had went back to the whole PRO concept and the public benefit, outside of the entrance sign, would really come with any development at that

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EXCERPTS

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location and almost any use would bring those benefits to the City. He said he didn't think the PRO concept worked well with what they wanted to achieve and they needed a better vehicle to do that. He said perhaps a PUD zoning option that would allow Council to consider unique developments in locations across the City without getting into this little game they play. He said it didn't do justice to the process and didn't reflect well on what they should be doing as a City and it made the applicant jump through hoops that he didn't think were necessary. He said most of the PRO agreements that were approved had never been carried out and he hoped theirs would be the exception. He expressed concern about the process of separating out parcels from the PUD and thought it created concerns as there were multiple PUD in the City and when approved they were approved as a whole and separating those out raised some concerns about how they were originally approved and whether or not this was the correct process to undue those.

Mayor Landry said he was very impressed with the accreditation, the 100% Medicare Audit, the creation of 100 jobs and mostly because they were jobs in a quality organization evidenced by those accreditations.

Roll call vote on CM-08-10-177

Yeas: Crawford, Gatt, Staudt, Landry, Capello
Nays: Mutch
Absent: Margolis

TENTATIVLY APPROVED CONCEPT PLAN

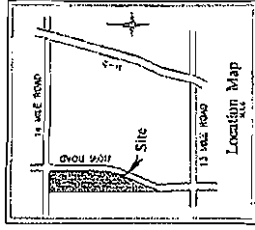
- 1. Site Plan**
- 2. Building Elevations**



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1400 N. Sycamore Highway
Farmington, N.H. 03042-1028
Tel. (603) 857-0300
Fax (603) 857-1025



Maple Manor of New

Client:
J.K. Evangelista
Development, LLC
289 Orchard Lake Road,
Suite 335
Farmington, NH 03042
Tel: (603) 856-7114
Fax: (603) 856-5918
Attention: Mr. Arlene Evangelista

Part of the Northeast
1/4 of Section 2, T. 18,
R. 2E, City of New,
Caldwell County,
Maine

Maple
Preliminary Paving &
Grading Plan &
Utility Plan

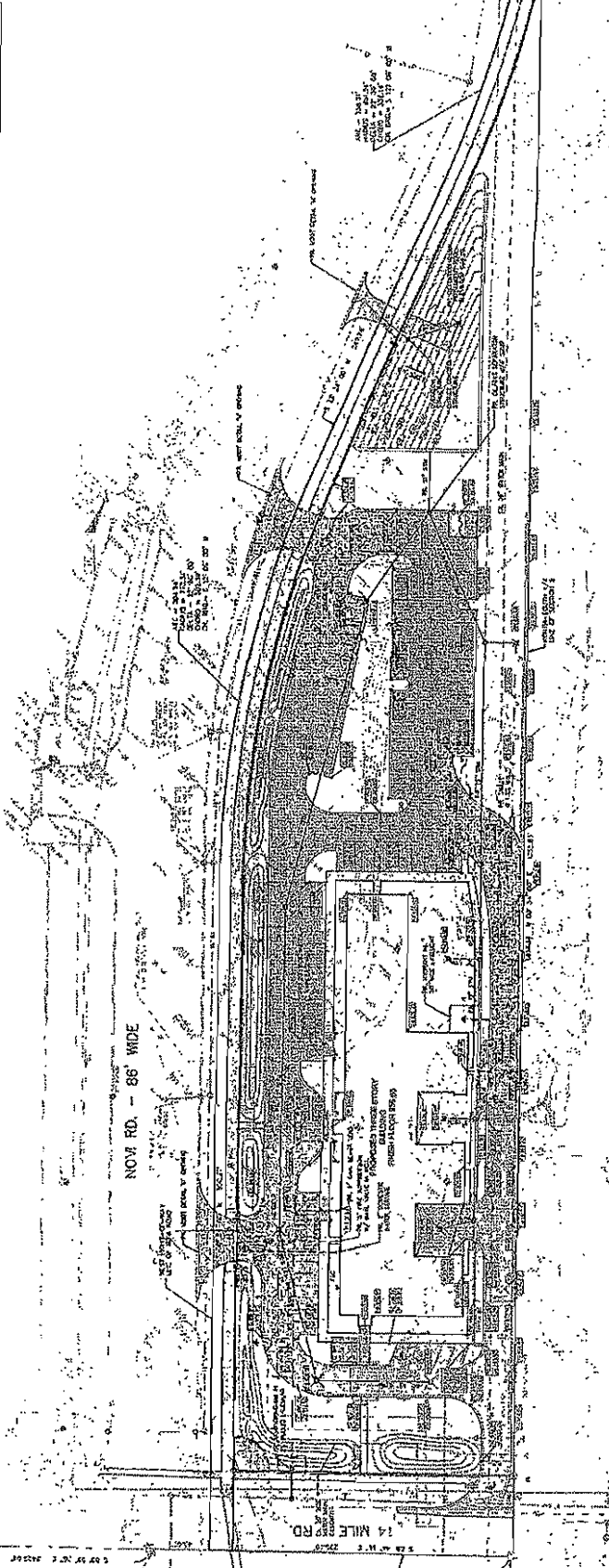


Project No. 1
Date: 09/17/13

Scale: 1" = 40'
Drawing No. 1
Project Name: Maple Manor of New

Prepared by:
S. Manning
S. Manning
A. D'Amico
Checked by:
S. Manning
Date: 09/17/13

Sheet No. 1
Total Sheets: 3



LEGEND

- Existing Survey Lines
- Proposed Survey Lines
- Proposed Paved Areas
- Proposed Graded Areas
- Proposed Utility Lines
- Proposed Easements
- Proposed Right-of-Way
- Proposed Building Footprints
- Proposed Driveways
- Proposed Parking Spaces
- Proposed Landscaping
- Proposed Retention Walls
- Proposed Stormwater Management

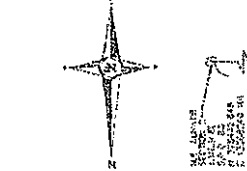
TOPOGRAPHIC SURVEY NOTE

All topographic data shown on this plan was obtained from a topographic survey conducted on or about the date shown on the drawing. The survey was conducted in accordance with the requirements of the Maine Professional Engineer Act, Title 13, Section 101.

PAVING LEGEND

- Proposed Concrete Paving
- Proposed Asphalt Paving

NOT FOR CONSTRUCTION



Progressive
Progressive Associates, Inc.
Architects

111 W. Long Lake #200
Bloomfield Hills, MI 48302
248-350-3500 Fax 248-350-4433
E-mail: pmi@progressiveassociates.com
September 17, 2004



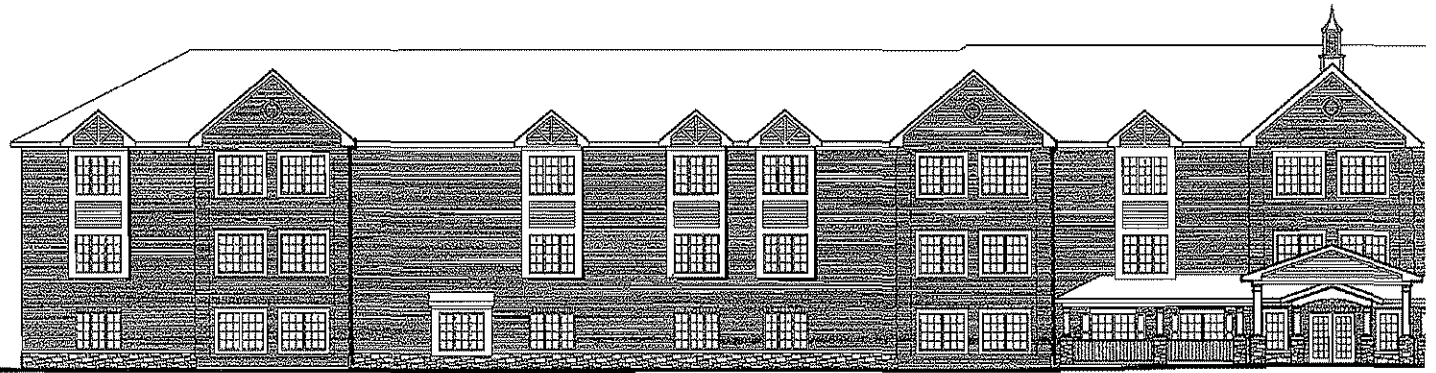
PARTIAL WEST ELEVATION

MAPLE MANOR of NOVI
Concept Elevations

SK1

Progressive
Progressive Associates, Inc.
Architects

811 W. Long Lake #120
Bloomfield Hills, MI 48304
248.343.3540 Fax 248.343.4810
Paulty@progressiveassociates.com
September 17, 2008



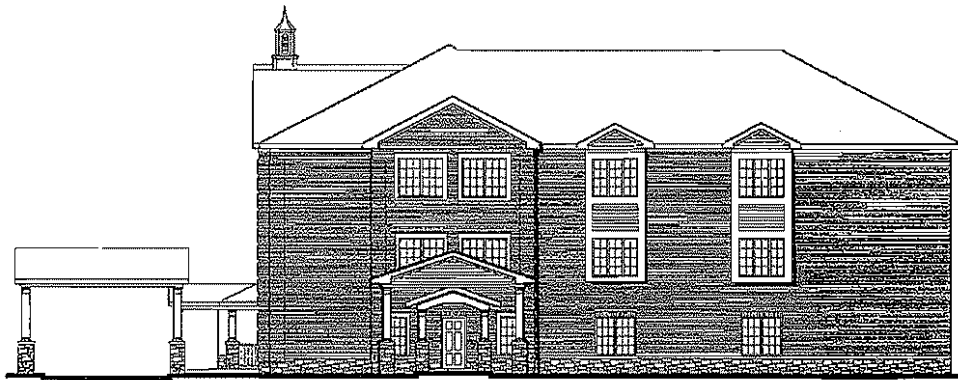
PARTIAL WEST ELEVATION

MAPLE MANOR of NOVI
Concept Elevations

SK2

Progressive
Progressive Associates, Inc.
Architects

818 W. Long Lake Road
Bloomfield Hills, MI 48302
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info@progressiveassoc.com
September 17, 2008



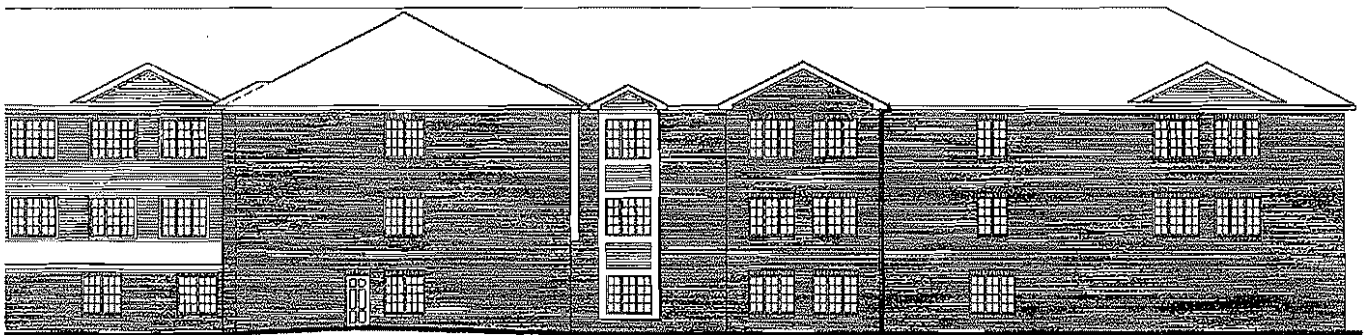
SOUTH ELEVATION

MAPLE MANOR of NOVI
Concept Elevations

SK3

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September 17, 2009



PARTIAL EAST ELEVATION

MAPLE MANOR of NOVI
Concept Elevations

SK4