

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: CHRISTIAN CARROLL, PLANNER
SUBJECT: VALENCIA SOUTH LOT 55 WOODLAND PERMIT
DATE: DECEMBER 2, 2020

The applicant, M/I Homes, seeks approval of a Woodland Use Permit, PWD20-0011, to remove eleven regulated woodland trees ranging in size from 10 to 27 inches diameter-at-breast-height (DBH) from a lot located at 47541 Villa Terrace Court, also known as Lot 55, Valencia Estates South Subdivision. The subdivision is located south of Ten Mile Road and west of Beck Road in Section 29 of the City. The Planning Commission reviewed the plans for Valencia Estates South Subdivision in 2014 and recently approved a revised woodland permit for the development in 2018. The applicant is requesting the removal of eleven regulated woodland trees in order to maintain the safety of the residence and to provide additional usable outdoor space on the site.

The City's Environmental Consultant reviewed the request and prepared a review letter dated November 23, 2020, with the sections of the letter related to Lot 55 being the focus of the Planning Commission's consideration. Based on the plans provided, the property contains trees that are considered regulated by the City of Novi as they are greater or equal to 8-inches DBH and located within an area mapped as Regulated Woodland. The eleven regulated woodland trees proposed for removal are located outside the approved building area for the subdivision and therefore a Woodland Use Permit is required, unless the trees are deemed dangerous to the public safety, health, or welfare of the residents by the City Forester. In this case, the City Forester determined that none of the regulated woodland trees in this request were deemed dangerous during an on-site inspection. Twenty-two Woodland Replacement Credits would be required, and the applicant intends to pay into the City of Novi Tree Fund.

The proposed removals have no impact to the previously approved Woodland Use Permit, PWD16-0032, nor does it have any impact on the previously approved and recorded Planned Rezoning Overlay (PRO) Agreement other than the regulated woodland trees that are currently being proposed for removal from Lot 55. It should also be noted that the proposed removals are not located within a recorded conservation easement that abuts the property. Please refer to the Environmental Consultant's review letter for additional information including updated information regarding the current status of the overall Woodland Use Permit for the development.

Per the City of Novi's Woodland Ordinance, where a proposed activity (i.e. home construction) does not otherwise require site plan or plat approval, the granting or denying of the (woodland) use permit shall be the responsibility of the Planning Commission. The applicant shall obtain approval of the Plan from Planning Commission prior to issuance of any permits. The Planning Commission is asked to hold the public hearing and either approve or deny the requested woodland removal permit.

Section 37-26 of the Woodland Protection Ordinance states the following:

(b) Where a final subdivision plat or a final site development plan which includes activities regulated by this chapter has been reviewed and approved by the city in conformance with the requirements of this chapter, such approval together with any additional terms and conditions attached thereto shall be considered to have completed the requirements for a permit under this chapter which shall then be issued by the city.

(c) Unless the requirements of this chapter can be satisfied by the setting aside without encroachment of sufficient woodland areas, the developer of a single-family residential subdivision plat or single-family residential site condominium shall, as a part of use permit approval under this article, designate building areas for all structures and impervious surfaces on each subdivision lot or site condominium unit. Once such building areas have been approved and made a part of the use permit, no additional woodland use permit shall be required for the erection of structures within such a building area. **Activities on a subdivision lot or site condominium unit that extend beyond the confines of such a designated building or impervious area shall require an additional approval pursuant to this chapter, which shall only be approved when it is not otherwise feasible to utilize the lot or site condominium unit for single-family residential purposes.**

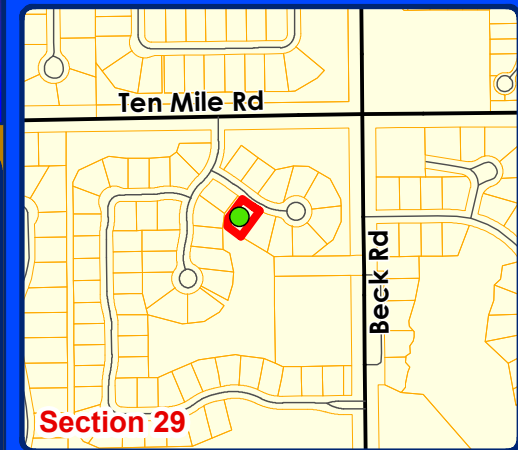
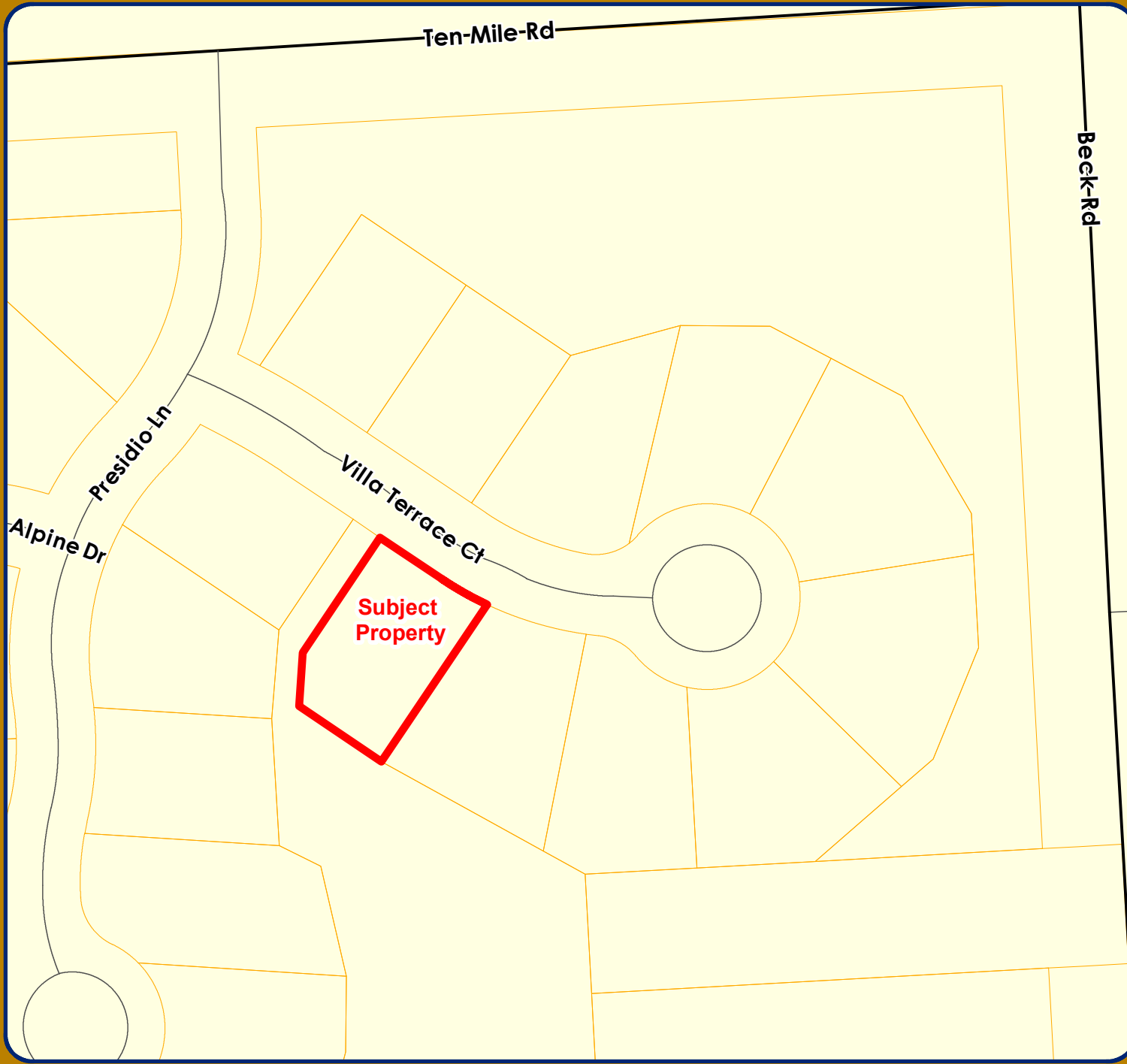
SUGGESTED MOTION:

To approve Woodland Use Permit, PWD20-0011, for the removal of eleven regulated woodland trees within an area mapped as City Regulated Woodland on Lot 55 of the Valencia Estates South Subdivision for the reasons that the applicant wishes to use the space for recreation, decking, and a play area for the family. The approval is subject to payment for the Woodland Replacement Credits into the City's Tree Fund, and any other conditions as listed in the Environmental Consultant's review letter.

MAPS
Location
Zoning
Future Land Use
Natural Features

PWD20-0011 VALENCIA SOUTH LOT 55 WOODLAND PERMIT

LOCATION




LEGEND

 Subject Property

City of Novi
Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Christian Carroll
Date: 12/2/20
Project: Lot 55 Valencia South
Version #: 1

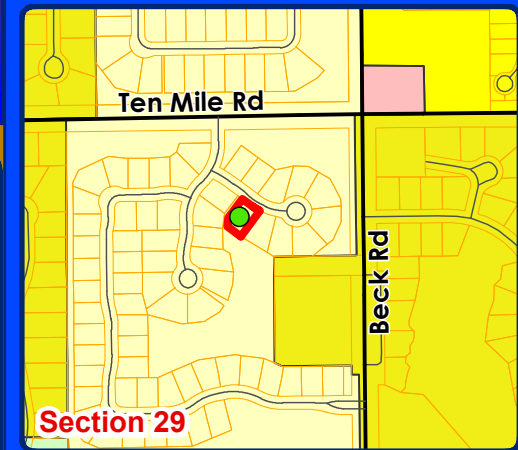
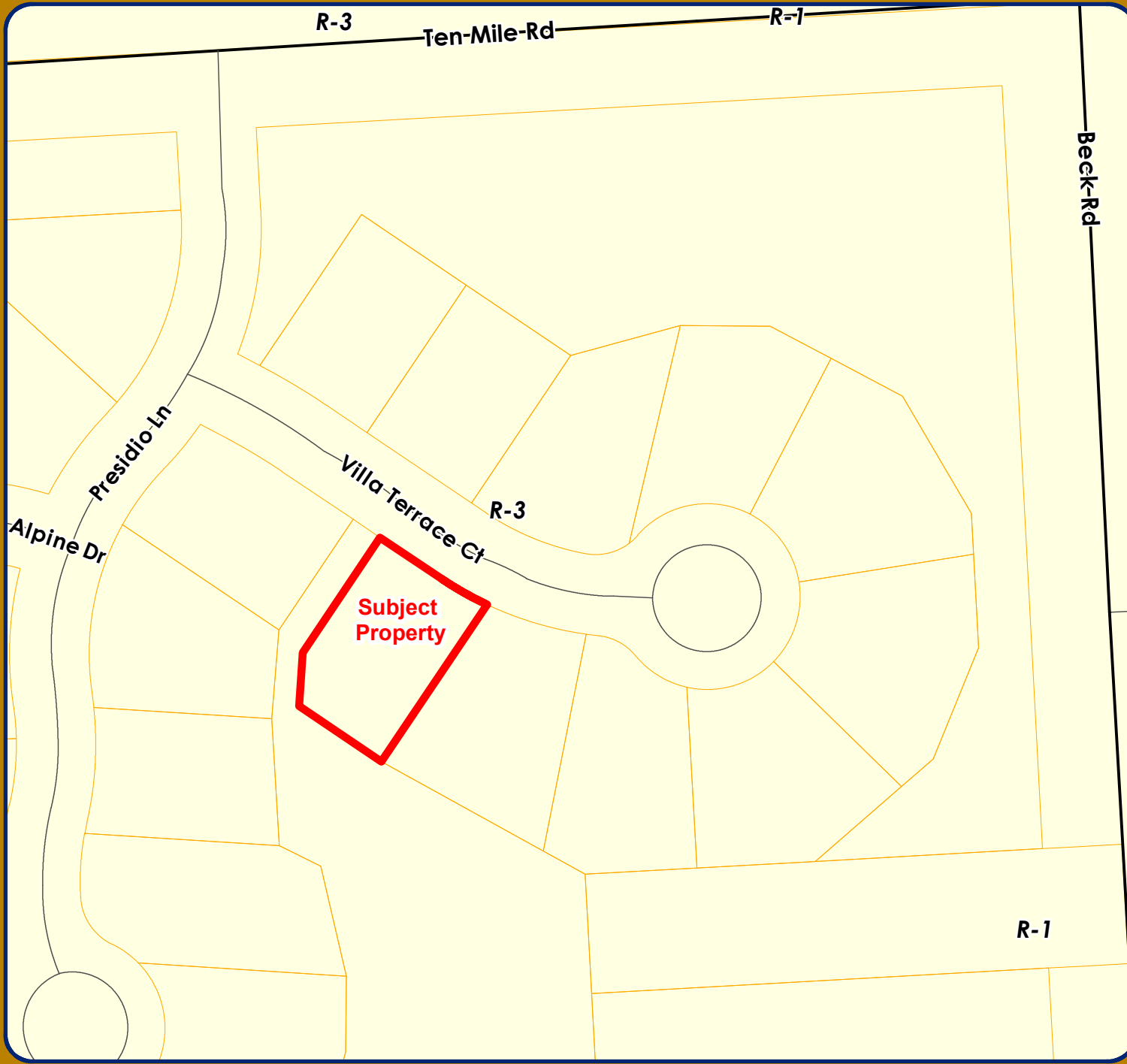
0 20 40 80 120 Feet
1 inch = 109 feet



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.

PWD20-0011 VALENCIA SOUTH LOT 55 WOODLAND PERMIT ZONING



LEGEND

- R-A: Residential Acreage
- R-1: One-Family Residential District
- R-3: One-Family Residential District
- R-4: One-Family Residential District
- B-1: Local Business District
- Subject Property

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Dept. of Community Development
City Hall / Civic Center
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cityofnovi.org

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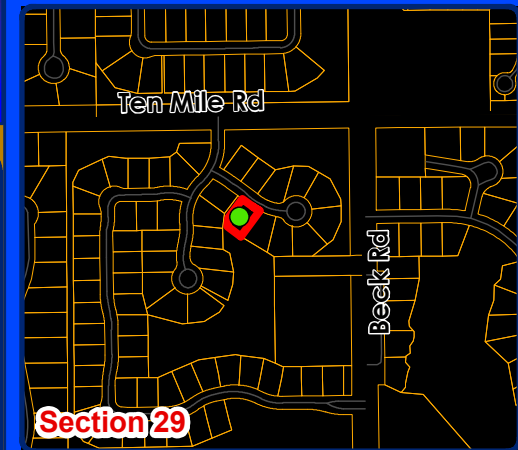
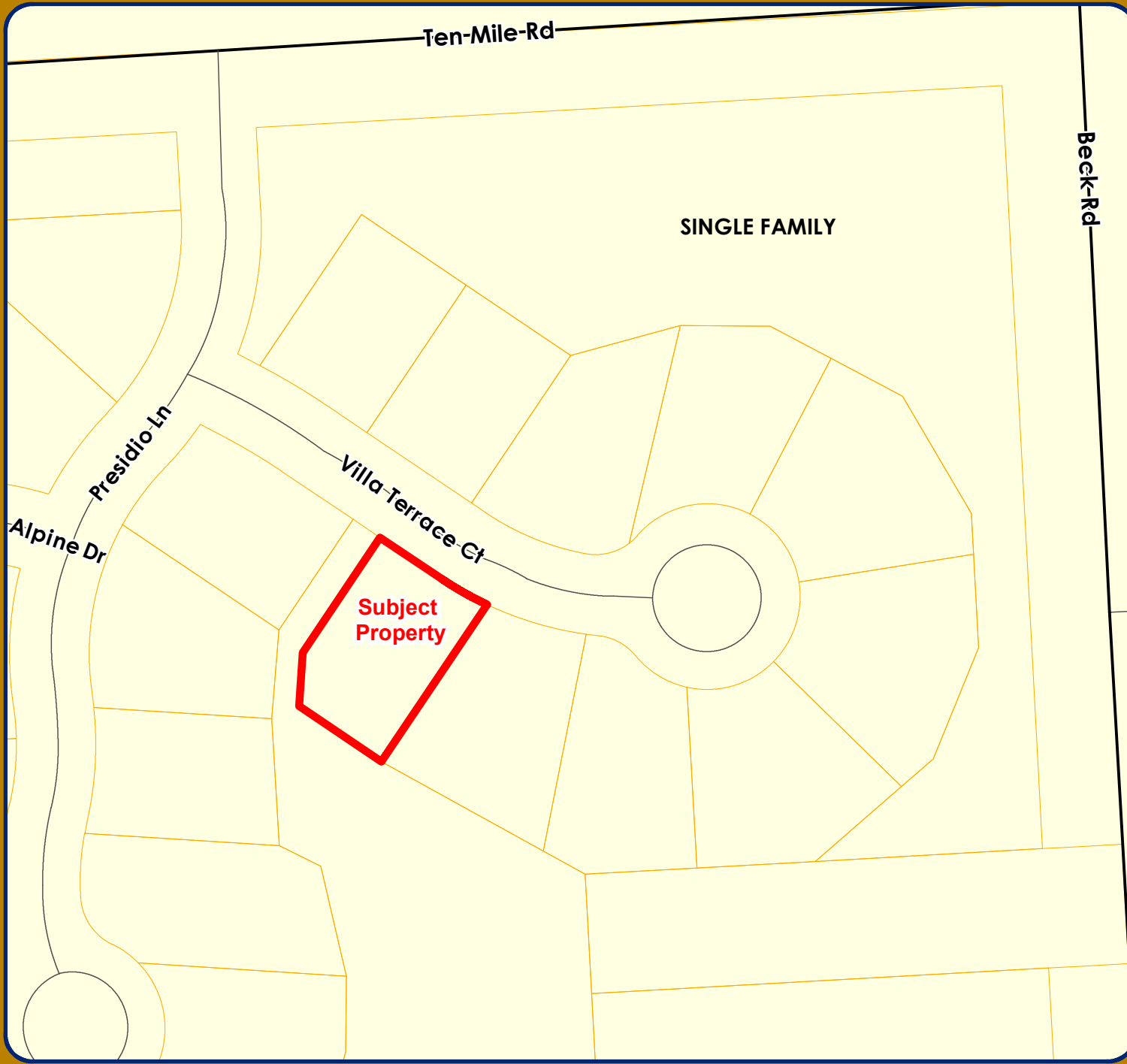
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PWD20-0011 VALENCIA SOUTH LOT 55 WOODLAND PERMIT

FUTURE LAND USE



LEGEND

- Single Family
- Local Commercial
- Private Park
- Subject Property

City of Novi
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Novi, MI 48375
cityofnovi.org

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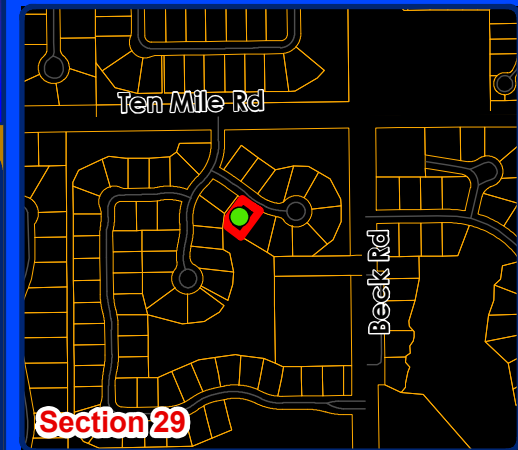
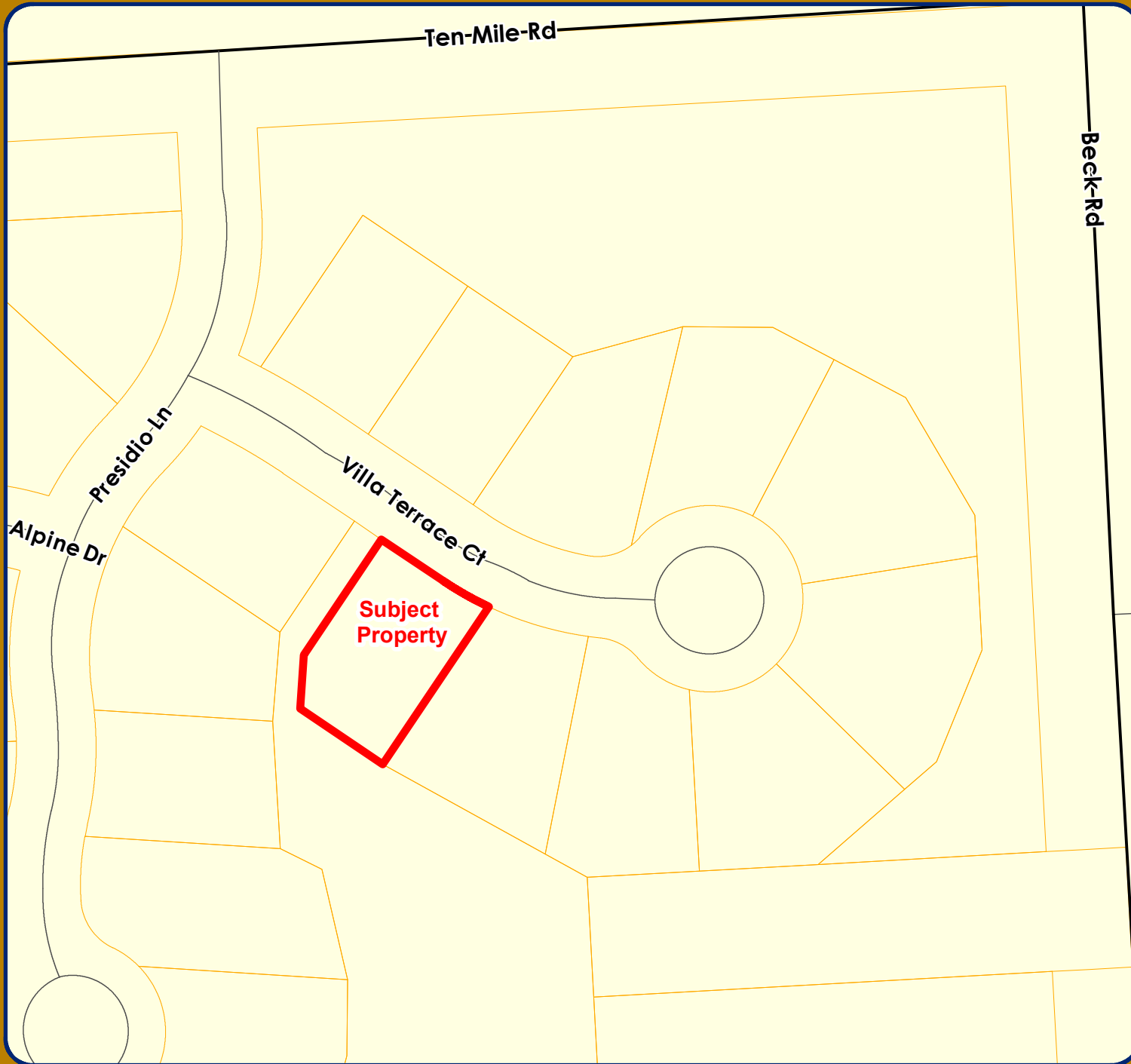
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PWD20-0011 VALENCIA SOUTH LOT 55 WOODLAND PERMIT

NATURAL FEATURES




LEGEND

-  WETLANDS
-  WOODLANDS
-  Subject Property

City of Novi
Dept. of Community Development
City Hall / Civic Center
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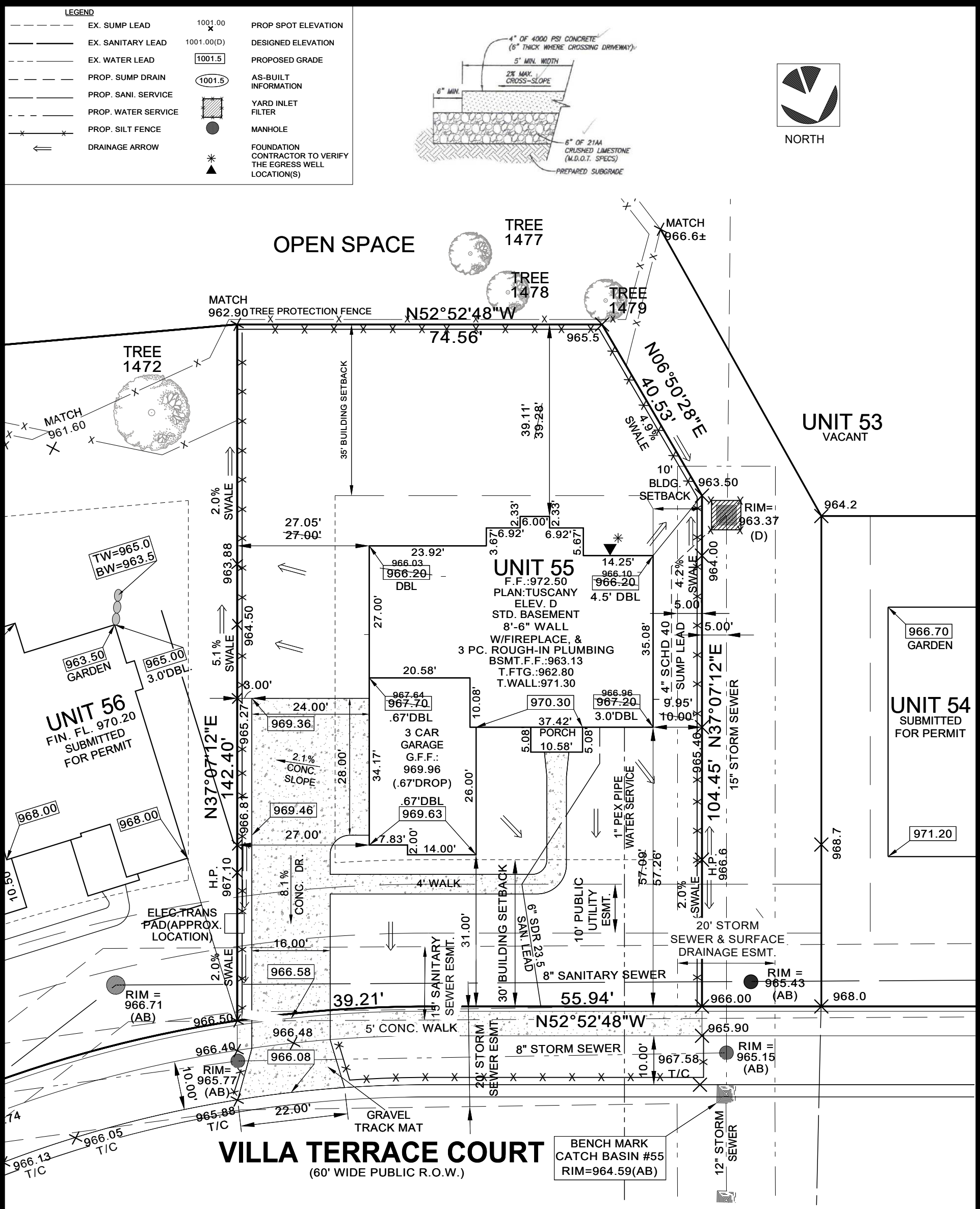
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**PLOT PLAN
&
NARRATIVE**



LEGEND

---	EX. SUMP LEAD	1001.00	PROP SPOT ELEVATION
---	EX. SANITARY LEAD	1001.00(D)	DESIGNED ELEVATION
---	EX. WATER LEAD	1001.5	PROPOSED GRADE
---	PROP. SUMP DRAIN	(1001.5)	AS-BUILT INFORMATION
---	PROP. SANI. SERVICE		YARD INLET FILTER
---	PROP. WATER SERVICE		MANHOLE
---	PROP. SILT FENCE		FOUNDATION CONTRACTOR TO VERIFY THE EGRESS WELL LOCATION(S)
→	DRAINAGE ARROW		



NOTE: DATUM IS NAVD 88

NOTE: A CITY RIGHT-OF-WAY PERMIT IS REQUIRED PRIOR TO CONSTRUCTION.

NOTE: BUILDING CONTRACTOR SHALL INSTALL AND MAINTAIN SOIL EROSION MEASURES PER CITY OF NOVI STANDARDS, THROUGHOUT CONSTRUCTION SILT FENCE SHALL BE PLACED ALONG SIDE YARD LINES, AS NECESSARY, TO PROTECT EXISTING LAWN AND LANDSCAPING ON ADJACENT PROPERTIES.

NOTE: THE UMLOR GROUP ASSUMES NO RESPONSIBILITY FOR DRIVEWAY PLACEMENT. CLIENT MUST VERIFY ALL DIMENSIONS AND DRIVEWAY PLACEMENT PRIOR TO CONSTRUCTION. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES. BEFORE BEGINNING CONSTRUCTION VERIFY AS-BUILT HOME LEAD LOCATION WITH MUNICIPALITY. NO FIELD WORK HAS BEEN DONE AT THIS TIME.

CONCRETE QUANTITIES

4" DRIVEWAY CONCRETE = 1,277 SF

4" ENTRY WALKWAY = 290 SF

4" CITY WALK = 306 SF

6" DRIVEWAY CONCRETE = 271 SF

SOD AREA = 9,401 SF

LOT AREA = 12,928 SF

TREES:

14 TREES TO BE REMOVED

10 TREES TO REMAIN (ON LOT BEHIND TREE PROTECTION FENCE)

0 10 20 40
SCALE: 1 inch = 20 ft.

PAPER SIZE: 11X17

The UMLOR Group

49287 WEST ROAD, WIXOM, MI 48393
PH: (248) 773-7656, FAX: (866) 690-4307

M/I HOMES

BUILDER'S ADDRESS:
M/I HOMES
40950 WOODWARD AVENUE
SUITE 203
BLOOMFIELD HILLS, MI 48304

WES LEE
O. UMLOR
ENGINEER
6201034573

PLOT PLAN
UNIT 55

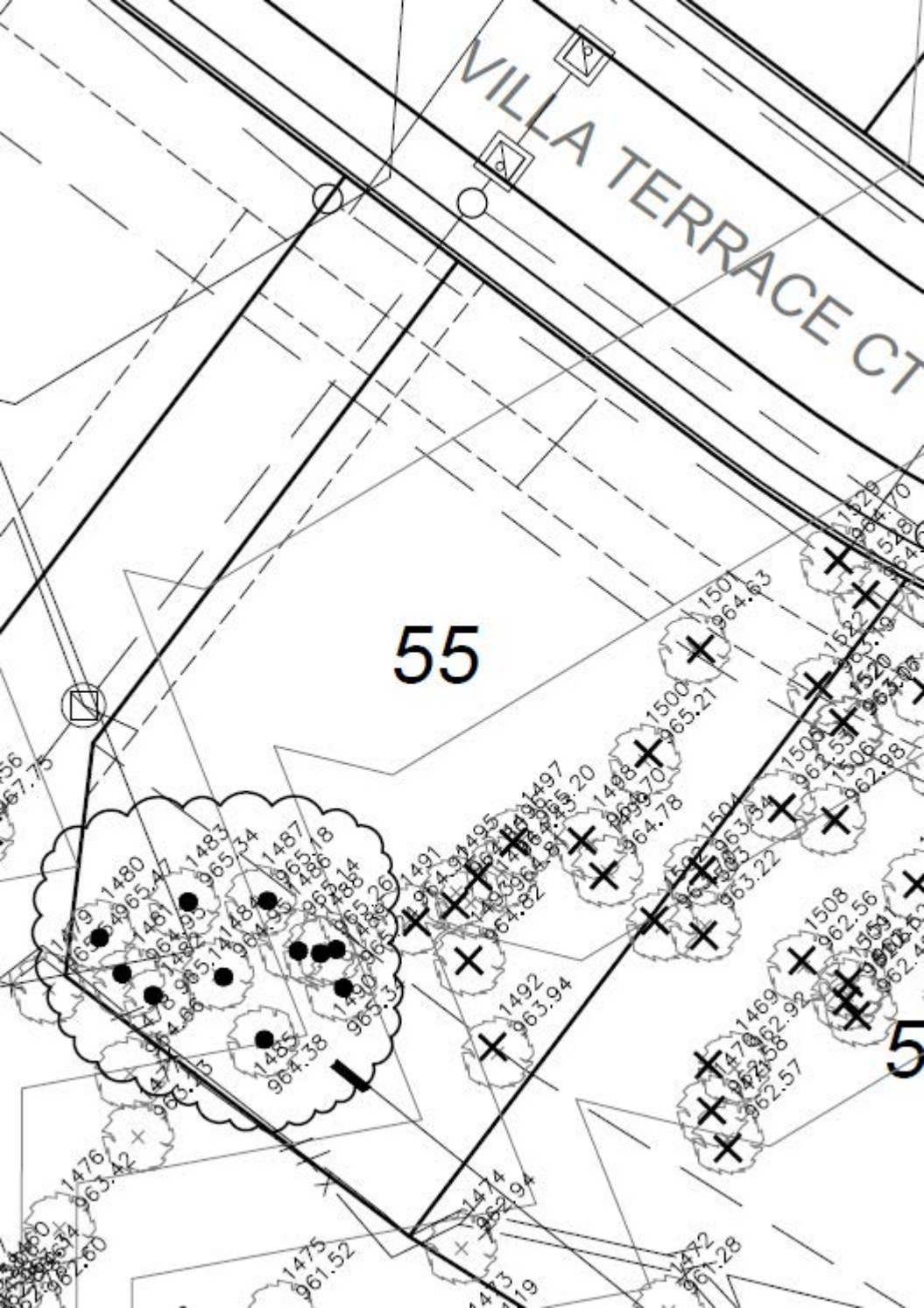
47541 VILLA TERRACE COURT
VALENCIA SOUTH ESTATES
SIDWELL #22-29-227-055

SECTION 20, TOWN 1 NORTH,
RANGE 8 EAST
CITY OF NOVI
OAKLAND COUNTY, MICHIGAN

Date: 8-4-2020
Project No.: 180201

VILLA TERRACE CT

55



Mr. & Mrs Johnie Zahka
47541 Villa Terrace
Novi, MI.

July 23, 2020

To Whom it may concern:

I am writing this letter with concern that the trees that are located within 5-7 feet of the basement of our new home. We have every intention of utilizing this backyard space for landscaping, decking, and play area for my children.

The proximity of the trees do not allow for a reasonable space with landscaping or patio decking.

My concerns here are the existing trees that are very close to my basement, most likely have their roots damaged, and will die within 1-2 years, coupled with branches that may break my windows, annually fill my gutters with leaves, and the costs that I will incur to remove these if they die.

I wanted to also make it clear to City of Novi, that with the removal of any tree in my backyard, that I am willing to replace the tree being removed with another tree in my yard or pay to the City Tree Fund in order to accomplish this.

It's hard building a home when you have to tell your children they can't play in back yard, or tell my wife she can't have an outside deck and enjoy Summer evenings.

If you have questions, or anything I can help with, please feel free to call me at (734) 564-7199

Sincerely,

Johnie Zahka

CONSULTANT REVIEW

TO: Sarah Marchioni, City of Novi, Building Project Coordinator

FROM: Peter Hill, P.E. P.H.

DATE: November 23, 2020

RE: Valencia Estates South – Woodland Replacement Update (JWD20-0007)
PWD20-0011 47541 Villa Terrace Court (Lot 55)

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Woodland Plans prepared by Allen Design stamped “Received” by the City of Novi Community Development Department on October 26, 2020 (Plan) and most-recently completed a site inspection on October 29, 2020. ECT reviewed the status of the Woodland Replacement tree planting in all three (3) phases of the development. ECT also conducted a Woodland Tree Installation Inspection on September 23, 2020 specific to Phase 3.

Background

It should be noted that the City of Novi Woodland Permit for Phase 3, PWD16-0032 (revised February 23, 2018, superseded the previous Woodland Permits for Phases 1 and 2 and Phase 3 (LIP Preconstruction Permit). The applicant previously agreed that the Phase 3 Permit incorporated all of the necessary changes at that time and would be the final document to dictate Woodland Replacement plantings and locations.

A total of 1,148 Woodland Replacement Credits were required for the removal of regulated trees within Phase 1 and Phase 2. A total of 474 Woodland Replacement Credits were required for the removal of regulated trees within Phase 3. A total of **1,622** Woodland Replacement Credits were required for all three (3) phases of the project.

Phase 1 and Phase 2:

A total of **618.5** Woodland Replacement Credits were proposed and were previously planted within the Phase 1 and Phase 2 project areas (169 replacement trees for **300** Credits in Phase 1 and 139 replacement trees for **318.5** Credits in Phase 2). This included twenty (20) Street Trees as Woodland Replacement trees for Phase 1 and eighteen (18) Street Trees as Woodland Replacement trees for Phase 2. The Woodland Replacements currently planted on-site generally conform to the *Woodland Replacement As-Built Phases 1 & 2* plan (Sheet L-1) prepared by Allen Design and dated May 31, 2017 (Revised).

It can be noted that the applicant was given additional credit for the upsizing of evergreen trees on the site. Specifically, evergreen trees 10’ to 12’ tall were counted as 1.5 Woodland Replacement Credits per tree. Evergreens 18’+ in height were counted as 2.5 Woodland Replacement Credits per tree. It can also be noted that the applicant made a payment to the City of Novi Tree Fund on June 4, 2018 for \$135,000 (this was for **337.5** Woodland Replacement Credits; 337.5 Credits x \$400/Credit = \$135,000). Therefore a total of **956** Woodland Replacement Credits were provided for Phases 1 and 2, leaving **666** Woodland Replacement Credits to be provided within Phase 3.

It should be noted that when Street Trees planted as Woodland Replacement Trees are considered separately per the Phase 3 Woodland Permit (PWD16-0032), the required quantities of “non-Street Tree” Woodland Replacement trees/credits for Phase 1 and Phase 2 are:

- Phase 1 – 149 trees for a Total of 280 Woodland Replacement Credits;
- Phase 2 – 121 trees for a Total of 300.5 Woodland Replacement Credits;
270 trees for a Total of 580.5 Woodland Replacement Credits

Phase 1 Street Tree as Woodland Replacement Credits:
20 trees for 20 Woodland Replacement Credits

Phase 2 Street Tree as Woodland Replacement Credits:
18 trees for 18 Woodland Replacement Credits

Phase 1 and Phase 2 Grand Total:
308 trees for a TOTAL of **618.5** Woodland Replacement Credits

Phase 3:

ECT conducted a Woodland Tree Installation Inspection on September 23, 2020 for Phase 3. Allen Design also conducted a review of the Woodland Replacements installed within Phase 3. It was agreed that **634.5** Woodland Replacement Credits have been provided within Phase 3. This is **31.5** Woodland Replacement Credits short of the Phase 3 requirement of **666**. It should be noted that the fourteen (14) proposed Street Trees as Woodland Replacement trees have yet to be planted in Phase 3. Once the fourteen (14) proposed Street Trees as Woodland Replacement trees are installed in Phase 3 (14 Credits) this will bring the Phase 3 total Woodland Credits planted to **648.5**. This leaves the Phase and the overall site **17.5** Credits (666-648.5) short.

Current Plan for Lot 55 (47541 Villa Terrace Court) – Additional Woodland Impacts

The current plan submittal included the *Woodland Plan Phase 3* (Sheet W-1) prepared by Allen Design and dated October 9, 2020. This plan includes revised tree removal information proposed for Lot 55 (47541 Villa Terrace Court). The Plan indicates that eleven (11) regulated trees are proposed for removal from Lot 55 that were not accounted for on previous Phase 3 plans. These 11 trees require a total of twenty-two (22) Woodland Replacement Credits. The following 11 regulated trees are proposed for removal. The information in this table was provided by the applicant:

Tree No.	Diameter (inches)	Common Name	Condition	Replacements Required
1480	20	Black cherry	Fair	3
1481	11	Black cherry	Poor	2
1482	18	Black cherry	Good	2
1483	27	Black cherry	Fair	3
1484	11	Box elder	Fair	2
1485	12	Black cherry	Poor	2
1486	12	Black cherry	Poor	2
1487	13	Black cherry	Very Poor	2
1488	13	Black cherry	Dead	0

1489	10	Black cherry	Poor	1
1490	23	Black cherry	Good	3
Total (11 trees)				22

Woodland Recommendations for the Overall Site

1. ECT considers the initial inspection/approval date for the Phase 1 and Phase 2 Woodland Replacement trees (not including the 20 Street Trees as Woodland Replacement trees in Phase 1 and the 18 Street Trees as Woodland Replacement Trees in Phase 2) to be December 4, 2019.
2. ECT considers the initial inspection/approval date for the Phase 3 Woodland Replacement trees (not including the 14 Street Trees as Woodland Replacement trees in Phase 3) to be September 23, 2020.
3. The current Woodland Permit (PWD16-0032) states (Condition 14) that to reduce the number of multiple warranty periods the following will dictate how the project will move into warranty periods. The 1st warranty period is from the Woodland Replacement trees that were planted for Phases 1 and 2. The 2nd warranty period will be for the Woodland Replacement trees planted in Phase 3. The 3rd warranty period will be for Street Trees being planted as Woodland Replacement credit in Phases 1, 2, and 3 (Phase 1 has 20 Credits, Phase 2 has 18 Credits, and Phase 3 has 14 Credits). All 52 Street Trees as Woodland Replacement Credit trees shall be planted, inspected and approved at once. The planting/inspection has not yet been completed.
4. The Woodland Performance financial guarantees for Phases 1, 2, and 3 can be partially released to the applicant at this time. A total Woodland Replacement financial guarantee of **\$20,800** (52 Woodland Replacement Credits x \$400/Credit) shall be retained for the 52 Total Woodland Replacement/Street Trees to be provided in Phases 1, 2, and 3 (20 for Phase 1, 18 for Phase 2, and 14 for Phase 3). These trees are yet to all be installed and initially inspected.
5. A Woodland Maintenance financial guarantee in the amount of **\$28,000** (280 Woodland Replacement Credits x \$400/Credit x 0.25) shall be provided by the applicant for the 280 Woodland Replacement Credits provided in Phase 1. This Woodland Maintenance financial guarantee will be kept for a period of 2-years after the successful inspection of the on-site woodland replacement tree installation. ECT considers the initial inspection/approval date to be December 4, 2019.
6. A Woodland Maintenance financial guarantee in the amount of **\$30,050** (300.5 Woodland Replacement Credits x \$400/Credit x 0.25) shall be provided by the applicant for the 300.5 Woodland Replacement Credits provided in Phase 2. This Woodland Maintenance financial guarantee will be kept for a period of 2-years after the successful inspection of the on-site woodland replacement tree installation. ECT considers the initial inspection/approval date to be December 4, 2019.
7. A Woodland Maintenance financial guarantee in the amount of **\$64,850** (648.5 Woodland Replacement Credits x \$400/Credit x 0.25) shall be provided by the applicant for the 648.5 Woodland Replacement Credits provided in Phase 3. This Woodland Maintenance financial guarantee will be kept for a period of 2-years after the successful inspection of the on-site woodland replacement tree installation. ECT considers the initial inspection/approval date to be September 23, 2020.

8. Once the fourteen (14) proposed Street Trees as Woodland Replacement trees are installed in Phase 3 (14 Credits) this will bring the Phase 3 total Woodland Credits planted to **648.5**. This leaves the Phase and the overall site **17.5** Credits (666-648.5) short. The applicant shall pay \$7000.00 (17.5 Woodland Replacement Credits x \$400/Credit) to the City of Novi Tree Fund as there is not remaining/available space on site to planted these Woodland Replacement Credits.
9. Please note that the Woodland Replacement trees are to be maintained throughout the 2-year maintenance period, not just at its conclusion. Failing or dead plant material shall be replaced by the applicant. Woodland Replacement trees are to be maintained in perpetuity.
10. The 2-year warranty financial guarantee (i.e., the Woodland Maintenance Guarantee) and appropriate paperwork for Phases 1 and 2 will need to be submitted to Angie Sosnowski (asosnowski@cityofnovi.org). After a successful 2-year period the applicant will need to submit an inspection request to Angie Sosnowski and the Inspector (Rick Meader or the City's Woodland Consultant). This request for Phases 1 and 2 can be made any time after December 4, 2021. Please note that the inspections cannot be conducted until Spring 2022 during the growing season so that the trees' health can be accurately determined. The City's window for Woodland and Landscaping related inspections is generally from April 15 to November 15, per the City's Zoning Ordinance.
11. The 2-year warranty financial guarantee (i.e., the Woodland Maintenance Guarantee) and appropriate paperwork for Phase 3 will need to be submitted to Angie Sosnowski (asosnowski@cityofnovi.org). After a successful 2-year period the applicant will need to submit an inspection request to Angie Sosnowski and the Inspector (Rick Meader or the City's Woodland Consultant). This request for Phases 3 can be made any time after September 23, 2022. The City's window for Woodland and Landscaping related inspections is generally from April 15 to November 15, per the City's Zoning Ordinance.

Woodland Recommendations for Lot 55 (47541 Villa Terrace Court)

ECT recommends that the applicant address the items below prior to the authorization of additional tree removals from this Lot. It is our understanding the proposed removal of additional trees on Lot 55 could be handled as the submittal of a plot plan for Lot 55:

1. **Per the City of Novi's Woodland Ordinance, it should be noted that where a proposed activity (i.e., home construction) does not otherwise require site plan or plat approval, the granting or denying of the (woodland) use permit shall be the responsibility of the Planning Commission.**

The applicant shall obtain approval of the Plan from Planning Commission prior to authorization of additional removal of regulated trees on this Lot.

2. The City of Novi regulates all trees 8-inches diameter-at-breast-height (DBH) and greater that are located within the areas delineated as regulated woodlands on the City-Regulated Woodlands Map. The City also regulates any individual tree greater than or equal to 36-inches DBH, irrespective of whether such tree is within a regulated woodland. Proposed woodland impacts will require a Woodland Permit and the regulated trees shall be relocated or replaced by the permit grantee.
3. Currently, the removal of the eleven (11) Regulated Woodland trees from Lot 55 requires a total of twenty-

November 23, 2020

Page 5 of 5

two (22) Woodland Replacement Credits. This information is currently included on the Plans submitted by Allen Design.

4. It is our understanding that the applicant will be electing to pay into the City of Novi Tree Fund for any additional tree removals authorized from Lot 55. Woodland Replacement Credits shall be paid into the City of Novi Tree Fund at \$400/Woodland Replacement Credit. The required payment will be \$8,800 (22 Woodland Replacement Credits x \$400/Credit).

Sincerely,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.

cc: Alice Bailey, ECT (abailey@ectinc.com)
Christian Carroll, City of Novi Planner (ccarroll@cityofnovi.org)
Madeleine Kopko, City of Novi Planning Assistant (mkopko@cityofnovi.org)
Barb McBeth, City Planner (bmcbeth@cityofnovi.org)
Rick Meader, City of Novi Landscape Architect (rmeader@cityofnovi.org)
Angela Sosnowski, Community Development Bond Coordinator (asosnowski@cityofnovi.org)