

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item D
January 22, 2008

SUBJECT: Acceptance of a Private Road Maintenance Agreement from Providence Hospital and Medical Centers, Inc., for the Providence Ring Road, SP04-48, located south of Grand River Avenue and west of Beck Road, in Section 17.

SUBMITTING DEPARTMENT: Community Development - Planning *Boach*

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION: On December 8, 2004, the Planning Commission approved a site plan for the Providence Park Ring Road (SP04-48), a private road. Subsequently, the Planning Commission approved three projects located along the ring road that require land divisions: Providence Medical Office (SP06-21), Providence Orthopedic (SP06-22) and Staybridge Suites Hotel (SP06-31).

Section 2517 of the Zoning Ordinance states that no lot or parcel of land shall be used for any purpose permitted by this Ordinance unless said lot or parcel shall front directly upon a public street. On November 14, 2006, the Zoning Board of Appeals granted a variance from the public street requirements of Section 2517 for each of the three above developments. As a condition of each of those variances, the Zoning Board of Appeals required the applicant to enter into a private road maintenance agreement with the City.

The Agreement indicates that Providence, as the owner and developer of the property, will be the party responsible for making any necessary repairs and maintenance to the ring road, such as improving the road surface, providing for drainage, and providing for the removal of snow and other debris from the roadway. In the event that the property manager fails to maintain the road, the City has the authority to provide written notice to the property manager, allow a certain period of time to allow the property manager to correct the problem, and finally to schedule a hearing with the property manager to formally discuss the matter. Following the hearing, the City may choose to remedy the failure under the terms of the Agreement, however, the City is not under any obligation to perform the necessary maintenance.

The Agreement has been reviewed by the City's professional staff and is in a form acceptable to the City Attorney's office for approval by City Council.

RECOMMENDED ACTION: Acceptance of a Private Road Maintenance Agreement from Providence Hospital and Medical Centers, Inc., for the Providence Ring Road, SP04-48, located south of Grand River Avenue and west of Beck Road, in Section 17.

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

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

City Attorney Review Letter

December 11, 2007

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

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

Rob Hayes, City Engineer
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Providence Staybridge (JW Hotels -- Novi)
Utilities Review for Acceptance
Our File No. 660103.NOVI
SP06-31**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents regarding the Providence Staybridge Suites (JW Hotels -- Novi) Property located on the Providence Hospital development site:

- Sanitary Sewer Easement
- Water Main Easement
- Bill of Sale
- Title Insurance (Lessor and Lessee)
- Maintenance and Guarantee Bond
- Private Road Maintenance Agreement *
- Non-Development Easement

We have the following comments relating to the above named documents:

Providence Hospital and Medical Centers Inc., and its lessee JW-Hotels-Novi, LLC, seek to convey the sanitary sewer and water system facilities and corresponding easements to operate, maintain, repair and replace the facilities over, upon and through the subject property in Section 17 of the City, to the City of Novi. Our office has reviewed and approved the format and language of the Sanitary Sewer and Water System Easements and the corresponding Bill of Sale. Subject to Engineering approval of the exhibits, they are ready for acceptance.

Capmark Bank, a Utah industrial bank, the mortgagee of the subject property, has provided an appropriate Consent documents that we have attached to the Sanitary Sewer and Water Main Easements.

A satisfactory ingress-egress access easement has been provided within the Declaration recorded by the property owner a Liber 38246, Page 430 Oakland County Records. An access easement over the "By ways" within the entire Providence Hospital Campus has been provided to all occupants of the Hospital Campus in Paragraph 12 of the enclosed Declaration. In our opinion, the language of Paragraph 12 is satisfactory to provide cross/access and ingress/egress throughout the Hospital Campus to all of the occupants of the Campus. Because the City is not a party to the access easement agreement contained in the Declaration, the original has been recorded by the property owner.

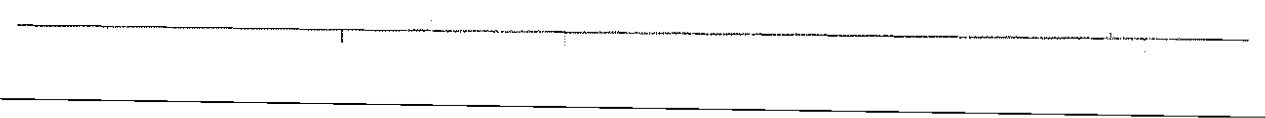
The Zoning Board of Appeals required a Maintenance Agreement as a condition of granting the variance with respect to the "Ring Road." The Private Road Maintenance Agreement provided is satisfactory for to ensure that the City has the ability to enforce road maintenance at the property owners' expense. Subject to engineering approval of the exhibits, we recommend approval of the Private Road Maintenance Agreement in its current format.



A Non-Development Easement has been provided as required by Planning Commission approval to waive the parking lot setback requirements. The purpose of the easement is to ensure that additional setback is provided elsewhere on the site, with no net loss. Subject to the Planning Department approval of the easement areas shown in the exhibits, the Non-Development Easement provided is satisfactory for this purpose.

Except for the Declaration that includes the access easement agreement, all original documents are enclosed with the City Clerk's copy of this report. Once the facilities and corresponding easement are approved and accepted by *Affidavit of the City Engineer*, the original Water Main and Sanitary Sewer Easements should be recorded with the Oakland County Register of Deeds. The Bill of Sale, Maintenance and Guarantee Bond, and the Title Insurance should be maintained in the City's file.

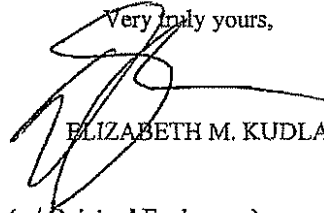
Both the Private Road Maintenance Agreement and the Non-Development Easement should be placed on an upcoming City Council Agenda for approval.



Rob Hayes, City Engineer
December 11, 2007
Page 3

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

Very truly yours,



ELIZABETH M. KUDLA

EMK
Enclosures

- C: Maryanne Cornelius, Clerk (w/ **Original** Enclosures)
Marina Neumaier, Assistant Finance Director (w/ Enclosures)
Barbara McBeth, Deputy Community Dev Director (w/Enclosures)
Mark Spencer, Planner (w/ Enclosures)
Aaron Staup, Construction Engineering Coordinator (w/ Enclosures)
Dave Bluhm, Spalding DeDecker (w/Enclosures)
Sarah Marchioni, Building Department (w/ Enclosures)
Malinda Martin, Building Department (w/ Enclosures)
Natalie C. Najarian, Esquire (w/Enclosures)
Andrew A. Dick, Esquire (w/Enclosures)
Thomas R. Schultz, Esquire (w/ Enclosures)

C:\N\Portbl\manga\BKUDLA\1008958_1.DOC

Private Road Maintenance Agreement and Exhibits

PRIVATE ROAD MAINTENANCE AGREEMENT

This Private Road Maintenance Agreement (this "Agreement") is made this ___ day of _____, 2007 ("Effective Date") by and between Providence Hospital and Medical Centers, Inc., a Michigan nonprofit corporation ("Providence") and the City of Novi, a Michigan municipal corporation (the "City").

RECITALS

WHEREAS, Providence is the underlying fee owner of the real estate described in Exhibit A, attached hereto and made a part hereof (the "Campus"); and

WHEREAS, Providence is in the process of developing the Campus in order provide the necessary facilities and amenities used to operate a hospital and healthcare facility; and

WHEREAS, Providence, in order to develop a portion of the Campus, sought and obtained a variance to allow a section of the Campus to front on its private roadway commonly known as Ring Road and more particularly described in Exhibit B, attached hereto and made a part hereof (the "Ring Road"); and

WHEREAS, as a condition to the variance approval, the City is requiring that Providence agree to certain road Maintenance obligations with respect to the Ring Road in order to ensure the continuous, unobstructed and safe vehicular passage across the Ring Road to the Campus; and

WHEREAS, Providence and the City now desire to enter into a road maintenance agreement for the Ring Road according to the terms and conditions as set forth herein.

NOW, THEREFORE, and in consideration of the foregoing recitals, and the mutual covenants and agreements herein contained, the receipt and sufficiency of which is hereby acknowledged, Providence and the City hereby agree to the following:

1. **Definitions.** As used in this Agreement, the following terms shall have the respective meanings as set forth below:

- 1.1 "Declaration" shall mean that Declaration, as amended, recorded on October 12, 2006 at Liber 38246, Page 430, in the Oakland County, Michigan Register of Deeds.
- 1.2 "Force Majeure" shall mean an act of God, strike, lockout, or other industrial disturbance, act of the public enemy, war, blockade, public riot, lightning, fire, storm, flood, explosion, governmental restraint, unavailability of equipment, adverse weather conditions and any other cause whether of the kind specifically enumerated above or otherwise, which directly precludes the Property Manager's performance hereunder and is not reasonably within the control of the Property Manager.
- 1.3 "Maintenance," "Maintain" and "Maintained" shall mean any reasonable grading and other earth moving, removing of snow, debris and other obstacles, repairing pot holes and cracks, adding new materials, providing for drainage, constructing any needed structures (e.g., to provide lateral support, curbing, etc.), and such other action as shall be necessary or expedient to provide structural integrity and substantially continuous, unobstructed and safe vehicular passage on the Ring Road to the Campus.
- 1.4 "Owner" shall have the meaning used in the Declaration.
- 1.5 "Property Manager" shall mean the Declarant, as such term is defined in the Declaration.

2. Maintenance Obligations. Providence acknowledges and agrees that as of the Effective Date of this Agreement, Providence is the Property Manager and it shall assume the responsibility of performing Maintenance on the Ring Road as provided herein. In the event that the Property Manager no longer has an ownership interest in the Campus or if it transfers or assigns its underlying fee interest in the Campus, the Property Manager shall provide to the City, the name, address and telephone number of the person or entity assuming the Maintenance obligations described herein. Upon such assignment or transfer, Providence will no longer be considered the Property Manager or be responsible for performing the obligations under the terms of this Agreement.

3. Notice and Cure Period. If the Property Manager fails to Maintain the Ring Road as provided herein, then the City shall provide the Property Manager and the Owners with written notice of such failure. The Property Manager shall be in default ("Default") if it fails or refuses to perform or Maintain the Ring Road as provided herein and the failure remains uncured for sixty (60) days after the Property Manager is given written notice of the failure; provided that if any failure cannot reasonably be remedied by such Property Manager within the sixty (60) day period, then so long as the Property Manager is continuously and diligently pursuing the remedy necessary to cure the failure, the Property Manager shall have such additional time as shall be reasonably necessary to remedy the failure.

4. Remedies. If a Default is not cured as provided herein, then the City may, but shall have no duty whatsoever to, proceed as set forth in this Paragraph, by providing the Property Manager and the Owners with notice of the date and time of a hearing on why such Maintenance has not been performed. The hearing shall be conducted using members of the City Council or persons appointed by the City Council, to hear why the City should not proceed with the Maintenance not undertaken by the Property Manager in accordance with this Agreement. If, following the hearing, the body or person conducting the hearing determines that Maintenance has not been undertaken, the City or its agent, employee or contractor shall have the power and authority, but in no way shall it have the obligation, to enter upon the Ring Road, and perform the necessary Maintenance. The cost and expense incurred by the City to perform the Maintenance, plus an administrative fee equal to twenty-five percent (25%) of all such costs and expenses incurred by the City, shall be assessed to the Property Manager, and if not paid within thirty (30) days of a billing shall be delinquent, constitute a lien and be collectible as property taxes. The Owners shall also be liable for any costs and expenses, including reasonable attorney fees incurred by the City in any action and/or litigation to enforce the provisions of this Agreement and/or to collect any amounts due to the City hereunder.

5. Notices. Notices or communications herein required or permitted shall be in writing and shall be given the respective parties by registered or certified mail (said notice being deemed given as of the date of mailing), or by hand delivery at the following address unless either party shall designate its new address by written notice:

Providence

City

Providence Hospital and Medical
Centers, Inc.
Attn: President
47601 Grand River Avenue
Novi, Michigan 48734

City of Novi
Attn: City Manager
45175 West 10 Mile Road
Novi, MI 48375

6. Force Majeure. If the Property Manager is rendered unable wholly, or in part, by Force Majeure to carry out its obligations under this Agreement, then it shall give to the City prompt written notice of the Force Majeure with reasonable particulars; thereupon, the obligations of the Property Manager, as the case may be, so far as it is affected by the Force Majeure, shall be suspended during, but not longer than the continuance of, the Force Majeure. The Property Manager shall use all reasonable diligence to remove the Force Majeure as quickly as possible to the extent the same is within its reasonable control.

7. Binding Effect. The terms and provisions of the Agreement and any lien recorded in accordance with this Agreement for delinquent assessments or payments due to the City shall be binding upon the Property Manager and upon its respective heirs, successors, assignees, transferees, grantees and vendees.

8. No Dedication. This Agreement shall not be construed to create or imply that Ring Road is being dedicated to the public in any way or that the City or the public is being granted an easement of any nature or kind.

9. Modification of the Agreement. This Agreement shall run with the land and be binding upon the Campus, unless this Agreement is amended or terminated in writing with the approval of all parties, or each party's respective successor, assign or transferee.

10. Execution in Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which shall constitute one document.

11. Governing Law. This Agreement shall be governed by, construed, and interpreted in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date first stated above.

Providence

City

PROVIDENCE HOSPITAL AND MEDICAL CITY OF NOVI
CENTERS, INC.

By: Teet Hlean

By: _____

Printed: Robert F. Casabian

Printed: _____

Title: President

Title: _____

HRKHIL-588676v2/AAD

STATE OF MICHIGAN)
) SS:
COUNTY OF OAKLAND)

On this 23rd day of October, 2007, the foregoing instrument was acknowledged before me in Oakland County, Michigan, by Robert Casalon, the President of Providence Hospital and Medical Centers, Inc., a Michigan nonprofit corporation, on behalf of the corporation.

JANET CRAVER
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Aug 29, 2012
ACTING IN COUNTY OF

Janet Craver
Notary Public, Oakland County, Michigan
My commission expires: 8-29-12
Acting in Oakland County

STATE OF MICHIGAN)
) SS:
COUNTY OF OAKLAND)

On this ___ day of _____, 2007, the foregoing instrument was acknowledged before me in Oakland County, Michigan, by _____, the _____ of the City of Novi, a Michigan municipal corporation, on behalf of the corporation.

Notary Public, _____ County, Michigan
My commission expires: _____
Acting in Oakland County

Drafted by:

Elizabeth M. Kudla
30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040

And when recorded return to:

Maryanne Cornelius, City Clerk
City of Novi
45175 W. Ten Mile Rd
Novi, MI 48375

Exhibit A

The Campus

Part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as: Commencing at the East $\frac{1}{4}$ corner of said Section 17; thence South 87 degrees 17 minutes 07 seconds West 43.01 feet along the East-West $\frac{1}{4}$ line to the west right of way line of Beck Road (variable right of way) and the POINT OF BEGINNING; thence South 01 degrees 21 minutes 47 seconds East 531.99 feet along said right of way line; thence North 88 degrees 38 minutes 13 seconds East 43.00 feet to the East line of said Section 17 and centerline of said Beck Road; thence South 01 degrees 21 minutes 47 seconds East 1438.81 feet along said East line and centerline; thence South 87 degrees 20 minutes 58 seconds West 1326.12 feet; thence South 01 degrees 53 minutes 29 seconds East 368.99 feet; thence South 87 degrees 21 minutes 00 seconds West 280.07 feet; thence South 01 degrees 53 minutes 15 seconds East 298.00 feet to the South line of said Section 17 and centerline of Eleven Mile Road (33 foot right of way); thence South 87 degrees 21 minutes 00 seconds West 199.89 feet along said South line and centerline; thence North 02 degrees 09 minutes 22 seconds West 484.00 feet; thence South 87 degrees 21 minutes 00 seconds West 180.00 feet; thence North 02 degrees 09 minutes 22 seconds West 834.05 feet; thence South 87 degrees 19 minutes 01 seconds West 666.08 feet to the North-South $\frac{1}{4}$ line of said Section 17; thence North 02 degrees 25 minutes 16 seconds West 1317.63 feet along said North-South $\frac{1}{4}$ line to the center of said Section 17; thence North 02 degrees 46 minutes 41 seconds West 1816.04 feet to the southerly right-of-way line of Grand River Avenue (120 feet wide); thence along said southerly right of way line the following two (2) courses: (1) South 73 degrees 26 minutes 47 seconds East 2148.77 feet, and (2) South 73 degrees 27 minutes 18 seconds East 644.26 feet to the west right of way line of said Beck Road; thence along said west right of way line the following three (3) courses: (1) South 02 degrees 00 minutes 50 seconds East 226.72 feet, (2) North 87 degrees 59 minutes 10 seconds East 5.00 feet, and (3) South 02 degrees 00 minutes 50 seconds East 667.73 feet to the East-West $\frac{1}{4}$ line of said Section 17; thence North 87 degrees 17 minutes 07 seconds East 16.99 feet along said $\frac{1}{4}$ line to the POINT OF BEGINNING. Said parcel contains 198.46 acres, more or less.

20050605
Providence Parkway
09-26-06
10-04-06 revised

DESCRIPTION OF PROVIDENCE PARKWAY

A parkway of varying width (60 feet, 72 feet, 88 feet, and 91 feet), described as:

Commencing at the East ¼ corner of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan;

thence South 87 degrees 17 minutes 07 seconds West 60.00 feet along the East- West ¼ line of said Section 17;

thence South 01 degrees 21 minutes 47 seconds East 130.46 feet to the POINT OF BEGINNING and the centerline of a 88 foot wide parkway;

thence along said centerline, South 88 degrees 38 minutes 20 seconds West 108.32 feet to the centerline of a 60 foot wide parkway;

thence along said centerline the following three (3) courses:

- (1) South 01 degrees 21 minutes 40 seconds East 34.84 feet,
- (2) thence along a curve to the right 367.19 feet, said curve having a radius of 500.00 feet, a central angle of 42 degrees 04 minutes 37 seconds, and a chord bearing South 19 degrees 40 minutes 38 seconds West 359.00 feet, and
- (3) South 40 degrees 42 minutes 57 seconds West 141.79 feet to Point "A" and the centerline of a 91 foot wide parkway;

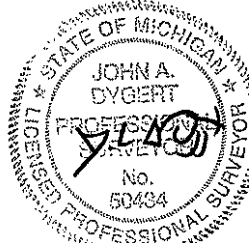
thence along said centerline the following two (2) courses:

- (1) along a curve to the left 335.93 feet, said curve having a radius of 550.00 feet, a central angle of 34 degrees 59 minutes 42 seconds, and a chord bearing South 73 degrees 51 minutes 49 seconds East 330.73 feet, and
- (2) North 88 degrees 38 minutes 20 seconds East 16.81 feet to a POINT OF ENDING;

thence continuing from Point "A", along the centerline of said 60 foot wide parkway the following twenty-three (23) courses:

- (1) South 40 degrees 42 minutes 57 seconds West 175.99 feet,
- (2) along a curve to the right 414.68 feet, said curve having a radius of 350.00 feet, a central angle of 67 degrees 53 minutes 00 seconds, and a chord bearing South 74 degrees 39 minutes 27 seconds West 390.84 feet,
- (3) North 71 degrees 24 minutes 03 seconds West 90.82 feet,
- (4) along a curve to the left 278.65 feet, said curve having a radius of 400.00 feet, a central angle of 39 degrees 54 minutes 50 seconds, and a chord bearing South 88 degrees 38 minutes 32 seconds West 273.05 feet,
- (5) South 68 degrees 41 minutes 07 seconds West 181.83 feet,
- (6) along a curve to the right 781.86 feet, said curve having a radius of 1500.00 feet, a central angle of 29 degrees 51 minutes 54 seconds, and a chord bearing South 83 degrees 37 minutes 06 seconds West 773.04 feet,
- (7) North 81 degrees 26 minutes 57 seconds West 141.71 feet,
- (8) along a curve to the right 552.00 feet, said curve having a radius of 350.00 feet, a central angle of 90 degrees 21 minutes 51 seconds, and a chord bearing North 36 degrees 16 minutes 01 seconds West 496.55 feet,
- (9) North 08 degrees 54 minutes 54 seconds East 423.03 feet,
- (10) along a curve to the left 240.85 feet, said curve having a radius of 450.00 feet, a central angle of 30 degrees 39 minutes 57 seconds, and a chord bearing North 06 degrees 25 minutes 05 seconds West 237.98 feet,
- (11) North 21 degrees 45 minutes 03 seconds West 92.44 feet,
- (12) along a curve to the right 566.61 feet, said curve having a radius of 800.00 feet, a central angle of 40 degrees 34 minutes 49 seconds, and a chord bearing North 01 degrees 27 minutes 39 seconds West 554.84 feet,
- (13) North 18 degrees 49 minutes 46 seconds East 80.30 feet,
- (14) along a curve to the left 146.65 feet, said curve having a radius of 300.00 feet, a central angle of 28 degrees 00 minutes 30 seconds, and a chord bearing North 04 degrees 49 minutes 31 seconds East 145.19 feet,
- (15) North 09 degrees 10 minutes 44 seconds West 192.15 feet,
- (16) along a curve to the right 134.75 feet, said curve having a radius of 300.00 feet, a central angle of 25 degrees 44 minutes 04 seconds, and a chord bearing North 03 degrees 41 minutes 18 seconds East 133.62 feet,
- (17) North 16 degrees 33 minutes 20 seconds East 185.01 feet to Point "B",
- (18) North 16 degrees 33 minutes 20 seconds East 155.67 feet to a POINT OF ENDING,
- (19) continuing from Point "B", South 73 degrees 26 minutes 40 seconds East 480.95 feet,
- (20) along a curve to the right 127.12 feet, said curve having a radius of 500.00 feet, a central angle of 14 degrees 34 minutes 02 seconds, and a chord bearing South 66 degrees 09 minutes 39 seconds East 126.78 feet,
- (21) South 58 degrees 52 minutes 39 seconds East 63.78 feet,
- (22) along a curve to the left 314.44 feet, said curve having a radius of 1000.00 feet, a central angle of 18 degrees 00 minutes 58 seconds, and a chord bearing South 67 degrees 53 minutes 08 seconds East 313.15 feet, and
- (23) South 76 degrees 53 minutes 37 seconds East 249.22 feet to Point "C" and the centerline of a 72 foot wide parkway;

thence along said centerline the following three (3) courses:



- (1) North 13 degrees 06 minutes 23 seconds East 64.86 feet,
- (2) along a curve to the right 61.51 feet, said curve having a radius of 1006.00 feet, a central angle of 03 degrees 30 minutes 12 seconds, and a chord bearing North 14 degrees 51 minutes 29 seconds East 61.50 feet, and
- (3) North 16 degrees 36 minutes 36 seconds East 76.94 feet to a POINT OF ENDING;

thence continuing from Point "C", along the centerline of said 60 foot wide parkway three (3) courses:

- (1) South 76 degrees 53 minutes 37 seconds East 161.86 feet,
- (2) along a curve to the left 269.57 feet, said curve having a radius of 2500.00 feet, a central angle of 06 degrees 10 minutes 41 seconds, and a chord bearing South 79 degrees 58 minutes 59 seconds East 269.44 feet, and
- (3) South 83 degrees 04 minutes 20 seconds East 229.11 feet to Point "D" and the centerline of a 91 foot wide parkway;

thence along said centerline and a curve to the right 111.64 feet, said curve having a radius of 500.00 feet, a central angle of 12 degrees 47 minutes 34 seconds, and a chord bearing North 08 degrees 58 minutes 37 seconds East 111.41 feet to a POINT OF ENDING;

thence continuing from Point "D", along the centerline of said 60 foot wide parkway the following seven (7) courses:

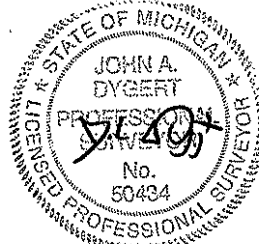
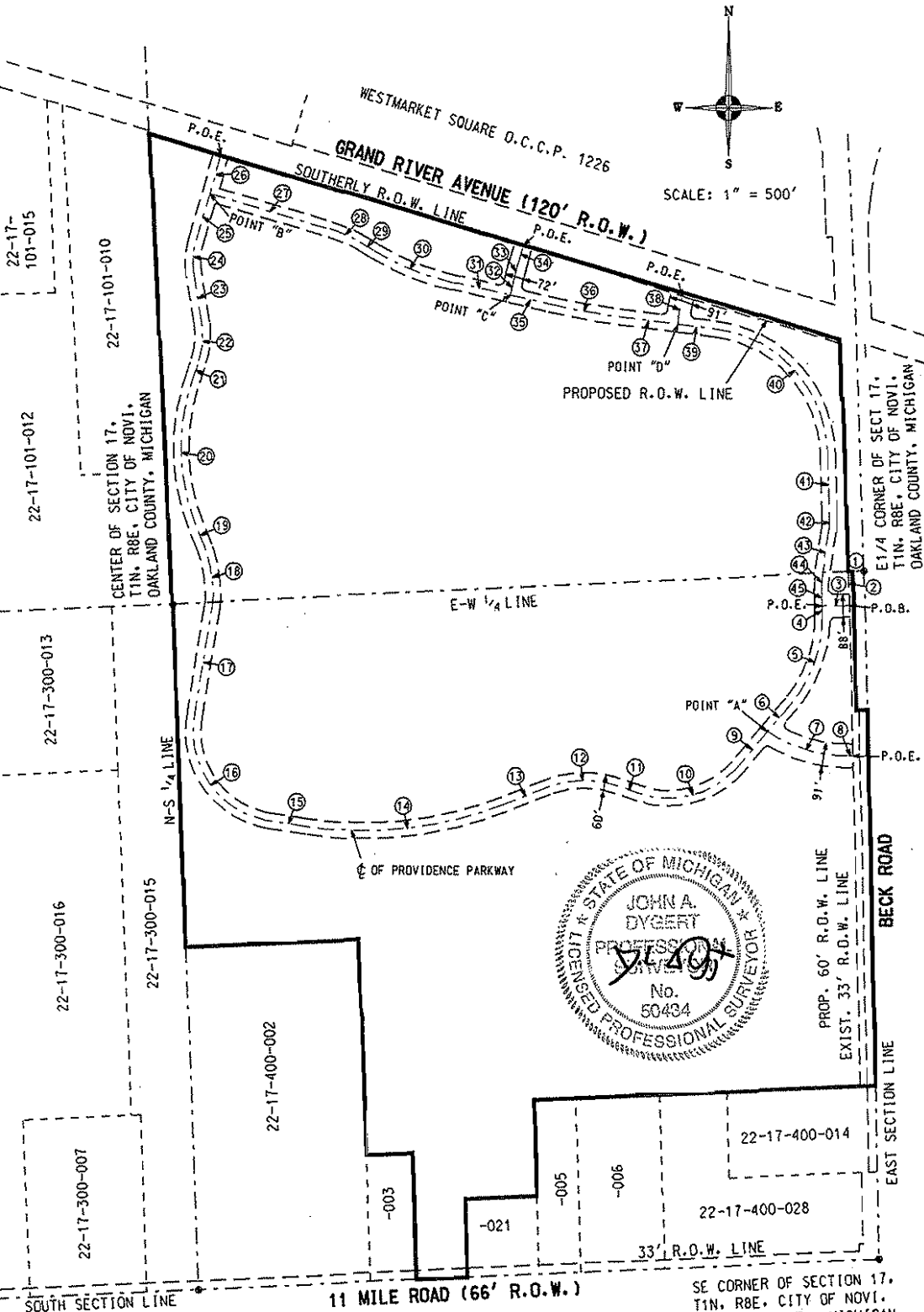
- (1) South 83 degrees 04 minutes 20 seconds East 146.22 feet,
- (2) along a curve to the right 707.38 feet, said curve having a radius of 500.00 feet, a central angle of 81 degrees 03 minutes 36 seconds, and a chord bearing South 42 degrees 32 minutes 31 seconds East 649.85 feet.
- (3) South 02 degrees 00 minutes 43 seconds East 239.53 feet,
- (4) along a curve to the right 56.30 feet, said curve having a radius of 300.00 feet, a central angle of 10 degrees 45 minutes 11 seconds, and a chord bearing South 03 degrees 21 minutes 52 seconds West 56.22 feet,
- (5) South 08 degrees 44 minutes 28 seconds West 178.22 feet,
- (6) along a curve to the left 52.90 feet, said curve having a radius of 300.00 feet, a central angle of 10 degrees 06 minutes 09 seconds, and a chord bearing South 03 degrees 41 minutes 24 seconds West 52.83 feet,
- (7) South 01 degrees 21 minutes 40 seconds East 63.08 feet to the POINT OF ENDING.

Said parkway contains 13.27 acres, more or less.

Note: Error of closure is 0.02 feet (precision of .02 per 10,000 feet)



PROVIDENCE PARKWAY

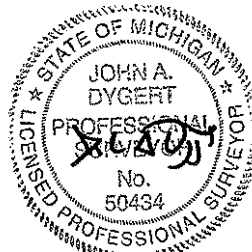


11 MILE ROAD (66' R.O.W.)
 22-17-101-015
 22-17-101-012
 22-17-300-013
 22-17-300-016
 22-17-400-002
 22-17-400-014
 22-17-400-028
 22-17-400-005
 22-17-400-006
 22-17-400-021
 22-17-400-003
 22-17-101-010
 CENTER OF SECTION 17, T1N, R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN
 SOUTH SECTION LINE
 11 MILE ROAD (66' R.O.W.)
 SE CORNER OF SECTION 17, T1N, R8E, CITY OF NOVI, OAKLAND COUNTY, MICHIGAN
 EAST SECTION LINE
 BECK ROAD
 PROP. 60' R.O.W. LINE
 EXIST. 33' R.O.W. LINE
 33' R.O.W. LINE
 10-03-06 REVISED PARKWAY

JOB NO. 20050605	HUBBELL, ROTH & CLARK, INC.	SHEET NO.
DATE 09-26-06	CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303-0824	2
		OF 5

PROVIDENCE PARKWAY

- ① South 87 degrees 17 minutes 07 seconds West 60.00 feet
- ② South 01 degrees 21 minutes 47 seconds East 130.46 feet
- ③ South 88 degrees 38 minutes 20 seconds West 108.32 feet
- ④ South 01 degrees 21 minutes 40 seconds East 34.84 feet
- ⑤ L=367.19 feet
R=500.00 feet
Δ=42 degrees 04 minutes 37 seconds
CH=South 19 degrees 40 minutes 38 seconds West 359.00 feet
- ⑥ South 40 degrees 42 minutes 57 seconds West 141.79 feet
- ⑦ L=335.93 feet
R=550.00 feet
Δ=34 degrees 59 minutes 42 seconds
CH=South 73 degrees 51 minutes 49 seconds East 330.73 feet
- ⑧ North 88 degrees 38 minutes 20 seconds East 16.81 feet
- ⑨ South 40 degrees 42 minutes 57 seconds West 175.99 feet
- ⑩ L=414.68 feet
R=350.00 feet
Δ=67 degrees 53 minutes 00 seconds
CH=South 74 degrees 39 minutes 27 seconds West 390.84 feet
- ⑪ North 71 degrees 24 minutes 03 seconds West 90.82 feet
- ⑫ L=278.65 feet
R=400.00 feet
Δ=39 degrees 54 minutes 50 seconds
CH=South 88 degrees 38 minutes 32 seconds West 273.05 feet
- ⑬ South 68 degrees 41 minutes 07 seconds West 181.83 feet
- ⑭ L=781.86 feet
R=1500.00 feet
Δ=29 degrees 51 minutes 54 seconds
CH=South 83 degrees 37 minutes 06 seconds West 773.04 feet
- ⑮ North 81 degrees 26 minutes 57 seconds West 141.71 feet
- ⑯ L=552.00 feet
R=350.00 feet
Δ=90 degrees 21 minutes 51 seconds
CH=North 36 degrees 16 minutes 01 seconds West 496.55 feet
- ⑰ North 08 degrees 54 minutes 54 seconds East 423.03 feet
- ⑱ L=240.85 feet
R=450.00 feet
Δ=30 degrees 39 minutes 57 seconds
CH=North 06 degrees 25 minutes 05 seconds West 237.98 feet
- ⑲ North 21 degrees 45 minutes 03 seconds West 92.44 feet
- ⑳ L=566.61 feet
R=800.00 feet
Δ=40 degrees 34 minutes 49 seconds
CH=North 01 degrees 27 minutes 39 seconds West 554.84 feet
- ㉑ North 18 degrees 49 minutes 46 seconds East 80.30 feet
- ㉒ L=146.65 feet
R=300.00 feet
Δ=28 degrees 00 minutes 30 seconds
CH=North 04 degrees 49 minutes 31 seconds East 145.19 feet
- ㉓ North 09 degrees 10 minutes 44 seconds West 192.15 feet
- ㉔ L=134.75 feet
R=300.00 feet
Δ=25 degrees 44 minutes 04 seconds
CH=North 03 degrees 41 minutes 18 seconds East 133.62 feet
- ㉕ North 16 degrees 33 minutes 20 seconds East 185.01 feet
- ㉖ North 16 degrees 33 minutes 20 seconds East 155.67 feet
- ㉗ South 73 degrees 26 minutes 40 seconds East 480.95 feet
- ㉘ L=127.12 feet
R=500.00 feet
Δ=14 degrees 34 minutes 02 seconds
CH=South 66 degrees 09 minutes 39 seconds East 126.78 feet
- ㉙ South 58 degrees 52 minutes 39 seconds East 63.78 feet
- ㉚ L=314.44 feet
R=1000.00 feet
Δ=18 degrees 00 minutes 58 seconds
CH=South 67 degrees 53 minutes 08 seconds East 313.15 feet
- ㉛ South 76 degrees 53 minutes 37 seconds East 249.22 feet
- ㉜ North 13 degrees 06 minutes 23 seconds East 64.86 feet
- ㉝ L=61.51 feet
R=1006.00 feet
Δ=03 degrees 30 minutes 12 seconds
CH=North 14 degrees 51 minutes 29 seconds East 61.50 feet
- ㉞ North 16 degrees 36 minutes 36 seconds East 76.94 feet
- ㉟ South 76 degrees 53 minutes 37 seconds East 161.86 feet
- ㊱ L=269.57 feet
R=2500.00 feet
Δ=06 degrees 10 minutes 41 seconds
CH=South 79 degrees 58 minutes 59 seconds East 269.44 feet
- ㊲ South 83 degrees 04 minutes 20 seconds East 229.11 feet
- ㊳ L=111.64 feet
R=500.00 feet
Δ=12 degrees 47 minutes 34 seconds
CH=North 08 degrees 58 minutes 37 seconds East 111.41 feet
- ㊴ South 83 degrees 04 minutes 20 seconds East 146.22 feet
- ㊵ L=707.38 feet
R=500.00 feet
Δ=81 degrees 03 minutes 36 seconds
CH=South 42 degrees 32 minutes 31 seconds East 649.85 feet
- ㊶ South 02 degrees 00 minutes 43 seconds East 239.53 feet
- ㊷ L=56.30 feet
R=300.00 feet
Δ=10 degrees 45 minutes 11 seconds
CH=South 03 degrees 21 minutes 52 seconds West 56.22 feet
- ㊸ South 08 degrees 44 minutes 28 seconds West 178.22 feet
- ㊹ L=52.90 feet
R=300.00 feet
Δ=10 degrees 06 minutes 09 seconds
CH=South 03 degrees 41 minutes 24 seconds West 52.83 feet
- ㊺ South 01 degrees 21 minutes 40 seconds East 63.08 feet



JOB NO. 20050605	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303-0824	SHEET NO. 3
DATE 09-26-06		OF 5

LUT, IDL, HUB, RTH, CLK, INC., 555 HULET DRIVE, BLOOMFIELD HILLS, MI 48303-0824
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Planning Commission Minutes

Excerpts

May 24, 2006



PLANNING COMMISSION
REGULAR MEETING
Excerpts
WEDNESDAY, MAY 24, 2006 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

Present: Members John Avdoulos, Victor Cassis, Lynn Kocan, David Lipski, Michael Lynch, Mark Pehrson, Wayne Wrobel

Absent: Andrew Gutman (excused), Michael Meyer (excused)

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; David Beschke, Landscape Architect; Ben Croy, Engineer; Larry DeBrincat, Woodland and Landscape Consultant; Brian Filbert, Façade Consultant; David Gillam, City Attorney

2. PROVIDENCE ORTHOPEDIC CENTER, SP06-22

The Public Hearing was opened on the request of Providence Hospital and Medical Center for Preliminary Site Plan, Woodland Permit, and Storm Water Management Plan Approval. The subject property is located in Section 17, at the southwest corner of Grand River Avenue and Beck Road, in the R-3, One-family Residential District. The subject property is 7.33 acres and the Applicant is proposing to construct a 68,000 square-foot Orthopaedic Center.

Planner Tim Schmitt described the site for the Planning Commission. The Orthopaedic Center will be located on the southwest corner of the ring road. Beck Road is to the east and Grand River Avenue is to the north. The property is master planned for Office, as are the properties to the north, south and east. Further south is Single Family Residential. Directly west is the utility corridor. Further west is Single Family Residential at 4.8 dwelling units per acre, and Wildlife Woods Park.

The property is zoned OSC, Office Service Commercial, and R-3, Single Family Residential. The rezoning just considered by the Planning Commission will remove the R-3 zoning, if City Council chooses to change that zoning. The new zoning will allow this medical office building and parking. The rezoning must be finalized prior to this plan being approved. The Applicant is aware of that. This should be finalized in June. The zoning to the west is Single Family Residential. Further west is R-T with a PRO for Songbird Ridge.

The property does contain some regulated woodlands. Those woods are partially in a Conservation Easement as part of the ring road construction. There are no wetlands.

Mr. Schmitt described the hospital campus. The hospital is near the center of the site. The construction on the bed tower is underway. This building will be to the southwest of the hospital. A medical office building will be just on the other side of this building. The medical office building will be forthcoming for approval by the Planning Commission. There will be a shared property line down the middle of the parking lot, which will be discussed further.

A Staybridge Hotel is proposed to the north. These plans will be received by the City within the next couple of days.

This center will share a parking lot island down the middle of the site. This will become a property line, if the Planning Commission approves a few items with respect to waiver provisions. The overall site is designed together. They share an entrance at the south end. They share the northern entrance as well. There aren't any additional curb cuts. It is an efficient use of the property.

The Planning Review suggests that the Planning Commission discuss a small area of front yard parking in two different places on the plan. The Planning Commission might wish to make a finding that front yard parking is in harmony with the surrounding developments and other expected developments in the area. The Planning Department supports this finding. The Applicant is proposing the requisite berm and the requisite setback along the Providence Park ring road. For the purposes of this review, the ring road is considered the road frontage.

The Planning Commission may wish to consider a waiver request for the lack of setback along the internal property line. Typically in the OSC District, a minimum of twenty feet parking lot setback is required on both sides of the property line. The Applicant is proposing a ten-foot island, so each side has a deficiency of fifteen feet, the entire length of the line. Additionally, there is an area on the north end of the site that is deficient in setback as

well. Under Section 2400, the Planning Commission will note that there is a double asterisk footnote that allows the Planning Commission to waive setback requirements under certain circumstances.

Specifically, the Applicant is required to provide additional area on the site equal to the setback being proposed to be waived. In this case, a lineal calculation was done along the property line, at a width of fifteen feet, and the Applicant has provided this space on the south end of the site, which exceeds the amount required in terms of total area for that waiver request. The Planning Department recommends the approval of the waiver.

The rezoning request involves the setback from the parking area to the south. 100 feet is required in the OSC District. The rezoning must go through or there will be a setback problem against the R-3 zoning. The Planning Department asks that the Planning Commission condition this approval, if given, on the approval of the rezoning request. The Planning Department anticipates no problems with City Council granting the rezoning.

The Woodland Review recommends that more information be provided at the time of Final Site Plan submittal. There are two areas in question. There is a woodland area outside of the Conservation Easement. There are two large trees in another area that the Applicant is being asked to preserve. The Applicant has indicated that they should be able to contour the berms and move the plantings in such a way to preserve the trees. They are requesting to remove trees on the southern end of the site.

The Applicant has been asked to make changes to the perimeter of the parking lot and the foundation plantings. The Applicant has indicated he is prepared to do that. A Landscape Waiver is sought for the island, because the plantings will be within four feet of the property line. The Planning Department supports the request. The Applicant will provide clarification on which trees are part of the medical office building and which are part of the orthopedic center site plan.

The Traffic Review, Fire Department Review and Engineering Review all recommend approval with minor items to be addressed at the time of Final Site Plan submittal.

The Planning Commission is asked to consider a Section Nine Façade Waiver request. Two materials proposed are not listed in Section 2520 of the Ordinance. Cast stone is not listed, but other types of stone materials are permitted. The Planning Commission has referred the review of the Façade Ordinance to the Implementation Committee, and this is one of the items that will be discussed. The Applicant has provided information on this material. Cast stone does appear to be a quality material. Coloration has been a concern. This product is colored at the time of firing so it is colored throughout, as opposed to being "painted." The Applicant also seeks a waiver for the excessive ribbed metal panels, specifically along the top side of the building. 25% is allowed in Region 2, and the Applicant is proposing as much as 44%. In all cases, the 25% is exceeded.

The Planning Department does not expect too many changes on the Final Site Plan, save the landscape changes. The Planning Department recommends that the Planning Commission act on each of these issues accordingly.

Anne Belleau Mills represented the Applicant. She is an employee of Smith Group, the architect and engineer for the project. Ms. Mills said this property is a land lease with the hospital. There are two owners for the two buildings discussed. The whole site was treated as one development. They feel their setback waiver request is reasonable.

The intent of the plan is to allow for patients to be dropped off. Surgery patients must be driven to the hospital. When the patients are released, they are picked up on the "exit only" road that goes directly out to the ring road. One of the items in the reviews identifies this as problematic. Ms. Mills believes that this design is acceptable as it prevents too much traffic from going through the parking lot and back out. The intent is that the traffic will flow from the pick up area directly out onto the ring road. Patients arrive from Beck Road or Grand River onto the ring road.

Ms. Mills said that there was an issue regarding barrier-free parking. She said more spaces may be required; she analyzed the code and she found that if the building is categorized as a hospital outpatient facility (which is yet to be determined) then 23 barrier-free spots will be necessary. At this time twelve are proposed; eight are required.

Eleven will be added if necessary. They are looking at the plan to determine where these spaces should go. Ms. Mills said they will squeeze in spots at the island ends. There is no parking proposed on one end of the building, but it could become parking. There are some opportunities to use driveways at one end of the site for more parking spaces. The space is tight. They may lose parking spaces or trees. They are trying to be diligent in this design.

Ms. Mills explained that the façade waiver request is just. The intent of the design is to marry materials throughout the campus. The materials proposed respect the budget and the character of the project. The metal panel matches the hospital. The stone detail matches the existing facility. The brick picks up on the existing facility. This blending brings aesthetics that do fit onto this site.

Chair Cassis asked about the color of the façade. Ms. Mills said the coloring varies. Chair Cassis thought that the hospital used mauve or brown. He said this project proposes a pale light brown. Ms. Mills said that the limestone detail on the existing facility will pick up on these colors. The family of colors on the campus ranges from light to dark, and this project is on the darker end of the scale.

Ms. Mills asked Dino Lekas, JJR Landscaping, to address the woodland issue. Mr. Lekas explained that the Conservation Easement was respected with this design. There is, however, a finger of trees that extends into the parking area. They did not understand that there is an agreement between Providence and the City to conserve this finger of trees. They understood that the boundary of the Conservation Easement was the location of tree preservation. They understood that all other areas of the golf course land was available for development.

As these two buildings were designed, a circulation system was paramount. There was an issue of the relationship between the two buildings. There was an interest in having these buildings in rather close proximity. The medical office building needs to have a fairly close relationship to the hospital. Comments were previously made about how nice it was that the wellness center backed up to the beautiful woods. This plan was designed in similar fashion to promote such a feeling. If these buildings were situated along the greensward, the further parking stall is very far from the buildings. Both buildings need to have accessible parking. It is also important that the parking lot is negotiable. Traversing the parking lot in a comfortable manner is important. They did not want to surround the buildings with parking. Ultimately, the compromise is the design before the Planning Commission. Unfortunately, there are trees that will be removed. But the Conservation Easement, as agreed, is left in tact.

Mr. Lekas said that the analysis of ADA parking requirements revealed that eight stalls are required. They looked at how many customers may be in the building for therapy at any one time. Eight may be getting therapy, and eight may be waiting. An additional 20% of 16, or 3.2 rounded to 4, brings the requirement to twelve spaces. This is the number proposed. They can shrink some islands and look for other places to add more spaces.

Mr. Lekas said it should be easy enough to preserve the two trees. He apologized for not noticing those trees prior to designing the berm. The east-west finger of woodlands will not be easy to preserve in light of their parking needs.

Chair Cassis asked about building ownership. Bob Martell spoke for the Applicant. This building is owned by Novi Orthopaedic Centers Properties, LLC. There are twenty physicians who will practice in this building. They are orthopedic surgeons, anesthesiologists and the like. The other building is owned by Providence Park Medical Group Building, LLC. That is a larger group of doctors who will also practice in their building.

Chair Cassis asked about how these two groups will interact on these site plan issues. Mr. Martell said that there are two islands – one to the north and one to the south. Each building will take responsibility for one island in its entirety. They haven't determined which will oversee which. If a tree dies, the City will know whom to call.

Richard Abbott from Providence addressed the Planning Commission. He asked to frame the project for the benefit of the Planning Commission members. This is the next step in the campus project. There will be office space, surgery space, and a continuation of the "health park" theme. Speaking about ownership depersonalizes the project. Providence will be the landlord and own the ground. These LLCs will develop the buildings. This is an arrangement between many to bring quality healthcare to Novi. Mr. Abbott was concerned that the review of

these new buildings has resulted in the impression that buildings are being pushed into a smaller site. He said there are competing interests here. Walking distance from the parking lot and the convenience factor are important. It is important that the medical office building be close to the hospital. It will assist with communication as well. If the buildings are spread out, then walking distances become greater. That starts pulling the site plan apart. Their consensus is this plan represents the optimal use of the land. The adjacency of these buildings is very important.

Chair Cassis asked if patients would go from one building to another. Mr. Abbott said it could happen with the medical office building more so than with the Orthopaedic Center. There will be a pedestrian pathway and closed connector between those sites. That plan will be forthcoming.

There was no correspondence and no one from the audience wished to speak. Chair Cassis closed the Public Hearing.

Member Lynch thought it would be to Providence's advantage to provide the adequate barrier-free parking. He said that as long as the federal statute is met, he had no problem with the design.

Member Lynch did not want to choose colors for the building. He asked whether the specifications of the new material were reviewed against approved material. Mr. Schmitt responded that a similar material was proposed for Sam's Club; the material holds up surprisingly well. This is a step in the right direction. The Planning Department has always been concerned about the colorization throughout the material, which might affect the overall appearance of the building. This material has the color baked right in. That alleviates a concern. Member Lynch supported the idea of adding materials to the Façade Ordinance that meet or exceed the functionality of currently approved materials. Brian Gilbert, Façade Consultant, reviewed the materials and they do not think the material is bad or unworthy. They do feel there is an inconsistency with this cast stone and the rest of the site. The color and the overall feel of the stone in relationship to the rest of the facility was a concern to them. That is why they would not recommend the Façade Waiver.

Member Lynch thought the design was beautiful. He approved of the placement of the buildings, and their proximity to one another.

Member Wrobel asked about the main entrance to the building on the south side. Ms. Mills said that the south entry is the intended entrance for the patients. She said that employees will be parking on the north side of the building, farthest from the building entry.

Member Wrobel thought that people entering from Beck Road will have to do a lot of back-tracking. He did not think that the traffic flow was user-friendly.

Member Lipski asked for clarification on the site responsibilities. A comment was made earlier that this project is a land lease. Mr. Abbott said the land lessor is the hospital. The lessees will be the owners of the building – the physicians. Member Lipski said that with Providence owning the land, the City can look to Providence to maintain the landscaping if it becomes deficient. Mr. Abbott agreed, but said that the lease between the hospital and the building owners will specify whose responsibility it is to maintain each of those islands. The responsibility of the islands will be spelled out in a three-party agreement.

Member Lipski commented for the record that the mitigation for the setbacks is not unlike what the City requires for wetland mitigation. He had no problem with their request, assuming that they do what they can to preserve the landscaping and mentioned trees.

Member Lipski said that as long as the cast stone meets architectural and building requirements, having a unique façade is a potentially helpful asset for the patients. Large hospital complexes can be difficult to navigate. If the nuance of the building can be as described, it will help patients find their way.

As a Planning Commission, Member Lipski said that they are responsible for enforcing the Ordinance. The reality of re-classifying this building seems difficult. He urged the Applicant to work with the City when they meet to

discuss the ADA requirements. The Planning Commission must be consistent in the application of the Ordinance. To call this building an outpatient facility, when it may be surgical center, needs to be clarified. Ms. Mills said that the code refers to the use as a "hospital outpatient facility." The fact that there is a surgery center in it is what sets it apart from other medical office buildings. A surgery center requires someone to accompany the patient so the patient won't be driving or parking the car him/herself. There are provisions for pick-up and drop-off. They do not view this use as something that requires more handicapped parking. They are looking to add more spaces for other reasons. Member Lipski thought that the drop-off area was helpful; he encouraged the Applicant to help the City help Providence in reviewing this issue.

Member Avdoulos was pleased to see Mr. Abbott. He has been a part of the process since the beginning. His presence shows the interest of Providence in the development of their campus.

Member Avdoulos remembered the discussion about woodlands during the ring road review. The site does have many natural features. There are setback concerns. He had difficulty following the plans because the dimensions weren't given. He said that the geometry of the site may be the underlying cause for the waiver requests. Member Avdoulos was also concerned about the timing of these two buildings. Is there a catch-up phase, or can both buildings be built at once? He feared that if they don't get built together, then the parking entrances may be lacking. Mr. Schmitt responded that the City met with the medical office building Applicant just recently. The City has encouraged these two buildings to work together. The undercurrent of this situation is that the projects are on the same timeframe. Both want to break ground this fall. Both want to be constructed at the same time. It is not anticipated that one building will slow the other building down. He knew that the medical office building was pained that it did not make this agenda. If it gets to the point where this project moves forward faster, the City will look for an off-site easement to address the entrance. That is this site's second access; it must be in place. Otherwise, this plan will have to go before City Council for a variance.

Mr. Schmitt said that the property line runs across the throat of the driveway. All the property lines referred to in the reviews refer to the internal property lines. A parcel will have to be created for both sites. He agreed that there are geometry issues at work, and the bottleneck toward the north end does not help. The two issues that concerned the Planning Commission were the residential adjacency (taken care of by the rezoning request) and the landscaped islands. Historically, the City has encouraged shared islands. The setbacks should be met, but since the Applicant couldn't they went to Providence and got more land. There is now more than enough land. From a functional standpoint, the island is going to be in place and meets its intent.

Member Avdoulos said things happen, and any delays could be a problem. He would like the Planning Commission's motion to include a provision for an off-site easement if there is a delay with the other project. Mr. Schmitt said this is the only area where there is a joint concern. The orthopaedic center stands on its own outside of this entry issue.

Member Avdoulos said that parking lot setback waiver was an acceptable request. Member Avdoulos said that the front yard parking and lighting was acceptable to him. The lighting is consistent with the other fixtures elsewhere on site. Mr. Abbott said some of the old box fixtures will be removed as the site is updated. Member Avdoulos thought the new fixtures were slick.

Mr. Martell said that these two owners have cross-access easements with the hospital. If the medical office building lags behind, the users of this building will still have the right to go across this property line. Arrangements might have to be made to make that area suitable if this becomes the case.

Member Avdoulos understood that the two regulated trees would be saved. Mr. Lekas said the grade of the area is appropriate and the same as what exists, but if an issue arises, they will look to add a low wall.

Member Avdoulos confirmed that the Applicant would provide the perimeter landscaping. Mr. Lekas' reservation was the interpretation of the Ordinance. Is the requirement one tree for every 35 feet around the lot a subset of the landscape requirements, or is it a stand-alone number, apart from the other landscaping requirements? Mr. Schmitt responded that it is a two-part answer. Section 2509 has a parking lot calculation that requires "X-amount of" landscaping and "X-amount of" trees. A standard design includes canoe-shaped islands at the end of parking

rows, each with two trees. There is never enough room to place all of the necessary trees. The design standard in the landscape design manual is to put those trees one every 35 feet around the perimeter. It is not an added standard. What is seen on this plan is a fairly unique situation. It is because a lot of islands are required throughout the entire park site. With the medical office building, very few perimeter trees are needed because so many will fit in their parking lot islands. Most times Applicants don't have enough room for these trees. These two designs will have enough room. Where they can, they will be encouraged to plant the trees. Their replacement trees might also be added to this perimeter design. Mr. Lekas then felt he misunderstood the review letter. He thought he was required to put these 1:35 trees in place.

Director of Planning said that the Landscape Consultant, Larry DeBrincat, was present to discuss the matter. Mr. DeBrincat said that the 1:35 tree count is not an additive. As Mr. Schmitt said, this standard is for the overabundance of trees. In this case, there are quite a few trees in the woodland easement area, trees will be required on the berm, the street trees were not provided and must be added. Mr. Lekas said that he understood now that this is an office development adjacent to a right-of-way, and therefore a three-foot berm is required and on the berm one tree per 35 feet is required. Then, so many subcanopy trees are required. He felt that this 1:35 requirement was over and above the other 1:35 street tree requirement. He found that the Subdivision Ordinance addressed the street tree issue – for both residential subdivisions and office parks. This would effectively place trees every 17 feet. He thought this was a double count. If it's necessary, he'll do it.

Mr. DeBrincat said that the landscape table indicates that there are so many trees required – 1:35 canopy, and 1:25-or-so for subcanopy trees. There shall be one tree for every 35 lineal frontage feet, which are the trees between the sidewalk and the curbline. Obviously this is a private road; he did not think there was a sidewalk on this side of the road. Mr. DeBrincat assumed that the street trees would also be required.

Member Avdoulos asked about the sidewalk. Mr. Schmitt replied that the Applicant received a pseudo-waiver for the sidewalk during the ring road process. On the west side there will be a path. The Applicant is suggesting pedestrian links. Mr. Schmitt said that the Planning Department has suggested this be cleaned up in the Ordinance: Street trees are still required even where no sidewalk exists.

Mr. Lekas said that his understanding was that the street tree requirement was for residential. He'll do whatever is required, but he felt that one tree every 17 feet is thick.

Member Avdoulos asked about the woodland finger being removed. Mr. Lekas did not feel as though this could be circumvented. Mr. DeBrincat said that the line of trees on the southerly site could be saved if the service drive to the two buildings was jogged to the south. It would require a waiver because the distance from the road to the parking lot would be affected. Also, he said that some of the parking could be eliminated. Then some of the trees could be saved. He understood that some trees have to be removed for the drive. Mr. DeBrincat said that one of the big trees is located ten feet from the curb line; it has already lost significant root system from the ring road construction. Mr. DeBrincat thought the proximity of the parking lot could further damage the tree. It might not survive. Mr. DeBrincat has suggested that two parking spaces be removed, minimum (preferably three) to preserve more of the tree's root system. Mr. Lekas said that the northern area may be doable, but he has to temper this request with the fact that more ADA parking spaces may be necessary. He was concerned that if the southerly road is kinked anymore because there is already a tight geometry for vehicular traffic. The southern tip of the road is on the setback line. That is another issue. It is tricky to maintain a decent circulation for traffic while maintaining the trees in an island that previously have grown unencumbered. In a perfect world, all trees would be saved. They have the competing requirements for parking that must be considered.

Member Avdoulos asked about the parking. He said that the City does invite Applicants to landbank parking spaces if their use does not require so much parking. Mr. Lekas said that the orthopaedic building requires 314; 314 are proposed. The Planning Department believes that the medical office building is shy on parking. Member Avdoulos agreed that reviewing the footprint of the building may be necessary in light of the fact that more handicapped parking may be necessary.

Member Avdoulos thought the Applicant addressed most issues in his response letter.

Member Avdoulos said that the traffic issue was explained with the access drive. He thought the issue had been clarified.

Member Avdoulos asked if the parking lot setback variance was necessary if the rezoning is approved. The Planning Department believes that the rezoning must be done or there is a problem. The Planning Department would not support the variance request if the rezoning fails.

Member Avdoulos asked about the elevations. He agreed that the color is through the entire cast stone material. There will be light and dark variations. Member Avdoulos does not mind new products coming forward for consideration. Each material should be looked at for its character. The cast stone is like a field stone and, along with the dark brick and horizontal ribbed metal panels, works nicely in this setting. There are heavy woods on this campus. These materials are trying to work in concert with the hospital's brick and phenolic panels. There is also glass. The materials can add a comfort level for the patients. It could dispel the institutional feel. The horizontal building will hug the site. Member Avdoulos noted that Smith Group JJR is an old reputable Detroit firm. He said that the metal panel system is great; he had no concerns. They work better than brick façade for weathering and keeping moisture out. He thought this building would be complementary to the site. It matches the hospital's quality. He said it was nice to see top name architects and contractors on this campus.

Member Avdoulos said that the mindset in the health care industry is to provide comfort for its patients. Comforting surroundings help the healing process.

Member Kocan was worried about handicapped parking. She told them that it would be nice if they went over and above on this item. The accessibility issue is important, particularly if there is physical therapy in the building.

Member Kocan said that 30,000 square feet of landscaped islands are provided; only 8,300 square feet are required. She thought there was considerable room with which to work.

A few parking spaces require the front yard parking variance. She said that as long as the Lighting Ordinance was adhered to she had no problem with this issue – the front yard parking is compatible with the rest of the park.

Member Kocan wanted the off-site easement listed in the motion.

Member Kocan discussed the regulated woods. She understood that the woodland finger would have to be removed. She understood that the Applicant was trying to save the two oak trees. She said that the Applicant offered to take out the berm, but Member Kocan did not think that was the intent of the Planning Department – for the Applicant to remove the berm to save the tree. Mr. Lekas said he was shaving the berm back around the trees. Mr. DeBrincat said the berm should not be within the drip line of the trees because that can be disruptive. The Applicant should work additional landscape in this area, but even then it should be a light treatment. Shrubs and subcanopy trees could be too intense.

Member Kocan understood the tree issue to be that the berm trees are a suggestion. She did not think it was a requirement. Mr. DeBrincat said that was true, but the number of canopy and subcanopy trees are specified based on the total measurement of the frontage area. The street trees are indicated in the same table. Member Kocan said that the street trees are described in the subdivision section. She asked for clarification on the trees. Mr. DeBrincat said that it is not a separate requirement to for measuring the perimeter of the parking and adding additional trees, but that the trees along the outside of the edge of the parking lot should be 1:35. Whether those trees meet the interior tree requirements or right-of-way trees is inconsequential.

Mr. Martell said that there will not be a free-standing physical therapy in this building. Two of the practices will have a small facility within their space. One use is for hand therapy, so handicapped spaces are less applicable in that instance. The other facility is less than 400 square feet. They will review the handicapped parking standards with the City.

Member Kocan thought the 44% ribbed panels was a significant number. She was having a problem with this – it is almost a 100% increase over what is allowed. Ms. Mills said that the application ranges from 28% to 44%. Not

all four sides are designed at 44%.

Member Kocan thought there was a sidewalk for the ring road. She thought there was a connection to the Conservation Easement area. Mr. Schmitt said that the trail system is part of the entire campus. A trail will go to the south and to the west. Sidewalks are placed in certain areas. The medical office building plan proposes trails through the greensward. There is a physical connection between the orthopaedic center and the medical office building, and the medical office building and the hospital. There is a rhythmic trail system throughout the site.

Member Kocan asked about the trees. Mr. DeBrincat said that the trees are part of the regulated woodland area. Some of the woodlands were once removed to create the golf course that was once on this site. There is a linear arm coming from the northwest corner of the easement that is regulated. There wasn't much understory. There are sizable, hardwood trees. Routing the drive differently and removing parking spaces might save the trees. No tree inventory was submitted, but Gary Tressel from Hubbell Roth and Clark indicated that there about twenty trees in the finger. Mr. Tressel said that these trees are up on a summit, and to take the road around them will create grading problems. In the original discussion of what should be preserved was taken into consideration.

Member Kocan said this was one of her original Providence review concerns. She did not recall a lengthy discussion on tree preservation for this area during the first ring road review, and at a subsequent meeting she thought she recalled that Providence offered to put all of the woodlands into an easement. Whatever that was agreed to must be adhered to.

Mr. Schmitt explained that he was not the plan reviewer of the ring road, but he has reviewed the Conservation Easement. He laid the easement over this site plan, and found that the Conservation Easement is being respected. There may have been trees on the ring road plan that may have been preserved at the time of that plan's review, but they were not intended for long-term preservation. The Conservation areas are not being impacted. Ms. McBeth was the project manager of the ring road plan and she agreed that the understanding at the time of that review was there would be areas of impact at a future date with other Providence plans.

Mr. DeBrincat said that sheet C-4 indicates the proposed parking area and the affected trees are crossed out. In their review of this information, they felt there was an alternative design available that would preserve some of these trees; an alternative design would require a waiver because the service road would then be closer to the ring road than what is allowed. Member Kocan asked if any of the marked trees could be saved with this design. Mr. DeBrincat said that most of the trees are in the paved area. The island that is being left is about ten to twelve feet wide. Any tree in that area would have a difficult time of surviving. That is why rerouting the road further to the south and eliminating some of the parking spaces is their recommendation. It would preserve a larger area.

Mr. Lekas said that the trees are three feet higher than the proposed parking area. Additionally, the internal circulation driveway will be approaching ten to fifteen feet off of the perimeter ring road. Southbound cars and ring road cars will present headlight issues and there are geometric issues working against the parking lot flow. If there was a way to save those trees, they would do so.

Member Kocan asked where the replacement trees would go. She appreciated Providence's work on the greensward area and throughout the site. Mr. DeBrincat showed an area on the plan adjacent to the woodland near the ring road where trees could go. Adding to the affected woodland is one of the first priorities of the Woodland Ordinance. It would be possible to add some trees in that area. Other than that, some could be placed in front of the building. The rest may have to be placed in the greensward area. There is an area on the medical office building site that could be used to supplement that woodland. Member Kocan sought clarification on which of the roads Mr. DeBrincat was requesting be moved. Mr. Lekas said that making that move will negatively affect the geometry of the drive. The curb becomes tight.

Member Kocan said that the building may have to be scaled down if parking becomes an issue. That would be Member Kocan's largest concern. Member Kocan would not ask for the building to be scaled down for the sake of the trees because of the greensward area and the Conservation Easement. This is atypical of Member Kocan, but she was willing to give on this issue. She just wanted to ensure that this plan does not affect any of the approvals made on plans already submitted.

Mr. DeBrincat drew a picture of how the drive could be realigned. He thought the geometrics would work. He showed it to the Planning Commission, and located the drive and the parking spaces. He said eight parking spaces would have to be eliminated. The drive would have to swing down. There is a measurement of about forty feet to the ring road. The trees in a particular area could then be saved. Obviously some trees will have to be removed. Member Kocan encouraged the Applicant to look at Mr. DeBrincat's plan. She thought that his suggestion did add to the area. Natural trees add to the site as opposed to trying to replace a woodland. Member Kocan said that the Planning Commission required the ring road location to be changed and now Providence says that it is actually in a better location.

Member Kocan noted that there is complimentary valet service for the emergency patients. She applauded Providence for providing that service.

Member Pehrson asked where there would be signs relative to patient parking and visitor parking. Mr. Martell said that he would not wish to do that – limit the patients – but internally they will encourage the employees to park on the north side as far from the building as possible. There is a north entrance. Patients may find that entrance too, and he wouldn't want them to be precluded from using it.

Member Pehrson thought this project was an excellent use of materials. It is complementary to everything else on the campus.

Moved by Member Pehrson, seconded by Member Wrobel:

In the matter of the request of Anne Belleau Mills for the Providence Hospital Orthopaedic Center, SP06-22, motion to grant approval of the Preliminary Site Plan subject to: 1) City Council approval of Zoning Map Amendment 18.663 for the southern portion of the site; 2) A Planning Commission Waiver for lack of parking lot setback, with no net loss of setback area on the site; 3) Planning Commission to allow plantings within four feet of common property lines with other developments in the Providence Hospital complex; 4) A Planning Commission Section 9 Façade Waiver to allow excessive ribbed metal panels and the use of cast stone materials, for the reason that it is otherwise compliant with the theme of the surrounding buildings; 5) The Applicant redesigning the landscape plan to meet perimeter parking lot planting requirements and building foundation requirements; 6) Woodland information being provided prior to a Woodland Permit being issued; 7) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; 8) Revisions to the off-site easement to the north should the timing of the two buildings not be in concert or able to be coordinated; for the reason that the plan meets the intent of the Master Plan for Land Use.

DISCUSSION

Member Kocan asked if, **"A Planning Commission Finding that the front yard parking and lighting with the changes necessary being made are consistent and compatible with the surrounding area"** could be added to the motion. Member Pehrson agreed.

Member Pehrson also added, **"The Applicant working with the City and Planner to facilitate the retainment of the two trees on the westerly property which will also be in the Woodland Permit, and to work with the Consultant to determine if any of the trees on the southernmost part of the property can be saved."** Member Wrobel agreed to the changes.

Chair Cassis said this development has been reviewed thoroughly. Chair Cassis said that the Planning Commission is trying to have a world-class project go forward. The hospital has come forward with an ambitious and beautiful design. It is called a park because of the healing process that is being aimed at and Chair Cassis hoped that these two new projects coming into this campus interrelate with each other and act in harmony with each other. This is not a bunch of buildings fronting on main roads.

Chair Cassis said he would not delve into the parking situation, other than to say he was concerned about parking. He understood that no one should be confined to just square footage. He thought that these doctors, in the

healing process, don't want to impede the mentality and the psychology of the customers who come here and cannot find adequate parking. There will be nurses, service personnel, suppliers, etc. He hoped that the Applicant was considering those people.

Chair Cassis said that barrier free parking is important. These are medical people, not a restaurant. Even restaurant owners want the parking right in the front for the customers. He hoped that the Applicant paid attention to this issue, and that they will provide more barrier free parking.

Chair Cassis said this was a total campus. He believed that there has been such a wonderful presentation by the hospital and there are beautiful façades being applied to the hospital. As he has said, he would like to see a more harmonious working between all of the buildings on this campus. Chair Cassis said there was nothing wrong with the materials proposed or its resiliency. What Chair Cassis was looking at was that the hospital had the smooth, more formal look, and as he looked at this material, it is more rugged and rough in appearance. His statement is not going to stop this project from going forward. He just felt that he had an idiosyncrasy about design and looks and this is one of the things where he wanted to differ from his colleagues.

Chair Cassis said that if it is economics that the Applicant was talking about, he hoped they would reconsider. If economics is preventing the Applicant from matching the colors and smooth materials, he asked that they please reconsider. He knew that doctors paid a lot of money for insurance and other things, but if they can find that they want to use that kind of material, that would be wonderful.

Chair Cassis said that the City would love to see these doctors reside here and buy homes in this community, do business here and pay taxes here.

Chair Cassis called for the vote.

ROLL CALL VOTE ON PROVIDENCE HOSPITAL ORTHOPAEDIC CENTER, SP06-22, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Anne Belleau Mills for the Providence Hospital Orthopaedic Center, SP06-22, motion to grant approval of the Preliminary Site Plan subject to: 1) City Council approval of Zoning Map Amendment 18.663 for the southern portion of the site; 2) A Planning Commission Waiver for lack of parking lot setback, with no net loss of setback area on the site; 3) Planning Commission to allow plantings within four feet of common property lines with other developments in the Providence Hospital complex; 4) A Planning Commission Section 9 Façade Waiver to allow excessive ribbed metal panels and the use of cast stone materials, for the reason that it is otherwise compliant with the theme of the surrounding buildings; 5) The Applicant redesigning the landscape plan to meet perimeter parking lot planting requirements and building foundation requirements; 6) Woodland information being provided prior to a Woodland Permit being issued; 7) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; 8) Revisions to the off-site easement to the north should the timing of the two buildings not be in concert or able to be coordinated; 9) A Planning Commission Finding that the front yard parking and lighting with the changes necessary being made are consistent and compatible with the surrounding area; and 10) The Applicant working with the City and Planner to facilitate the retainment of the two trees on the westerly property which will also be in the Woodland Permit, and to work with the Consultant to determine if any of the trees on the southernmost part of the property can be saved; for the reason that the plan meets the intent of the Master Plan for Land Use. *Motion carried 7-0.*

Moved by Member Pehrson, seconded by Member Wrobel:

Planning Commission Minutes

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June 14, 2006



PLANNING COMMISSION
REGULAR MEETING
EXCERPTS
WEDNESDAY, JUNE 14, 2006 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

Present: Members John Avdoulos, Victor Cassis, Andrew Gutman, Lynn Kocan, David Lipski (arrived at 7:36 p.m.), Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Jason Myers, Planner; David Beschke, Landscape Architect; Ben Croy, Engineer; Larry DeBrincat, Woodland and Landscape Consultant; Steve Dearing, Traffic Consultant; David Gillam, City Attorney

3. PROVIDENCE PHYSICIANS MEDICAL OFFICE BUILDING, SP06-21

The Public Hearing was opened on the request of Providence Park Physicians, LLC, for Preliminary Site Plan, Section 9 Waiver, Woodland Permit, and Storm Water Management Plan approval. The subject property is located in Section 17, at the southwest corner of Grand River Avenue and Beck Road, in the OSC, Office Service Commercial District. The subject property is 13.7 acres and the Applicant is proposing to construct a 215,000 square foot Medical Office Building.

Planner Tim Schmitt described the project for the Planning Commission. The ITC corridor is to the west. Grand River is to the north. Beck Road is to the east. The property is master planned for office, as are the north, south and east properties. To the west is the utility corridor. Also west are Single Family Residential homes. Further south are also Single Family Residential homes. The subject property is zoned OSC, and it includes the recently rezoned property from Residential. North and east properties are zoned OSC. To the west are properties zoned R-T, Residential with a PRO, R-A and R-1.

There are wetlands that were addressed with the Providence ring road plan. There is a regulated tree on site. This is a five-story building. There are is an area of cast stone on the façade. There are penthouse elevators and roof top units. He noted that this property combines with the Orthopaedic Center to the west. He located the pedestrian connection between the two buildings, the greensward and the Conservation Easement.

The Woodland Review requires additional information regarding the one tree to be removed. The Applicant is not encroaching into the southerly Conservation Easement.

The Landscape Review indicates that a waiver is necessary for plantings within four feet of the property line. The Planning Department recommends the waiver. For a site like this, the property lines don't have a real impact; Providence is the overall owner of the entire site. The Orthopaedic Center and this medical office building will iron out the responsibilities of shared landscape island care. By the time of Final Site Plan submittal, the Applicants will inform the City of who is responsible for each of the shared islands. The Applicant has been asked to move some of the parking lot trees to the perimeter if possible. A substantial amount of trees are proposed on the long islands on every other bay of spaces. In this case, the Applicant has ample room for their trees; the Planning Department would like them to consider whether any of the trees can be put around the perimeter. 1:35 planting is a design requirement. The numerical requirement comes from the impervious surface area, and the Applicant has met this requirement.

The Traffic Review and Engineering Review both indicate there are items that to be addressed at the time of Final Site Plan submittal. The Traffic Review again has requested a design change on the connection drive. The skewed intersection has been noted as another area that should be re-reviewed.

The Façade Review indicates a Section Nine Waiver is required. This building does not have the ribbed metal panel problem. The cast stone is the item requiring the waiver. It is the same cast stone as the Orthopaedic Center. Mr. Schmitt displayed the façade board.

The Fire Department Review approved the plan, with minor items to be addressed at the time of Final Site Plan submittal.

The Planning Review indicated a few items to be addressed. The allowed building height is surpassed in a few

areas of this building. 65 feet are allowed; this building reaches heights of 67.5 feet. The Applicant has agreed to reduce the height of the building. The cast stone end pieces (the stairwells) are proposed to be 77 feet on one end and the elevator/mechanical equipment penthouse is proposed to be 78 feet. The Applicant is permitted to adjust the height for the mechanical section, but the overall height of the building cannot exceed 65 feet. The Applicant will have to seek a ZBA variance for the overage of 13 feet. There are five areas of the building that fall under this category.

The parking lot setback requirements are another issue on which the Planning Commission should consider granting a waiver. Again, this is a shared parking design and there is not a full setback. An asterisk is in the Schedule of Regulations that permits the Planning Commission to grant this waiver. The Applicant is providing additional areas of setback in two other areas. The numbers will be confirmed at the time of Final Site Plan submittal. The Applicant is flexible with their property lines.

The Planning Commission is asked to make a finding under Section 2400 to allow front yard parking. The parking and lighting area must be consistent with other buildings in the area. This building is behind the Orthopaedic Center, and there is no berm or wall proposed for the property line. The Orthopaedic Center is screening the parking area. The Planning Department believes this design meets the intent of the Ordinance.

The loading zone is a minor concern. 360 feet is required. In the OS districts this area should be in the rear yard. Given the intent to maintain the greensward, this is not possible. The Planning Department will recommend approval of this variance to the ZBA.

The building is 250,000 gross square feet. An analysis of the design determined that the Applicant is forty parking spaces short. The Applicant met with the City, and it was suggested that the City review the CAD files to assess most accurately the floor space. The elevator shafts can be removed. 169,080 square feet must be used for the parking space calculation. At a ratio of 1:175, the Applicant required 966 parking spaces. Right now, there are 947 spaces – a deficit of 19 spaces. The Applicant can add these spaces with a single row of parking. The Applicant is proposing to bump out an area and provide a double row that will yield more than 19 spaces. This will not affect the greensward. The greensward is not under an easement and could be encroached, but the Applicant is just designing to its edge. There will be more details forthcoming at the time of Final Site Plan submittal. Mr. Schmitt did not expect the Applicant to need a ZBA variance for their parking. This will be confirmed at the time of Final Site Plan submittal.

Member Kocan asked if there was a setback issue pertaining to the northerly entrance. Mr. Schmitt explained the areas requiring waivers. He said that the "road" does not meet typical road standards and therefore was not considered a "road." It is a parking lot drive aisle. Along the one property line, there is an approximate 15-foot area requiring a waiver. Again, the Applicant meets the overall setback area. The Planning Department is confident in recommending this waiver.

Architect Michael McGunn, Smith Group, represented the Applicant. There are more than forty Providence physicians that comprise the ownership. He said there are 51 tenant suites in the building. 159,000 square feet (94%) are already leased. The rest of the building will be leased before the building is completed. Many of these doctors are coming from the other office building; that building will be renovated for use by the hospital. Originally there was also going to be a neurology science institute comprising of 40,000 square feet, but over time, the design incorporated both uses into this one large building. The elevations of the building spawned from the two uses wanting to maintain separate identities. The Orthopaedic Center is forty feet tall. The medical office building is about eighty feet tall. The hospital is about 120 feet tall. The height falls into place in light of the entire hospital master plan.

The building is mostly 65 feet tall. The two towers project another twelve feet. The elevator and mechanical screening projects 12.5-13 feet. He displayed a picture of the proposed building.

The parking lot setbacks have been addressed. The parking quantity will be increased to yield 172 spaces. Five additional handicapped spaces have been designed to accommodate a 7,600 square foot physical therapy suite.

Dino Lekas of JJR discussed the parking lot layout and showed the updated design; no regulated trees will have to be removed. Therefore, no Woodland Permit is required.

No one from the audience wished to speak and no correspondence was received so Chair Cassis closed the Public Hearing.

Member Avdoulos stated that it was nice to see the whole picture come together, as the Planning Commission reviewed the Orthopaedic Center without the benefit of seeing this building. The new parking design will enhance the area.

Member Avdoulos was a bit concerned about the height of the building, but the mass of the building must be considered. He thought the occasional upgrade in height was acceptable. They should be considered architectural elements that break up the mass. It will also allow for ease of maintenance, which is a safety issue for the repairmen. The center penthouse is enclosed. The elevator equipment room is there, as well as mechanical equipment. The others are just screens. Member Avdoulos said it was a good idea to have full stairs going to the roof.

Member Avdoulos said that if the Ordinance allows 65 feet tall buildings and five stories, the issue of mechanical equipment must be addressed. Traction elevators require an overrun past the fifth floor, with a mechanical room above it. A new design of elevators will be different from this, but they haven't been proven to be effective yet. Member Avdoulos was comfortable with the heights on this building.

Member Avdoulos envisioned this site's master plan as having a planned step-down in building size: The hospital, the medical office building, the Orthopaedic Center and finally the pedestrian walk level. He thought it worked well. He did not think that the floor-to-floor ratio of 12'8" could be reduced. That is tight. Member Avdoulos assumed they would design 14-foot floors, but that would have taken the building too high. He said the heights are appropriate. The cast stone has already been reviewed, and this building has more traditional brick and glass. He endorsed the Section Nine Waiver.

Member Avdoulos said that the parking issue has been addressed. He was okay with the loading zone resolution. He said that hospitals always make adjustments for their staff and patients. He was okay with the front yard parking and the parking lot setback and lighting. He thought the traffic issues had been addressed.

Member Avdoulos asked Woodland and Landscape Consultant Larry DeBrincat to comment on the plan. He said that Doris Hill reviewed the site, and that she has expressed the option of changing the parking lot stall length from 19 feet to 17 feet. She also noted that there is no space along the north side to add perimeter trees. If this could be looked at, as well as the southerly strip of the new parking lot proposal, he conceded that there are otherwise ample trees throughout the parking area. The Applicant agreed to shift some trees around the site.

Overall Member Avdoulos approved of the plan. He noted that Mr. Lekas made a comment about the placement of the building being selected to maximize everyone's view and enjoyment of the trees. Member Avdoulos said that was the original intent stated by Providence. Member Avdoulos thought the layout was appropriate.

Moved by Member Avdoulos, seconded by Member Wrobel:

In the matter of the request of Michael L. McGunn for the Providence Hospital Physicians Medical Office Building, SP06-21, motion to grant approval of the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals variance for excessive building height (65 feet permitted, up to 78 feet proposed), with the main building being 65 feet and ancillary areas exceeding that height; 2) A Zoning Board of Appeals variance to allow the loading zone in the side yard; 3) A Planning Commission Waiver for lack of parking lot setback, with no net loss of setback area on the site; 4) A Planning Commission Waiver to allow plantings within four feet of common property lines with the proposed Orthopaedic Center to the west; 5) A Planning Commission Finding that parking area and lighting are appropriate and that the Orthopaedic Center Building provides the screening desired under Section 2400, Footnote h.2; 6) Planning Commission approval of the requested Section 9 Façade Waiver to allow excessive use of

cast stone materials; 7) A redesign of the site to add 19 parking spaces at the time of Final Site Plan submittal, which the Applicant has presented on a separate sketch; 8) A redesign of landscape plan to meet perimeter parking lot planting requirements, as indicated by the Applicant during their presentation; and 9) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan meets the intent of the Zoning Ordinance.

DISCUSSION

Member Wrobel's concern was that the entry into this site from the southeast Beck Road entrance seems to be a problem. The Orthopaedic Center is smaller, but this building's patients will have to go through that parking lot to get to this building. He thought it was an inconvenient design, and with all the trees in place, it could make for blind spots and confusion.

Member Kocan confirmed with Mr. Schmitt that the greensward space has not changed in size but property lines will dissect it.

Member Kocan asked about the lack of handicapped parking spaces along the south side. Mr. McGunn said that is the service entry area.

Member Kocan was bothered by the fact that the Planning Commission reviewed the Orthopaedic Center without knowing that a variance is necessary for this site's driveway. Now the road can't be moved to where it should be. She hoped that never happened again. She liked people to have the proper setbacks. She asked how the trees could be added to this area. Mr. Schmitt responded that there is a vacant lot between this property and the proposed hotel. This variance will be offset by the Planning Commission waiver for the plantings within four feet of the property line. As Mr. Lekas mentioned, they will be able to move trees around. With that said, there will be room in this area for trees. It will break the area up a bit. The property to the north must still meet its building setback, parking setback, etc. Mr. Schmitt said that a joint access would probably be encouraged for that area when the next plan comes forward. Had the Planning Department looked at this segment as a roadway, it theoretically could be right on the property line. The issue is that the Planning Department is considering the "road" a parking aisle. Mr. Schmitt said it was important for the Planning Commission to consider that the site will function as a whole. No one will see the "property lines." There will be no berms. There aren't specific perimeter requirements. The Planning Department will concern itself with the driveway spacing, the clear vision, etc. He understood Member Kocan's concern, but he said it was an odd interpretation. If they called it a road with a right-of-way, the Planning Department couldn't mitigate the area. In this scenario, the Applicant is providing additional setback elsewhere on the site -- maintaining the same amount of green space, even though it's not in the right location.

Member Kocan asked about the southerly exit of the Orthopaedic Center, and whether the exit is just one way. Mr. McGunn explained that the plan is for the patient to be dropped off and the exit is one way. Member Kocan noted that with the landscaped islands, people cannot just cut through the parking lot without a certain amount of control. She was more concerned that clear vision be maintained more so than ample landscaping. She said the Applicant must be very careful with this design. Member Kocan also noted that Providence has proposed wider than normal islands. She was concerned that this site was overbuilt. Others have tried to reassure her that the parking islands will break that up. She supported the motion.

Member Kocan asked whether a statement should be added to the motion about the maintenance of the islands. Mr. Schmitt said the Planning Commission could do so if they desired. The Applicants have indicated they have an agreement in the works. City Attorney David Gillam thought that the same language from the previous motion should be included in this motion. [Transcriber's note: This language was not part of the Orthopaedic Center motion but part of the discussion.]

Chair Cassis thought the building was beautiful. The bricks are complementary. He had no issues with the height. He didn't think there were issues with setbacks because this is a campus.

ROLL CALL VOTE FOR THE MEDICAL OFFICE BUILDING, SP06-21, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Michael L. McGunn for the Providence Hospital Physicians Medical Office Building, SP06-21, motion to grant approval of the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals variance for excessive building height (65 feet permitted, up to 78 feet proposed), with the main building being 65 feet and ancillary areas exceeding that height; 2) A Zoning Board of Appeals variance to allow the loading zone in the side yard; 3) A Planning Commission Waiver for lack of parking lot setback, with no net loss of setback area on the site; 4) A Planning Commission Waiver to allow plantings within four feet of common property lines with the proposed Orthopaedic Center to the west; 5) A Planning Commission Finding that parking area and lighting are appropriate and that the Orthopaedic Center Building provides the screening desired under Section 2400, Footnote h.2; 6) Planning Commission approval of the requested Section 9 Façade Waiver to allow excessive use of cast stone materials; 7) A redesign of the site to add 19 parking spaces at the time of Final Site Plan submittal, which the Applicant has presented on a separate sketch; 8) A redesign of landscape plan to meet perimeter parking lot planting requirements, as indicated by the Applicant during their presentation; and 9) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan meets the intent of the Zoning Ordinance. *Motion carried 9-0.*

Moved by Member Avdoulos, seconded by Member Kocan:

**ROLL CALL VOTE ON THE MEDICAL OFFICE BUILDING, SP06-21, STORMWATER MANAGEMENT PLAN
MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER KOCAN:**

In the matter of the request of Michael L. McGunn for the Providence Hospital Physicians Medical Office Building, SP06-21, motion to grant approval of the Stormwater Management Plan for the reason that the plan meets the intent of the Ordinance. *Motion carried 9-0.*

Planning Commission Minutes

Excerpts

July 12, 2006



PLANNING COMMISSION
 REGULAR MEETING
 EXCERPTS
 WEDNESDAY, JULY 12, 2006 7:30 P.M.
 COUNCIL CHAMBERS - NOVI CIVIC CENTER
 45175 W. TEN MILE, NOVI, MI 48375
 (248) 347-0475

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, Michael Lynch, Michael Meyer, Mark Pehrson

Absent: Members David Lipski, (excused), Wayne Wrobel (excused)

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Jason Myers, Planner, David Beschke, Landscape Architect; Ben Croy, Engineer; Larry DeBrincat, Woodland and Landscape Consultant; Paul Taylor, Façade Consultant; David Gillam, City Attorney

MATTERS FOR CONSIDERATION**1. STAYBRIDGE SUITES HOTEL- PROVIDENCE HOSPITAL, SITE PLAN NUMBER 06-31**

Consideration of the request of Staybridge Novi, LLC, for Preliminary Site Plan, Section 9 Waiver, and Stormwater Management Plan approval. The subject property is located in Section 17, south of Grand River Avenue and west of Beck Road in the OSC, Office Service Commercial District. The subject property is 3.74 acres and the Applicant is proposing the construction of a 108 room extended stay hotel.

Planner Tim Schmitt described the project. The property is master planned for Office, as are all of the properties around it. It is zoned OSC, as is the entire campus. Each Providence project will require a property split, none of which have been submitted to the City. This project abuts the Providence ring road. Grand River is to the north; Beck Road is to the east. The ITC corridor is to the west and is zoned I-1. There is some I-2 land on Grand River as well. Further to the north is property master planned for Local Commercial and zoned B-2. To the west, the Wizinsky property (Songbird Ridge) is master planned for Single Family Residential. There are no wetlands or woodlands on this site.

The Applicant is proposing a 108-unit extended stay hotel. There is a single access point onto Providence Parkway proposed, a road which will also function for future development to the north. There will be an intersection designed for this use in the future. Parking will be on each side of the building. There is a poolhouse to be located on the south side in the courtyard area.

Most reviews recommend approval with minor items to be addressed at the time of Final Site Plan submittal.

The Applicant requests a Section 9 Façade Waiver for the use of cultured stone – similar to though not the same as the other products used on the campus. Pictures of other Staybridge hotels were provided for the Planning Commission to review.

The Landscape Review indicated that there are items that need to be addressed. The parking lot must be redesigned such that more than 15 spaces are not in a row. The islands need to be further delineated. The Applicant believes he can meet all of the Ordinance requirements. No waivers are requested; however, the motion should state that the Applicant should redesign his plan to meet the requirements.

A Planning Commission Finding and a Planning Commission Waiver are necessary for the front yard parking design. The plan meets the items one through four of this section of the Ordinance. The Planning Commission Finding should also state that the lighting is compatible with the neighboring uses as well. The proposed design is acceptable to the Planning Department, as it is consistent with the other projects and the Applicant has not proposed all of the parking to be in the front yard.

The Planning Commission is also asked to waive the parking lot setback requirements, with the provision that the additional setback is provided elsewhere on the site, with no net loss. This same issue was approved on the medical office building and the orthopaedic center. In this case the site has the common drive along the north side of the property, which causes a 10,000 square foot deficiency. Normally twenty feet of setback is required. The Planning Department finds that allowing the setback area to be placed elsewhere is conducive to getting shared access between properties. The Planning Department has a planimeter that can accurately measure the relocated setback land to ensure that the plan meets this footnote requirement. In this case, the Applicant has offered some

modifications to this plan that will be formally submitted on the Final Site Plan. An additional ten feet will be added to the site, coming from the greensward area. The Applicant is flattening out a tangent line, which gives them a bit more area. Given the numbers provided, Mr. Schmitt was comfortable with the plan meeting the setback provisions. Mr. Schmitt said that the Planning Department recommends that an easement be placed over these areas such that the land remains open setback area.

Rob Casselou, president of Providence Park Hospital, addressed the Planning Commission. He felt this submittal was consistent with the vision they originally proposed for the campus. He was delighted that they have come this far in their planning process. This product is ideal for this campus – an extended stay hotel is very accommodating for patients' families.

Mr. Casselou said that they considered four aspects before choosing this Staybridge model for their campus. They considered the quality of the product. They found the look and quality to be acceptable. They looked at the probability of success, and whether a hotel would do well on this site. This hotel is valuable to the hospital as well as the City. If there was a problem in the future, what could be the probable use of this facility? This building lends itself to a multitude of options, though Mr. Casselou emphasized they were not looking for failure, just considering the "what ifs." The façade of the building was considered. The feel of the site was considered. Providence's master architect, NBBJ, has oversight of the entire campus. The materials throughout the property are compatible and consistent. NBBJ felt this product met the look and feel of the Providence campus.

Member Lynch asked what the intent of the existing Façade Ordinance was. Why does the Planning Commission continually have to grant the Section 9 Façade Waiver on the cultured stone? Mr. Schmitt replied that Section 2520 does not address cast stone products. This product falls under this umbrella. Initially, this product's quality was not up to the City's standards. Over the years, technology has improved, such that the color is baked through the entire product. The look is now consistent. After the Planning Department has reviewed this product time and time again, and the Planning Commission approved its use in almost all instances, the Planning Department is now in the process of updating Section 2520 to include the use of a certain amount of cast stone and stone product in general. The allowed percentage has not been determined yet. The reason for the waiver now is that the Ordinance has not been updated. Generally, the Façade Consultant has been bringing it up because the Planning Commission should be aware of it, and the quality of the product should be reviewed and approved by the Planning Commission.

Member Lynch asked who was leading the effort to update the Ordinance – determining the specifications, etc. Director of Planning Barbara McBeth responded that there are a number of text amendments that are in line for either Planning Commission review or Implementation Committee review. The Façade Ordinance is one of them. New technologies and new materials must be considered. She has been working with Mr. Schmitt on this list of text amendments.

Member Lynch confirmed that the color is through-and-through – if the material is chipped the color will not vary. Mr. Schmitt responded that this will be confirmed on the Final Site Plan submittal. Member Lynch said that the Planning Commission is going to approve this material's use, with the understanding that the material is colored throughout. Member Lynch thought this was a good product, he just didn't want a misunderstanding. This has to be a high-quality cultured stone product. Mr. Schmitt said that if it turns out that this material cannot perform, then the Planning Department will bring the item back to the Planning Commission to review.

Member Pehrson appreciated the Applicant's work and their response letter. He supported the Section 9 Waiver. He thought the façade matched what is elsewhere on the campus. The front yard parking is acceptable and is compatible with the other buildings. He confirmed that Mr. Schmitt was comfortable with the setback issue – that there was no net loss of area. He confirmed with Mr. David Beschke, Landscape Architect, that the Applicant's response through Russell Design addressed his concerns. Their June 30, 2006 letter states they will address all outstanding issues. They have already corrected the 15-spaces-in-a-row issue. Mr. Beschke has already written a second review that recommends approval.

Moved by Member Pehrson, seconded by Member Gutman:

In the matter of the request of Staybridge Novi, LLC for the Staybridge Suites Hotel – Providence Hospital, SP06-31, motion to grant approval of the Preliminary Site Plan subject to: 1) A Planning Commission Waiver for lack of parking lot setback, with no net loss of setback area on the site, to be confirmed at the time of Final Site Plan submittal by City Planners; 2) A Planning Commission Section 9 Façade Waiver to allow use of cultured stone; 3) A Planning Commission finding that front yard parking is compatible with neighboring uses and site designs; 4) The Applicant redesigning the landscape plan to meet all landscaping requirements, with no need for any Planning Commission waivers; and 5) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that it meets the intent of the Ordinance.

DISCUSSION

Member Avdoulos thought the project worked with the northerly access road. This will keep the ring road free of clutter. He was concerned about the parking lot, but it does run in line with the medical office building and orthopaedic center parking lots. Member Avdoulos wanted to ensure that the greensward stays as natural as possible. He thought the front yard parking was fine. The landscaping issues have been or will be resolved.

Member Avdoulos noted that new materials will always be introduced – the Section 9 Waivers will probably always be necessary to address this. It is helpful that the existing Ordinance brings these new materials to light, and the Planning Commission gets a chance to review them for quality. He asked if the Applicant was proposing a cement fiber siding board or a wood board. Derrick Frank, the architect, responded that it was a cement board. Member Avdoulos said it is also a new product – gaining in popularity in the last five years. It is a stable material. He would rather see this product than EIFS.

Member Avdoulos said that cultured stone is a manmade material, as is brick. It is laid up the same way. It has to be weeped and flashed. This campus is coming together. The buildings are unique but complement each other. He was glad that NBBJ was part of the process, to ensure that the campus does come together. He supported the motion.

Member Meyer said that he really liked Mr. Casselou's comments and the addition of this property to the campus.

Chair Cassis thought this was a good project that fit into the area. It serves a purpose. He felt that the quality was excellent. He welcomed Staybridge to the community.

City Attorney David Gillam suggested that a few items be added to the motion on the table. He suggested that Stipulation 1 read: **A Planning Commission Waiver for lack of parking lot setback, with no net loss of setback area on the site, to be confirmed at the time of Final Site Plan submittal by City Planners, with the Applicant providing a non-development easement also at the time of Final Site Plan submittal.** Secondly, he suggested that Stipulation 2 read: **A Planning Commission Section 9 Façade Waiver to allow use of cultured stone, with submission of the cultured stone's manufacturing details with the Final Site Plan.** Member Pehrson and Member Gutman agreed to the additional language. *

ROLL CALL VOTE ON STAYBRIDGE, SP06-31 PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:

In the matter of the request of Staybridge Novi, LLC for the Staybridge Suites Hotel – Providence Hospital, SP06-31, motion to grant approval of the Preliminary Site Plan subject to: 1) A Planning Commission Waiver for lack of parking lot setback, with no net loss of setback area on the site, to be confirmed at the time of Final Site Plan submittal by City Planners, with the Applicant providing a non-development easement also at the time of Final Site Plan submittal; 2) A Planning Commission Section 9 Façade Waiver to allow use of cultured stone with submission of the cultured stone's manufacturing details with the Final Site Plan; 3) A Planning Commission finding that front yard parking is compatible with neighboring uses and site designs; 4) The Applicant redesigning the landscape plan to meet all landscaping requirements, with no need for any Planning Commission waivers; and 5) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that it meets the intent of the Ordinance. *Motion carried 7-0.* *

Zoning Board of Appeals Minutes

Excerpts

November 14, 2006

**REGULAR MEETING – ZONING BOARD OF APPEALS
CITY OF NOVI**

**Action Summary Excerpts
Tuesday November 14, 2006 – 7:30 p.m.
Council Chambers – Novi Civic Center – 45175 W. Ten Mile Rd.**

Roll call Members Bauer, Canup, Fischer, Gatt, Krieger, Sanghvi and Shroyer

Member Canup Absent

Pledge of Allegiance

8. Case No.06-086 filed by Providence Hospital and Medical Centers, Inc. LLC and Novi Orthopaedic Center Properties, LLC located at 47601 Grand River Avenue/48201 Grand River Avenue (7.33acres)

Providence Hospital is requesting a dimensional variance to allow the subject property and development located at 47601 Grand River Avenue/48201 Grand River Avenue {part of sidwell number 5022-17-400-034; a parcel containing 7.33 acres} to front on a "private ring road" established for the use of all owners and occupants of the development, rather than a public road.

NOVI CODE OF ORDINANCES: Section 2517, "Frontage on a Public Street", states that no lot or parcel of land shall be used for any purpose permitted by this Ordinance unless said lot or parcel shall front directly upon a public street, unless otherwise provided for in this Ordinance.

The subject property does not currently front directly on a public road.

Applicant is requesting a variance to the requirement that every parcel have frontage on a public street in order to be buildable.

IN CASE NO. 06-086 TO APPROVE THE REQUEST FOR A DIMENSIONAL VARIANCE TO ALLOW THE SUBJECT PROPERTY AND DEVELOPMENT LOCATED AT 47601 GRAND RIVER AVENUE/48201 GRAND RIVER AVENUE {PART OF SIDWELL NUMBER 5022-17-400-034; A PARCEL CONTAINING 7.33 ACRES} TO FRONT ON A "PRIVATE RING ROAD" ESTABLISHED FOR THE USE OF ALL OWNERS AND OCCUPANTS OF THE DEVELOPMENT, RATHER THAN A PUBLIC ROAD, DUE TO THE FACT THAT THE PETITIONER HAS MET THE BURDEN OF PROOF OF PRACTICAL DIFFICULTY IN THIS CASE IN THAT THEY HAVE PROVED THAT NOT GRANTING THE VARIANCE REQUEST WOULD JEOPARDIZE THE ENTIRE DEVELOPMENT, WHICH IS NOT IN THE BEST INTEREST OF THE CITY OR ITS RESIDENTS OR SURROUNDING RESIDENTS. STRICT ENFORCEMENT OF THE ORDINANCE WILL DELAY AND ELIMINATE JOB OPPORTUNITIES, WHICH IS ALSO NOT IN THE BEST INTEREST OF THE CITY OF NOVI. BY ASSUMING ALL COSTS ASSOCIATED WITH THE ROAD PROVIDENCE IS ACTUALLY PROVIDING A SIGNIFICANT ECONOMIC BENEFIT TO THE RESIDENTS AND GOVERNMENT

AGENCIES INVOLVED. GRANTING THE REQUESTED VARIANCE WILL NOT SUBSTANTIALLY IMPAIR THE INTENT OR PURPOSE OF THE ORDINANCE OR MASTER PLAN.

THIS VARIANCE IS SUBJECT TO THE FOLLOWING CONDITIONS:

COMPLETION OF THE LAND DIVISION THROUGH THE CITY OF NOVI'S ASSESSOR'S OFFICE.

CONFIRMATION BY THE CITY ATTORNEY'S OFFICE THAT THE NECESSARY CROSS ACCESS EASEMENT AGREEMENTS FOR USE OF THE RING ROAD ARE IN PLACE INCLUDING ALL ROAD MAINTENANCE OBLIGATIONS.



9. Case No.06-087 filed by Providence Hospital and Medical Centers, Inc and J.W. Hotels – Novi, LLC located at 47601 Grand River Avenue/48101 Grand River Avenue (3.81 acres)

Providence Hospital is requesting a dimensional variance to allow the subject property and development located at 47601 Grand River Avenue/48101 Grand River Avenue {Part of sidwell number 5022-17-400-034; a parcel containing 3.81 acres} to front on a "private ring road" established for the use of all owners and occupants of the development, rather than a public road.

NOVI CODE OF ORDINANCES: Section 2517, "Frontage on a Public Street", states that no lot or parcel of land shall be used for any purpose permitted by this Ordinance unless said lot or parcel shall front directly upon a public street, unless otherwise provided for in this Ordinance.

The subject property does not currently front directly on a public road.

Applicant is requesting a variance to the requirement that every parcel have frontage on a public street in order to be buildable.

IN CASE NO. 06-087 TO APPROVE THE REQUEST FOR A DIMENSIONAL VARIANCE TO ALLOW THE SUBJECT PROPERTY AND DEVELOPMENT LOCATED AT 47601 GRAND RIVER AVENUE/48101 GRAND RIVER AVENUE {PART OF SIDWELL NUMBER 5022-17-400-034; A PARCEL CONTAINING 3.81 ACRES} TO FRONT ON A "PRIVATE RING ROAD" ESTABLISHED FOR THE USE OF ALL OWNERS AND OCCUPANTS OF THE DEVELOPMENT, RATHER THAN A PUBLIC ROAD, DUE TO THE FACT THAT THE PETITIONER HAS MET THE BURDEN OF PROOF OF PRACTICAL DIFFICULTY IN THIS CASE IN THAT THEY HAVE PROVED THAT NOT GRANTING THE VARIANCE REQUEST WOULD JEOPARDIZE THE ENTIRE DEVELOPMENT, WHICH IS NOT IN THE BEST INTEREST OF THE CITY OR ITS RESIDENTS OR SURROUNDING RESIDENTS. STRICT ENFORCEMENT OF THE ORDINANCE WILL DELAY AND ELIMINATE JOB OPPORTUNITIES, WHICH IS ALSO NOT IN THE BEST INTEREST OF THE CITY OF NOVI. BY ASSUMING ALL COSTS ASSOCIATED WITH THE ROAD PROVIDENCE IS ACTUALLY PROVIDING A SIGNIFICANT ECONOMIC BENEFIT TO THE RESIDENTS AND GOVERNMENT

AGENCIES INVOLVED. GRANTING THE REQUESTED VARIANCE WILL NOT SUBSTANTIALLY IMPAIR THE INTENT OR PURPOSE OF THE ORDINANCE OR MASTER PLAN.

THIS VARIANCE IS SUBJECT TO THE FOLLOWING CONDITIONS:

COMPLETION OF THE LAND DIVISION THROUGH THE CITY OF NOVI'S ASSESSOR'S OFFICE.

CONFIRMATION BY THE CITY ATTORNEY'S OFFICE THAT THE NECESSARY CROSS ACCESS EASEMENT AGREEMENTS FOR USE OF THE RING ROAD ARE IN PLACE INCLUDING ALL ROAD MAINTENANCE OBLIGATIONS. *

10. Case No.06-088 filed by Providence Hospital and Medical Centers, Inc located at 47601 Grand River Avenue/47901 Grand River Avenue (13.84 acres)

Providence Hospital is requesting a dimensional variance to allow the subject property and development located at 47601 Grand River Avenue/47901 Grand River Avenue {part of sidwell number 5022-17-400-034; a parcel containing 13.84 acres} to front on a "private ring road" established for the use of all owners and occupants of the development, rather than a public road.

NOVI CODE OF ORDINANCES: Section 2517, "Frontage on a Public Street", states that no lot or parcel of land shall be used for any purpose permitted by this Ordinance unless said lot or parcel shall front directly upon a public street, unless otherwise provided for in this Ordinance.

The subject property does not currently front directly on a public road.

Applicant is requesting a variance to the requirement that every parcel have frontage on a public street in order to be buildable.

IN CASE NO. 06-088 TO APPROVE THE REQUEST FOR A DIMENSIONAL VARIANCE TO ALLOW THE SUBJECT PROPERTY AND DEVELOPMENT LOCATED AT 47601 GRAND RIVER AVENUE/47901 GRAND RIVER AVENUE {PART OF SIDWELL NUMBER 5022-17-400-034; A PARCEL CONTAINING 13.84 ACRES} TO FRONT ON A "PRIVATE RING ROAD" ESTABLISHED FOR THE USE OF ALL OWNERS AND OCCUPANTS OF THE DEVELOPMENT, RATHER THAN A PUBLIC ROAD, DUE TO THE FACT THAT THE PETITIONER HAS MET THE BURDEN OF PROOF OF PRACTICAL DIFFICULTY IN THIS CASE IN THAT THEY HAVE PROVED THAT NOT GRANTING THE VARIANCE REQUEST WOULD JEOPARDIZE THE ENTIRE DEVELOPMENT, WHICH IS NOT IN THE BEST INTEREST OF THE CITY OR ITS RESIDENTS OR SURROUNDING RESIDENTS. STRICT ENFORCEMENT OF THE ORDINANCE WILL DELAY AND ELIMINATE JOB OPPORTUNITIES, WHICH IS ALSO NOT IN THE BEST INTEREST OF THE CITY OF NOVI. BY ASSUMING ALL COSTS ASSOCIATED WITH THE ROAD PROVIDENCE IS ACTUALLY PROVIDING A SIGNIFICANT ECONOMIC BENEFIT TO THE RESIDENTS AND GOVERNMENT AGENCIES INVOLVED. GRANTING THE REQUESTED VARIANCE WILL NOT

SUBSTANTIALLY IMPAIR THE INTENT OR PURPOSE OF THE ORDINANCE OR MASTER PLAN.

THIS VARIANCE IS SUBJECT TO THE FOLLOWING CONDITIONS:

COMPLETION OF THE LAND DIVISION THROUGH THE CITY OF NOVI'S ASSESSOR'S OFFICE.

CONFIRMATION BY THE CITY ATTORNEY'S OFFICE THAT THE NECESSARY CROSS ACCESS EASEMENT AGREEMENTS FOR USE OF THE RING ROAD ARE IN PLACE INCLUDING ALL ROAD MAINTENANCE OBLIGATIONS.

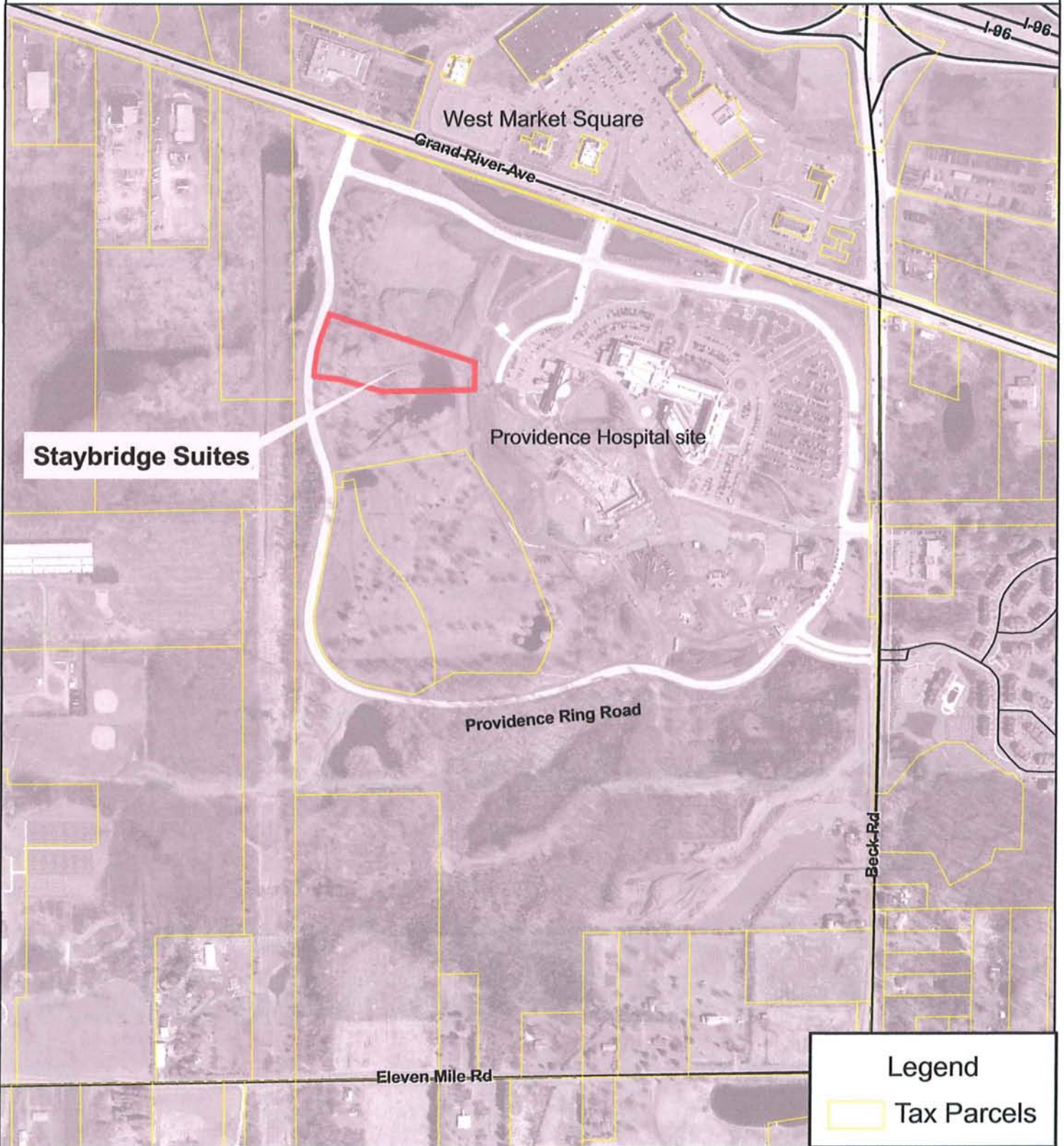


Reduced Site Plan

Location Map

SP06-31 Staybridge Suites Hotel

Location Map



CITY OF NOVI PLAN REVIEW CENTER

Created by Mark Spencer
1/6/08
NOVI PLANNING DEPARTMENT
45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0475
WWW.CI.NOVI.MI.US



/staybridge.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.