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CITY of NOVI CITY COUNCIL

Agenda Item 2
July 20, 2009

SUBJECT: Consideration of the request of 29 Park, Inc., for approval of a Preliminary Site Plan and Shared Parking Study. The subject property is located in Section 23, south of Grand River Avenue and east of Novi Road, in the TC-1, Town Center District. The applicant is proposing to occupy approximately 10,000 square feet of vacant tenant space at 43155 Main Street in the existing Novi Main Street Development.

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

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The applicant is proposing to occupy approximately 10,000 square feet of vacant tenant space at the existing Novi Main Street development. This is the site of the former Steak on Main and the Coffee Trader. The proposed nightclub use would have a maximum occupancy of 681 people and result in a change of use from restaurant to bar/nightclub. This necessitated an update of the Shared Parking Study. No exterior changes are proposed at this time.

Updates from the July 6th Council meeting

The applicant appeared before the City Council on July 6, 2009 seeking approval of the Preliminary Site Plan and Shared Parking Study. At that meeting, the City Council tabled the matter and asked the applicant to explore the possibility of off-site parking or valet parking service and return to the Council within one month's time to report their findings. The applicant has contacted companies providing contract valet services and has also contacted the adjacent property owner, Triangle Development to investigate the possibility of providing an off-site gravel lot on their property. As indicated in the applicant's most recent response letter, the valet companies contacted were not interested in providing off-site valet due to the conditions of the site (i.e., safety of drivers on main roads, distance to off-site lots, etc.).

Triangle Development responded to 29 Park's inquiry (letter attached) stating that Triangle supports 29 Park's efforts to locate in Main Street, and would not be opposed to an off-site gravel lot on Triangle Development's property, subject to a number of conditions. Among Triangle's conditions listed were that any expense to prepare the parking areas would be borne by others, any agreement for parking must be temporary and the land must be returned to the original condition by others within 60 days of notification. Additionally, any requirement by the City of Novi for parking needs in the future cannot burden Triangle's future development plans, and the City must agree that the parking requirements for 29 Park cannot have any influence on future Triangle Development approvals. Additional conditions included the necessity to negotiate an agreement for payment for use of the property, and maintenance and liability issues must be addressed.

Planning staff notes that paved parking lots are required by the City's Design and Construction Standards, and a waiver of that requirement would need to be approved by the City Council. Off-street parking lots are considered a principal permitted use in the TC and TC-1 zoning districts. After a review of Triangle Development's proposal, the applicant has concluded that it would not fall within 29 Park's budget to meet the conditions offered, noting also that Triangle Development

offered only a temporary option, as the property can be reclaimed by Triangle Development at any time.

Safety issues were also addressed the 29 Park's response letter. One security staff member is provided for every 40 patrons, with an expected 15 to 17 security members on staff on any given evening. The range of 20 to 30 video surveillance cameras will be placed inside and outside of the nightclub. 29 Park asserts that safety of staff and patrons is of utmost importance and that they have never been charged with overcrowding or any other liquor infractions at the other two locations.

Representatives of 29 Park are asking that the City Council consider approval of the Preliminary Site Plan and Shared Parking Study as presented to the Planning Commission and the City Council at the July 6th meeting, with the reduced occupancy count, and as recommended by the Commission, staff and consultants, subject to the conditions identified in the recommended motion.

Background information provided for previous meeting

Under Section 2505.8, the off-street parking standards of the ordinance, following recommendation by the Planning Commission, the City Council may reduce the number of parking spaces required based upon acceptance of a Shared Parking Study demonstrating how the parking can effectively function on site. The original approval of the Main Street plan allowed a reduction in the total number of required spaces, based on the City Council's approval of a Shared Parking Study showing a certain mix of uses, and acceptance of certain parking formulas. This original study included all existing parking areas surrounding the Main Street buildings and the underground parking located beneath the Atrium Building.

In early May, the applicant submitted a revised Shared Parking Study showing the current and proposed mix of uses on the site. This matter first appeared before the Planning Commission on May 20, 2009 with a Shared Parking Study based on a maximum occupancy of 800 people for this tenant space. The study showing the parking demands for the current mix of uses for the entire Main Street Development based on Zoning Ordinance standards, along with actual parking counts prepared over the course of one weekend to determine an actual baseline for parking demand, and used the assumption that the maximum occupancy for the proposed nightclub would be 800 people. Additionally, the study makes assumptions and provides adjustments for a greater parking demand expected in the month of December, and also accounts for a vacant tenant space which may be a restaurant use in the future. The results of the study prepared for the May 20th meeting concluded that there would be insufficient parking for the mix of uses. The study recommended off-site valet parking to supplement the on-site parking. At the May 20th meeting, the Planning Commission raised a number of issues concerning the overall parking deficiency and the logistics of the off-site valet. The matter was tabled until those issues could be addressed.

The applicant subsequently amended the Shared Parking Study based on a reduced maximum occupancy of 681 people for the 29 Park tenant space, and the matter was reviewed again at the Planning Commission meeting of June 24th. The revised occupancy number of 681 was reached based a preliminary review by the Building Division of actual floor plans and additional information provided. Given the reduced occupant load, the Shared Parking Study now demonstrates a surplus of 8 spaces at the peak operating time, based on the factors identified above. Valet parking is no longer proposed. Since there will be a surplus of 8 spaces, the staff and consultant's recommendation would allow the actual maximum occupant load to be a maximum of 689 people, based on final review by the building division. Please see the traffic engineering review letter for additional information.

The applicant appeared before the Planning Commission with a revised Shared Parking Study on June 24, 2009. The Planning Commission made a positive recommendation to the City Council subject to a number of conditions, as noted below. Relevant meeting minutes are attached.

While not part of the request at this time, the applicant has indicated 29 Park has purchased a liquor license and is currently working to transfer the license to this location. The liquor license transfer will proceed to the City Council for consideration and approval at a subsequent meeting, if the Preliminary Site Plan and Shared Parking Study are approved.

RECOMMENDED ACTION: Approval of the Preliminary Site Plan and Shared Parking Study for 29 Park Proposed Nightclub at Main Street, SP09-11B subject to the following

- a. The maximum occupancy load of the proposed nightclub shall not exceed 689 people, including employees;
- b. The opening time for patrons shall be no earlier than 9PM;
- c. Any changes that increase the occupant load beyond 689 people or that alter the start time of business hours will require additional review and approval from the appropriate bodies;
- d. A valet parking operation, if later proposed, must be reviewed by staff and consultants and approved by the appropriate bodies after the submission of a plan showing the queuing and parking areas to be used, expected peak demand, average arrival rates, average service rates, queuing analysis and number of valets required;
- e. The revised Shared Parking Study indicates a projected parking surplus of 8 spaces at the peak-demand hour of 11PM for the entire development, including the proposed nightclub (1000 spaces needed, 1008 spaces provided);
- f. Additional comments in the staff and consultant review letters being addressed on the Stamping Set submittal;

for the reasons that the proposed site plan is otherwise in compliance with Article 25 and Article 16 of the Zoning Ordinance and all other applicable provisions of the Ordinance and the proposed Shared Parking Study demonstrates that adequate parking will be provided to support the mix of uses.

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

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

**APPLICANT RESPONSE LETTER
DISCUSSING OFF-SITE PARKING AND VALET OPTIONS**



29 Entertainment Group
29 Park Street West
Windsor, ON N9A 5T4
Canada

Tel: (519) 791-1055
Fax: (519) 979-1489
info@29park.com

To: Mayor Landry and Members of Council, City of Novi, Michigan

From: Michael Sassine, Robert Sassine and Henry Sassine

Re: Proposed 29 Park Nightclub @ Mainstreet Development

Information included in this package:

1. Brief Business Plan
2. Summary of June 10, 2009 Planning Commission Meeting
3. Actions taken after June 10, 2009 Planning Commission Meeting
4. Summary of June 24, 2009 Planning Commission Meeting
5. Actions taken after June 24, 2009 Planning Commission Meeting
6. Summary of July 6, 2009 City Council Meeting
7. Actions taken after July 6, 2009 City Council Meeting
8. Conclusion



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Brief Business Plan for 29 Park Novi

Executive Summary

29 Park is currently southwestern Ontario's premier cocktail lounge and nightclub. 29 Park hopes to open its 3rd location in Novi, Michigan with an expected opening in early 2010. 29 Park currently operates two locations in Canada (Windsor, Ontario and London, Ontario). Both locations have been extremely successful and are fuelling growth. 29 Park believes through superior service, professional design and the desire to exceed each customer's expectations, Novi, Michigan will also find the great success the company's prior two locations has experienced.

29 Park Novi will consist of three shareholders. Michael Sassine, Robert Sassine and Henry Sassine. Together the three owners have built and currently operate both locations. 29 Park Windsor began construction in 2002 and has been operating since June 2003. 29 Park London began construction in 2004 and has been operating since June 2005. Each owner brings a different skill set to the executive team that has proven to be a winning formula.

Management and Staffing

One district manager in addition to the three owners will supervise 29 Park Novi. The district manager will be transferred from current operations at 29 Park London. 29 Park Novi will also employ one general manager, a hospitality manager and an assistant manager. The company plans to find these managers through local agencies and advertising in local media's. In addition bartenders, security staff, wait staff and bussing staff totalling 30 – 40 employees will be hired through advertising in local newspapers.



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Business Summary

Through extensive research and customer demand the executive team at 29 Park has decided to move into the U.S. market and has chosen the City of Novi for its 3rd location. After careful consideration and consultation from many U.S. customers a location has been found and a lease negotiated. The venue will consist of 10 000 sq feet of interior space. Armed with a very talented architect and three equally talented owners, 29 Park Novi will be designed and finished second to none. 29 Park has budgeted \$500,000 - \$750,000 for the leasehold improvements. It's estimated that 29 Park Novi will have an occupancy of 681 customers. Also, through instilling the companies corporate culture in management as well as the general staff 29 Park Novi is sure to be a success.

Summary of June 10, 2009 Planning Commission Meeting

We were required to perform a shared parking study which was presented at this meeting. The parking study was performed by Rick Rich of Rich and Associates. The parking study revealed that with an occupancy of 800 people there would be a definite shortfall in parking spaces. Rick Rich at this point recommended that we consider a valet service to bridge the gap in parking spaces. The city's parking consultant, Rod Arroyo then recommended to the Planning Commission that further details with regards to this valet service be provided. At this point the Planning Commission also requested that we consider other solutions to solve the parking issue and not to be reliant on a valet service.

Actions Taken after June 10, 2009 Planning Commission Meeting

We contacted several Valet operators however only two were interested in the project. Elite Parking Solutions and First Class Valet Inc. met onsite to discuss all options. Both companies felt it would be unrealistic to park vehicles offsite and suggested using the



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existing parking spaces in the shared parking agreement. This would net no gain in parking spaces therefore valet was not a viable solution.

Their concerns for offsite valet are as follows:

- Safety of drivers running and driving on main roads (i.e.: Grand River Avenue)
- Functionality – Valets running long distances to retrieve vehicles would cause a cueing problem as well as congestion

These concerns were reason enough to deter these valet companies from offering their services.

We then spoke to our landlord and requested that he restrict use of the remaining vacancies in his building. If he complied this would alleviate a fraction of the parking shortage. The landlord made it very clear that this was not an option.

After exhausting both these avenues, we decided to have our architect re-design the club and lower the occupancy to a number that would satisfy the city's parking consultant.

We revised our occupancy from 800 to 681 and presented it to Mr. Arroyo for pre-approval. Using the shared parking study, Mr. Arroyo concluded that we meet the city's requirements for parking and at this point we felt comfortable presenting this solution to the Planning Commission at the June 24, 2009 meeting.

Summary of June 24, 2009 Planning Commission Meeting

Our solution was presented to the members of the Commission. At this time, Mr. Arroyo also expressed to the commission that with a revised 681 occupancy, the parking is no longer an issue.

The Planning Commission unanimously accepted Mr. Arroyo's recommendation and approved this matter.

We were then scheduled to present this recommendation to City Council on July 6, 2009.



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Summary of July 6, 2009 City Council Meeting

At this meeting, Mayor Landry and Members of Council recommended that we re-visit valet services. Council Members also expressed concerns about safety.

Actions Taken after July 6, 2009 City Council Meeting

Valet:

Kristen Kapelanski from the city clerk's office sent us a list of business owners with parking lots in the surrounding area. We then contacted Elite Parking Solutions as well as First Class Valet Inc. to review the available lots for their service. Both companies remained uninterested in running valet to off site locations.

We then contacted Pierre from Triangle Developments with regards to pouring a gravel lot on a parcel of his land. After our discussion Pierre forwarded the following document. (Please see attached.) After review, 29 Park concluded that this is not a viable option as it is not in 29 Park's budget to meet all of Pierre's requirements. Furthermore, Pierre only offers a temporary option, as the property can be re-posessed by Triangle Developments at any given time.

Safety:

29 Park staffs approximately one security staff member to every 40 patrons (higher than industry standards). We will have approximately 15-17 security members on staff on any given night. All security members will be radio equipped. Video surveillance will be present whereby 20-30 cameras will cover both the interior and exterior of the club. We have all intentions to employ an off-duty police officer on all busy nights. These practices are currently in place at our existing locations and have been since our opening.



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We have **NEVER** been charged with overcrowding our club nor have we been charged with any other liquor infractions at either one of our other locations. The safety of our staff and our patrons is of utmost importance to us.

Conclusion

As you can see, we have explored many different avenues to alleviate the parking issue. After exhausting all of our ideas, we were left with no other option but to re-design our facility to lower occupancy and meet city requirements. We hope that Mayor Landry and members of council will also accept the recommendation from Mr. Arroyo, the city's parking consultant and the Planning Commission and grant us approval. We look forward to doing business in Novi.

**LETTER FROM TRIANGLE DEVELOPMENT
DISCUSSING OFF-SITE PARKING OPTIONS**

Triangle Mainstreet, LLC
30403 W. Thirteen Mile Rd
Farmington Hills, MI 48334
PH: 248-932-9333
Fax: 248-932-3405

July 10, 2009

Mr. Mike Sassine
29Park, Inc.

RE: MainStreet Novi

Dear Mike:

It was a pleasure talking to you and we are excited about your plans to open a bar at the old Steak on Main location. As owners of the adjacent vacant land, we feel that any new business in the Mainstreet area will be good for the entire community. We wish you the best of luck.

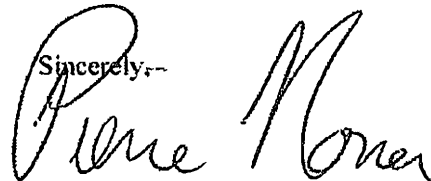
We understand that questions about parking requirements have arisen and you are exploring possible scenarios. As the adjacent land owners, please know that we would like to cooperate in any way we can to help you and the rest of the Mainstreet area.

Having said that, any use of our property for parking would require the following:

- Any expenses to prepare any parking areas would absolutely have to be borne by others
- Any agreement for parking on our property would have to be temporary and would have to be returned to original condition by others within 60 days of notification
- Any requirement by the City of Novi for parking needs in the future cannot burden our future development plans. Any and all parking needs must be handled separate of any future development plans. The City of Novi must agree that your parking needs cannot have any influence on any approvals we may seek in the future.
- An agreement for payment for the use of our property would have to be negotiated.
- Maintenance and the cleanup of our property would have to be your responsibility.
- Insurance liability issues would have to be addressed in order to protect our interests.

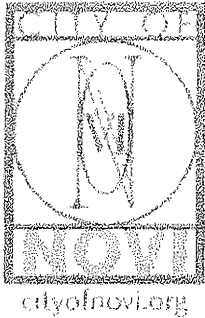
We will definitely listen to all proposals/ideas because we want to cooperate in the success of the entire Mainstreet area. However, the conditions set above would have to be the minimum requirements for any agreement. Although we are willing to cooperate, we will not incur any expenditures and we must not hinder any future development possibilities with any agreement. Furthermore, we must be compensated for any use of the property.

Please feel free to contact me if you have any questions.

Sincerely,

Pierre Nona

OFF-WEEK PACKET UPDATE
JULY 9, 2009

MEMORANDUM



TO: Clay Pearson, City Manager
FROM: ^{Baugh} Barbara McBeth, AICP, Community Development
SUBJECT: Project Status for proposed 29 Park Nightclub
DATE: July 9, 2009

7/9/09
To: Mayor and City Council Members
Additional info to date.

This memo provides an update on the proposed 29 Park nightclub at the Main Street Development. The City Council discussed the request on Monday, July 6th and postponed consideration on the matter to allow the applicant time to review valet parking options around the proposed nightclub, as well as other concerns and comments made by the City Council. Staff has had continued discussions with the applicant regarding valet parking and possible off-site parking consideration. The applicant has indicated the intent to provide additional information for staff review in the next few days, and wishes to return to the City Council at the July 20th meeting. *CP*

Staff provided the applicant information from the city records regarding property ownership of various developed parcels in the vicinity of the Main Street development. The applicant indicated a willingness to contact a valet company to determine the feasibility for use of those parcels. The applicant had previously considered several off-site parking lots to be used for supplemental valet parking. However, due to the Planning Commission's concerns regarding the logistics of the valet parking, the applicant instead chose to reduce maximum occupancy allowed for the tenant space to insure that sufficient parking will be provided on-site for the evening peak-demand hour.

In recent conversations with Planning staff, the applicant indicated initial thoughts that it would be cost- and time-prohibitive to establish a new parking lot, even if the city allowed a gravel parking lot. Planning staff notes that paved parking lots are required by the city's Design and Construction Standards, and a waiver of that requirement would need to be approved by the City Council. Off-street parking lots are considered a principal permitted use in the TC and TC-1 zoning districts.

Further questions were received regarding the parking spaces counted in the submitted Shared Parking Study. The attached exhibits show the parking areas included in the study, and the actual parking counts taken on the evening of May 1, 2009. As noted at the City Council meeting, this was the evening when the Red Wings were playing the first game of the second round of the playoffs. Parking areas identified include those near the 200/300 (Atrium) building, spaces near Gus O'Connor's and the Post Bar, and spaces near Andiamos. It is noted that the city owns a portion of the parking lot to the west of the Fire Station 1, identified as parking lot EL on the exhibit. These 73 parking spaces were identified on early site plans as "leased area for parking" and were included in the updated shared parking study.

Please feel free to contact the Community Development Department if there are any questions.

Attachments Parking lot identification plan, Parking count spreadsheet

C Pam Antil, Assistant City Manager
Tom Schultz, City Attorney

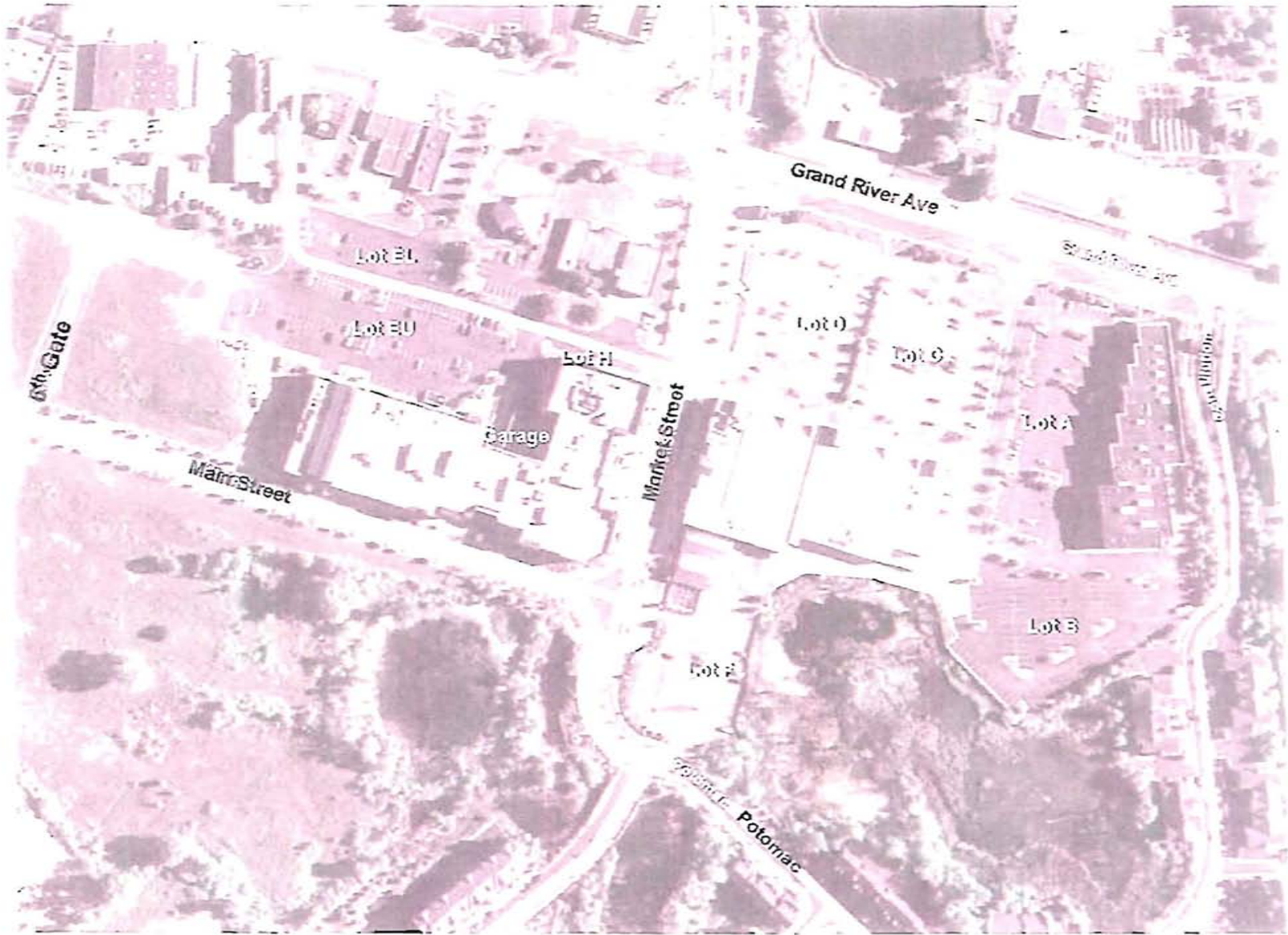


Table 1
NOVI MAIN STREET
UPDATED OCCUPANCY COUNTS FOR SHARED USE STUDY
FRIDAY MAY 1, 2009

Location	Capacity			7:00 PM		8:00 PM		9:00 PM		10:00 PM		11:00 PM		12:00 AM		1:00 AM		2:00 AM	
	Regular	ADA	Total	Occupy	%	Occupy	%	Occupy	%	Occupy	%	Occupy	%	Occupy	%	Occupy	%	Occupy	%
Lot A	122	7	129	117	90.70%	119	92.25%	118	91.47%	94	72.67%	85	65.89%	93	72.09%	76	58.91%	42	32.56%
Lot B	126	0	126	52	41.27%	61	48.41%	61	48.41%	62	49.21%	57	45.24%	37	29.37%	25	19.84%	16	14.29%
Lot C	144	6	150	109	72.67%	94	62.67%	100	66.67%	75	50.00%	78	52.00%	63	42.00%	54	36.00%	33	22.00%
Lot D	115	7	122	120	97.54%	119	97.54%	116	95.08%	125	102.46%	122	100.00%	119	97.54%	116	95.08%	66	55.74%
Lot E(upper)	97	10	107	76	71.03%	79	73.83%	73	68.22%	57	53.27%	57	54.58%	27	25.23%	26	26.17%	16	14.95%
Lot E(lower)	73	0	73	29	39.73%	39	53.42%	33	45.21%	26	36.36%	22	30.14%	29	39.73%	14	19.16%	5	6.85%
Lot F	61	2	63	30	47.82%	38	60.32%	43	68.25%	60	95.24%	63	100.00%	62	98.41%	57	90.46%	49	77.78%
Deck G	163	2	165	66	40.00%	53	32.12%	58	35.15%	57	34.55%	49	29.70%	45	27.27%	36	23.03%	24	14.55%
On-Street H	5	0	5	5	100.00%	5	100.00%	6	120.00%	6	120.00%	3	60.00%	5	100.00%	3	60.00%	3	60.00%
Main Street North	20	0	20	10	50.00%	11	55.00%	15	75.00%	16	80.00%	18	90.00%	20	100.00%	20	100.00%	13	65.00%
Main Street South	20	0	20	9	45.00%	11	55.00%	13	65.00%	18	90.00%	22	110.00%	20	100.00%	18	90.00%	14	70.00%
Market Street East	14	0	14	13	92.86%	13	92.86%	14	100.00%	15	107.14%	14	100.00%	13	92.86%	13	92.86%	10	71.43%
Market Street West	14	0	14	15	107.14%	15	107.14%	15	107.14%	15	107.14%	16	114.29%	14	100.00%	11	78.57%	12	85.71%
Overall Site			1008	651	64.58%	657	65.18%	665	65.97%	628	62.30%	586	58.13%	547	54.27%	473	46.92%	307	30.46%
Parking Supply for New Night Club(shaded)			603	373	37.00%	383	38.52%	386	38.01%	397	38.84%	366	36.07%	354	35.71%	318	32.74%	214	21.49%

**CITY COUNCIL DRAFT MEETING MINUTES
EXCERPT – July 6, 2009**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 6, 2009 AT 7 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45275 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Burke, Crawford, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA

**CM-09-07-091 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the agenda as presented.**

Voice Vote

AUDIENCE COMMENT

Randy Gregory an owner representing Mix Lounge, 43155 Main Street, Suite 502, was present to speak regarding Item #1. He said the owners of Mix Lounge didn't support the request of 29 Park Inc. for the following reasons: 1) Parking and safety issues, 2) Lack of diversity and 3) being a part time participant in the City. Mr. Gregory said regarding #1, they believed over 600 people would cause a parking issue during busy times. He said he expected the parking needed for the nightclub lounge would be in excess of 200 spots, which was based on requirements when he came before Council in the past. He said the Main Street business owners had about 400 spots available to them in that area, including the garage in the basement. Mr. Gregory said this new business would occupy more than half of those spots currently available. He said there was a shared parking study recently done and he hoped it wasn't done in May or June when the Wings were playing and business in general was down about 50%. He said the study wouldn't correctly represent the normal attendance to that Main Street area. Mr. Gregory invited Council to the Main Street corner complex area on a Friday and Saturday around 11 PM or 12 AM to see how congested it was in that area. He said they had instructed their staff and tried to educate their customers to park underneath, as that was a viable option considering how congested it was. Mr. Gregory said parking in the Main Street area was limited and with capacity of over 600 people, there was bound to be major congestion at this corner location and back into other areas. He said the possible gridlocks in the area might chase customers away from the Main Street area and with increased foot and vehicular traffic, they felt safety would become a factor. He said they believed the project would not help diversify the area. The demographics of the new business were 21 to 31 year olds people and there were currently seven businesses in the area that provided entertainment and attracted that crowd. Mr. Gregory said they didn't support Item #1 and felt it was important to bring the right business and one that brought diversity to the area. Mr. Gregory asked that, for those reasons, the Council strongly consider denying the proposal.

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of the request of 29 Park, Inc., for approval of a Preliminary Site Plan and Shared Parking Study. The subject property is located in Section 23, south of Grand River Avenue and east of Novi Road, in the TC-1, Town Center District. The applicant is proposing to occupy approximately 10,000 square feet of vacant tenant space at 43155 Main Street in the existing Novi Main Street Development.**

Member Burke requested Council entertain his request for recusal as the project coming forward shared a landlord and there might be some financial gain.

**CM-09-07-093 Moved by Mutch, seconded Margolis; CARRIED UNANIMOUSLY:
To approve Member Burke’s request for recusal.**

Voice Vote

Member Burke left Council Chambers.

Rob Sassine, owner/applicant was present to answer questions.

Mayor Pro Tem Gatt said Council wanted to see Main Street develop, thrive, prosper and grow. However, he did share the concerns Mr. Gregory talked about in Audience Comments. He asked if when the shared parking study was done, was it done on the Friday night in May when the Wings were playing. Ms. McBeth said yes, it was the weekend of Friday May 1st and the Red Wings were playing that weekend. Mayor Pro Tem Gatt said he knew there were a lot of sports fans in the area who would probably go to a local sports bar to watch the Red Wing game instead of Main Street. He said he wasn’t convinced the study was appropriate for Council’s decision making process tonight. Ms. McBeth believed that they considered it a valid study, it was carried throughout the entire weekend and there were counts provided each hour from 7 PM until 2 AM. She thought the numbers were a little higher than expected on a typical weekend and they were adjusted further throughout the analysis. Mayor Pro Tem Gatt said there were 400 plus parking spots in the Main Street area, correct.

Rod Arroyo, Birchler Arroyo and Associates, said in terms of total parking there was a break down that was provided, but the actual Main Street project that was included in the study included over 1,000 spaces. He said that roughly included all the parking spaces in the project within about an 850 foot distance, which was equivalent to a three minute walk. Mr. Arroyo said that took in everything they could think of within the primary Main Street project. He said it didn’t include the portion of Main Street that fronted on Novi Road. Mayor Pro Tem Gatt said it included Main Street and Market Street; Mr. Arroyo said it also included all the way over to Main Street East where Andiamo’s was. Mr. Arroyo said the count was taken May 1st, it was a playoff night and was in the low 60’s and they thought that could contribute to a higher turnout in the area as well. Mayor Pro Tem Gatt asked how expensive or difficult to do another study on a more typical Friday or Saturday night in the summer when the Red Wings or Tigers were not playing. Mr. Arroyo said the applicant’s traffic consultant did the analysis so he didn’t know what the exact cost would be to have them do another. Mayor Pro Tem Gatt asked if they were talking about 600 people in the establishment. Mr. Arroyo said no, the number was

brought down from 800 to 681 person capacity. Mayor Pro Tem Gatt said if it was filled to capacity, they were looking at about 400 cars. Mr. Arroyo said according to the City Code it was one space for every two persons, so 341 spaces would be demanded. He said one of the things that would provide some flexibility and was good news in terms of looking at the potential for having spaces available, was they did not discount the demand for the new demand, based upon the fact that there would be shared usage from one use to another. For example, if he went out to dinner on Main Street and then to the club afterwards, they didn't reduce the parking demand based upon that interaction and there would be some of that. He said that was not factored into this, so it was conservative from that perspective.

Mayor Pro Tem Gatt said Mr. Gregory wasn't the only business person in that area that had expressed parking concerns with this establishment. He commented he would like to see this delayed and another study done but if the majority of Council wanted this to move forward, he would support it.

Member Margolis said in terms of occupancy and safety, it was interesting that this came a couple of weeks after their discussions regarding the ICMA study that talked about off hour inspections of night clubs and the importance of prevention. She asked Chief Smith to comment on the safety of having that number of people in that facility and what kind of review had been done. Also, what kind of regulation or oversight would there be to make sure that 681 was really the number of people in there. Chief Smith said that amount of people would cause concern from the Fire Marshal. He commented when there was a final floor plan submitted, the Fire Marshal would go through it microscopically to make sure there was enough ingress and egress space for the people to get out of the building should there be a problem. He said historically St. Patrick's Day and the night before Thanksgiving were the nights that drinking establishments had very full houses. Chief Smith said since he had been with Novi, the Fire Marshal had gone out every one of those nights and had provided a report, which was then provided to the City Manager. He said the Novi businesses were very aware that they were going to be checked out and if they expected or had a problem, they put someone at the door and only let enough people in for those that came out. He said Novi businesses had been very compliant. Member Margolis asked if she was correct in believing that this was one of the most intensive uses in this kind of a space in the City. Chief Smith said his guess would be yes, and Ms. McBeth said that was probably correct. She said this was about 10,000 sq. ft. of space and was primarily night club space, so it didn't have the tables and chairs. She said there was a night club in Fountain Walk above the bowling facility, which was probably a comparable intense use. Member Margolis asked if it had this kind of occupancy. Ms. McBeth said when looking at the 800 person number initially it was a little less than that, so it would be comparable. Member Margolis asked what procedures would be put in place, because she thought this would be an intensive use on other than the two holidays. She said she was looking at the numbers at their locations in London and Windsor and it showed they were pretty at occupancy during their peak use from 12 AM to 2 AM. Chief Smith said they had a good cooperating relationship with the Police Department and if they found anything out of the ordinary, they would call the Shift Supervisor who would go down to an area that might have an excess amount of people and actually count people. He said if something was out of the ordinary or above the recommended limit, they had no problems with compliance. He said there had been a couple of occasions where Officers moved the waiting line inside of the building to the outside. He said they would strengthen that relationship to make sure that as Police patrolled them they would also patrol them, but the Fire Marshal

would oversee that and provide a written report. He commented they would watch it extra close. Member Margolis said if they approved it tonight for this amount of people, the next step in site review would be a really detailed look by the Fire Marshal to make sure it was a safe structure with enough egress. Mr. Arroyo said she was correct. She asked if the shared parking study included the proposed uses in that area. It wasn't just the businesses that were there now, but also proposed uses in those areas were projected forward and the parking spaces would be sufficient. Mr. Arroyo said it looked at existing buildings and those uses that might currently be vacant and particularly those that would impact during the peak time that were being considered here. He said there was just one that had a significant impact, which was the vacant Mexican restaurant because it would generate a demand at a similar time as 29 Park. So, it was added in and factored into the total number and included in the study. He said if it was vacant office use it was not considered, because office use wouldn't be generating demand at 11 PM when the peak was occurring for the overall complex. Member Margolis said what if there was a change in the use. Mr. Arroyo said if there was a change in the use, it would get back to the overall concept of the Main Street project when it was originally approved. He said it was based upon a shared parking formula and a certain number of uses interacting in a certain way and if those individual uses started to change, he thought it would be appropriate to monitor it. Also, if someone proposed a use that was more intensive than what previously existed in that space, they would have to go through a similar exercise to determine how that parking would be satisfied; if there was going to be a shortfall or to verify that there would be adequate parking. He noted if they were going to maintain the same use, then that would be the status quo and they could continue to do that. Mr. Arroyo said as intensity increased, the burden would be on the applicant to show that there was adequate parking.

Member Margolis said the night club in London had a 400 maximum capacity and in Ontario it was 502. She asked if he could give her an idea of the square footage. Mr. Sassine said it was roughly 6,500 sq. ft. for the Windsor location but the London one was a little different because it had a roof top patio and with that it would be closer to about 8,000 sq. ft. He said that didn't include washrooms and other areas in the club. Member Margolis asked the proposed square footage of this project and Mr. Sassine replied 10,000 sq. ft.

Member Staudt asked about valet parking and whether there was any opportunity to rent space for valet parking. Mr. Sassine said it was one of the Planning Commission's recommendations that they look at using valet parking. He said the problem was that valet parking would use the same parking spaces that they would be using now. He said the only benefit to valet parking was that it could park more cars into a certain area because they maintained the keys, so they could block people in. Mr. Staudt said nothing stopped them from renting property off site, for example the Ballroom parking lot, would be an individual business decision for them. Mr. Sassine said they had nothing against pursuing it but they went through this avenue, but obviously there was another avenue to go through for valet parking as well. He said the only problem was health and safety became an issue because the further away from the club they went the runners would have to cross major intersections from 11 PM to 1 AM in the morning, and that could pose a little bit of a risk and they didn't want to put anyone in any danger. He said if that was something Council wanted, then they would entertain it. Member Staudt asked if he was concerned about the amount of traffic that was being projected at that location, and did he see it as a benefit. Mr. Sassine responded he had been there at that time of night and was not concerned and thought it would be a benefit to his business. He

said they had been looking for a number of years and had been pursuing the City of Novi for the past two and a half years. The first endeavor fell through because of the financing on the part of the landlord, as they were building a new building to house the night club. He said they wanted to be a part of the project and a part of what the City of Novi had. He said they saw the web sites, the Chamber of Commerce web site and the Mayor was on it and everyone wanted to welcome new business. He said they wanted to be a part of that and were trying their hardest to please everyone but obviously Council knew it was impossible to please everyone. Mr. Sassine said they were trying to do the best they could with the spaces they had and the whole purpose of being in an Entertainment District was there was life there. He said another benefit was people would park in one space and go to one club and then make their way to another club, which would be a benefit. He thought two people per car was modest but that was what was set out in the guide lines, so that's what they followed. Member Staudt said seldom had he seen less than three or four people climbing out of a car; it was a big group thing. He said at their other locations, it looked like the peak hours were between 11 PM and 1 AM. Mr. Sassine said that was true and the peak times were slowly getting later and later. Member Staudt said he had a really tough time when someone came in that was sincere and wanted to invest in a community and in a building that had been a real challenge and he wished them good luck. He said he would like them to find some alternative spaces and find a way to expand the parking in this area. Member Staudt thought they were underestimating the busyness at the earlier part of their day but he didn't think there would be much issue at 1 or 2 AM.

Member Mutch said he wanted to explore the discussion at the Planning Commission meeting in terms of how the parking spots were being allocated among the various users. He noted what he gathered at the Planning Commission meeting was as far as how the City viewed the parking in the area it was essentially collectively owned or accessible. If one user came in and got 341 spaces of the 1,000 spots, by the nature of the type of use, from the City's viewpoint as long as the total overall parking usage didn't go above the 1,008 it was not Council's problem. Mr. Schultz said that was it in a nut shell. It was initially approved all together and every one of the applicants had gone through the shared study process. He said they did some checking and there were no cross access easements and this was generally a collectivist parking arrangement. Member Mutch said whatever legal issues that came up in terms of who owned or had access to what, it was something that would be sorted out among the property owners and people who were leasing space. He said as long as the total was met, Council would not get into divvying up those spots. Mr. Schultz said they reviewed the uses as they came in and occupied the spaces. He said through the shared parking study analysis, they made sure they were satisfying the City and had taken into account other existing and planned uses and vacant spaces. However, in the end they had to show that there were dual land uses and the need for parking wasn't overlapping. He said as a result of factoring in existing current vacant uses there would be enough parking.

Member Mutch said Mr. Arroyo indicated that the Shared Parking Study covered the entire Main Street area except the Novi Road frontage all the way over to the Andiamo area. He said the majority of parking in that area was north of Gus O'Connor, west to Andiamo, the underground parking and the parking behind the Mongolian Barbeque and those restaurants. He asked if, when doing the study, they looked at all in terms of the location. He said on the one hand they were looking at a criterion that said in three minutes walking distance there would be so many spaces. On the other hand, when looking at the uses in that area, there

seemed to be a concentration of demand closer to the Main Street/Market Street intersection versus where a majority of that parking was located. He asked if they had looked at those factors in evaluating those proposals. Mr. Arroyo said when they collected their data, they gave them a lot by lot demand by hour and the garage was under utilized, the spaces immediately behind the users that front on Grand River were somewhat under utilized and the space south of where Andiamo's was. He said those were the three areas that had the lowest percentage of occupancy; the rest were higher during peak times. One of the things would be to learn to go to those areas if they're at a peak time and learning to go to the areas that were more likely to have spaces available. He thought some of the owners needed to inform their patrons and give them suggestions about where to go. However, when they look at from an overall perspective it had always been presented as one project; it's a mixed use project, it had synergy with people walking back and forth. He said while that information was helpful to know about, he didn't think it had ever been used by the City as a basis for making a decision on the land use, as it had always been treated as one entire unit. Member Mutch said in terms of looking at the parking demand, Mr. Arroyo had indicated to Member Margolis that they were looking at the existing buildings and the uses that were in those buildings as well as vacant space within those buildings. He said from the parking study perspective their hope and vision was that Main Street would be a lot more than what was currently there. Mr. Arroyo agreed. Member Mutch said at this point the future build out of that was not even a consideration; the assumption was that they would provide their own parking. He asked if that was accurate. Mr. Arroyo said whatever phase that would be built that was not built would have to be analyzed to determine that there was appropriate parking based upon shared parking. Member Mutch said potentially if there were available spots, they could utilize the existing 1008. If they came in and needed 500 spaces and there were only 200 available they would have to provide the additional 300. Mr. Arroyo said they would have to provide enough to meet the requirements.

Member Mutch said Mr. Arroyo had been with the City long enough and had been through the Main Street development enough to understand that when the City drafted this vision for Main Street it was exactly as Mr. Arroyo talked about. It was going to be a single project with a shared parking component and they didn't want to require users in the Main Street area to provide too much parking. He said they were trying to create something different than the typical strip mall or suburban development and the understanding was if they wanted replicate a downtown Northville or Royal Oak, they would not have a parking spot for every car for every hour of the day. He said there couldn't be a development that functioned as a Main Street with those kinds of parking requirements. He thought the challenge had become that there was a number of existing users in the Main Street area who had made an investment in Main Street, had stuck it out through some difficult times and they had very legitimate concerns about the impact of this project on their development. He thought they had also gotten used to the availability of parking in that area because Main Street had not built out and if it had built out, they would not have gotten used to the parking availability that was available. Member Mutch thought Council would have to grapple with deciding how much they balanced the desire to provide the ease of parking against the vision of Main Street, which recognized that they wouldn't have easy parking access for everybody. He said somebody would have to park back behind Andiamo and walk or there would have to be a valet situation where parking wouldn't be right nearby. Member Mutch thought the applicant coming forward with the proposal saw the Main Street vision how it would be in the future, which was an active busy area all hours of the day and with that would come the congestion and the traffic. He said they needed to recognize that would come along with it but in a vibrant positive way. He said the days the

Market and Main Street intersection were busy and congested were the days that they would recognize the project was moving in the right direction. If they could get through Main Street and Market Street in the evening, that was a bad sign in his view. Member Mutch said this was challenging because the applicant had come forward and met the requirements that the City put before them and they sound open to alternatives. He said regarding valet parking, if they read the Planning Commission minutes it was clear that the applicant was told they didn't want them to depend on valet parking to make the proposal work. They said the applicant needed to change the proposal and parking to not rely on valet. Member Mutch said if Council wanted to put valet into the mix and give the applicant the opportunity to look at that and maybe not be so reliant on the shared parking, they needed to offer that this evening. He commented he didn't think they had the opportunity to bring that forward as part of the current consideration.

Member Crawford said she appreciated the applicant's perseverance. She said she really wanted to see Main Street become a vibrant place. She felt a lot of her concerns were addressed in regard to parking and safety, as she knew the Administrative staff would be looking out for safety issues. She said she felt much better about this project than she did earlier.

Mayor Landry commented this was challenging because parking was really a safety issue. When there weren't enough parking spots people parked where they shouldn't. He said streets and parking spaces were stripped and laid out a certain width to allow emergency vehicles access. He said when people parked where they shouldn't and someone had a heart attack and the EMS vehicle couldn't get there, it would be a problem. He said when talking about parking they were really talking about a safety issue; so it was a big deal. Mayor Landry noted they were clearly a successful business with two other businesses. He thought they must have the right formula because they had two businesses and were looking to open a third; and clearly if they were in Canada and were here, they had done a market research and were convinced they would be successful here. He thought Mr. Arroyo had made a couple of good points tonight and just as he looked at this he thought there would be some shared parking within the Main Street complex. He thought some people might go the Mix Lounge, the Post Bar and they might go to 29 Park, Inc., and they might only occupy one parking space while they do that. He also thought the nature of their business catered to a younger crowd and one would hope that they would car pool with a designated driver. He said they would hope there wouldn't be just one person to a car and was willing to accept, because of the nature of their business, that there wouldn't generally be one person to a car. Mayor Landry said as an experienced business owner in the night club business, if they were to offer valet parking at this facility with a capacity of 681 people, how many spaces did they think they would need just for the valet parking. Mr. Sassine replied he didn't think they would need many because he didn't think many people would take advantage of it. He said people like to be able to access their vehicle. He said they had to remember that at a certain time alcohol service stops, which meant that all the night clubs emptied out and everyone went to retrieve their cars at the same time. He said the car retrieval would be only as fast as those valet runners could run to the cars and retrieve them. He said the one problem he didn't mention earlier when a Council Member asked him about the valet parking was that they really didn't have any way of saying that everyone who used it would be going to his club. So, how did they know that they would all go to 29 Park when they used valet. He said since they had shared parking and had done a shared parking study one thing they could explore was a

shared valet. He said it would be in a safe spot and all the participants would be a part of that because coming from their perspective they felt they had met the requirements and it would be a hindrance to anyone in the future who tried to open up anything in that area that there was no parking because they would have to build a parking lot. Mayor Landry asked if they had valet parking at their other two locations and Mr. Sassine said they did not. He said those issues had been waived because it was an Entertainment District and it was known that people frequent those areas. Mayor Landry said he tended to agree that if they were packed at 681 people, then he would guess they would probably have 50 people who used valet parking. He said that was 50 spaces. However, when he looked at this he was concerned that if they were very successful, and Council wanted them to be, they would have a line of 20 to 50 people waiting outside. Mayor Landry said if they were standing there, they already parked their car. So if there were eight spaces in excess, and they were successful and there was a line of people, where were they parking to even get to the point that they were standing outside the front door. He said he agreed with their timing in that some of the businesses wouldn't be using parking when they were. Mayor Landry asked the landlord to step forward and Asher Hussain came forward and said he was a partner with Main Street partnership. Mayor Landry asked if he was a partner that owned the building that this project would be located in. Mr. Hussain said yes. Mayor Landry said he wanted to be sure that Mr. Hussain was aware, as he understood it, this parking study and if it was approved tonight or at any time, would utilize a certain number of available parking spaces and his understanding was that Mr. Hussain had some vacant tenant space in that building. He said if Council approved the project, it would limit Mr. Hussain's ability to rent that vacant space only to uses that were currently principle permitted uses and upon which the current parking study was based. Mayor Landry asked Mr. Hussain if he understood that and Mr. Hussain responded he and the partnership understood that very clearly. Mr. Hussain said if they were to consider a tenant that proposed a usage more intense than what was already designated for those spaces existing that a revised shared parking study would be required. Mayor Landry said if this was approved and Mr. Hussain came forth in the future and wanted to lease the vacant space to a use more intense than it was currently, he would have a difficult problem doing that. Mayor Landry stated he wanted to be sure that the landlord understood what was going on because Member Mutch had raised a point and Mayor Landry said he had tried a lawsuit last year over this exact issue. He said the developer had six spaces and rented five and they used up all the parking and they couldn't rent the sixth space and they sued the City. He said when they talk about it not being our problem, it could be their problem if a development said that the City had now rendered their space unusable. Mayor Landry said no, they rendered it unusable because they chose to lease to the high intense uses. Mayor Landry said he wanted to be sure that he was fully aware that this was going to limit his ability to lease out the remaining space. He asked Mr. Hussain if he was aware of that and he responded yes, he was aware of that. Mayor Landry said what appeared to him to be a shame in this situation was if he stood in front of their proposed space and looked to the south, he saw a lot of vacant property right across the street from their facility, which would be available for parking. Mayor Landry said it was just a big brown dirt lot there. He said when he looked down from Mix to the west there was a lot of open space there. He was wondering if they had or would be willing to explore discussing the possibility with the owner of that property of dumping some gravel and maybe going with a shared valet service. Mayor Landry noted he was not suggesting they pave it. He said because they wouldn't run the valet service, as they would hire a company that did that and they would come in and deal with it themselves. Mr. Sassine said they had met with a couple of them. Mayor Landry said he would feel a lot more comfortable about it if someone

would dump some gravel and create 40 or 50 spaces he would feel a whole lot more comfortable with this. He said 29 Park was in the perfect location, as they were right there on the corner. If they had a valet service right there people could go to any of the Main Street businesses and it would ease the pressure a little bit off of their spot. Mayor Landry said this would be a close call and he would be a lot more comfortable if they explored that option, and came back in a couple of weeks. Mayor Landry said he was not saying this totally depended on their doing that but he would feel more comfortable.

Member Mutch said that was kind of the direction he thought about and the applicant did touch on the valet parking and whether that would work for the individual business versus a group valet parking. He said he would be interested in tabling this to the next meeting to give the applicant and business owners an opportunity to talk and give Council an ideal whether any of these suggestions were feasible. He said he didn't know if the Zoning Ordinance would require paved parking and thought it would. Mr. Schultz said he would be happy to talk with them about it. Member Mutch asked that they explore these ideas to see what was feasible and come back to Council and then they could make a final decision. Mayor Landry said he would like to explore that but wondered whether two weeks was enough time. He asked Mr. Schultz how long he thought this would take. Mr. Schultz said from his perspective it would not take long but the Planning Department would be the ones that would review any actual lines on a paper as to where parking might be. Ms. McBeth said they would be happy to work with the applicant and bring them back as quickly as possible. Mayor Landry said when he said "explore the possibility of it", he was saying there's a lot of vacant space even west of where the Mix was, back behind there and across the street. Member Mutch asked to postpone this item for one month and if there was a resolution sooner the applicant could bring it back sooner. He thought one month would be sufficient time for all the parties to explore the possibilities and give staff time to review them to see if they were feasible, and then Council would have the information to make a decision.

**CM-09-07-094 Moved by Mutch, seconded by Staudt; CARRIED UNANIMOUSLY:
To postpone further consideration of request of 29 Park, Inc., for
approval of a Preliminary Site Plan and Shared Parking Study to
allow the applicant time to review valet parking options around the
proposed nightclub, including further discussions with Triangle
Development as well as other concerns and comments made by
Council, and to provide additional information to the
Administration to review applicants results for feasibility.**

DISCUSSION

Member Staudt said he thought this was a very important position to take because the safety issue was paramount but would like to give the applicant an opportunity to address him.

Mr. Mike Sassine, Mr. Rob Sassine's partner, said they had explored valet and had met with two operators and they both identified the garage in the basement as the best possible solution for valet. However, that was already counted in the spots so they wouldn't gain any extra spots by using that. He suggested renting across Grand River and the valet operators said that was too far to run. He said the land behind was by Triangle Development and was one of

the contractors they were using for the build out and from what he understood after brief discussions with him, he was not going to do anything for them on that land as far as gravel, paving, etc. He said they had explored the valet and had been at this for quite some time and didn't want to wait any longer and he just didn't think renting new spots from a new party was realistic.

Member Staudt said Council was being put in a difficult position right now. He said they generally put out good signals that Council would like them to go back and reconsider and if they were asking Council to withdraw the motion and vote tonight, he might not like the outcome. He suggested that they go back and maybe hearing what the City was talking about they might reconsider. He said look all around and open every opportunity they had, as he would be really hesitant to demand a vote tonight.

Mayor Landry said Triangle Development was exactly who he was talking about but he wasn't suggesting that they pave it or put any kind of significant dollars into developing it. He said they had a lot of land there and suggested they have further discussions with Triangle about 29 Park, Inc. paying for the gravel or however they worked it out with the other potential businesses on Main Street.

Mayor Pro Tem Gatt said he wanted them to try and come back to Council and if they said they talked to Triangle, etc. and they all said no and all avenues were closed, then Council would have to make a decision. He said if they didn't try, he thought Council would make a decision tonight that they wouldn't be happy with.

Member Margolis said she had some real question about a gravel lot and had been leading towards granting this tonight. She hoped her questions early on were not unwelcoming to the community because the idea of a vibrant Main Street area made sense to her and the idea that they opened after 9 PM make sense to her. She said she had concerns about safety but rather than push a vote tonight and then get turned down she would like to see what they could do and would support the motion to postpone based on the discussion.

Member Crawford asked if the motion was to postpone for a month. Mayor Landry said the motion was to postpone for a month unless the applicant chose to come back earlier. Then they could let the Administration know and come back earlier.

Member Mutch stated that Council tried as much as possible to be business friendly and obviously they had been through a long process in Novi. He said he could understand their desire not to have this dragged out any further and time was money and he recognized that there was a cost involved. However, what was equally important from Council's perspective was to ensure when they made a decision they had as much information as possible and that they had fully explored all the alternatives there were. He said sometimes in that process of exploration they come across a better solution than what initially came forward and sometimes through the process of that review they come back to the original decision and vote based on that. Member Mutch said it was important to at least look at that and if they come back in two week or four weeks and none of those options work they could at least say they explored those and gave every body who had a concern regarding impact of the development an opportunity to have input into the process. He commented he didn't think it served the applicant or the community well to push forward a decision tonight even if it was in favor of their business

moving forward. He said they had done a lot of work in the community and were looking for a big investment and Council appreciated that but it was important to Council that they take a little longer to make sure that Council could make a fully informed decision. He said he knew they had been through the process for a long time but it had not been for Council, as they had just received this in the last couple of weeks. He said he was not able to vote in favor of something that he didn't have all the information on but was ready to support the motion to postpone.

Roll call vote on CM-09-07-094

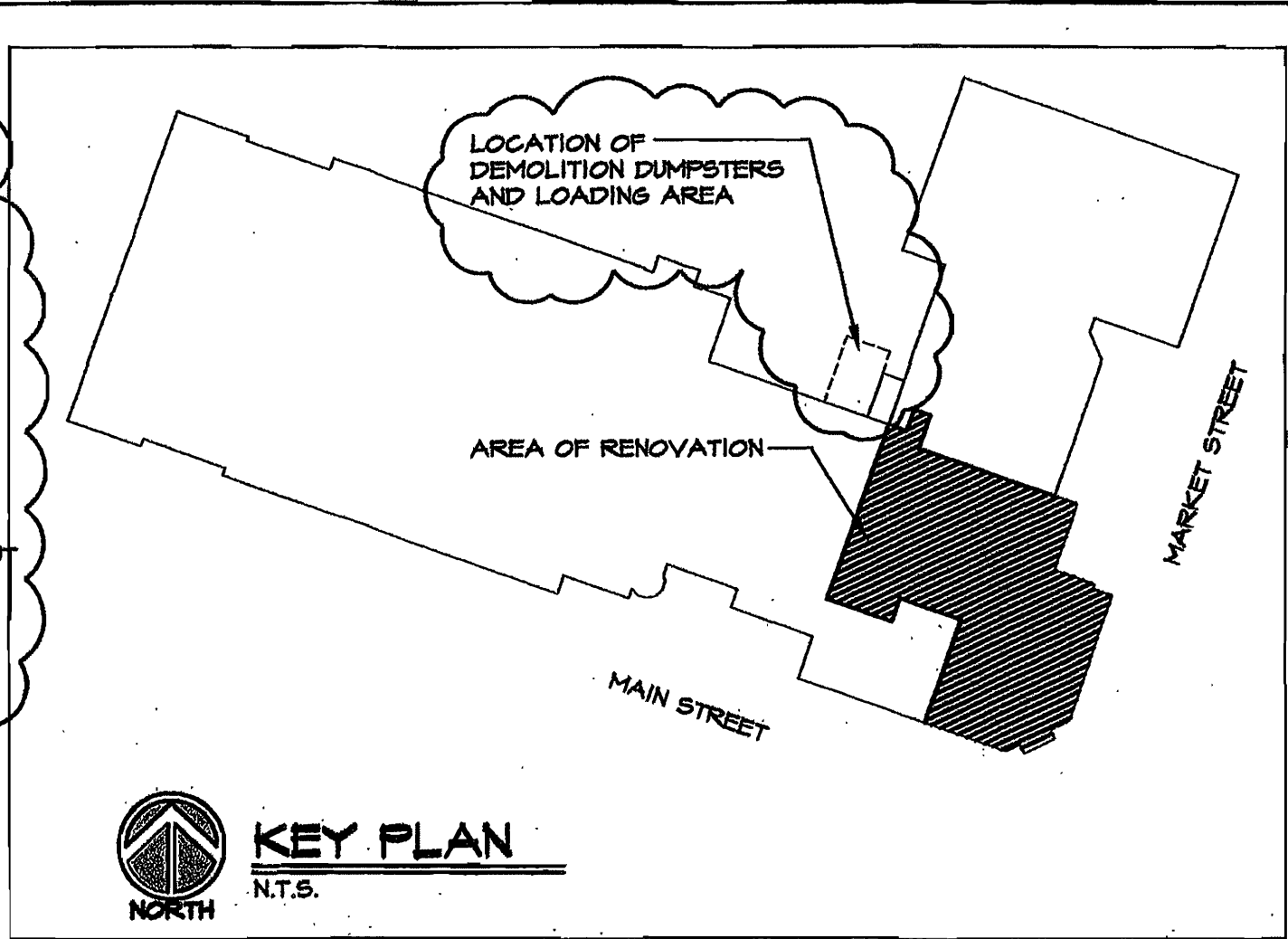
**Yeas: Crawford, Margolis, Mutch, Staudt, Landry,
Gatt**

Nays: None

Abstain: Burke

Member Burke returned to Council Chambers.

**PROPOSED TENANT SPACE
LOCATION**



KEY PLAN

N.T.S.

DEMOLITION KEY:

	<p>EXISTING WALL TO REMAIN</p>
	<p>EXISTING WINDOW TO REMAIN</p>
	<p>EXISTING DOOR TO REMAIN</p>
<p>H</p>	<p>EXISTING COLUMN TO REMAIN</p>
	<p>WALL TO BE REMOVED</p>

-EXISTING LOBBY

**PROPOSED DEMOLITION
PLAN**

MAPS

**Location/Air Photo
Zoning
Future Land Use**



Nightclub at Novi Main Street SP 09-11

Location



CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0815

MAP AUTHOR: Kristen Kopolansky, Planner



1 INCH = 150 FEET

FEET

MAP PRINT DATE: 05/11/15

MAP INTERPRETATION NOTICE

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Nightclub at Novi Main Street SP 09-11

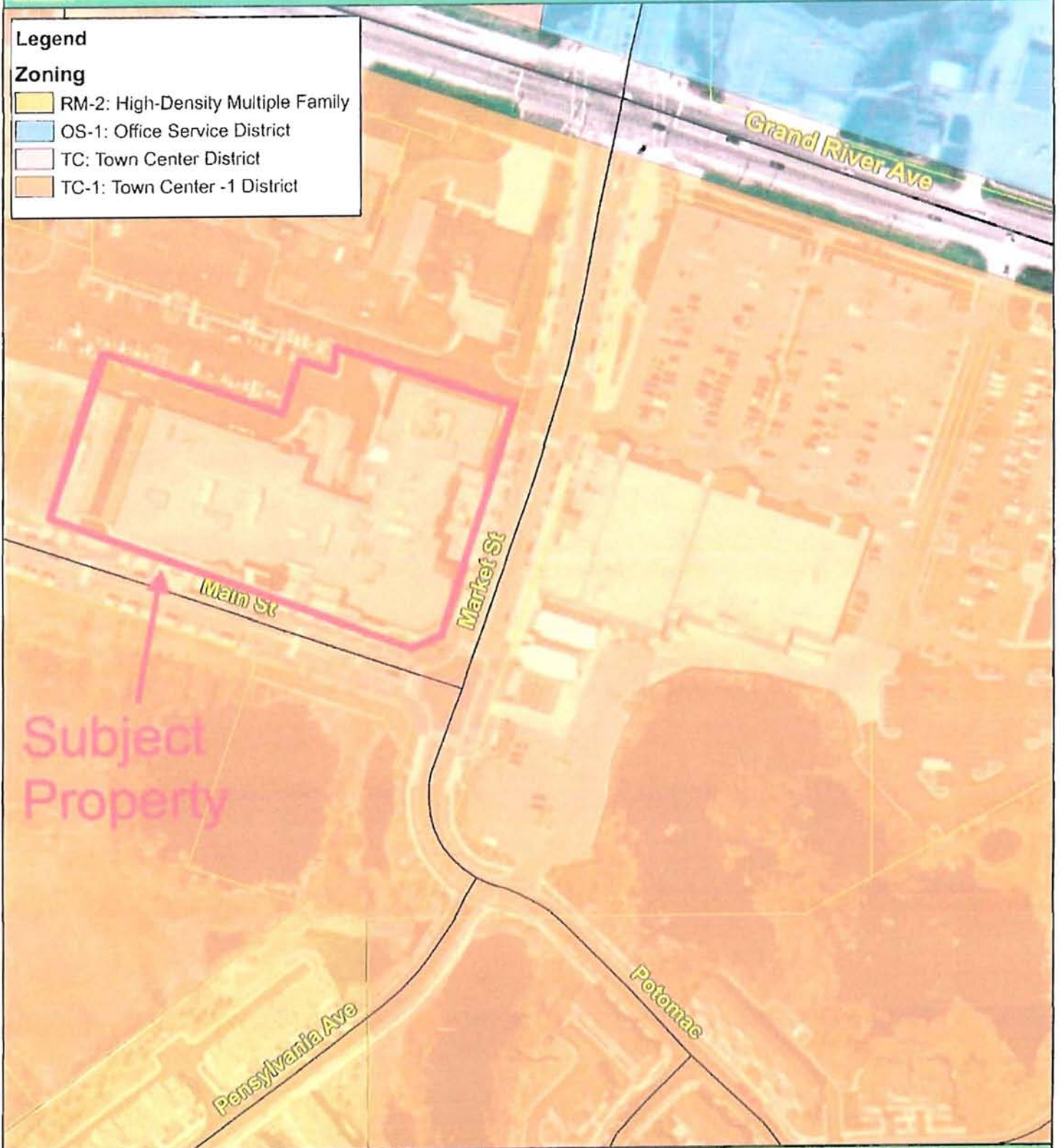
Zoning



Legend

Zoning

- RM-2: High-Density Multiple Family
- OS-1: Office Service District
- TC: Town Center District
- TC-1: Town Center -1 District



CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48245-3024
(248) 347-0415

MAP AUTHOR: Anasztaz Kapieniak, Planner



1 INCH = 360 FEET

MAP PRINT DATE: 06/11/19

MAP INTERPRETATION NOTICE

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Nightclub at Novi Main Street SP 09-11

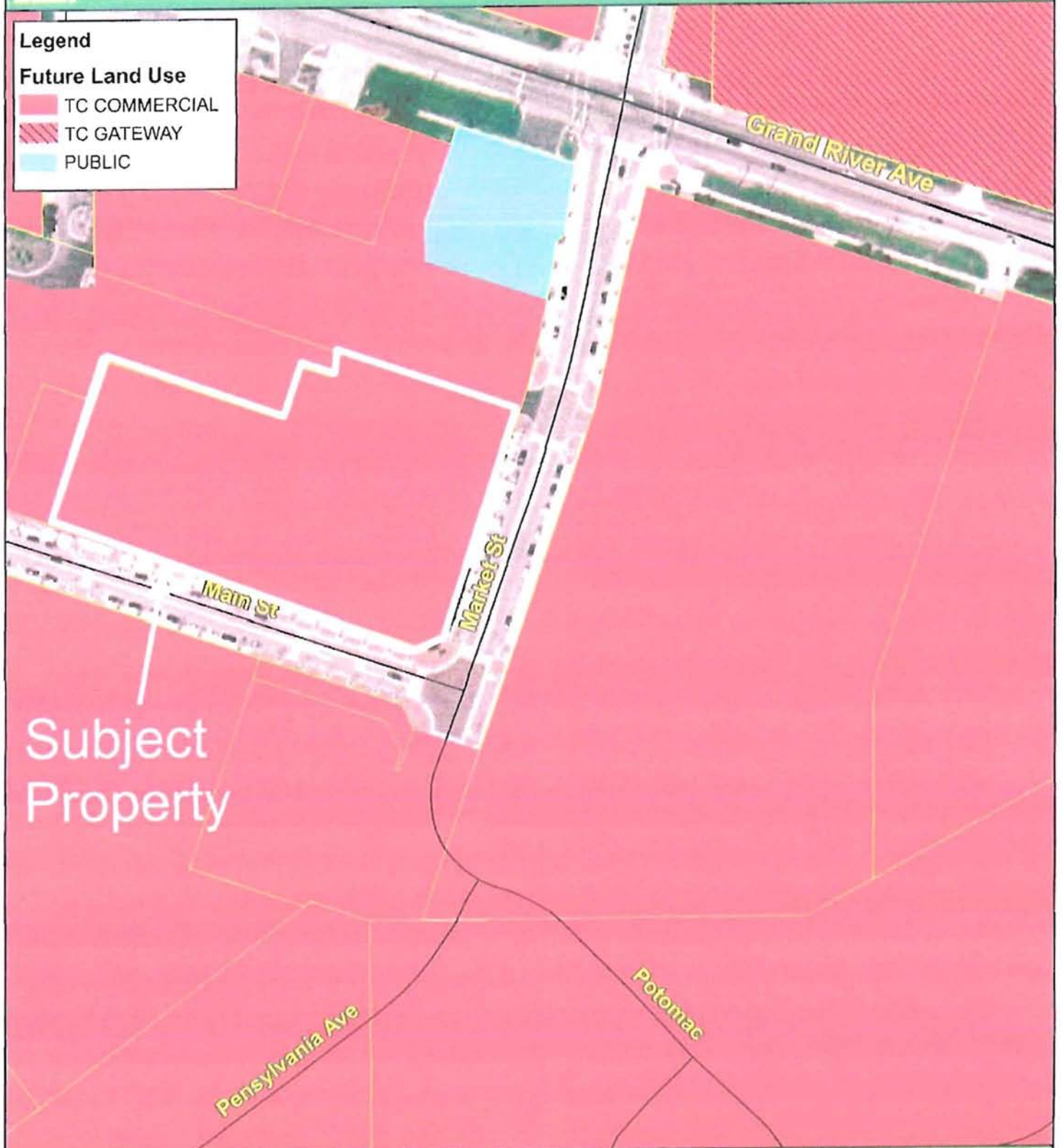
Future Land Use



Legend

Future Land Use

- TC COMMERCIAL
- TC GATEWAY
- PUBLIC



Subject Property

CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

48175 W. TEARABLE ROAD
NOVI, MI 48376-3024
(248) 347-0415

MAP AUTHOR: Kristen Kasperowski, Planner



1 INCH = 154 FEET

MAP PRINT DATE: 08/11/19

MAP INTERPRETATION NOTICE

Map information depicted is not intended to constitute or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate location available to the people of the City of Novi. Boundary measurements and area calculations, if applicable, and should not be considered 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 spatial and boundary information related to this map.

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

June 17, 2009

Planning Review

29 Park - Nightclub at Novi Main Street
SP #09-11B

Petitioner

Mike Sassine

Review Type

Preliminary Site Plan and revised Shared Parking Study

Property Characteristics

- Site Location: 43155 Main Street (northwest corner of Main Street and Market Street)
- Zoning: TC-1, Town Center
- Adjoining Zoning: North, South, East and West: TC-1
- Site Use(s): Retail/restaurant and office as part of the existing Novi Main Street development
- Adjoining Uses: North: Fire Station 1; East, West and South: Retail, restaurant/bar and office
- Parking Study Date: 06/10/09

Project Summary

The applicant is proposing to occupy approximately 10,000 sq. ft. of vacant space at the existing Novi Main Street development. This is the site of the former Steak on Main and The Coffee Trader. The proposed nightclub use would have a maximum occupancy of approximately 681 (previously 800) people and result in a change of use from restaurant to bar/nightclub. This necessitated an update of the shared parking study. No exterior changes are proposed at this time.

The applicant previously submitted a Shared Parking Study and appeared before the Planning Commission for their recommendation to City Council on May 20, 2009. At that meeting, the Planning Commission made the following motion:

"In the matter of 29 Park Proposed Nightclub at Main Street, SP 09-11, a motion to postpone action on the matter until the proposed Shared Parking Study does demonstrate adequate parking for the existing and proposed uses, with the stipulation that the matter be brought back to the Planning Commission in a timely manner, and the applicant work with the City's Traffic Consultant and Community Development Department to resolve the remaining issues." Motion carried 7-0.

At that time, the applicant's maximum occupancy was projected to be 800 people and the Shared Parking Study was based on this amount. The previous study demonstrated a deficit in

Nightclub at Novi Main Street, SP# 09-11B
Preliminary Site Plan
June 17, 2009

the number of parking spaces on site and the applicant was proposing off-site valet parking to accommodate additional patrons.

The current Shared Parking Study is based on an occupancy of 681 people. This number is based a preliminary review by the Building Division of the actual floor plans. Given the reduced occupant load, the Shared Parking Study now demonstrates a surplus of 8 spaces at the peak operating time. Please see the traffic review letter for additional information.

Recommendation

The Planning Division has no additional comments on the submitted Shared Parking Study beyond those noted in the traffic review letter. Projects in the TC-1 District larger than 5 acres require the approval of the City Council after a recommendation from the Planning Commission. Presently, shared parking agreements are in place so that the entire Main Street development shares all the parking on site. Therefore, the shared parking incorporated all buildings and uses within the existing Main Street, which is larger than 5 acres, necessitating Council approval.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 16 (Town Center Districts), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance.

1. **Shared Parking Study:** Section 2505.8 of the Zoning Ordinance allows for the submission of a Shared Parking Study in the instance of dual function of off-street parking. A Shared Parking Study was submitted and approved when the original Main Street plan was approved. Parking calculations were updated as new uses moved into the space. The applicant has now submitted a revised Shared Parking Study incorporating all existing uses as well as their proposed nightclub use. The Planning Commission and City Council should review the attached Shared Parking Study and traffic review letter.
2. **Exterior Signage:** Exterior signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Nlland at 248-347-0438 for information on sign permits.
3. **Exterior Changes:** The applicant is not currently proposing any exterior changes to the building or site. Please note, that any exterior changes would need to be reviewed by the Planning Division.
4. **Interior Changes:** All interior changes will require review and approval from the Building Division.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested **prior to the matter being reviewed by the Planning Commission.**

Stamping Set Approval

The applicant should address the comments above and the comments in all review letters in a response letter to be submitted with the Stamping Sets/Finalized Shared Parking Study. The Stamping Sets/Finalized Shared Parking Study should address and incorporate all the comments

Nightclub at Novi Main Street, SP# 09-11B
Preliminary Site Plan
June 17, 2009

In the staff and consultant review letters. Four copies of the revised Shared Parking Study should be submitted to the Community Development Department for Stamping Set approval after City Council approval.

Kristen Kapelanski
Planning Review by Kristen Kapelanski
248-347-0586 or kkapelanski@cityofnovi.org

TRAFFIC REVIEW

June 15, 2009

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



**SUBJECT: Nightclub at Novi Main Street, SP#09-11B,
Traffic Review of Second Revised Shared Parking Study**

Dear Ms. McBeth:

We have reviewed the second revised shared parking study by Rich & Associates, dated June 10, 2009. Our recommendations and supporting comments appear below.

Recommendations

We recommend that if granted by the City, preliminary site plan approval be based on the following conditions:

1. The "maximum occupancy load" of the proposed nightclub (per Section 2505 of the Novi Zoning Ordinance) shall be 689 persons (patrons *plus* employees).
2. The opening time for patrons shall be no earlier than 9:00 p.m.
3. Any change(s) to the above conditions will require the submission, review, and acceptance of a revised shared parking study.
4. A valet parking operation, if later proposed, must be approved by the City after the submission, review, and acceptance of a plan showing the queuing and parking areas to be used, expected peak demand, average arrival rates, average service rates, queuing analysis, and number of valets required.

Comments

What are the highlights of the revised shared parking study, and what issues need amplification?


1. There are 1,008 parking spaces available within the Novi Main Street area (excluding businesses fronting on Grand River west of Market). Since all of these spaces are within about 850 ft or a three-minute walk of the proposed club, they can be considered as potentially available for nightclub parking.
2. On Friday, May 1, 2009, the above parking supply reached a peak usage of about 66% at 9:00 PM. This usage level was probably conservatively high, given the pleasant spring weather and the Red Wings playoff game drawing large bar and restaurant attendance that evening.

3. Based on published data, parking demand for the existing restaurant uses would peak on an evening in December at a level 5% higher than observed in May. Hence, the recent parking counts were adjusted upward by 5%.
4. The Atrium Building in which the club would be located also has 6,283 s.f. of vacant office space and 8,153 s.f. of vacant restaurant space. Based on the shared parking ratio originally approved for the building, that restaurant space would require an additional 94 spaces at its peak operating hour. According to the 2005 ULI shared parking model, that need would occur at 9:00 p.m. and decrease to 95% at 10:00 p.m., 75% at 11:00 p.m., 25% at midnight, and 0% later.
5. Per the City of Novi Zoning Ordinance, the proposed nightclub as a free-standing use would require 0.5 parking space per person within the building. Hence, the proposed 681-patron club would require 341 spaces for patrons, plus some additional spaces for employees. The expected number of employees on-site at the busiest times has not been provided.
6. Based on a survey of two similar clubs owned by the Applicant, both opening at 9:00 p.m., the percent of peak parking demand at various hours is expected to be 8% at 9:00 p.m., 37% at 10:00 p.m., 92% at 11:00 p.m., 100% at midnight, 98% at 1:00 a.m., and 76% at 2:00 a.m.
7. Adding the adjusted current parking occupancy (per item 3), the hour-specific parking need for the potential future restaurant (per item 4), and the hour-specific parking need for nightclub patrons (per items 5 and 6), the study determined that the overall peak demand would occur at 11:00 p.m., when 1,000 spaces would be needed for a maximum nightclub occupancy of 681 persons. Hence, there would be a surplus at that hour of 8 spaces, allowing the maximum occupancy load to rise to no more than 689 persons (patrons plus employees).

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



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



David R. Campbell
Senior Associate

cc: Rich & Associates, Inc., 26877 Northwestern Highway, Suite 208, Southfield, MI 48033

APPLICANT RESPONSE LETTER



**Rich & Associates
Consulting, Inc.**

Parking Consultants

June 17, 2009

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

RE: Response to Birchler Arroyo Associates, Inc. review for 29 Park Nightclub

Dear Ms. McBeth,

We have reviewed the Birchler Arroyo Associates, Inc review of our second revised shared parking study and have discussed the recommendations contained in their review with the developer of 29 Park. The developer agrees to all of the four recommendations/conditions contained in the Birchler Arroyo letter dated June 15, 2009;

1. The "maximum occupancy load" of the proposed nightclub (per Section 2505 of the Novi Zoning Ordinance) shall be 689 persons (patrons plus employees).
2. The opening time for patrons shall be no earlier than 9:00 P.M.
3. Any change(s) to the above conditions will require the submission, review and acceptance of a revised shared parking study.
4. A valet parking operation, if later proposed, must be approved by the City after the submission, review and acceptance of a plan showing the queuing and parking areas to be used, expected peak demand, average arrival rates, average service rates, queuing analysis and the number of valets required.

If there are any questions please contact us.

Sincerely,

Richard A. Rich

**REVISED
SHARED PARKING STUDY**



**Rich & Associates
Consulting, Inc.**

Parking Consultants

June 10, 2009

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

RE: Revised Parking Analysis for 29 Park Nightclub-June 9, 2009

Dear Ms. McBeth,

We have revised the parking study as a result of discussions with the applicant and with Rod Arroyo of Birchler/Arroyo. Our last revision on May 29th was to review the two existing nightclubs owned by the applicant to see how their use patterns compare to the 2005 ULI Shared Use Model and is incorporated into this report. Additionally, we have updated the restaurant parking demand and Table 2 for this revised report.

29 Park Nightclub Review

The 2005 edition of the ULI Shared Parking model notes that nightclub characteristics have been modeled based on casual dining and that data was collected and adjusted by the author team. This is a limitation in the nightclub model in the ULI Shared Parking model in our opinion. Additionally, the 2005 edition of the ULI Shared Parking model reflects an opening time for a nightclub as 6:00 P.M. The applicant has stated that their opening time for the 29 Park nightclub will be 9:00 P.M. which is consistent with the opening times of their other two nightclubs.

The applicant has two similar nightclubs in Windsor and London Ontario. We requested that they provide us with a count for a typical May at both locations. This information was provided and is shown as Table 1 of this letter. Both locations are basically operated the same and these two locations are a model for the planned 29 Park nightclub.

The London location had a legal occupancy of 502 people and the Windsor location a legal occupancy of 400 people. In both cases the nightclubs opened at 9:00 P.M. As was described by the applicant at the Planning Commission meeting on May 20th, when their nightclubs open up it takes time for the guests to be screened for attire, proof of age and to check their coats etc. Also, experience shows that guests going to a nightclub generally start their evening later. This was also observed at the Mixx Lounge when we completed our counts on May 1st. This can clearly be seen by the numbers provided by the applicant. In both nightclubs the peak attendance occurred from midnight to 1:00 A.M.

Barbara McBeth, AICP
June 10, 2009
Page 2 of 5

Acknowledging that the numbers provided for the two nightclubs were from the month of May, we adjusted the counts at the two existing nightclubs to reflect December occupancy in Table 1. In this case we followed the 2005 edition of the ULI Shared Use model which took the May counts and increased them by 10 percent. It was noted on Table 1 that between midnight and 1:00 A.M. the December occupancies would have exceeded the maximum allowable, so we capped the occupancy at legal maximum.

Re-occupancy of Vacant Space in Atrium Building

We then revised Table 2 from the revised draft report to reflect the calculations discussed above and to include the potential re-occupancy of existing vacant ground floor space as restaurant. As previously identified, there is 8,153 sf of existing ground floor space that we have assumed would be restaurant. We used 11.53 spaces per 1,000 sf for the parking generation rate resulting in a total need for 94 spaces at 100 percent utilization. The 11.53 parking generation rate is consistent with the parking generation rate used for restaurants in Novi Main Street.

Revised Table 2

Revised Table 2 (columns D, E and F) shows the projected utilization of parking for the proposed restaurant re-occupancy using the 2005 edition of the ULI Shared Use model. In the revised Table 2, we have adjusted the percent use of parking for nightclub (column H) based on the data provided to us by the applicant as shown in Table 1. In our opinion, the use of the actual nightclub occupancy data for the applicants two other nightclubs which are the model for the proposed 29 Park nightclub is reasonable and provides more relevant data than that provided in the 2005 edition of the ULI Shared Parking model. This is based on an opening time for 29 Park of 9:00 P.M. and not 6:00 P.M. in the ULI Shared Use model, and it is based upon a longer check-in time compared to a restaurant.

Column I shows the projected spaces needed for the nightclub. Column L shows that at peak time, which is estimated to be at 11:00 P.M., there is a projected surplus of eight parking spaces assuming that the vacant space in the Atrium Building is occupied with restaurant, and that 29 Park nightclub is developed.

It is important to note the following about these projections.

1. We have assumed the month of December as the worst case. From the 2005 edition of the ULI Shared Parking model, both the restaurant and nightclub use is lower in the remaining months; therefore the surplus in parking will be higher.

Barbara McBeth, AICP
June 10, 2009
Page 3 of 5

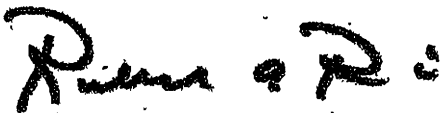
2. The utilization or percent use for the 29 Park nightclub reasonably assumes that there is a pattern similar to the two existing nightclubs owned by the applicants and that unlike a restaurant, entry into the club takes time for ID and dress code check, and then once inside a coat check depending on the weather.
3. The proposed maximum occupancy for the nightclub is 681 patrons.
4. We have assumed that the existing vacant ground floor space would be leased as restaurant.

Based on this analysis there is projected to be sufficient parking supply available during the peak month to accommodate the peak hour parking needs for the 29 Park nightclub. During the remaining months there will be more than enough parking to satisfy all parking demand.

The applicant wants to retain the option to provide valet parking at 29 Park as their business model continues to evolve in order to better serve their patrons. We acknowledge that should the applicant want to implement valet parking at a future date, the applicant must complete a valet plan showing the queuing and parking areas to be used, expected peak demand, arrival rates, service rates, number of valets during peak periods and a queuing analysis.

If there are any questions please contact us.

Sincerely,



Richard A. Rich

Attachments; Table 1, Table 2

Table 1
Actual Occupancy Counts
Ontario Nightclubs and Seasonal Adjustments

Friday Night/May London Location			Adjust for December 10 Percent		
Time	Occupancy	Percentage	Time	Occupancy	Percentage
9:00 PM	0	0.00%	9:00 PM	0	0.00%
9:30 PM	35	6.97%	9:30 PM	39	7.67%
10:00 PM	79	15.74%	10:00 PM	87	17.31%
10:30 PM	151	30.08%	10:30 PM	166	33.09%
11:00 PM	247	49.20%	11:00 PM	272	54.12%
11:30 PM	354	70.52%	11:30 PM	389	77.57%
12:00 AM	486	96.81%	12:00 AM	502	100.00%
12:30 AM	481	95.82%	12:30 AM	502	100.00%
1:00 AM	447	89.04%	1:00 AM	492	97.95%
1:30 AM	398	79.28%	1:30 AM	438	87.21%
2:00 AM	347	69.12%	2:00 AM	382	76.04%

Friday Night/May Windsor			Adjust for December 10 Percent		
Time	Occupancy	Percentage	Time	Occupancy	Percentage
9:00 PM	0	0.00%	9:00 PM	0	0.00%
9:30 PM	26	6.50%	9:30 PM	29	7.15%
10:00 PM	64	16.00%	10:00 PM	70	17.50%
10:30 PM	133	33.25%	10:30 PM	146	36.58%
11:00 PM	221	55.25%	11:00 PM	243	60.78%
11:30 PM	332	83.00%	11:30 PM	365	91.30%
12:00 AM	379	94.75%	12:00 AM	400	100.00%
12:30 AM	383	95.75%	12:30 AM	400	100.00%
1:00 AM	346	86.50%	1:00 AM	381	95.15%
1:30 AM	312	78.00%	1:30 AM	343	85.80%
2:00 AM	277	69.25%	2:00 AM	305	76.18%

Where numbers are **bold**, the percentage increase could not be 10 percent as this would have exceeded the legal occupancy limits.
The projected occupancy was capped at the maximum occupancy.

Table 2
Revised June 9, 2009
Shared Use Parking Calculation for
Novi Main Street
Proposed Nightclub

	A Spaces Occupied Current May 1, 2009	B Adjustment Factor From May to December	C Gross Number of Spaces Needed for Re-occupied Restaurant (1)	D Gross Number of Spaces Needed for Re-occupied Restaurant (1)	E Percent Use Based on Shared Use 2005 G.L.I.	F Gross Number of Spaces Needed for Night Club (2)	G Gross Number of Spaces Need for Night Club (2)	H Percent Use From Actual Use of Similar Facilities	I Total Spaces for Proposed Nightclub	J Newly Available Spaces (1,008 - I)	K Parking Spaces Currently Available	L Balance Surplus Parking Spaces
7:00 PM	651	5%	94	94	100%	341	341	0%			1,008	
8:00 PM	667	5%	94	94	100%	341	341	0%			1,008	
9:00 PM	665	5%	94	94	100%	341	341	6%			1,008	
10:00 PM	628	5%	94	94	95%	341	341	37%			1,008	
11:00 PM	586	5%	94	94	75%	341	341	92%			1,008	
12:00 AM	547	5%	94	94	25%	341	341	100%			1,008	
1:00 AM	473	5%	94	94	0%	341	341	98%			1,008	
2:00 AM	307	5%	94	94	0%	341	341	76%			1,008	

(1) Assumes 8,153 sf restaurant @ 11.53 spaces per 1,000 sf per previously used parking generation rate for Novi Main Street
(2) Assumes a functional capacity of 68 patrons and a parking generation factor of .5 spaces per patron per City of Novi Code and December utilization.

**PLANNING COMMISSION DRAFT MEETING MINUTES
EXCERPT – June 24, 2009**



cityofnovi.org

PLANNING COMMISSION

CITY OF NOVI

Regular Meeting

Wednesday, June 24, 2009 | 7 PM

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

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members David Baratta, Victor Cassis, Andy Gutman, Michael Lynch, Mark Pehrson

Absent: Member David Greco (excused), Brian Larson (excused), Michael Meyer (excused), Leland Prince (excused)

Also Present: Kristen Kapelanski, Planner; Jana Pritchard, Planner; Rod Arroyo, Traffic Consultant; Tom Schultz, City Attorney

PLEDGE OF ALLEGIANCE

Member Greco led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Cassis, seconded by Member Gutman.

VOICE VOTE ON THE AGENDA APPROVAL, MOTION MADE BY CASSIS AND SECONDED BY MEMBER GUTMAN:

A motion to approve the June 24, 2009 Planning Commission Agenda. *Motion carried 5-0.*

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

CORRESPONDENCE

There was no Correspondence to share.

COMMITTEE REPORTS

There were no Committee Reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Kristen Kapelanski stated that she had just one thing to report this evening. City Council at their June 15, 2009 meeting approved the 2nd Reading of the Sign Ordinance.

CONSENT AGENDA - REMOVALS AND APPROVAL

No Consent Agenda.

Kristen Kapelanski, Planner stated that 29 Park, proposed Nightclub at Novi Main Street should be moved from the Consent Agenda to Matters for Consideration. Chairperson Pehrson stated, let the record show that 29 Park proposed Nightclub at Novi Main Street be moved to Matters for Consideration.

MATTERS FOR CONSIDERATION

1. **29 PARK, PROPOSED NIGHTCLUB AT NOVI MAIN STREET DEVELOPMENT, SP09-11B**

Consideration of the request of 29 Park, Inc., for a recommendation to City Council for Preliminary Site Plan and Shared Parking Study approval. The subject property is located in Section 23, south of Grand River Avenue and east of Novi Road, in the TC-1, Town Center District. The applicant is proposing to occupy approximately 10,000 square feet of vacant space at the existing Novi Main Street development located at 43155 Main Street.

Planner, Kristen Kapelanski stated that the applicant is proposing to occupy 10,000 square feet of vacant space at the corner of Main St. and Market St. The proposed nightclub would move into the space formerly occupied by Steak on Main and the Coffee Trader. The subject property is zoned TC-1 (Town Center District) and surrounded by TC zoning in all directions. Parking was a significant issue in the original Main Street approval, because all the various uses were to share the parking.

Under Section 2505.8 of the Ordinance, which is part of the Off-Street Parking Standards, the City Council after a recommendation from the Planning Commission is given the authority to reduce the number of parking spaces required. This is based upon acceptance of a Shared Parking Study demonstrating how the parking can effectively function on-site.

The original approval of the Main Street plan included a reduction in the number of otherwise required spaces, based on the City Council's approval of a Shared Parking Study showing a certain mix of uses. This Study included all parking areas surrounding the Main Street buildings and the underground parking located beneath the Atrium Building, all of which now exist. So, that would now include the parking that is under the building currently in question, as well as the parking behind there, and all the way up to Andiamos.

Although it was originally approved as a single site development, the Main Street area now has four separate property owners. All have access to the existing parking lots based on the Shared Parking Agreements in place. Restaurant uses were originally anticipated in the building areas where the nightclub is now proposed.

Given the fact that the applicant is now proposing a more intense nightclub use in terms of parking requirements than what was originally anticipated, the Shared Parking Study had to be updated, as a means of determining if sufficient parking for the proposed new use could be provided.

If you will recall, the applicant was previously before this Commission in May, 2009. The Commission chose to table the matter at that meeting until additional information could be provided regarding some assertions made in the Shared Parking Study, including the use of off-site valet parking.

Since that time, the applicant has submitted detailed floor plans to the Building Division. The Building Division has determined the maximum occupancy load to be approximately 681 people, which is far less than the originally anticipated 800 people.

Therefore, the Parking Study now demonstrates excess of 8 parking spaces on-site. The parking issues have been mostly resolved, and the valet parking is no longer needed.

The primary action to be taken by the Planning Commission tonight is the consideration of a recommendation to City Council of Preliminary Site Plan approval with the ancillary action of recommending acceptance or rejection of the Shared Parking Study. The Commission is also asked to consider the conditions listed in the recommended motion.

Planner, Kristen Kapelanski said she was available for questions along with our Traffic Consultant, Mr. Rod Arroyo. The applicant is available as well.

Chairperson Pehrson thanked Kristen Kapelanski.

Chairperson Pehrson asked if the applicant had anything to add. The applicant, Mike Sassine stated that he agreed to all the conditions. Mr. Sassine came forward and stated that he is one of the partners for 29 Park. Rob spoke to you the last time we were here and he has some personal matters tonight.

Mike Sassine stated that he and his partners have agreed to the conditions set up by the city. Mr. Sassine stated that they were willing to work within those parameters.

Chairperson Pehrson turned it over to Commission for their consideration.

Member Gutman stated that they were interested in having this project come to Novi. Member Gutman asked

Mr. Rod Arroyo, Traffic Consultant if he had reviewed this, and was he comfortable with the Analysis that was done.

Mr. Arroyo stated that they had reviewed it and were comfortable with the conclusions. Mr. Arroyo also stated that the biggest change has been the occupancy. Because of that change, it made it much easier to resolve the number of questions we had, and takes away the valet necessity. Mr. Arroyo stated they were comfortable with the conclusions of the Study and recommending approval of it.

With that, Member Lynch would like to make a motion to approve. In the matter of 29 Park Proposed Nightclub on Main Street, SP09-11B, motion to recommend approval to City Council for the Preliminary Site Plan and the Shared Parking Study subject to the following

In the matter of 29 Park Proposed Nightclub at Main Street, SP 09-11B, motion to recommend approval to City Council for the Preliminary Site Plan and Shared Parking Study subject to the following:

- a. **The maximum occupancy load of the proposed nightclub shall not exceed 689 people, including employees;**
- b. **The opening time for patrons shall be no earlier than 9PM;**
- c. **Any changes that increase the occupant load beyond 689 people or that alter the start time of business hours will require additional review and approval from the appropriate bodies;**
- d. **A valet parking operation, if later proposed, must be reviewed by staff and consultants and approved by the appropriate bodies after the submission of a plan showing the queuing and parking areas to be used, expected peak demand, average arrival rates, average service rates, queuing analysis and number of valets required;**
- e. **The revised Shared Parking Study indicates a projected parking surplus of 8 spaces at the peak-demand hour of 11:00 p.m. for the entire development, including the proposed nightclub (1000 spaces needed, 1008 spaces provided);**
- f. **Additional comments in the staff and consultant review letters being addressed on the Stamping Set submittal**

For the reasons that the proposed site plan is otherwise in compliance with Article 25 and Article 16 of the Zoning Ordinance and all other applicable provisions of the Ordinance and the proposed Shared Parking Study demonstrates that adequate parking will be provided to support the mix of uses. Motion carried 5-0.

Motion made by Member Lynch, seconded by Member Baratta.

Member Cassis addressed Mr. Arroyo, Traffic Consultant and asked when calculating the shared parking, was it taken into consideration all of the properties, including Andiamos and O'Connors. Mr. Arroyo answered yes, and stated that the entire Main Street development including the vacant areas were taken into consideration.

Member Cassis said he was not sure about legalities about Shared Parking. Member Cassis asked that if those other areas were owned by different people, different corporations, would the shared parking become separate in its dimensions as compared with all of that area being under one ownership?

Through the Chair, City Attorney, Tom Schultz stated that they are actually owned by different people at this point. So, the Study itself doesn't concern itself under ownership. Mr. Schultz stated that it has more to do with the uses that are permitted or existing and the sharing of parking. Mr. Schultz said there is not necessarily an agreement; it is more a method of calculating how much is it for all those uses, all those buildings, regardless of the underlying owner.

Member Cassis asked what if the other owners do not want this use to share the parking, yet I know the owner of this building was here last time and said it was okay by him and whatever other outfits he owns there, like the jewelry store and so on and so forth. But we never entered into this situation and I didn't see any other owners from other buildings that came forward and said yes, we will allow shared parking in our parking spaces.

City Attorney, Tom Schultz stated that in the original approval of Main Street, there was one owner and there was one site plan and the parking was open to all those uses. Even though those parcels have been separated in terms of ownership, the ability to use all those parking spaces still exists.

City Attorney, Tom Schultz said he does not know if it ever got to the Planning Commission when this building that were talking about became part of a separate condo. There was an issue as to whether some of these parking areas were going to be limited to a particular condo owner. For the most part, at least with all the parking we are talking about tonight, the city was clear and this is open parking, and everyone gets to use it. So, regardless of the owner, it should all function as it did when originally approved back with the original Main Street development.

Member Cassis stated that Tom Schultz is our city attorney and that he respects his word, that it is a legal situation and that it is okay here. Member Cassis asked Attorney Tom Schultz; what if the other owners said they do not want these people to park here? Through the Chair, City Attorney, Tom Schultz explained that he was okay with that.

Member Cassis explained how Andiamos and Gus O'Connors, as well as this proposed development can get very busy and most of their clientele come after 9:00pm. Member Cassis stated that they read this in Police Reports all the time. Member Cassis asked what will happen if those people who own businesses say, we do not allow parking in our places. Member Cassis asked if the owners of the other properties have a right to say that. City Attorney, Tom Schultz said in our opinion, no. Based upon the approval for their plan, this plan, and the plan for parking there in general.

City Attorney, Tom Schultz stated to Mr. Cassis that the folks that you just named, there are some other parcels that are in the area, that aren't necessarily part of this study. City Attorney, Tom Schultz said the parking for all of the things Member Cassis mentioned, that is shared parking. Member Cassis told Attorney Schultz that he would accept his legal opinion.

Member Cassis stated that with the approval of our Traffic Consultant and our City Attorney whom he both respects. Member Cassis said he would then go along with this, and approves it and has nothing against this gentleman. Member Cassis said that we appreciate Mr. Sassine in coming to the city and establishing a business.

Member Cassis, said he will be voting for this, reluctantly and my situation is not because of the Study or our okay by the city attorney, but because we have been having a lot of trouble, police wise, with our bars in that particular area.

Member Cassis stated that he has no legitimate reason to be saying what I'm saying, as far as denying these people wanting to come to this community, and pay our taxes and so on, and we welcome them again.

Member Cassis stated that he just had to get his statement in as far as what was our aim or goal in Main Street. Member Cassis questioned whether it was to put bars in there, and have people travel there from all over to come here, or did we want a diversified Main Street with Boutique Shops. As I recall, I have been here, and I know what people were saying at that time. Member Cassis wondered where are the Boutique Shops. Member Cassis said that there is one beautiful Boutique Shop with the owner not being here tonight, one of our colleagues.

Chairperson Pehrson thanked Member Cassis.

Member Baratta stated that he was assuming that there was some sort of reciprocal easement that covers parking for all these individuals, or some condominium approval that covers parking, so there's the capability of using parking. Member Baratta asked if this was accurate.

Attorney Schultz stated that if these were developed as separate uses, they would clearly be that kind of a situation. What happened here is, it was originally one development when it got site plan approval, there had been some changes in ownership and I wasn't involved in documenting whether or not there were Cross Access Easements when that happened. But from the cities prospective, whether those exist or not, this is all from a regulatory perspective, a shared parking area. There maybe separate easements that have since been created, if so, fine. If not, from our prospective, that is fine as well, because we are all working on site plan issues and they are all coming to the city saying, we have the ability to use this parking area and the city saying, taking that into consideration, in the sense the city attorney is okay with it. I'm okay with the conclusion that they have the right to count this parking as available to them. Whether or not it's enough, is sort of on the issue of the Traffic Study and there's been no indication from any of the other property owners that we were aware of, that somehow, we shouldn't be counting the availability of those spaces. If that issue develops, we'll deal with it then, but it certainly not been raised at this point.

Chairperson Pehrson asked if there was any other discussion.

Chairperson Pehrson asked Planner, Kristen Kapelanski to call the roll please.

Roll Call Vote: Commissioner Cassis, Commissioner Baratta, Commissioner Gutman, Commissioner Lynch, Commissioner Pehrson *MOTION PASSES 5-0.*

SUPPLEMENTAL ISSUES:

No supplemental issues.

Chairperson Pehrson asked that for the record, Mr. Meyer did acknowledge that he would be on vacation this week and absent, excuse him.

AUDIENCE PARTICIPATION:

No one else asked to speak.

Chairperson Pehrson closed the audience participation and vote for adjournment.

Motion to adjourn made by Member Baratta, seconded by Member Lynch. *Motion passes 5-0.*

ADJOURNMENT

The meeting adjourned at 7:21PM.

SCHEDULED AND ANTICIPATED MEETINGS

FRI	07/03/09	CITY OFFICES CLOSED	
MON	07/06/09	CITY COUNCIL MEETING	7:00 PM
TUE	07/14/09	ZONING BOARD OF APPEALS	7:00 PM
WED	07/15/09	PLANNING COMMISSION MEETING	7:00 PM
THU	07/16/09	MASTER PLAN & ZONING MEETING	7:00 PM
MON	07/20/09	CITY COUNCIL MEETING	7:00 PM
WED	07/29/09	PLANNING COMMISSION MEETING	7:00 PM
THU	08/06/09	MASTER PLAN & ZONING MEETING	7:00 PM
MON	08/10/09	CITY COUNCIL MEETING	7:00 PM
TUE	08/11/09	ZONING BOARD OF APPEALS	7:00 PM
WED	08/12/09	PLANNING COMMISSION MEETING	7:00 PM

**PLANNING COMMISSION DRAFT MEETING MINUTES
EXCERPT - May 20, 2009**



cityofnovi.org

PLANNING COMMISSION

CITY OF NOVI

Regular Meeting

Wednesday, May 20, 2009 | 7 PM

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

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members David Baratta, Victor Cassis, David Greco, Andy Gutman, Brian Larson, Michael Lynch, Michael Meyer, Leland Prince

Absent: Member Mark Pehrson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Lindon Ivezaj, City Engineer; Rod Arroyo, Traffic Consultant; Tom Schultz, City Attorney.

PLEDGE OF ALLEGIANCE

Member Greco led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Greco

VOICE VOTE ON THE AGENDA APPROVAL MOTION:

Motion to approve the May 20, 2009 Agenda. Motion carried 8-0.

MATTERS FOR CONSIDERATION

2. 29 PARK, PROPOSED NIGHTCLUB AT NOVI MAIN STREET DEVELOPMENT, SP09-11

Consideration of the request of 29 Park Inc. for a recommendation to City Council for Preliminary Site Plan and Shared Parking Study approval. The subject property is located in Section 23, south of Grand River Avenue and east of Novi Road, in the TC-1, Town Center District. The applicant is proposing to occupy approximately 10,000 square feet of vacant space at the existing Novi Main Street development located at 43155 Main Street.

Member Larson asked to be recued from the vote since he is a tenant in the building where this use would be located. It may be unclear whether it could have financial impact or whether Member Larson could be completely neutral on the question.

Chair Gutman stated that there needed to be a vote.

ROLL CALL VOTE ON 29 PARK, NIGHTCLUB AT NOVI MAIN STREET DEVELOPMENT, SP09-11, WHICH WOULD ALLOW MEMBER LARSON TO BE RECUED FROM THE VOTE. MOTION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER MEYER. (Yes: Baratta, Cassis, Greco, Chairperson Gutman, Lynch, Meyer, Prince. Motion carried 7-0

Ms. Kristen Kapelanski described the project to the Planning Commission and stated that the applicant is proposing to occupy approximately 10,000 square feet of vacant space in the existing Novi Main Street development. The nightclub would be located in the space formerly occupied by Steak on Main in the Coffee Trader at the corner of Main Street and Market Street. The subject property is zoned TC-1 (Town Center District) and is surrounded by TC zoning in all directions. Parking was a significant issue in the original Town Center approval because all the uses proposed were to share the parking provided.

Under Section 2505.8 of the Ordinance, which is part of the Off-Street Parking Standards, the Planning Commission recommends approval to City Council, and the City Council is given authority to reduce the number

of parking spaces required. The original approval of the Main Street development included a reduction in the number of otherwise required spaces, based on the City Council's approval of a Shared Parking Study showing a certain mix of uses. This study included all existing parking areas surrounding the Main Street buildings and all the parking areas behind the building in question. It also included the underground parking at the Atrium Building, parking in front of Gus O'Connor's, parking in front of Andiamos, as well as the on-street parking. Originally approved as a single site development, the Main Street area now has four (4) separate property owners in which all have access to the existing parking lots per the Shared Parking Agreements.

Planner, Ms. Kapelanski stated that restaurant uses were anticipated in the building areas where the nightclub is now proposed. The applicant is proposing a more intense use in terms of parking requirements and the Shared Parking Study had to be updated to determine if there would be sufficient parking. The applicant has submitted an updated Shared Parking Study for the Planning Commission and the City Council's review. The Study shows 1,008 spaces existing and 1,195 spaces required for all the proposed areas of the buildings if they are fully occupied. The applicant is requesting a reduction of 187 spaces from the number required as determined by the Shared Parking Study.

The primary action to be taken by the Planning Commission this evening is consideration of a recommendation to City Council for Preliminary Site Plan approval. In order to approve the site plan, the City Council, after recommendation by the Planning Commission, would need to reduce the number of parking spaces required after considering the Shared Parking Study. So the ancillary action requested of the Planning Commission is also recommended acceptance or rejection of the Shared Parking Study itself.

The Planning Commission has the following options available this evening:

1. The Commission could recommend approval of the Shared Parking Study and the Preliminary Site Plan.
2. The Commission could recommend acceptance of the Shared Parking Study based on the fact that the methodology is sound, but table the Preliminary Site Plan, until additional information can be provided regarding the proposed valet operation and off-site parking.
3. The Commission could recommend acceptance of the Shared Parking Study again because the methodology is sound, but recommend denial of the Preliminary Site Plan because parking on-site is significantly deficient to accommodate the proposed use of the peak hour of parking demand.
4. The Commission could recommend denial of both the Shared Parking Study and the Preliminary Site Plan.

Ms. Kapelanski stated that the Community Development Department Staff and Traffic Consultant have all worked quickly with the applicant to bring this matter forward.

The applicant understands that there are some lingering issues regarding the conditions in the Shared Parking Study. One of the main concerns is the deficient 187 spaces on the site at the peak hours. The proponent has suggested securing approval of nearby property owners for off-site valet parking lots along the south side of Grand River Ave. The lots are identified in the most updated Shared Parking Study that was included in the Planning Commission's packets.

Ms. Kapelanski indicated that the applicant is proposing to pick up about 45 spaces at Tommy's Tire, 20 spaces behind Ms. Button's building and 34 spaces behind the Audio Visual Building. These are lots that are not currently part of the Shared Parking Agreements on Main Street and the valet parked cars would be using those lots only. This raises potential issues with regard to terms of any proposed Shared Parking Agreements and whether they can be made to last in perpetuity, or, for as long as the more intense use of these tenant spaces exist on the property.

The logistics of the valet parking operation would also need to be reviewed and how the obligation to use those off-site spots would be carried out by the proponent and what would happen if the obligation is not met. Directional signage has been discussed, but no specifics have been provided.

Under the Off-Street Parking Provisions of the Ordinance, Special Land Use approval is a requirement for the use of off-site parking lots. Since we have only recently received the proposal for off-site valet parking, we have not yet determined whether such a process is required. Ms. Kapelanski turned the floor over to the City's Traffic Consultant, Rod Arroyo, to go over more of the specifics of the Shared Parking Study.

Mr. Arroyo said that it would be helpful to go over the letter to help walk the Commission through the Shared Parking formulas. The applicant's Parking Consultant did a current count on the parking demand in the evening, starting at 7:00 p.m. through 2:00 a.m., to determine the overall parking demand. Mr. Arroyo noted that, with the originally approved Shared Parking Agreement, a specific formula was approved that allowed the development to provide less parking than required by ordinance because of the mix of uses.

It is appropriate to provide less parking with a mix of uses than if you were to look at the uses individually. Uses continue to change in the Main Street area, and this type of study continues to be a way of validating the current parking situation. Some uses are more intense in terms of parking demand, such as nightclubs and restaurants, which tend to be fairly high parking generators.

The actual parking count gave us a good indication of the parking demands. Mr. Arroyo worked with the applicant's Traffic Consultant to make sure the methodologies in the ULI Guidelines were followed. In a Shared Parking arrangement, a peak month for the year and a peak hour of the day are identified. In this case, the peak month is December and the counts for May were factored up by 5 percent to reflect that restaurants and nightclubs usually tend to peak in December, based upon research done nationally. Those parking counts were adjusted upward, and there is a current demand of 698 spaces.

Mr. Arroyo stated that the applicant was asked to identify additional vacant space in the development and found that the vacant former Mexican restaurant, which was 8,000 square feet, would generate a parking demand of 117 spaces.

The proposed nightclub has an 800 person capacity and based on the occupancy of 2 people per car, there is a 400 parking space demand for that use. When adjusted to the 9:00 p.m. peak hour, the parking demand goes down to 380 because the nightclub will peak at about 10:00 p.m.

Mr. Arroyo found the 1995 Main Street traffic review letter and identified the original shared parking formula that was applied to the Main Street project. Based on the application of the formula for the 10,000 square foot tenant space, approximately 115 spaces would have been required for the nightclub's space. Now 400 spaces are required, as this use is much more people-intensive.

The total forecasted demand, based on the applicant's analysis, is 1,195 spaces. There is an on-site supply of 1,008 spaces in the Main Street project. Parking is provided within a reasonable walking distance in an urban downtown-type setting, with parking spaces located within an 800 to 850 foot radius, or a three minute walk. Overall, there is a 187 space deficiency.

One of the things that would be possible to do is to go back to the original formula approved for the Main Street project. Restaurants would have provided a parking ratio of 11.53 per thousand instead of 14.3 per thousand that is currently required. If that formula is applied, the deficiency is reduced to 164 spaces. As Ms. Kapelanski mentioned, one of the things that the applicant has done is to identify off-site locations where valet parking could occur. A total of 99 spaces were identified in off-site lots. Including 99 spaces in off-site lots, would reduce the deficiency from 164 spaces to 65 spaces.

In talking with the applicant's Parking Consultant, one or two different options are proposed:

1. They would like to secure a portion of surface parking area in Main Street or a portion in the garage parking in the Atrium Building and have it cordoned off for valet parking. Andiamos is doing this right now and a certain portion of the south side of Andiamos is identified for valet parking only. The applicant would like to do something like this where then they could double stack or maybe even triple stack cars. so they can get more cars into a space that is not open to the general public. The valets can move more cars back and forth and jockey them around to make more space.
2. Another option would be to find other off-site locations that are within a reasonable distance in order to serve this development.

This raises a number of different issues for the Planning Commission to discuss, such as the level of comfort with having a certain portion of the surface or garage parking area cordoned off just for valet parking. These spaces

would be unavailable for other patrons who are coming for other uses. If the valet spaces are within the parking garage, those spaces are most proximate and desirable in inclement weather. Mr. Arroyo noted that most valet parkers will park quite a distance away and run back in order to provide a quick turnaround.

The applicant is also proposing to dedicate 3 parking spaces along Main Street as valet staging. It is not unusual to see this in a downtown, but is a policy question for consideration, since it is a public roadway being designated for private purposes. Approval of a Queuing Analysis is typically needed for valet parking on a public street. In a Queuing Analysis, the following are considered: arrival rate, the service rate for valet's, the turn-around time, the number of valets in place at peak demand, and the amount of queuing space available for valet service. Spill-back on Main Street would take place if there are not enough stacking spaces, resulting in congestion.

The question is whether or not the Planning Commission is prepared to recommend approval of these issues now, whether additional information is needed, or if these issues could be resolved at the time of Final Site Plan.

Mr. Arroyo ended with saying that he would be happy to try to answer any questions or concerns that anyone has.

Chair Gutman asked if the applicant was in attendance and if he would like to come forward and speak.

The applicant, Rob Sessine, stated that Mr. Arroyo has covered the information. Mr. Sessine stated that he would answer any questions, along with Richard Rich who prepared the Traffic Study. The Landlord's representative is here to help answer any questions or concerns.

Chair Gutman thanked the applicant and opened the matter up to the Planning Commission.

Member Lynch stated that he would certainly like to see a nightclub fill that spot, but there was not enough information to approve something at this time. Member Lynch did not want to approve something that would improve the situation for one, yet degrade the situation for another. Member Lynch liked the idea of a valet and agreed with Mr. Arroyo that a Queuing Study should be done. Member Lynch said that with the parking being such a big issue, as well as valet use proposed in the public right-of-way, he would like to see the Queuing Study done and have the additional information to assist in making a decision.

Member Greco thanked the applicant for trying to fill the vacant tenant space and stated the nightclub use seems like a good fit for the mix of uses in the area. The concern, however, is not only the degradation of other property owner's ability to park, but also for patrons of other establishments in the area. If someone has to park too far away, or can't park, then the area becomes avoidable in the future and this is something we do not want. Mr. Greco felt the questions raised needed answers and asked the landlord to come forward for questions.

Usher Husain, representing the landlord, came forward and explained that he is a partner in the Main Street Partnership, LLC.

Member Greco asked Mr. Hussein if he had any concerns regarding parking for his other tenants. If there is not enough parking and it becomes inconvenient, is the landlord concerned that people go elsewhere. Nightclub patrons are used to standing in line, but the other types of businesses in the area may not abide the wait. Member Greco wanted to know if Mr. Hussein had spoken with any of the other tenants and about their thoughts.

Mr. Husain stated that the parking study is a conservative and appropriate approach. By 9:00 p.m., restaurants are tailing off as the nightclub would be ramping up. The second floor of the building is all office space and has no usage in the evenings. Mr. Hussein explained that he has spoken with the property owners and they are supportive of the nightclub because they recognize the influx of business this nightclub can provide and that is a very positive thing.

Mr. Husain stated that he feels that a big queue of cars and difficulty for the restaurant patrons to find parking spaces would not happen on a day to day basis. The parking garage is typically unused on Friday and Saturday nights. They are looking at some possibilities for improving the signage to have more people use the garage. Mr. Hussein said the tenants are all looking forward to the activity.

Member Meyer appreciated that the owners of Main Street had spoken with the other tenants and that they

welcome the possibility of the nightclub coming in as it would stimulate their businesses as well. Member Meyer said that he has driven by there on a particular weekend evening that the parking lots are packed for Gus O'Connor and the Post Bar. Further clarification is needed to identify where the clientele would be parked. Member Meyer stated that there is plenty of parking across Grand River Ave and wondered if there was possibility that the valet parking could be across the street. Member Meyer said he is looking forward to the time that we can start filling some of these empty spaces. However, he will not be able to recommend approval this evening, not because he is not supportive of the effort, but because he does not know where the 65 parking spaces can be provided.

Member Cassis stated he would have a hard time approving this request at this time, due to too many shortages of parking spaces. Mr. Cassis and his wife went to Gus O'Connor's on Tuesday evening and had to park in a space along Grand River Ave. The street by Gus O'Connor's is a narrow street. The corner can be dangerous, especially when cars start stacking up, and someone doesn't want to stop, or someone wants to turn around. That can make it a tough area for a valet. Member Cassis agreed with Member Lynch by saying that we do not want to invalidate the principle of shared parking.

Chair Gutman asked if anyone had anything else to add.

Member Lynch added that is the Commission's role to give the applicant some direction or guidance. Mr. Lynch believes that the valet would work. He encouraged the applicant to proceed with the queuing study. Member Lynch stated that most people want to park right in front of the place of business and want to be able to just walk in. Member Lynch said he respected the applicant's judgment and that we do have to protect the tenants and the customers.

Chair Gutman stated that, from time to time, he has had the pleasure of being in the applicant's position with respect to other municipalities. The theme the applicant is hearing from everyone tonight is that we want to see the applicant be successful. However, we want the other business people in that area be successful as well. The Commission has to review things in a cautious and appropriate manner and from what he hears, there is not enough information or adequate knowledge to make that decision at this time.

Mr. Sessine stated he would be happy to continue to work with the Traffic Consultant and city staff. Mr. Sessine stated that he has been trying to get into Novi for 2 ½ years and was in preliminary talks with the adjacent property owner, but after waiting for some time, the proposed development did not take place.

Mr. Sessine explained that he wanted to do business here in Novi and is willing to work with the city on the excellent recommendations that have been made. He explained that he has two other nightclubs in Windsor and London, Ontario. Mr. Sessine said that they are looking to invest at least a million dollars in this establishment. They will do the studies that are necessary to accomplish the valet service. Time is of the essence. Mr. Sessine assured the Commission that it is his intent to do the necessary studies, follow the recommendation of the Commission and eliminate parking concerns. Mr. Sessine said he wants to increase traffic to Main Street, and give the area a little boost with the new nightclub and accomplish the city's goals while accomplishing his goals.

Member Cassis asked the applicant about whether food would be served at the nightclub.

Mr. Sessine stated that in the two operations he runs, food is prepared and given to patrons for free.

Member Cassis asked Mr. Sessine whether he had considered changing the concept slightly to serve food at tables in a quarter of the space. A different parking calculation could be used.

Mr. Sessine said he does not want to mislead the Commission. The reason free food and water are given to the customers is to help with hydration. This has been the practice at the other establishments for over six years.

Member Cassis asked Mr. Sessine if they had shows on the weekend.

Mr. Sessine answered that they had no shows, strictly DJ's. He understands the concern is that the peak time is 9:00 p.m. and the nightclub's doors do not actually open until 9:00 p.m. To fill to the capacity of 800 people by 9:00 p.m. would be impossible due to the time it takes to check identifications and dress code. Mr. Sessine also

agreed with the Mr. Hussein, the landlord when he said that when everyone else in the area is winding down, that is when we are winding up.

Motion:

Member Meyer stated that in the matter of 29 Park proposed nightclub at Main Street, SP09-11, made a motion to postpone approval to City Council for the Preliminary Site Plan until the proposed Shared Parking Study does demonstrate that adequate parking will be available to support the mix of uses.

Member Lynch seconded the motion.

Member Cassis asked for clarification whether the applicant will be willing to work with the City's Traffic Consultant on the remaining issues.

Mr. Sessine answered that his Traffic Consultant will continue to work with the City's Traffic Consultant in hopes of bring this back before the Planning Commission in a very timely manner.

Member Meyer said that his concern is that Novi has a reputation for making it difficult for people sometimes to jump enough hurdles in order to get into place, and hopes that a few hurdles have been eliminated in the few years he has been on the Commission.

Member Meyer stated that Mr. Arroyo is a very good man and you'll be working with him and that somehow were going to work out the valet parking and shared parking issues.

Member Cassis explained that the reason Member Meyer asked the question is because he believes that Rod Arroyo's favorable recommendation is so vital, and we do not want the applicant to come in again and be declined.

Member Meyer said that he would be more than happy to include the comment in the motion so the applicant would be in collaborative effort with out Traffic Consultant.

Member Lynch seconded the revised motion.

Member Lynch asked Mr. Arroyo, if this seems reasonable and appropriate since it appears that the applicant has a tremendous amount of information based on the two businesses. Member Lynch suggested a review of actual numbers and the existing data existing could get over this hurdle relatively quickly.

Rod Arroyo, Traffic Consultant said he agreed and it is a matter of collecting the information and doing the additional studies. There are guidelines for queuing studies. Mr. Arroyo stated they will be happy to work with the applicant's consultant as they have been doing and to make sure we are as helpful as we can be everything can be completed and get reviewed and back before Planning Commission.

Member Meyer asked if this is a reasonable approach to expedite the process and I'll ask my fellow Planning Commissioner's if the only hurdle is the parking and once it is resolved, I believe the applicant and landlord have heard that we are all in agreement and would welcome their club here.

Member Lynch/Meyer seconded the motion.

Barbara McBeth, Deputy Director Community Development explained that staff will be happy to continue to work with the applicant. Ms. McBeth stated that there were a number of comments in Mr. Arroyo's letter that we would like to have addressed, in addition to the queuing study, valet parking, and items from Ms. Kapelanski's presentation as well. With the agreement of the Planning Commission, we will work on a number of those issues with the applicant and bring this project back as quickly as possible.

Member Meyer asked that we just communicate with the applicant and not to just think about valet parking, but be creative and if the problems can be resolved, then we want you to do business here.

Member Meyer thought that Member Cassis brought up some valid concerns regarding the parking and what I am

saying to the applicant is to work with Mr. Arroyo and be creative and deal with the issues since you have some limited space there and we are open to creative solutions.

ROLL CALL VOTE ON PARK 29, NIGHTCLUB AT NOVI MAIN STREET, SP09-11, TO POSTPONE THE PRELIMINARY SITE PLAN, SHARED PARKING STUDY, APPLICANT TO DO A CUEING STUDY THAT DOES DEMONSTRATE ADEQUATE PARKING FOR THE EXISTING AND PROPOSED USES AND THE MATTER BE BROUGHT BACK TO PLANNING COMMISSION IN A TIMELY MATTER AND THE APPLICANT WORK WITH THE CITY'S TRAFFIC CONSULTANT TO RESOLVE THE REMAINING ISSUES. Member Meyer made a motion and Member Lynch seconded it. (Yes; Gutman, Lynch, Meyer, Prince, Baratta, Cassis, Greco, Recused: Larson) *Motion passes 7-0.*

PREVIOUSLY APPROVED SHARED PARKING

PARKING CALCULATIONS

THE FOLLOWING CALCULATIONS ARE BASED ON THE RICH AND ASSOCIATES SHARED PARKING FORMULA PREVIOUSLY ACCEPTED BY THE PLANNING COMMISSION AND THE RICH AND ASSOCIATES ACTUAL PEAK OCCUPANCY STUDY FOR VIC'S MARKET PREPARED IN 1996.

A. VIC'S MARKET	GROSS S.F.	USABLE S.F.
FIRST FLOOR	59,090	33,594
MEZZANINE	12,287	4,553
DISPLAY/GREENHOUSE	6,930	4,336
	78,307 S.F.	42,513 S.F.

USABLE AREA	X	SPACES/1000 S.F.	X	LINKED TRIPS FACTOR	SPACES REQUIRED
42,513		4.70		90%	180 SPACES *

* THE RICH AND ASSOCIATES (1996) ACTUAL PEAK OCCUPANCY STUDY INDICATED A PEAK USE OF 172 SPACES

B. HOVI TAVERN/RETAIL BUILDING

USE	GROSS FLOOR SPACE	SPACES/1000 S.F.	GROSS GENSEABLE AREA (GLA)	NET USABLE AREA (NUA)	LINK TRIPS FACTOR	REQUIRED SPACES
OFFICE	16,700	2.42	N/A	N/A	N/A	40
RETAIL	5,628	4.70	80%	N/A	90%	19
MICRO BREWERY	7,220	N/A	N/A	N/A	90%	112.a
TAP ROOM/ RESTAURANT						
BREWHOUSE	4,625	N/A	N/A	N/A	N/A	4 b
GROCERY	11,461	4.70	80%	N/A	90%	39
	45,694	N/A=NOT APPLICABLE				224
				H.P. SPACES		7
				TOTAL		221

a. $7,220 \text{ GROSS S.F.} / 70 = 103 \text{ SPACES} \times 0.9 = 93$

220 PERSON CAPACITY + 16 PERSONS WAITING + EMPLOYEES (TAP ROOM/REST) = 124

$124 \times 0.9 = 112$

b. 5 EMPLOYEES (BREWHOUSE) = 4

1.5

C SERVICES.
COUNCIL
KET STREET.

C. BUILDING NO. 200 AND 300

USE	GROSS SQUARE FOOTAGE	X SPACES/1000 GSF	X GROSS LEASEABLE AREA FACTOR	X NET USEABLE AREA FACTOR	LINKED TRIPS FACTOR	= SPACES REQUIRED
OFFICE	49,083	2.42	N/A	N/A	N/A	119
RETAIL	73,535	4.70	80%	90%	90%	224
RESTAURANT	24,366	17.80	80%	90%	90%	282
	147,004		114,778 S.F. NET			625

BUILDING 400-THROUGH 1000, INCL.

USE	GROSS SQUARE FOOTAGE	X SPACES/1000 GSF	X GROSS LEASEABLE AREA FACTOR	X NET USEABLE AREA FACTOR	LINKED TRIPS FACTOR	= SPACES REQUIRED
OFFICE	107,800	2.42	N/A	N/A	N/A	261
RETAIL	166,400	4.70	80%	90%	90%	507
RESTAURANT	51,400	17.80	80%	90%	90%	593
	325,600					1361

MAIN STREET COURT

USE	GROSS SQUARE FOOTAGE	X SPACES/1000 GSF	X GROSS LEASEABLE AREA FACTOR	X NET USEABLE AREA FACTOR	LINKED TRIPS FACTOR	= SPACES REQUIRED
OFFICE						0
RETAIL	2,480	4.78	80%	90%	90%	8
RESTAURANT	21,120	17.80	80%	90%	90%	244
	23,600					252

D. TOTAL SPACES BY USE

OFFICE	421
RETAIL	799
RESTAURANT	1239
VIC'S	178
	2637

DAYTIME SPACES

REQUIRED/PCT. FACTOR
379/90%
799/100%
868/70%
178/100%
2224

NIGHTTIME SPACES

REQUIRED/PCT. FACTOR
30/7%
712/89%
1239/100%
159/89%
2140

MAXIMUM TOTAL REQUIRED
TOTAL PROVIDED

2224 plus 33 Handicapped = 2257
2260 [includes 51 Handicapped]

12 @ Vic's
7 @ Sports Tavern
8 @ Main Street Court
24 @ Bldg 200/1000

RECEIVED
AUG 20 1997

PLANNING DEPT.
CITY OF NOVA

RECEIVED
AUG 20 1997

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