



CITY of NOVI CITY COUNCIL

Agenda Item F
July 20, 2009

SUBJECT: Acceptance of a Conservation Easement from Medical Office Building, LLC for the Contemporary Imaging medical office building development, located on the west side of Karim Boulevard between Grand River and Ten Mile Road in Section 24 (parcel 22-24-476-032), covering a total of 0.35 acres.

Burke

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Contemporary Imaging (SP08-28) is a 9,924 square foot medical office building development on the west side of Karim Boulevard, between Grand River Avenue and Ten Mile Road. Construction of the building is being finalized at this time. On August 13, 2008, the Planning Commission approved the Preliminary Site Plan, Storm Water Management Plan and Woodland Permit with the condition of providing a conservation easement. The Final Site Plan received stamping set approval from the Planning Division on October 9, 2008.

The attached "Sketch of Easement" graphically depicts the proposed Conservation Easement. The easement is .35 acres in area and covers about 11.4% of the 3.06 acre site. There are a substantial amount of woodlands, wetlands and wetland buffer that will fall within the easement.

The easement has been reviewed by the City's professional staff and consultants and is currently in a form acceptable to the City Attorney's office for acceptance by the City Council.

RECOMMENDED ACTION: Acceptance of a Conservation Easement from Medical Office Building, LLC for the Contemporary Imaging medical office building development, located on the west side of Karim Boulevard between Grand River and Ten Mile Road in Section 24 (parcel 22-24-476-032), covering a total of 0.35 acres.

	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				

City Attorney Review Letter

June 25, 2009

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

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

Barb McBeth, Deputy Director of Community Development
City of Novi
45175 West Ten Mile Road
Novi, Michigan 48375-3024

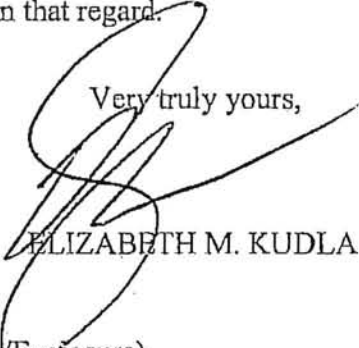
**Re: Contemporary Imaging- SP08-28
Conservation Easement
Our File No: 660169.NOVI**

Dear Ms. McBeth:

We have received and reviewed the final executed Conservation Easement for the Contemporary Imaging property for the protection of wetlands, wetland buffer, and woodlands. The terms of the Conservation Easement are satisfactory for these purposes. Subject to approval of the attached exhibits describing the Conservation Easement Areas by City staff or consultants, we recommend approval of the Conservation Easement in the enclosed format. Once the Exhibits are approved it may be placed on an upcoming City Council Agenda for acceptance. Once we receive the original document from the City, we will forward it to the City Clerk's Office for recording purposes.

Should you have any questions or concerns relating to the issues set forth above, please feel free to contact me in that regard.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosure

C: Maryanne Cornelius, Clerk (w/Enclosure)
Mark Spencer, Planner (w/Enclosure)
Charles Boulard, Building Official (w/Enclosure)
Sarah Marchioni, Building Permit Coordinator (w/Enclosure)
John A. Freeland, ECT Environmental (w/Enclosure)
Wayne Dutton, Sarnacki & Associates (w/Enclosure)
Pina Finazzo, DO (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

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Location Map



Contemporary Imaging Associates SP 08-28 Location



Subject Property

CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Karen Reinowski, Planner
REVISED: Mark Spencer, Planner



1 INCH = 192 FEET

MAP PRINT DATE: 6/29/09

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Reduced Site Plan

Conservation Easement and Exhibits

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this _____ day of _____, 2009, by and between Medical Office Building, LLC, a Michigan limited liability company whose address is 1676 Fort Street, Trenton, MI 48183- (hereinafter the "Grantor"), and the City of Novi, and its successors or assigns, whose address is 45175 W. Ten Mile Road, Novi, MI 48375, (hereinafter the "Grantee").

RECITATIONS:

A. Grantor owns a certain parcel of land situated in Section 24 of the City of Novi, Oakland County, Michigan, described in Exhibit A, attached hereto and made a part hereof (the "Property"). Grantor has received final site plan approval for construction of a medical office building development on the Property, subject to provision of an appropriate easement to permanently protect the wetlands, wetland buffv and woodlands thereon from destruction or disturbance. Grantor desires to grant such an easement in order to protect the area.

B. The Conservation Easement Areas (the "Easement Areas") situated on the Property are more particularly described on Exhibit B, attached hereto and made a part hereof, the second page of which contains a drawing depicting the protected area.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$ 1.00), in hand paid, the receipt and adequacy of which are hereby acknowledged, Grantor hereby reserves, conveys and grants the following Conservation Easement, which shall be binding upon the Grantor, the City, and their respective heirs, successors, assigns and/or transferees and shall be for the benefit of the City, all Grantors and purchasers of the property and their respective heirs, successors, assigns and/or transferees. This Conservation Easement is dedicated pursuant to Subpart 11 of Part 21 of the Natural Resources and Environmental Protection Act being MCL 324.2140, et. seq., upon the terms and conditions set forth herein as follows:

1. The purpose of this Conservation Easement is to protect the wetlands, wetland buffer and woodlands, as shown on the attached and incorporated Exhibit B. The subject areas shall be perpetually preserved and maintained, in their natural and undeveloped condition, unless authorized by permit from the City, and, if applicable, the Michigan Department of Environmental Quality and the appropriate federal agency.

2. Except for and subject to the activities which have been expressly authorized by permit, there shall be no disturbance of the wetlands, wetland buffer, woodlands and/or

vegetation within the Easement Areas, including altering the topography of; placing fill material in; dredging, removing or excavating soil, minerals, or trees, and from constructing or placing any structures on; draining surface water from; or plowing, tilling, cultivating, or otherwise altering or developing, and/or constructing, operating, or maintaining any use or development in the Easement Areas.

3. No grass or other vegetation shall be planted in the Easement Areas with the exception of plantings approved, in advance, by the City in accordance with all applicable laws and ordinances.

4. This Conservation Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession or use of the Easement Area, except that, upon reasonable written notice to Grantor, Grantee and its authorized employees and agents (collectively, "Grantee's Representatives") may enter upon and inspect the Easement Area to determine whether the Easement Area is being maintained in compliance with the terms of the Conservation Easement.

5. In the event that the Grantor shall at any time fail to carry out the responsibilities specified within this Document, and/or in the event of a failure to preserve and/or maintain the wetlands, wetland buffer areas and/or protected woodlands in reasonable order and condition, the City may serve written notice upon the Grantor, setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place of the hearing before the City Council, or such other Council, body or official delegated by the City Council for the purpose of allowing the Grantor to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official designated to conduct the hearing, shall determine that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall thereupon have the power and authority, but not the obligation, to enter upon the property, or cause its agents or contractors to enter upon the property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation, including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the Grantor, and such amount shall constitute a lien as to the Property. The City may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within 30 days of a billing to the Grantor, all unpaid amounts may be placed on the delinquent tax roll of the City and shall accrue interest and penalties, and be collected as and deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the Grantor and, in such event, the Grantor shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

6. Within 90 days after the Conservation Easement shall have been recorded, Grantor, at its sole expense, shall place such signs defining the boundaries of the Easement Area and describing its protected purpose, as indicated herein.


7. This Conservation Easement has been made and given for a consideration of a value less than One Hundred (\$ 100.00) Dollars and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MSA 7.456(5)(a).

8. Grantor shall state, acknowledge and/or disclose the existence of this Conservation Easement on legal instruments used to convey an interest in the property.

IN WITNESS WHEREOF, Grantor and Grantee have executed the Conservation Easement as of the day and year first above set forth.

GRANTOR

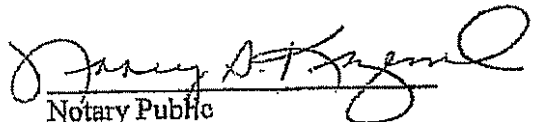
MEDICAL OFFICE BUILDING,
LLC, a Michigan limited liability
company


By: JOSEPHINE J FINAZZO
Its: MEMBER

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 25th day of JUNE,
2009, by JOSEPHINE FINAZZO, as the MEMBER of
MEDICAL OFFICE BUILDING.

NANCY B. KRZEMINSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 2, 2012
ACTING IN COUNTY OF


Notary Public
Oakland County, Michigan
My Commission Expires: 11-2-2012

GRANTEE

CITY OF NOVI
A Municipal Corporation

By: David Landry
Its: Mayor

By: Maryanne Cornelius
Its: Clerk

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on this ____ day of _____, 200__, by, David Landry, Mayor, and Maryanne Cornelius, Clerk, on behalf of the City of Novi, a Municipal Corporation.

Notary Public
Oakland County, Michigan
My Commission Expires: _____

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

When recorded return to:
Maryanne Cornelius, Clerk
City of Novi
45175 W. Ten Mile
Novi, MI 48375

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**LEGAL DESCRIPTION
CONSERVATION**

LEGAL DESCRIPTION:

SUBJECT PARCEL

(PER KEM-TEC & ASSOC. JOB#03-36763 BOUNDARY/TOPOGRAPHIC/TREE SURVEY DATED 12-04-03)
Part of the Southeast 1/4 of Section 24, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as follows: Commencing at the Southwest corner of Section 19, Town 1 North, Range 9 East (previously called the Southeast corner of Section 24, Town 1 North, Range 8 East by Bosney & Smith, Inc., survey job no. 85-9-42, dated October 31, 1988), said point being 12.17 feet North of the Southwest corner of Section 24, Town 1 North, Range 8 East, as rementumated and recorded in Liber 15528, Page 757-758; thence S88°26'40"W, 850.02 feet; thence N00°03'40"E, 60.02 feet; thence S86°25'40"W, 467.30 feet; thence N00°03'40"E, 310.00 feet to the Point of Beginning; thence N00°03'40"E, 671.34 feet; thence S86°37'39"E, 303.80 feet; thence along a curve to the left, radius 280.00 feet, central angle 45°00'00", on arc distance of 204.20 feet, and whose chord bears S22°34'05"W (previously described as S22°33'40"W), 199.00 feet; thence S00°03'40"W, 273.06 feet (previously described as 273.26 feet); thence S49°08'33"W, 300.55 feet to the Point of Beginning.

LEGAL DESCRIPTION:

CONSERVATION EASEMENT

A conservation easement, over part of the Southeast 1/4 of Section 24, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, said easement being more particularly described as follows: Commencing at the Southwest corner of Section 19, Town 1 North, Range 9 East (previously called the Southeast corner of Section 24, Town 1 North, Range 8 East by Bosney & Smith, Inc., survey job no. 85-9-42, dated October 31, 1988), said point being 12.17 feet North of the Southwest corner of Section 24, Town 1 North, Range 8 East, as rementumated and recorded in Liber 15528, Page 757-758; thence S88°26'40"W, 850.02 feet; thence N00°03'40"E, 60.02 feet; thence S86°26'40"W, 467.30 feet; thence N00°03'40"E, 344.48 feet to the Point of Beginning; thence continuing N00°03'40"E, 151.63 feet; thence N77°32'01"E, 118.01 feet; thence S71°41'33"E, 49.33 feet; thence S40°51'27"E, 11.68 feet; thence S48°02'08"W, 228.46 feet to the Point of Beginning.

**PROFESSIONAL
ENGINEERING
ASSOCIATES**

CLIENT: PINA FINAZZO, D.O. 19900 HAGGERTY ROAD LIVONIA, MI - 48152	SCALE: 1" = 100'	JOB No: 2008088	2480 Rochester Ct. Suite 100 Troy, MI 48063-1672 (248) 880-0000
	DATE: 9-23-08	DWG. No: 2 of 2	

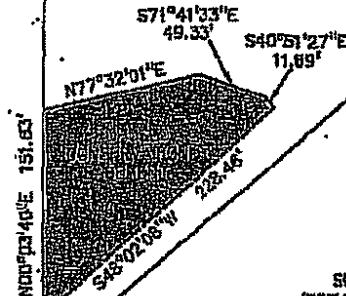
SKETCH OF EASEMENT
CONSERVATION

SIDWELL NO.
50-22-24-476-032



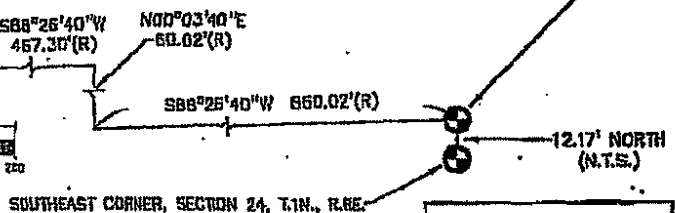
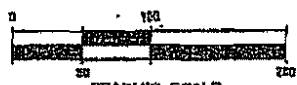
WESTERLY LINE OF
KARIM BOULEVARD

KARIM BOULEVARD
(60' R.O.W.)



F.O.B.
CONSERVATION
EASEMENT

SOUTHWEST CORNER, SECTION 19, T.1N., R.9E.
(PREVIOUSLY CALLED THE SOUTHEAST CORNER OF
SECTION 24, T.1N., R.9E. ON BASNEY & SMITH, INC.,
SURVEY JOB NO. 88-9-42, DATED OCT. 31, 1988)



LEGEND
 SECTION CORNER

**PROFESSIONAL
ENGINEERING
ASSOCIATES**

CLIENT: PINA FINAZZO, D.O. 19800 HAGGERTY ROAD LIVONIA, MI - 48152	SCALE: 1" = 100'	JOB No: 2008088	2450 Rochester Ct. Suite 100 Troy, MI 48065-1872 (248) 868-8080
	DATE: 9-23-08	DWG. No: 1 of 2	

Planning Commission Minutes

Excerpts

August 13, 2008



PLANNING COMMISSION

APPROVED

CITY OF NOVI
Regular Meeting
EXCERPTS

Wednesday, August 13, 2008 | 7 PM

**Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475**

CALL TO ORDER

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

ROLL CALL

Present: Members Brian Burke, Andrew Gutman, Brian Larson, Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: Victor Cassis (excused), David Greco (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Karen Reinowski, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Civil Engineer; Dr. Don Tilton, Environmental Consultant; Kristin Kolb, City Attorney

PUBLIC HEARINGS

1. CONTEMPORARY IMAGING ASSOCIATES, SP08-28

The Public Hearing was held on the request of Sarnacki and Associates for Preliminary Site Plan, Woodland Permit and Stormwater Management Plan approval. The subject property is in Section 24, north of Ten Mile, west of Haggerty Road in the OS-1, Office Service District. The subject property is approximately 3.06 acres and the Applicant is proposing to construct a 9,924 square-foot one-story medical office building, and includes the location for a potential second building on the property with associated parking.

Planner Karen Reinowski described the project. The subject parcel and those to the north, south and east are zoned OS-1 and master planned for Office. Olde Orchard to the west is zoned RM-1 and master planned for Multiple Family Residential. There are dense woodlands on the southerly end of the site near the Francis Drain. There are wetlands in that area, but the building is proposed outside of the floodplain. There are no impacts to the wetlands or the buffer, although a City Minor Use Permit and an MDEQ Permit are required. The location of the proposed building is between the two courtyards of the adjacent condos. It is located as far as it can be from the outdoor space the adjacent residents would have in the rear of their units. The site plan shows where a second building may be located in the future, and is only a notation on the plan; its approval is not part of this request.

The Applicant indicates that two parking spaces will be added to their plan to meet the City standard. No variance request is necessary. The Applicant also responded that they will address the remaining outstanding issue on the next submittal.

The Landscape Review notes the buffer between this building and the westerly condos proposes a mixture of evergreens facing the condos. This will mature to provide great opacity. A 4'5" screen wall will be located behind the evergreens. A Planning Commission Waiver is required for this design rather than a berm. Staff supports this request, and suggests that the wall should be extended to the south so that it fills in the gap between the screen wall and the twelve-foot screen wall of the MRI unit. This design would provide a continuous wall. Additional shrubs and perennials are required and the Applicant has agreed to provide them.

The Woodland Review notes that 43 trees – 78 credits – will be impacted by this design. The Applicant needs to show where another eight credits will be provided, or indicate that they are paying into the tree fund. The Consultant recommends that the woodlands, wetlands and buffer be placed in a Conservation Easement. The Planning Commission may consider adding this stipulation to their motion.

The Engineering Review and Traffic Review also noted minor items to be addressed at the time of Final Site Plan submittal. The Façade Review and Fire Department Review do not have any outstanding issues.

Jay Sarnacki, project architect, addressed the Planning Commission. He introduced Dr. Pina Finazzo and said she was relocating from Livonia.

No one from the audience wished to speak. Member Gutman read the correspondence into the record:

- Miriam Berenstein, Olde Orchard: Approved of the request as long as the woodlands adjacent to her subdivision are maintained. She would have liked to have had her notice earlier.
- Barbara Sherwin, Olde Orchard: Approved of the request if it lowers her taxes, objected if it doesn't.
- Anne Dombrowski, Olde Orchard: Approved of the request.
- Maryann Grausam, Olde Orchard: Approved of the request.
- Lillian Erdelyi, Olde Orchard: Approved of the request as no negative impacts seemed apparent.
- Susan Gatteri, Olde Orchard: Objected because of the medical vacancies throughout the City.
- Edward Fleck, Olde Orchard: Objected because of vacancies and overdevelopment issues. He did not wish to destroy more green space.
- Karen Brown, Olde Orchard: Objected to more buildings.
- Marily and James Trenkle, Olde Orchard: Objected because she didn't want a business so close to residential. Had noise, woodland and Francis Drain concerns.
- Kristine Kurzatkowski, Olde Orchard: Objected because of concerns about more buildings and vacancies. She would have liked to have been noticed earlier. She is concerned about dropping property values.

Chair Pehrson closed the Public Hearing.

Member Wrobel asked what the distance was between this building and the residential condos. Ms. Reinowski replied that there is twenty feet between the parking lot and the lot line, and 37 feet between building and the property line. She said the condos are another ten to fifteen feet from their property line.

Member Wrobel asked about the hours of operation. Mr. Sarnacki said they would be standard, such as 8 AM to 6 PM Monday through Friday, perhaps some Saturday hours too. There would not be any Sunday hours. Dr. Finazzo would be housed in this building, so it wouldn't be a vacant building. Member Wrobel asked what the pedestrian count might be. Mr. Sarnacki said that the work inside would be CT scans, radiology, MRIs, ultrasound, etc. There would be perhaps ten or fifteen appointments per hour. Member Wrobel didn't want undue noise for the nearby residents. Member Wrobel didn't see that this was a substantial problem, especially because the building wouldn't be open for business in the evening. He supported the project.

Member Burke walked the property and noticed that there are condos that are about thirty feet from a chain-link fence and a gravel road, surrounded by vegetation. Member Burke asked how much of the vegetation would stay. Landscape Architect David Beschke responded that the building and parking area would be cleared out. The good thing about the Applicant's proposal is the installation of a decorative wall that will screen fairly well. Also, forty evergreens and thirty deciduous trees are proposed for this stretch of land. In time the opacity will be very good.

Member Burke asked whether there would be additional sound interference for those condos that sit closer to this proposed building. Mr. Beschke couldn't speak for the sound issue, but felt that the building is well-cited on this property. The north and south areas will remain untouched and the rest will receive higher quality landscape than what currently exists.

Civil Engineer Lindon Ivazaj added that though he didn't review the proposal against the Sound Ordinance, he thought that the wall would be a sufficient sound barrier.

Member Burke asked for a brief education on MRI trailers. Mr. Sarnacki responded that he has designed a number of MRI ports, and the trailers do not emit a loud noise. There is a bit of clicking, but this is only during a procedure. The unit is a semi-trailer that sits in place and is shielded. Everything is self-contained. The trailers are made to be movable. There are no magnetic interferences with the surrounding areas. Dr. Finazzo added that she didn't know the exact size of the MRI trailer. She said that this type of trailer operation doesn't make hardly any noise. Her Trenton location is twenty feet away from the neighbor's building, and they cannot hear the MRI trailer. The noise volume is low. The MRI scans last for 30 to 45 minute increments, and there are about ten patients per day. She thought the noise was minimal and she's never had complaints at her other location. The MRI is attached to the building through a disconnect. Other than that, there are no other wires. Patients are wheeled directly into the unit. She said there is no external generator that would create additional noise.

Member Burke confirmed that the south drain is not affected by this proposal. Mr. Ivezaj said the flood plain is not encroached and there is proper detention on the site. There should not be any problems for the Francis Drain.

Member Burke confirmed that there weren't any problems relating to the minor use permit or the MDEQ. Steve Sorensen from PEA Engineering responded that the MDEQ permit is purely for the tap to the drain. This is not a full-blown MDEQ permit, and working with them will take approximately two weeks.

Member Burke noted that there were many comments relating to vacancies throughout the City. He said that the Planning Commission is not charged with reviewing this plan against that information; they review the plans against the Ordinance and zoning requirements. The Applicant is not required to take over a vacant building and it's not the Planning Commission's purview to make sure that's what they do. Regarding the noise issue, he understood the neighbors' concerns, but based on what he's heard, he doesn't think the neighbors will be impacted by the noise on this site. Mr. Ivezaj replied that he is a civil engineer and not a sound engineer, so he could not take an emphatic position on the noise attenuation.

Member Burke asked what could be done to ensure that the sound levels are acceptable. Ms. Reinowski said the Zoning Ordinance does limit the decibel levels based on zoning and adjacent zoning. Ms. Reinowski suggested that the Applicant verify that they would not exceed the standards in the Ordinance. The screen wall makes Staff a bit more comfortable about the noise emission of this proposal, but the issue can certainly be quantified by the Applicant providing additional information on the MRI unit. Deputy Director of Community Development Barbara McBeth added that Staff's request to continue the wall down to the screen wall for the MRI unit should be even more helpful.

Member Burke asked about the Conservation Easement. Ms. Reinowski said the recommendation was from the environmental consultant and is meant to ensure the preservation of the natural features. Mr. Sarnacki said he would work with the Staff to provide the easement. Member Burke was satisfied by the Applicant's response letter wherein they state their intent to comply with the reviews. He thought that Staff and the Applicant did an admirable job in working this project out.

Moved by Member Burke, seconded by Member Gutman:

In the matter of Contemporary Imaging Associates, SP08-28, motion to approve the Preliminary Site Plan, subject to: 1) A Planning Commission Waiver to install a wall in lieu of a berm along the western property line adjacent to the parking lot, and extending the wall further to the south to connect with the additional screening wall for the MRI; 2) The conditions and items listed in the Staff and Consultant review letters being addressed on the plans prior to Stamping Sets; and 3) The Applicant working with Staff to provide a Conservation Easement for the preservation of woodlands on the south end of the site; for the reasons that the plan is otherwise in compliance with Article 11, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

DISCUSSION

Member Meyer confirmed that the irrigation plan would be submitted in the Final Site Plan submittal. He confirmed that the Applicant was addressing the parking space deficiency. He asked about the eight lingering woodland replacement trees not currently shown on the plan. Mr. Sorensen said that they will either be designed into the Final Site Plan or the Applicant will pay into the tree fund. He believed that the Staff recommended that the trees be placed within the conservation easement.

Member Lynch visited the site as well. He thought the inclusion of the trees was sufficient. He did not think the sound from the MRI trailer could ever travel through the trees and the wall. He confirmed that the wall would be extended, and landscaping would also be provided. He didn't see that sound was an issue. The trees proposed are more than adequate for both sound and visual buffers. He supported the project.

Chair Pehrson thanked the Applicant for working with the City and for their responses in their letter. After confirming with the City Attorney, Kristin Kolb, Chair Pehrson asked that the following two friendly amendments be added to the motion:

- **The Applicant providing two additional parking spaces to meet the standard of Section 2505.14.d(3) of the Zoning Ordinance, or seeking a Zoning Board of Appeals Variance;**
- **Verification by Staff at the time of Final Site Plan review that the noise standards of the Zoning Ordinance will be met through the review of the information provided by the MRI manufacturer.**

The maker and the seconder of the motion agreed.

Mr. Beschke wished to comment that he recently was near an MRI, and he never heard a sound. Mr. Sarnacki hoped to just provide the cut sheets from the MRI and the trailer manufacturer. Chair Pehrson said that would be acceptable.

ROLL CALL VOTE ON CONTEMPORARY IMAGING ASSOCIATES, SP08-28, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER BURKE AND SECONDED BY MEMBER GUTMAN:

In the matter of Contemporary Imaging Associates, SP08-28, motion to approve the Preliminary Site Plan, subject to: 1) A Planning Commission Waiver to install a wall in lieu of a berm along the western property line adjacent to the parking lot, and extending the wall further to the south to connect with the additional screening wall for the MRI; 2) The conditions and items listed in the Staff and Consultant review letters being addressed on the plans prior to Stamping Sets; 3) The Applicant working with Staff to provide a Conservation Easement for the preservation of woodlands on the south end of the site; 4) The Applicant providing two additional parking spaces to meet the standard of Section 2505.14.d(3) of the Zoning Ordinance, or seeking a Zoning Board of Appeals Variance; and 5) Verification by Staff at the time of Final Site Plan review that the noise standards of the Zoning Ordinance will be met through the review of the information provided by the MRI manufacturer; for the reasons that the plan is otherwise in compliance with Article 11, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

Moved by Member Burke, seconded by Member Gutman:

ROLL CALL VOTE ON CONTEMPORARY IMAGING ASSOCIATES, SP08-28, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER BURKE AND SECONDED BY MEMBER GUTMAN:

In the matter of Contemporary Imaging Associates, SP08-28, motion to approve the Stormwater Management Plan, subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; for the reasons that the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*

Moved by Member Burke, seconded by Member Gutman:

ROLL CALL VOTE ON CONTEMPORARY IMAGING ASSOCIATES, SP08-28, WOODLAND PERMIT MOTION MADE BY MEMBER BURKE AND SECONDED BY MEMBER GUTMAN:

In the matter of Contemporary Imaging Associates, SP08-28, motion to approve the Woodland Permit, subject to: The conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; and 2) The Applicant providing a Conservation Easement on the southerly portion of the property; for the reasons that the plan is in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 7-0.*