

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item K
September 12, 2011

SUBJECT: Acceptance of a Non-Development Easement from Providence Hospital and Medical Centers, Inc., for Providence Orthopaedic Center, SP06-22, located on the east side of the Providence Park Ring Road, south of Grand River Avenue in Section 17. The easement covers 18,988 square feet.

SUBMITTING DEPARTMENT: Community Development Department - Planning *Bu*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Providence Orthopaedic Center is a 68,000 square foot medical office development within the Providence Park Hospital development. The Preliminary Site Plan for the Orthopaedic Center was approved by the Planning Commission on May 24, 2006 with reduced parking lot setbacks. The Planning Commission may waive parking lot setback requirements, with the provision that the additional setback is provided elsewhere on the site, with no net loss of open space.

The site plan shows deficient parking setbacks on the interior side (north) yard and rear (east) yard resulting in a deficiency of 16,275 square foot of parking setback area. The Planning Commission allowed the setback area to be placed elsewhere on the site with the condition that the additional setback area be placed in a non-development easement to ensure that the Zoning Ordinance requirements are met in perpetuity. The Non-Development Easement covers 18,988 square feet and is identified on the attached map. Permanent preservation of this open space will insure that the Planning Commission action and intent to provide equivalent open space on this site will be maintained.

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 approval by the City Council.

RECOMMENDED ACTION: Acceptance of a Non-Development Easement from Providence Hospital and Medical Centers, Inc., for Providence Orthopaedic Center, SP06-22, located on the east side of the Providence Park Ring Road, south of Grand River Avenue in Section 17. The easement covers 18,988 square feet.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Fischer				
Council Member Margolis				

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

Providence Orthopaedic Center SP06-22

Non-Development Easement - Location

Approximate Area of
Non-Development
Easement

Map Author: Kristen Kapelanski
Date: August 29, 2011
Project: Providence Orthopaedic SP06-22
Version #: 1.0

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.



City of Novi

Planning Division
Community Development
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org



1 inch = 160 feet

NON-DEVELOPMENT EASEMENT

NON-DEVELOPMENT EASEMENT

THIS EASEMENT is made this _____ day of December, 2007, by and between Providence Hospital and Medical Centers, Inc., a Michigan nonprofit corporation, whose address is 47601 Grand River Avenue, Novi, Michigan 48734 (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 17 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 (the "Development"). The OSC District requirements, as set forth within the City of Novi Zoning Ordinance, require a minimum of 20 feet of parking lot setback in the side and rear yards and 35 feet of setback in the front yard. The Development, as proposed, has deficient rear yard setbacks due to parking needs. The City has approved the proposed Development with deficient setbacks subject to provision of an appropriate easement to permanently prohibit construction of any structure or maintenance of any use within certain additional setback areas set aside on the Property to ensure that the total area of setback required for the site does not fall below the minimum required by the City of Novi Zoning Ordinance, in accordance with the approved site plan which is on file with the City Clerk.

B. The "additional setbacks" to be known herein as "Non-Development 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 areas.

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 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:

1. The purpose of this Non-Development Easement is to provide for the modification of setback requirements without reducing the total area of setback on the Property below the minimum setback requirements of the City of Novi Zoning Ordinance, in accordance with site plan approval. The Non-Development Easement Areas are the Easement Areas shown on the attached and incorporated **Exhibit B**. The subject areas shall be perpetually preserved and maintained, in their undeveloped condition, unless this Non-Development Easement is amended, modified or terminated as provided herein. The Easement Areas may also be developed if authorized by permit from the City.

2. Except for and subject to the activities which have been expressly authorized by the City, there shall be no development of the Easement Area including constructing or placing any structures on, or otherwise altering or developing, and/or constructing, operating, or maintaining any use or development in the Easement Area.

All areas identified on **Exhibit B** as additional setback areas shall be forever reserved and preserved, in the condition specifically approved by the City in accordance with applicable laws and ordinances. Amendment of the City Zoning Ordinance shall not release the Grantor from the terms of the Easement.

3. This Non-Development 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.

4. In the event that the Grantor shall at any time fail to carry out the responsibilities specified within this Easement, the City may serve written notice upon the Grantor, setting forth the violation of the easement term. 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 restore the Easement Areas to the approved condition. 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 terms of the easement have been violated, and the violations have not been corrected or the Easement Areas restored within the time period provided, 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 to correct or restore the Non-Development Easement Areas to the approved condition as reasonably found by the City to be appropriate. The cost and expense of correcting such violations, including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of twenty-five (25%) percent of the total of all costs and expenses incurred, shall be paid by the Grantor, and such amount shall constitute a lien on 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 thirty (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.

5. This Non-Development 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).

6. Upon City Council's approval, this Non-Development Easement may be amended, modified or terminated in the event that the Development and/or Property changes in use or character and the Easement Areas need to be modified, relocated or removed in order to meet the needs of future development in accordance with an approved site plan and consistent with all applicable laws and ordinances. Any amendment, modification, or termination shall be effective when the proper instrument has been executed and acknowledged, in writing, by Grantor and Grantee, and recorded in the Oakland County, Michigan Register of Deeds.

(Signatures follow on next page)

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

(Grantor)

Providence Hospital and Medical Centers, Inc., a Michigan nonprofit corporation

By: Tim A. Crew
Its: President

Robert Casalou

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

On this 18th day of December, 2007, before me, personally appeared the above named Robert Casalou, the President of Providence Hospital and Medical Centers, Inc., a Michigan nonprofit corporation, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as the company's free act and deed.

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

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

(Grantee)

City of Novi

By: _____
Its: _____

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 2007, by _____, on behalf of the City of Novi, A Municipal Corporation.

_____, Notary Public
_____, County, MI
My Commission Expires: _____
Acting in _____ County

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

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


CONSENT TO EASEMENT

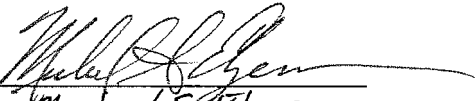
As the holder of a mortgagee interest in and to the property referenced in the Non-Development Easement, dated December 18, 2007, whereby Providence Hospital and Medical Centers, Inc., a Michigan nonprofit corporation grants and conveys said easement to the City of Novi, the undersigned hereby evidences its consent to the grant, conveyance, existence and recordation of said easement, which easement is hereby acknowledged and agreed to be superior to the interest of the undersigned and shall bind the undersigned and the heirs, successors and assigns of the undersigned.

IN WITNESS WHEREOF the undersigned has caused its signature to be placed on the 18 day of December, 2007.

WITNESSES:
association

TCF National Bank, a national banking

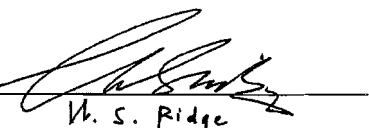

(Print Name: Mary E. McQuown)

By: 
Michael S. Elzerman

(Print Name: _____)

Its: Vice President


(Print Name: Mary E. McQuown)

and
By: 
W. S. Ridge


(Print Name: _____)

Its: Assistant Vice President

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing Consent to Easement was acknowledged before me this 18th day of December, 2007, by Michael S. Elzerman and Wendy Shauman-Rohs the Vice President and Assistant Vice President, respectively, of TCF National Bank, a national banking association.

MARY E. MCQUOWN
Notary Public, Washtenaw County, Michigan
Acting in Washtenaw County, Michigan
My Commission Expires May 26, 2013


Notary Public County, MI
My commission expires:
Acting in _____ County, MI

CONSENT TO EASEMENT

As the holder of a ground lessee's interest in and to the property referenced in the Non-Development Easement, dated December __, 2007, whereby Providence Hospital and Medical Centers, Inc., a Michigan nonprofit corporation company grants and conveys said easement to the City of Novi, the undersigned hereby evidences its consent to the grant, conveyance, existence and recordation of said easement, which easement is hereby acknowledged and agreed to be superior to the interest of the undersigned and shall bind the undersigned and the heirs, successors and assigns of the undersigned.

IN WITNESS WHEREOF the undersigned has caused its signature to be placed on the __ day of December, 2007.

WITNESSES:

Novi Orthopaedic Center Properties, L.L.C.,
a Michigan limited liability company

Margaret A. Segman
(Print Name: MARGARET A. SEGMAN)
Robert J. Mantel
(Print Name: ROBERT J. MANTEL)

By: *JM*
Jefferey Michaelson, M.D.
Its: Manager

STATE OF MICHIGAN)
)SS
COUNTY OF OAKLAND)

On this 18th day of December, 2007, before me, personally appeared the above named Jefferey Michaelson, M.D., a Manager of Novi Orthopaedic Center Properties, L.L.C., a Michigan limited liability company, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as the company's free act and deed.

Jean Ellen Boesler
Notary Public,
County, MI
My commission expires:
Acting in _____ County, MI

JEAN ELLEN BOESLER
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jan 31, 2012
ACTING IN COUNTY OF

EXHIBIT A

20050605
Non-development easement
09-21-06
10-05-06

DESCRIPTION OF PROPERTY

Part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

Commencing at the East $\frac{1}{4}$ corner of said Section 17; thence South 87 degrees 17 minutes 07 seconds West 2392.55 feet along the East-West $\frac{1}{4}$ line to the POINT OF BEGINNING; thence along a curve to the left 275.98 feet, said curve having a radius of 447.00 feet, a central angle of 35 degrees 22 minutes 29 seconds, and a chord bearing South 30 degrees 00 minutes 10 seconds East 271.62 feet; thence along a curve to the right 630.07 feet, said curve having a radius of 753.00 feet, a central angle of 47 degrees 56 minutes 33 seconds, and a chord bearing South 23 degrees 43 minutes 08 seconds East 611.85 feet; thence South 58 degrees 58 minutes 03 seconds West 101.95 feet; thence along a curve to the right 66.88 feet, said curve having a radius of 1470.00 feet, a central angle of 02 degrees 36 minutes 25 seconds, and a chord bearing North 82 degrees 45 minutes 09 seconds West 66.88 feet; thence North 81 degrees 26 minutes 57 seconds West 141.71 feet; thence along a curve to the right 504.69 feet, said curve having a radius of 320.00 feet, a central angle of 90 degrees 21 minutes 51 seconds, and a chord bearing North 36 degrees 16 minutes 01 seconds West 453.98 feet; thence North 08 degrees 54 minutes 54 seconds East 423.03 feet; thence along a curve to the left 123.31 feet, said curve having a radius of 480.00 feet, a central angle of 14 degrees 43 minutes 08 seconds, and a chord bearing North 01 degrees 33 minutes 19 seconds East 122.97 feet; thence North 78 degrees 20 minutes 12 seconds East 35.17 feet; thence along a curve to the left 25.25 feet, said curve having a radius of 515.00 feet, a central angle of 02 degrees 48 minutes 33 seconds, and a chord bearing North 07 degrees 36 minutes 29 seconds West 25.25 feet; thence North 78 degrees 20 minutes 12 seconds East 54.39 feet; thence South 11 degrees 39 minutes 48 seconds East 129.26 feet; thence along a curve to the left 5.09 feet, said curve having a radius of 447.00 feet, a central angle of 00 degrees 39 minutes 08 seconds, and a chord bearing South 11 degrees 59 minutes 21 seconds East 5.09 feet to the POINT OF BEGINNING.

Said property contains 7.33 acres, more or less.

DESCRIPTION OF NON-DEVELOPMENT EASEMENT

Part of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, described as:

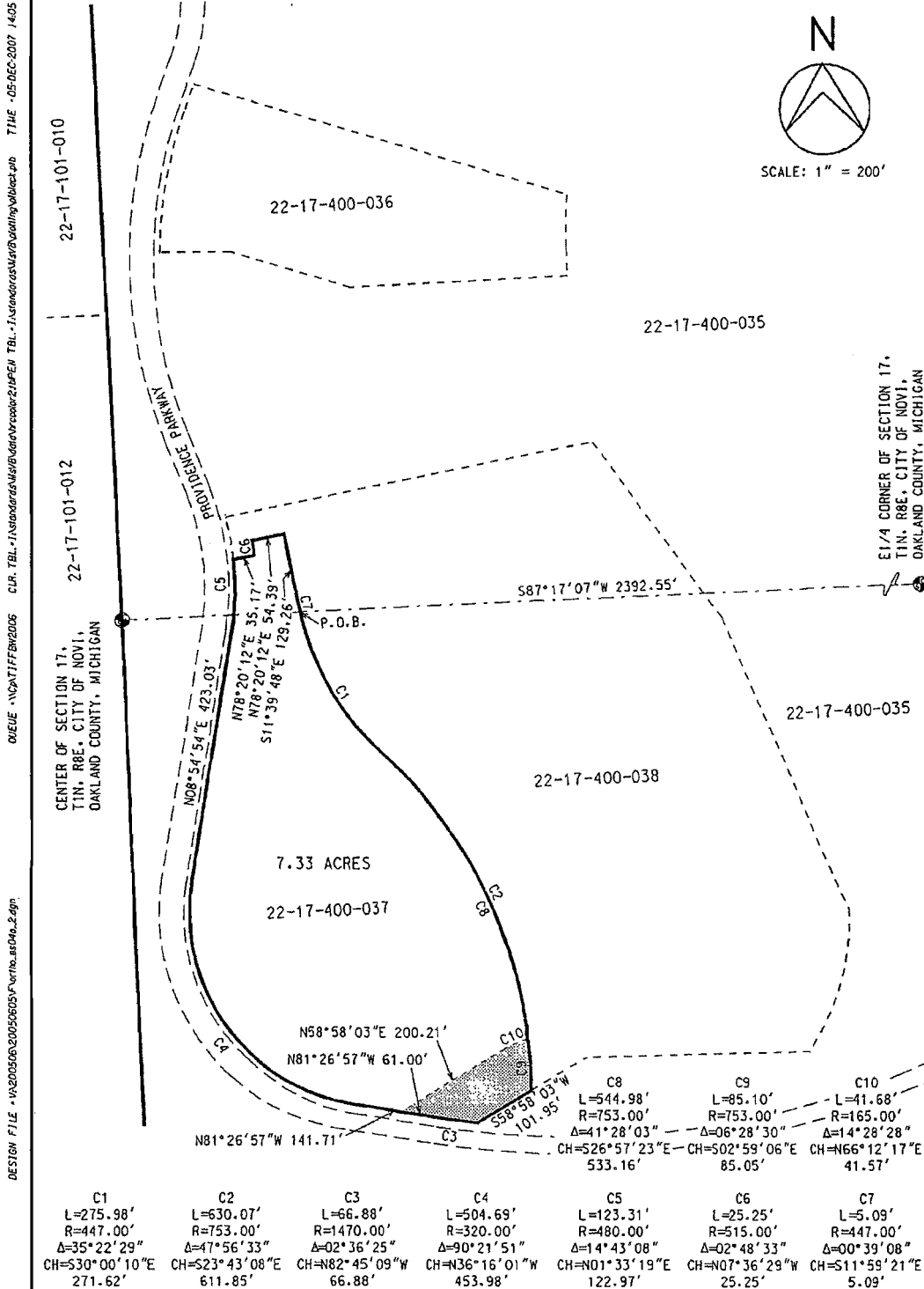
Commencing at the East $\frac{1}{4}$ corner of said Section 17; thence South 87 degrees 17 minutes 07 seconds West 2392.55 feet along the East-West $\frac{1}{4}$ line to the POINT OF BEGINNING; thence along a curve to the left 275.98 feet, said curve having a radius of 447.00 feet, a central angle of 35 degrees 22 minutes 29 seconds, and a chord bearing South 30 degrees 00 minutes 10 seconds East 271.62 feet; thence along a curve to the right 544.98 feet, said curve having a radius of 753.00 feet, a central angle of 41 degrees 28 minutes 03 seconds, and a chord bearing South 26 degrees 57 minutes 23 seconds East 533.16 feet to the POINT OF BEGINNING; thence along a curve to the right 85.10 feet, said curve having a radius of 753.00 feet, a central angle of 06 degrees 28 minutes 30 seconds, and a chord bearing South 02 degrees 59 minutes 06 seconds East 85.05 feet; thence South 58 degrees 58 minutes 03 seconds West 101.95 feet; thence along a curve to the right 66.88 feet, said curve having a radius of 1470.00 feet, a central angle of 02 degrees 36 minutes 25 seconds, and a chord bearing North 82 degrees 45 minutes 09 seconds West 66.88 feet; thence North 81 degrees 26 minutes 57 seconds West 61.00 feet; North 58 degrees 58 minutes 03 seconds East 200.21 feet; thence along a curve to the right 41.68 feet, said curve having a radius of 165.00 feet, a central angle of 14 degrees 28 minutes 28 seconds, and a chord bearing North 66 degrees 12 minutes 17 seconds East 41.57 feet to the POINT OF BEGINNING.

Said easement contains 0.32 acres, more or less.

NON-DEVELOPMENT EASEMENT



SCALE: 1" = 200'



DESIGN FILE: V:\20050602\0050605\F\vrho.usd\0_2.dgn
 USER NAME: Jjgpart
 12-05-07 REVISED
 10-05-06 RENAMED EASEMENT

DATE: 05-DEC-2007 14:05
 TIME: 05-DEC-2007 14:05

PLT: J:\20050602\0050605\F\vrho.usd\0_2.dgn

DATE: 09-21-06

JOB NO. 20050605	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	SHEET NO. 1
DATE 09-21-06		OF 2

**APPROVAL LETTER FROM
CITY ATTORNEY**



December 21, 2007

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

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

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

**Re: Providence Orthopaedic Center
Utilities Review for Acceptance
Our File No. 660104.NOVI
SP06-22**

Dear Mr. Hayes:

We have received and reviewed, and enclosed please find, the following documents regarding the Providence Orthopaedic Center Property located on the Providence Hospital development site:

- Sanitary Sewer Easement
- Water Main Easement
- Bill of Sale
- Title Insurance
- Maintenance and Guarantee Bond
- Non-Development Easement

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

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

TCF National Bank, the leasehold mortgagee of the subject property, has provided an appropriate Consent documents that we have attached to the Sanitary Sewer and Water Main Easements.

Rob Hayes, City Engineer
December 21, 2007
Page 2

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

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

We note a defect in title consisting of an Oil & Gas Lease which may be superior to the City's easements. Pursuant to the TCO Attachment, a copy of which is enclosed, we have allowed the property owner and/or lessee 30-days to clear the title defect to our satisfaction. Rather than prohibiting the issuance of the TCO for this issue, if it is not resolved in the amount of time permitted, then we will seek revocation of the TCO.

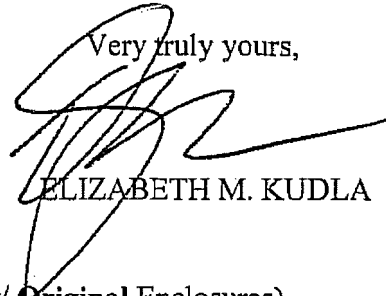
Except for the Declaration that includes the access easement agreement, all original documents are enclosed with the City Clerk's copy of this report. Once the facilities and corresponding easement are approved and accepted by *Affidavit of the City Engineer*, the original Water Main and Sanitary Sewer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

The Non-Development Easement should be placed on an upcoming City Council Agenda for approval.

Rob Hayes, City Engineer
December 21, 2007
Page 3

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'Elizabeth M. Kudla', is written over the typed name below it.

ELIZABETH M. KUDLA

EMK

Enclosures

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

REDUCED SITE PLAN

**PLANNING COMMISSION MEETING MINUTES
EXCERPT – MAY 24, 2006**



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

CALL TO ORDER

The meeting was called to order at or about 7:30 p.m.

ROLL CALL

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

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

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

PLEDGE OF ALLEGIANCE

The meeting attendees recited the Pledge of Allegiance, led by Member Kocan.

APPROVAL OF AGENDA

Member Kocan asked that a discussion of the Michigan Zoning Enabling Act be added to the Agenda under Matters for Discussion.

Moved by Member Pehrson, seconded by Member Wrobel:

Motion to approve the Agenda of May, 24, 2006 as amended. Motion carried 7-0.

PUBLIC HEARINGS

1. PROVIDENCE ORTHOPAEDIC CENTER, SP06-22

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

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

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

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

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

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

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

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

The Planning Commission may wish to consider a waiver request for the lack of setback along the internal property line. Typically in the OSC District, a minimum of twenty feet parking lot setback is required on both sides of the property line. The Applicant is proposing a ten-foot island, so each side has a deficiency of fifteen feet, the entire length of the line. Additionally, there is an area on the north end of the site that is deficient in setback as well. Under Section 2400, the Planning Commission will note that there is a double asterisk footnote that allows the Planning Commission to waive setback requirements under certain circumstances.

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

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

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

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

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

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

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

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

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

Ms. Mills said that there was an issue regarding barrier-free parking. She said more spaces may be required; she analyzed the code and she found that if the building is categorized as a hospital outpatient facility (which is yet to be determined) then 23 barrier-free spots will be necessary. At this time twelve are proposed; eight are required. Eleven will be added if necessary. They are looking at the plan to determine where these spaces should go. Ms. Mills said they will squeeze in spots at the island ends. There is no parking proposed on one end of the building, but it could become parking. There are some opportunities to use driveways at one end of the site for more parking spaces. The space is tight. They may lose parking spaces or trees. They are trying to be diligent in this design.

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

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

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

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

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

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

needs.

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

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

Richard Abbott from Providence addressed the Planning Commission. He asked to frame the project for the benefit of the Planning Commission members. This is the next step in the campus project. There will be office space, surgery space, and a continuation of the "health park" theme. Speaking about ownership depersonalizes the project. Providence will be the landlord and own the ground. These LLCs will develop the buildings. This is an arrangement between many to bring quality healthcare to Novi. Mr. Abbott was concerned that the review of these new buildings has resulted in the impression that buildings are being pushed into a smaller site. He said there are competing interests here. Walking distance from the parking lot and the convenience factor are important. It is important that the medical office building be close to the hospital. It will assist with communication as well. If the buildings are spread out, then walking distances become greater. That starts pulling the site plan apart. Their consensus is this plan represents the optimal use of the land. The adjacency of these buildings is very important.

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

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

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

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

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

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

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

Member Lipski asked for clarification on the site responsibilities. A comment was made earlier that this project is a

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

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

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

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

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

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

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

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

Member Avdoulos said that parking lot setback waiver was an acceptable request. Member Avdoulos said that the

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

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

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

Member Avdoulos confirmed that the Applicant would provide the perimeter landscaping. Mr. Lekas' reservation was the interpretation of the Ordinance. Is the requirement one tree for every 35 feet around the lot a subset of the landscape requirements, or is it a stand-alone number, apart from the other landscaping requirements? Mr. Schmitt responded that it is a two-part answer. Section 2509 has a parking lot calculation that requires "X-amount of" landscaping and "X-amount of" trees. A standard design includes canoe-shaped islands at the end of parking rows, each with two trees. There is never enough room to place all of the necessary trees. The design standard in the landscape design manual is to put those trees one every 35 feet around the perimeter. It is not an added standard. What is seen on this plan is a fairly unique situation. It is because a lot of islands are required throughout the entire park site. With the medical office building, very few perimeter trees are needed because so many will fit in their parking lot islands. Most times Applicants don't have enough room for these trees. These two designs will have enough room. Where they can, they will be encouraged to plant the trees. Their replacement trees might also be added to this perimeter design. Mr. Lekas then felt he misunderstood the review letter. He thought he was required to put these 1:35 trees in place.

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

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

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

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

Member Avdoulos asked about the woodland finger being removed. Mr. Lekas did not feel as though this could be circumvented. Mr. DeBrincat said that the line of trees on the southerly site could be saved if the service drive to the two buildings was jogged to the south. It would require a waiver because the distance from the road to the parking lot would be affected. Also, he said that some of the parking could be eliminated. Then some of the trees could be saved. He understood that some trees have to be removed for the drive. Mr. DeBrincat said that one of the big trees is located ten feet from the curb line; it has already lost significant root system from the ring road construction. Mr. DeBrincat thought the proximity of the parking lot could further damage the tree. It might not

survive. Mr. DeBrincat has suggested that two parking spaces be removed, minimum (preferably three) to preserve more of the tree's root system. Mr. Lekas said that the northern area may be doable, but he has to temper this request with the fact that more ADA parking spaces may be necessary. He was concerned that if the southerly road is kinked anymore because there is already a tight geometry for vehicular traffic. The southern tip of the road is on the setback line. That is another issue. It is tricky to maintain a decent circulation for traffic while maintaining the trees in an island that previously have grown unencumbered. In a perfect world, all trees would be saved. They have the competing requirements for parking that must be considered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

was a way to save those trees, they would do so.

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

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

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

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

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

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

Moved by Member Pehrson, seconded by Member Wrobel:

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

DISCUSSION

Member Kocan asked if, "A Planning Commission Finding that the front yard parking and lighting with the

changes necessary being made are consistent and compatible with the surrounding area” could be added to the motion. Member Pehrson agreed.

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

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

Chair Cassis said he would not delve into the parking situation, other than to say he was concerned about parking. He understood that no one should be confined to just square footage. He thought that these doctors, in the healing process, don't want to impede the mentality and the psychology of the customers who come here and cannot find adequate parking. There will be nurses, service personnel, suppliers, etc. He hoped that the Applicant was considering those people.

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

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

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

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

Chair Cassis called for the vote.

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

In the matter of the request of Anne Belleau Mills for the Providence Hospital Orthopaedic Center, SP06-22, motion to grant approval of the Preliminary Site Plan subject to: 1) City Council approval of Zoning Map Amendment 18.663 for the southern portion of the site; 2) A Planning Commission Waiver for lack of parking lot setback, with no net loss of setback area on the site; 3) Planning Commission to allow plantings within four feet of common property lines with other developments in the Providence Hospital complex; 4) A Planning Commission Section 9 Façade Waiver to allow excessive ribbed metal panels and the use of cast stone materials, for the reason that it is otherwise compliant with the theme of the surrounding buildings; 5) The Applicant redesigning the landscape plan to meet perimeter parking lot planting requirements and building foundation requirements; 6) Woodland information being provided prior to a Woodland Permit being issued; 7) Compliance with all conditions and

requirements listed in the Staff and Consultant review letters; 8) Revisions to the off-site easement to the north should the timing of the two buildings not be in concert or able to be coordinated; 9) A Planning Commission Finding that the front yard parking and lighting with the changes necessary being made are consistent and compatible with the surrounding area; and 10) The Applicant working with the City and Planner to facilitate the retainment of the two trees on the westerly property which will also be in the Woodland Permit, and to work with the Consultant to determine if any of the trees on the southernmost part of the property can be saved; for the reason that the plan meets the intent of the Master Plan for Land Use. *Motion carried 7-0.*

Moved by Member Pehrson, seconded by Member Wrobel:

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

In the matter of the request of Anne Belleau Mills for the Providence Hospital Orthopaedic Center, SP06-22, motion to grant approval of the Woodland Permit subject to: 1) Additional woodland information being provided prior to the Woodland Permit being issued; and 2) Preservation of the large trees along the western edge of the site, with reconstruction of the berm to take place per the direction of the Consultants and the City Planners; for the reason that the plan is otherwise in compliance with the City's Ordinances. *Motion carried 7-0.*

Moved by Member Pehrson, seconded by Member Wrobel:

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

In the matter of the request of Anne Belleau Mills for the Providence Hospital Orthopaedic Center, SP06-22, motion to grant approval of the Stormwater Management Plan for the reason that the plan otherwise in compliance with the Ordinances. *Motion carried 7-0.*