



CITY of NOVI CITY COUNCIL

**Agenda Item 3
March 12, 2012**

SUBJECT: Consideration of the request of Cunningham Limp for Preliminary Site Plan and Stormwater Management Plan approval for a proposed Hyatt Place Hotel. The subject property is located north of Grand River Avenue and west of Taft Road at the existing Suburban Collection Showplace site, in Section 16 of the City. The property totals 48.23 acres and the applicant is proposing a 6-story, 128 room hotel.

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL. 

BACKGROUND INFORMATION:

The applicant is proposing to construct a 6-story, 128 room Hyatt Place hotel on the site of Suburban Collection Showplace. The hotel would be attached to the east side of the existing conference and banquet hall area and constructed in a space that is currently used as a parking area, resulting in a net loss of 221 parking spaces on the site.

The planning review letter does not recommend approval of the proposed plans solely due to the insufficient parking provided on the site. Per Zoning Ordinance standards, the proposed hotel would require 136 additional spaces on the site and the applicant is proposing to remove 221 spaces. The applicant indicated that sufficient parking spaces would be provided and presented photographs and other documentation showing parking lot at various times throughout the year. During early discussions, staff presented the applicant with several options to deal with the parking space deficiency (per ordinance standards): providing a shared parking study consistent with ordinance standards, seeking a variance from the Zoning Board of Appeals or adding landbanked parking spaces to the plan.

As a part of its review and recommendation, the Planning Commission recommended the applicant submit a Shared Parking Study to support the applicant's argument and to demonstrate adequate parking will be available on the site for all existing and proposed uses. The applicant provided the Shared Parking Study shortly after the Planning Commission made that recommendation. Staff and consultants have reviewed the Shared Parking Study (which shows the site would have a future surplus of 230 parking spaces) and the Planning Division now recommends approval of the Preliminary Site Plan and Shared Parking Study. (The applicant has indicated in the response letter to the Shared Parking Study reviews there may be instances, once the hotel is constructed, where parking all exhibitors and visitors on the site may be difficult for one to two hours during the peak use time of the site. In this case, the applicant has proposed off-site parking for exhibitors along with careful planning and scheduling to ensure all parking needs can be met.)

The planning review also notes that the Covenants and Restrictions for the property (as required per Section 1003A.11 of the Zoning Ordinance) must be submitted for approval

by the City Council. The City attorney's office has drafted and the applicant has agreed to the Declaration of Covenants included in this packet. The City Council is asked to consider that document along with the Preliminary Site Plan and Stormwater Management Plan.

The traffic review does not recommend approval of the Preliminary Site Plan solely due to concerns with the intersection of an existing parking aisle and the new circulation path at the hotel periphery near the southeast corner of the hotel. This situation can be resolved with the extension of a parking lot island. The Planning Commission recommended and the applicant has agreed to extend the parking lot island per the drawing attached to the traffic review letter. The traffic review notes other items to be addressed on the Final Site Plan. The City's traffic consultant also prepared a review recommending approval of the Shared Parking Study.

The landscape review does not recommend approval. The applicant did not provide sufficient information on the submitted landscape plan. Following review of the plans, staff spoke with the applicant and was able to determine what landscape waivers, if any, would be required. The Planning Commission recommended and staff supports a waiver for the lack of parking lot islands every fifteen spaces. The parking lot island extension proposed by the City's traffic consultant and agreed to by the applicant will allow for additional landscaping on the site, and the city's landscape architect is now in support of the plan.

The façade review recommends approval of Section 9 Façade Waivers for the overages of EIFS on the south and east facades contingent on a number of conditions. The applicant has satisfied all of the conditions listed in the letter. The review letter does not recommend approval of the requested Section 9 Façade Waivers for the overages of EIFS on the west and north facades. At the Planning Commission meeting, the applicant proposed and the Planning Commission recommended the inclusion of brick on the west and north facades of the proposed stair tower. The City's façade consultant would now support a Section 9 Façade Waiver for the overage of EIFS on the west and north facades with the inclusion of brick on the stair tower as the design will be closer to complying with the façade ordinance.

The engineering and fire reviews noted items to be addressed on the Final Site Plan submittal and recommended approval of the Preliminary Site Plan and Stormwater Management Plan.

Site plans in the EXO Overlay District require the approval of the City Council after the Planning Commission's review and recommendation. The Planning Commission reviewed the proposed project on January 25, 2012 and recommended approval of the Preliminary Site Plan and Stormwater Management Plan. Relevant meeting minutes are attached.

RECOMMENDED ACTION:

Approval of the request of Cunningham Limp for the proposed Hyatt Place hotel at Suburban Collection Showplace SP 11-44, to approve the Preliminary Site Plan and Stormwater Management Plan, subject to the following:

- a. Approval of the submitted Shared Parking Study;
- b. Applicant revising the parking lot circulation issues near the southeast corner of the proposed hotel as noted in the traffic consultant's review letter;
- c. Approval of the Declaration of Covenants with exhibits to be approved by staff and attached;
- d. Section 9 Façade Waiver for the overage of EIFS on all facades;

- e. Applicant submitting a revised plan showing brick on the west and the north facades of the stair tower;
- f. Landscape Waiver for the lack of parking lot islands every fifteen spaces; and
- g. Compliance with all the conditions and requirements listed in the staff and consultant review letters.

This motion is made because the plan is otherwise in compliance with Article 10A, Article 23A, Article 24, Article 25, and Chapter 11 of the Code of Ordinances, and all other applicable provisions of the Zoning Ordinance.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

MAPS
Location
Zoning
Future Land Use
Natural Features


Hyatt Place at Suburban Collection Showplace SP11-44

Location



Map Author: Kristen Kapelanski
Date: 01-17-12
Project: Hyatt Place SP11-44
Version #: 1.0

Map Legend

 Subject Property

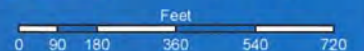
MAP INTERPRETATION NOTICE

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City of Novi

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



1 inch = 438 feet

Hyatt Place at Suburban Collection Showplace SP11-44

Zoning



Area of proposed hotel










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Map Legend

-  Subject Property
-  R-A: Residential Acreage
-  R-1: One-Family Residential District
-  R-2: One-Family Residential District
-  EXO: OST District with EXO Overlay
-  I-1: Light Industrial District
-  OST: Office Service Technology



City of Novi

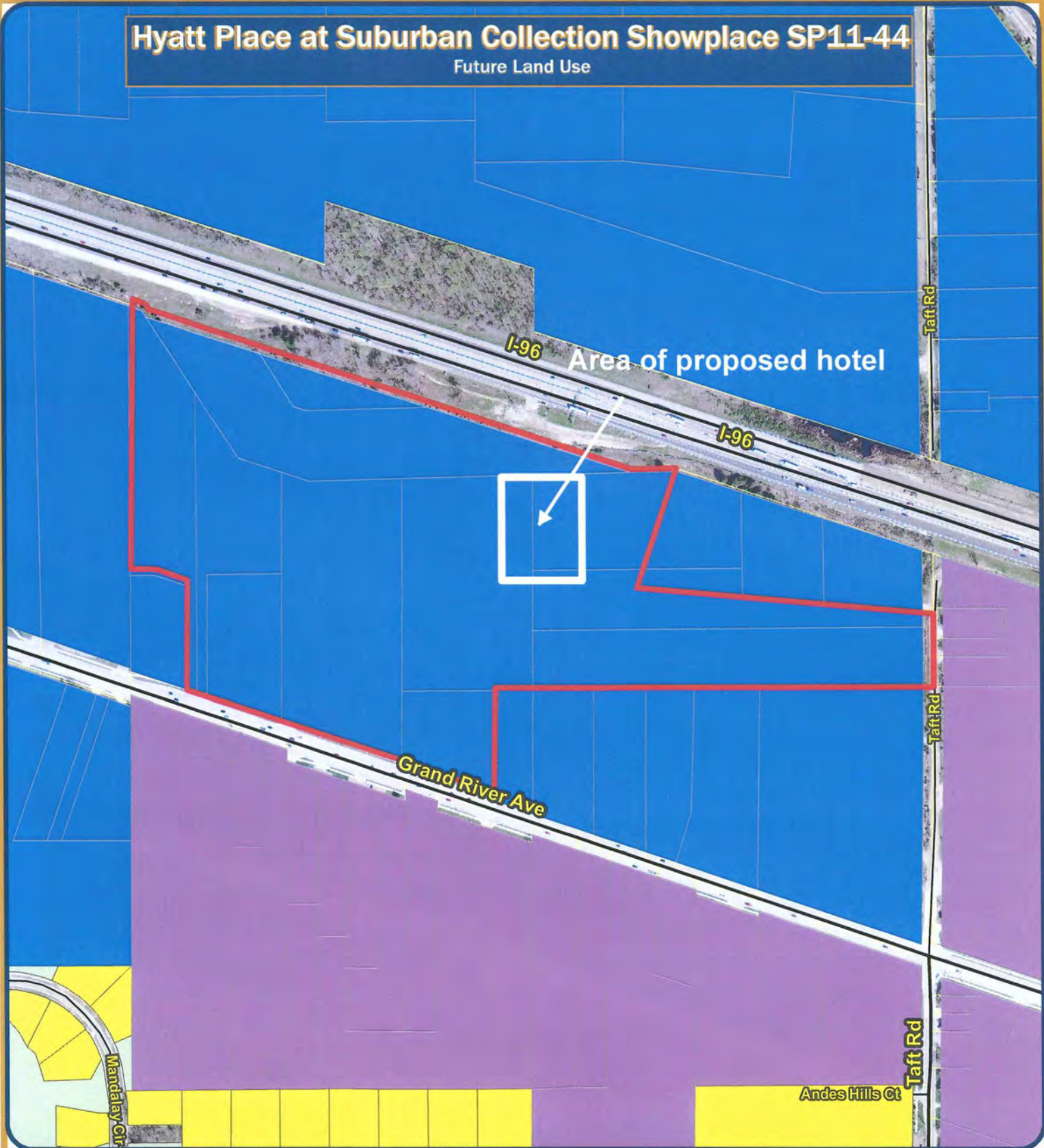
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Hyatt Place at Suburban Collection Showplace SP11-44

Future Land Use



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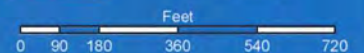
Map Legend

- Subject Property
- Single Family
- Office RD Tech
- Industrial RD Tech
- Private Park



City of Novi

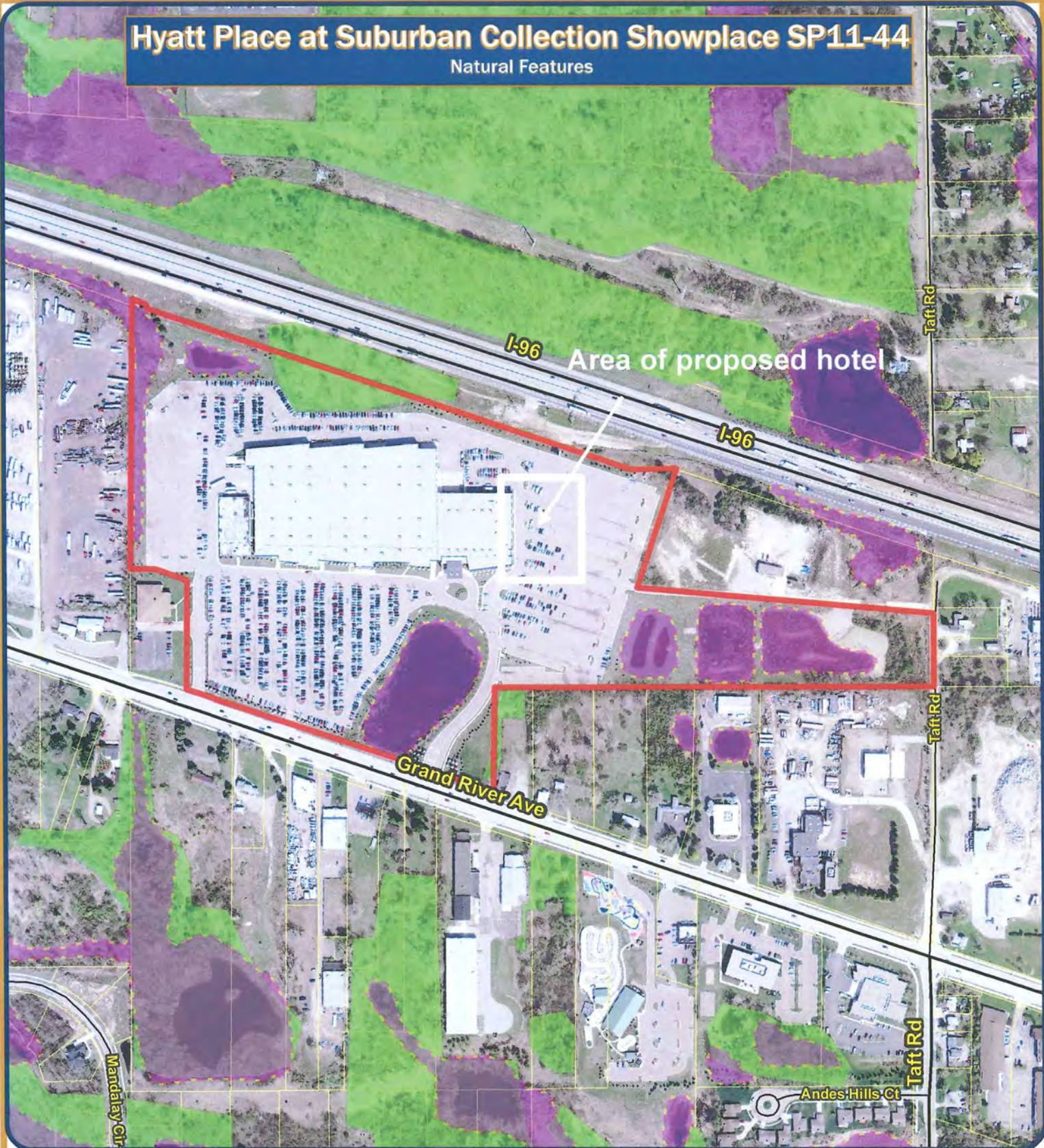
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Hyatt Place at Suburban Collection Showplace SP11-44

Natural Features






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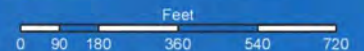
Map Legend

-  Subject Property
-  Wetland Areas
-  Woodlands



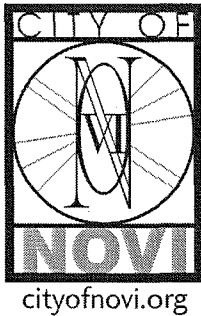
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**PLANNING COMMISSION MINUTES
JANUARY 25, 2012
EXCERPT**



PLANNING COMMISSION MINUTES

Approved

CITY OF NOVI

Regular Meeting

January 25, 2012 | 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: Member Baratta, Member Greco, Member Gutman, Member Lynch, Chair Pehrson, Member Prince (7:10)

Absent: Member Anthony (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Tom Schultz, City Attorney; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Ben Croy, Engineer; Doug Necci, Façade Consultant; Rod Arroyo, Traffic Consultant

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Baratta:

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

Motion to approve the January 25, 2012 Planning Commission agenda. Motion carried 5-0.

MATTERS FOR CONSIDERATION

1. HYATT PLACE AT SUBURBAN COLLECTION SHOWPLACE SP 11-44

Consideration of the request of Cunningham Limp for a recommendation to City Council for Preliminary Site Plan and Stormwater Management Plan approval. The subject property is located north of Grand River Avenue and west of Taft Road at the existing Suburban Collection Showplace site, in Section 16 of the City. The property totals 48.23 acres and the applicant is proposing a 6-story, 128 room hotel.

Planner Kapelanski stated that the site is located at the existing Suburban Collection showplace property on the north side of Grand River Avenue. The applicant is proposing to construct a six story, one-hundred twenty-eight room hotel attached to the east side of the existing conference and banquet facility. The site of the hotel is completely surrounded by the existing exposition and conference and banquet facility and the associated parking for these facilities.

The zoning of the property is EXO, Exposition Overlay District. Zoning in the surrounding area is OST and I-1. The property is master planned for office, research and development and technology uses. There are regulated wetlands on the property but the area of construction for the hotel does not impact any of these existing wetlands.

Planner Kapelanski stated that the applicant is proposing to construct the hotel on the east side of the existing conference and banquet facility in an area currently used for parking for the existing facilities. Construction of the hotel and the associated changes to the parking area immediately surrounding the

new building footprint would result in a net loss of 221 parking spaces.

The planning review does not recommend approval of the Preliminary Site Plan, mainly due to the insufficient parking provided on the site. The applicant has several options to address this deficiency, be it through a shared parking study, landbanked parking or a variance from the Zoning Board of Appeals.

Planner Kapelanski noted the applicant has indicated parking data from recent events has been gathered and will be analyzed shortly. However, staff cannot recommend approval unless the applicant can demonstrate adequate parking has been provided for all existing and proposed uses on the site. In addition, covenants and restrictions, required as part of the original approval of the Rock Financial Showplace were also never finalized. The applicant should submit that document for review by staff and approval by the City Council. There are additional more minor items that can be addressed on a final site plan.

The traffic review also does not recommend approval mostly due to a traffic circulation safety concern along the southeast corner of the hotel. The parking island should be modified as indicated in the traffic review letter so that patrons cannot back into a main circulation aisle. There were also several more items noted in the traffic review that may be addressed on the final site plan. Rod Arroyo is here this evening to address any traffic questions.

Planner Kapelanski noted the landscape review does not recommend approval. The applicant has not provided enough information for staff to complete a thorough review of the plans or identify what landscape waivers would be required. It appears a waiver would be required for deficient parking lot landscaping. The parking island the traffic review recommends expanding could count towards this landscape requirement. If any additional landscape waivers are identified on future submittals, the applicant would be required to return to the Planning Commission and City Council for consideration.

The façade review notes Section 9 waivers are required and recommended for the overage of EIFS on the south and east facades. The applicant has submitted renderings illustrating the porte-cochere and roof element illumination as requested in the façade review letter. The large scale mock-up of the metallic finish panel has also been provided. The façade review recommends the applicant should reduce the percentage of EIFS on the west and north facades. A Section 9 waiver cannot be supported for these facades. Doug Necci is here to address any façade issues.

The engineering review and fire review both recommend approval of the plan noting items to be addressed on the Final Site Plan.

Lastly, Planner Kapelanski stated that site plans and any associated waivers in the EXO District require the approval of the City Council after a recommendation from the Planning Commission and the Planning Commission is being asked to make a recommendation on the plan this evening.

Blair Bowman came forward representing the applicant, TBON, LLC and stated that he is very excited to introduce the long-awaited lodging component of the Suburban Collection Showplace along with additional significant meeting space that will attract and fill out the entire complex as a full service convention facility.

Mr. Bowman acknowledged the staff review comments and appreciated that there were some technicalities to be addressed.

Regarding the landscaping, this is an expansion of the existing facility and the plan indicates that the

proposed landscaping exceeds the ordinance requirements. Staff asked for some additional details including a landscape cost estimate. As far as any required landscape waivers, the approval of the original Rock Financial Showplace plan did receive a waiver for the lack of parking lot landscape islands. The current plan proposes moving those islands that are there, but he would not expect to have to re-open the entire site and look at landscape waivers that were previously granted. If that is the case, then that waiver should be included as part of formal application.

Mr. Bowman noted the project architects are available to answer any questions regarding the facade. This is a beautiful building but Mr. Bowman acknowledged the staff and officials need to consider things in terms of materials and percentages. Façade waivers for the overages of EIFS were granted for the previously proposed hotel in 2008. The current design is very consistent and complementary to the large-scale panelized construction of the existing showplace. EIFS was chosen for the tower because it has a smooth, very consistent finish, which is complementary to and flows right into the existing showplace. There is some variation accomplished by using different types of materials, specifically the metallic panels and different colors in conjunction with glass crown, which is required by Hyatt and illuminated in a tasteful manner to create a beacon that people will see coming from both directions.

As an alternative on the north façade, the stair tower material could be altered to a split faced block, more specifically C-brick, which creates a look very similar to real brick. Ultimately, it is not shown formally on the plan, but in an L shape off of the back of the proposed hotel, extending where the current employee parking is, will be the future location of an expansion tower, if all goes well. The tower would connect right at the stairwell.

Mr. Bowman stated that this is a big investment that will be a very high-quality, high-class, high-end facility that creates a significant amount of additional meeting space.

Mr. Bowman said, finally and most importantly, the hotel has been seamlessly integrated into the existing complex so that aisle ways and lobby ways literally flow into one another from the proposed hotel into the existing Diamond Center. Integrating the facility was a key component. The previous hotel proposal from 2008 included a second story walkway connection that was a very substantial cost. The current proposal does result in the loss of some parking spaces but it is his contention that the site will still have more than adequate parking.

Written copies of parking information collected thus far have been provided to the Planning Commission and staff. This information is actual numbers with video and photographic information showing what is happening at the site during shows and including some of the busiest shows in the spring and in the fall. Mr. Bowman then proceeded to show a series of photographs and videos demonstrating parking availability during several shows at the Suburban Collection Showplace.

Mr. Bowman explained that he does not expect the new hotel to have enough capacity to board all of the exhibitors for all shows; so surrounding hotels would still be needed to accommodate all of the visitors.

There are almost always additional parking spaces because the showplace and conference center do not overbook for any social events. There may be some rare instances where parking could be an issue but those would be few and far between. A parking study from Wilcox and Associates is being prepared.

Mr. Bowman did note that per the Urban Land Institute requirements, the showplace would only be required to have 1,783 spaces total on site and that is with the hotel, meeting space and with the

convention space. Although that is a calculation based on urban areas, it is still very consistent with the trip generation, the vehicle parking and placement at the showplace.

Chair Pehrson asked if there was anyone in the audience that would like to address the Planning Commission and seeing no one asked if there was any correspondence and there was none; Chair Pehrson then turned the matter over to the Planning Commission for their consideration.

Member Greco asked the staff to address the parking deficiency issue.

Planner Kapelanski stated that Mr. Bowman made quite a detailed presentation on what is actually going on at the site. While the videos and photos are helpful to visually demonstrate what is going on, staff needs to see the data and the study completed before the Planning Division would be comfortable in saying that there is enough parking on site.

Member Greco asked if staff was aware of any parking issues right now.

Planner Kapelanski answered staff was not aware of any issues.

Member Lynch asked Mr. Arroyo, the City's traffic consultant, if the only traffic issue he saw was the main issue of someone backing out into a main circulation aisle.

Mr. Arroyo answered the circulation issue that was highlighted is the main concern even though there are several places within the parking lot where there were minor instances where the parking lot alignment is probably a little bit less than what it should be, but those issues are not as significant as this one section. The reason why this area is of more significant concern is because of the more exaggerated offset that is here. If you are a motorist that is traveling through this area, you have a lot of potential for conflicts with both pedestrians and motorists and it is a lot to take in and there is going to be confusion regarding where the intersection is because of the unusual configuration of the pavement there. Given the close proximity to the building and all the factors that are in place here it makes sense to take some of those spaces out and to create an island that would form a more traditional intersection.

Member Lynch asked Mr. Arroyo that per the drawing, it looks like the applicant will lose 6 spaces.

Mr. Arroyo answered probably 7 spaces.

Member Lynch said that the parking study should be able to consider the loss of those 7 spaces. So by losing 7 spaces it improves the traffic flow. There was a landscape deficiency and that island could be landscaped to count towards those requirements. Member Lynch said he agreed with Mr. Arroyo and hoped that Mr. Bowman agreed that the traffic island improves the flow. If the parking can be worked out, the proposal seems reasonable.

Mr. Bowman said he spoke with Mr. Arroyo before the meeting and maintains that with the signage proposed there most likely would not be a huge conflict or concern. However, if it is a necessity those spaces could be eliminated.

Member Lynch said Mr. Bowman has stated the site is over-parked and those spaces would not be needed.

Mr. Bowman stated that he would be willing to eliminate the parking spaces to improve circulation and

have that island count towards any landscape requirements.

Member Lynch addressed Landscape Architect David Beschke and said that it is his understanding that the site already received a waiver for the lack of a parking lot island every 15 spaces. Can that be reaffirmed? As far as the landscaping goes, by putting that island in, does the applicant now meet the landscape requirements?

Mr. Beschke answered the island won't break up the more than 15 contiguous spaces that are proposed, but it would reach the square footage necessary.

Member Lynch stated that the remaining landscape waiver is to allow more than 15 contiguous spaces without a landscape island.

Mr. Beschke noted he was only talking about the project site, not the entire site. The project would require 3 islands to break up the parking associated with the hotel, or a waiver could be granted.

Mr. Bowman stated the east lot, even with the addition of the hotel, is critical to the ride-and-drives. The education process for all the dealers in the nation happened at the showplace with the Volt. The space is ideal to bring a vehicle inside, take it out, test drive it and put out a track.

Member Lynch stated he had no concerns with the landscape waiver, especially if it was previously granted for the site. There was another issue about supplying necessary landscape details.

Mr. Beschke answered he had a letter from Mr. Conroy and the ten items he requested have been addressed. Mr. Beschke does not have any issues with the rest of the plan, with the hotel the site is gaining green space.

Member Lynch stated that it seems like the fundamental issue here is the parking and it appears it is all based on the Shared Parking Study that Wilcox is doing.

Member Lynch asked Mr. Necci, the City's façade consultant what his issues were.

Mr. Necci stated that the building was a very nice design, but is going to be very visible from the expressway. It really will be the most visible building in Novi to people passing by on I-96. The north and west façade which is the rear of the building is a little less consistent with the ordinance than the rest of the building, especially with respect to the percentage of brick. The applicant has the required 30% brick on all facades except that north façade. So, it's recommended that the applicant find a way architecturally to bring up that percentage of brick and that would indirectly lower the amount of EIFS on that façade. There happens to be a stair tower that is a logical place to put that. Mr. Bowman explained prior to the meeting that there is a future expansion contemplated. So, that explains partially why the north may not be treated the same as the rest of the building.

Member Lynch asked if it would be to Mr. Bowman's advantage to make that portion of the building, since it is the most visible down I-96, the most attractive portion.

Mr. Necci answered that was correct. In addition, the illuminated beacon is a very nice feature that will draw a lot of attention to the building, but the rest of the façade is also important.

Member Lynch said the parking issues seem to be the major concern. It appears there is a study being done but if the Commission is considering approval, the wording in the motion concerning the parking

study should be tightened up. The applicant should do the Shared Parking Study that shows there is adequate parking on site. It is to Mr. Bowman's disadvantage not to have adequate parking.

Mr. Bowman agreed and added the showplace still has arrangements in place with neighboring properties, the Town Center, etc. to park customers and/or exhibitors there and shuttle them to the site. Mr. Bowman stated that he is more than happy to commit those resources to have the study done. But 90% of the time there is a huge excess of parking and 95% of the time there is more than enough. If the expansion is built, of course, additional parking would be constructed.

Member Lynch said that he understood that and is just trying to narrow down the key things in order to make a recommendation to City Council. The applicant has stated there is no issue with doing the study, or adding the island per the recommendation of the traffic consultant, and there are no outstanding landscape issues, so it seems like everything has been addressed.

Member Baratta asked Mr. Bowman if the grass festival area would be used for overflow parking.

Mr. Bowman answered it certainly could be, but it doesn't meet requirements and has not received approval. It's currently used for marshaling and will be even more critical in the future as the showplace site has been selected and is in the final negotiation stages to host the revival of the State Fair. The festival area is constructed and designed in such a way so that it's maintainable and can be used for trailering and marshaling when big shows are moving in and other shows are moving out and, if needed, it could easily park an additional 250 to 300 cars. It would always be a last resort.

Member Baratta asked if that was a graveled and graded area.

Mr. Bowman answered it is and there is a sedimentation basin there as well.

Chair Pehrson addressed Planner Kapelanski, relative to not having the data available, but having pictures and videos and knowing that there is going to be a study performed, what is the means by which, in Member Lynch's terminology, the Commission tightens up the motion so that if that study comes back vastly different than what has been stated thus far, there is a remedy to hold the applicant to do something more than anticipated.

Planner Kapelanski answered it would be sufficient to say the applicant should address the parking deficiency with a Shared Parking Study that demonstrates there is adequate parking on site for all existing and proposed uses.

Chair Pehrson asked Mr. Bowman if that study will account for the increased amount of and size of shows that are anticipated in the future.

Mr. Bowman answered the showplace is doing the busiest of shows from a traffic standpoint now. The types of events that are expected to be added and expanded upon are more industry-specific shows like the testing and the battery show. They're big shows, but nowhere near as intense from a traffic standpoint as the women's show, motorcycle show or golf show - and those are already occurring.

Chair Pehrson asked what is the reasoning or rationale that the parking study wasn't done and provided to us at this point in time.

Mr. Bowman stated that it was discussed in the pre-submittal stages and he should have thought about that ahead of time. But he thought the video and photo evidence he provided would be enough.

Chair Pehrson asked if there were any other comments.

Through the Chair, City Attorney Schultz stated that just for point A of the motion, instead of talking about a ZBA variance, he would just be specific and say the submission of a Shared Parking Study in the form and using the methodology required under the ordinance submitted prior to submission to City Council so the planning staff can review.

Motion made by Member Lynch, seconded by Member Gutman:

In the matter of the request of Cunningham Limp for Hyatt Place at Suburban Collection Showplace SP 11-44, motion to recommend approval of the Preliminary Site Plan, subject to the following:

- a. Applicant addressing the parking deficiency with the submittal of a Shared Parking Study demonstrating adequate parking on the site for all existing and proposed uses. Shared Parking Study shall be in the form required and using the methodology required by the ordinance and shall be reviewed by staff prior to forwarding the matter to the City Council;**
- b. Applicant receiving approval from the City Council of the above-mentioned Shared Parking Study;**
- c. Applicant revising the parking lot circulation issues near the southeast corner of the proposed hotel as noted in the traffic consultant's review letter and as discussed with the applicant beginning at the pre-application meeting;**
- d. Applicant preparing and submitting the covenants and restrictions, as required by Section 1003A.11 of the Zoning Ordinance and as discussed with the applicant beginning at the pre-application meeting;**
- e. Section 9 Façade Waiver for the overage of EIFS on all facades;**
- f. Applicant revising the proposed elevations on the north and west facades to reduce the percentage of EIFS and achieve a minimum of 30% brick on both facades and comply with the Façade Ordinance requirements, as discussed with the applicant beginning at the pre-application meeting;**
- g. The applicant supplying a large scale mock-up of the metallic finish on insulated panels as noted in the Façade Consultants review letter;**
- h. Landscape Waiver for the lack of parking lot islands every fifteen spaces; and**
- i. Compliance with all the conditions and requirements listed in the staff and consultant review letters because the plan is otherwise in compliance with Article 10A, 23A, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.**

Chair Pehrson thought that point f was incorrect and asked for comment from Mr. Necci.

Mr. Necci said he thought the waiver would be for the overage of EIFS on all facades and it would be contingent on him making the revision to the stair tower that was discussed. He would want to see samples of the material; but the C-brick would be in compliance. Mr. Necci explained that the color of the EIFS and the brick match each other very nicely and he would think that the C-brick would match that color and it would be a visual continuation of the brick.

Mr. Bowman then came forward and stated he would agree to that change.

Chair Pehrson stated the motion should incorporate Mr. Necci's comments.

ROLL CALL VOTE ON MOTION RECOMMENDING APPROVAL OF HYATT PLACE PRELIMINARY SITE PLAN 11-44

MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN:

In the matter of the request of Cunningham Limp for Hyatt Place at Suburban Collection Showplace SP 11-44, motion to recommend approval of the Preliminary Site Plan, subject to the following:

- a. Applicant addressing the parking deficiency with the submittal of a Shared Parking Study demonstrating adequate parking on the site for all existing and proposed uses. Shared Parking Study shall be in the form required and using the methodology required by the ordinance and shall be reviewed by staff prior to forwarding the matter to the City Council;
- b. Applicant receiving approval from the City Council of the above-mentioned Shared Parking Study;
- c. Applicant revising the parking lot circulation issues near the southeast corner of the proposed hotel as noted in the traffic consultant's review letter and as discussed with the applicant beginning at the pre-application meeting;
- d. Applicant preparing and submitting the covenants and restrictions, as required by Section 1003A.11 of the Zoning Ordinance and as discussed with the applicant beginning at the pre-application meeting;
- e. Section 9 Façade Waiver for the overage of EIFS on all facades;
- f. Applicant submitting a revised plan showing brick on the west and the north facades of the stair tower;
- g. Landscape Waiver for the lack of parking lot islands every fifteen spaces; and
- h. Compliance with all the conditions and requirements listed in the staff and consultant review letters because the plan is otherwise in compliance with Article 10A, 23A, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-0.*

Motion made by Member Lynch, seconded by Member Gutman:

**ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL OF THE STORMWATER MANAGEMENT PLAN
MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN.**

In the matter of the request of Cunningham Limp for Hyatt Place at Suburban Collection Showplace, SP 11-44, motion to recommend approval of the Storm Water Management Plan, subject to compliance with all the conditions and requirements listed in the staff and consultant review letters because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

Mr. Bowman then stated he wanted to say that in the timing, the process and the review, the Planning Division and staff have been extraordinarily helpful to myself as well as our consultants, and he just wanted to say thank you.

SITE PLAN

REVISIONS

REV. NO. 1
DATE: 12/15/11
BY: J. LEWIS
DESCRIPTION: REVISIONS TO THE PRELIMINARY SITE LAYOUT PLAN TO REFLECT THE CITY OF NEW A.S. 10-7.

REV. NO. 2
DATE: 12/15/11
BY: J. LEWIS
DESCRIPTION: REVISIONS TO THE PRELIMINARY SITE LAYOUT PLAN TO REFLECT THE CITY OF NEW A.S. 10-7.

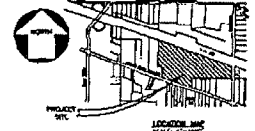
REV. NO. 3
DATE: 12/15/11
BY: J. LEWIS
DESCRIPTION: REVISIONS TO THE PRELIMINARY SITE LAYOUT PLAN TO REFLECT THE CITY OF NEW A.S. 10-7.

NOTES

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE UTILITIES SHOWN AND HAS FOUND THEM TO BE ACCURATE TO THE BEST OF HIS KNOWLEDGE. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE UTILITIES SHOWN.

2. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE UTILITIES SHOWN AND HAS FOUND THEM TO BE ACCURATE TO THE BEST OF HIS KNOWLEDGE. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE UTILITIES SHOWN.

3. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE UTILITIES SHOWN AND HAS FOUND THEM TO BE ACCURATE TO THE BEST OF HIS KNOWLEDGE. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE UTILITIES SHOWN.



SCALE
1" = 100'



LEGEND

- 1. EXISTING ROAD
- 2. PROPOSED ROAD
- 3. EXISTING DRIVE
- 4. PROPOSED DRIVE
- 5. EXISTING SIDEWALK
- 6. PROPOSED SIDEWALK
- 7. EXISTING CURB
- 8. PROPOSED CURB
- 9. EXISTING UTILITY
- 10. PROPOSED UTILITY
- 11. EXISTING LOT
- 12. PROPOSED LOT
- 13. EXISTING LOT AREA
- 14. PROPOSED LOT AREA
- 15. EXISTING LOT AREA
- 16. PROPOSED LOT AREA
- 17. EXISTING LOT AREA
- 18. PROPOSED LOT AREA
- 19. EXISTING LOT AREA
- 20. PROPOSED LOT AREA

NOTES

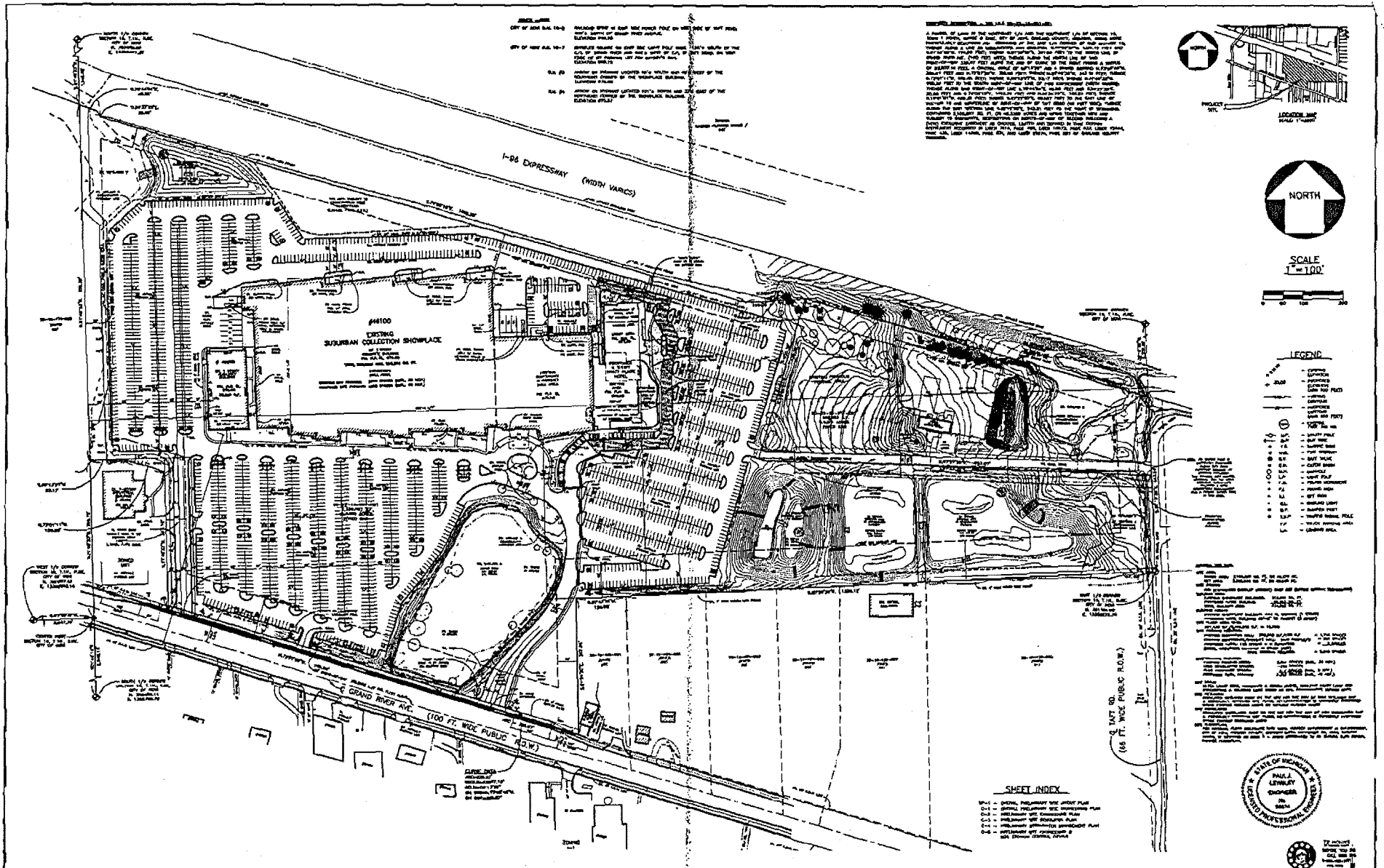
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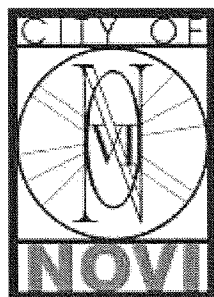
SHEET INDEX

- 1. GENERAL PRELIMINARY SITE LAYOUT PLAN
- 2. GENERAL PRELIMINARY SITE LAYOUT PLAN
- 3. GENERAL PRELIMINARY SITE LAYOUT PLAN
- 4. GENERAL PRELIMINARY SITE LAYOUT PLAN
- 5. GENERAL PRELIMINARY SITE LAYOUT PLAN
- 6. GENERAL PRELIMINARY SITE LAYOUT PLAN
- 7. GENERAL PRELIMINARY SITE LAYOUT PLAN
- 8. GENERAL PRELIMINARY SITE LAYOUT PLAN
- 9. GENERAL PRELIMINARY SITE LAYOUT PLAN
- 10. GENERAL PRELIMINARY SITE LAYOUT PLAN



<p>TRON, LLC 48100 GRAND RIVER AVE. HOWLAND, MICHIGAN 48870 PHONE: 248/248-8400</p>	<p>DATE: 12/15/11 - 10:00 AM PROJECT: SUBURBAN COLLECTION SHOWPLACE SHEET NO.: 572211</p>	<p>PROPOSED TRACT FLAG A1 SUBURBAN COLLECTION SHOWPLACE SECTION 15 CITY OF NEW A.S.</p>	<p>OVERALL PRELIMINARY SITE LAYOUT PLAN Environmental Engineers, Inc. 1818 WEST 7TH AVE. SUITE 100 ANN ARBOR, MICHIGAN 48106 PHONE: 248/248-8400 FAX: 248/248-2554</p>	<p>PROJECT NO.: 1124 SHEET NO.: 572211 DATE: 12/15/11 SCALE: 1" = 100'</p>
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PLANNING REVIEW



cityofnovi.org

PLAN REVIEW CENTER REPORT

January 17, 2012

Planning Review

Hyatt Place at Suburban Collection Showplace

SP #11-44

Petitioner

Cunningham Limp

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: North side of Grand River, west of Taft (Section 16)
- Site Zoning: EXO (Exposition Overlay) in the OST District
- Adjoining Zoning: North: I-96; West and portion of East: OST; South and portion of East: I-1
- Proposed Use(s): 128 room, 6-story hotel connected to the east side of the existing conference and banquet hall ; parking lot demolition that results in a net decrease of 221 spaces on site

- Site Size: 48.23 acres
- Plan Date: December 22, 2011

Project Summary

The applicant is proposing to construct a 6-story, 128 room Hyatt Place hotel on the site of Suburban Collection Showplace. The proposed hotel would be attached to the east side of the existing conference and banquet hall area. The hotel would be constructed in space that is currently used as a parking area for the existing conference and banquet center and exposition center resulting in a net loss of 221 spaces.

Since the proposed hotel is an EXO Overlay project in the OST District, the Planning Commission reviews the plan and makes a recommendation to the City Council, who approves, approves with conditions, or denies the plan. For reference purposes, Suburban Collection Showplace (fka Rock Financial Showplace) received approval of its Stamping Sets on July 6, 2004. During the review process for Suburban Collection Showplace, the development of a hotel on the site was discussed and anticipated to occur in the future.

The applicant previously submitted a plan for a hotel at the Suburban Collection Showplace (also known as Hyatt Place) in 2008. That plan showed the hotel in a different location than currently proposed and included the addition of a 492 space parking area. The Preliminary Site Plan received approval in September of 2008.

Recommendation

Approval of the **Preliminary Site Plan cannot be recommended** at this time due to the insufficient parking provided on site. It is the Planning staff's opinion that the best way to proceed would be for the applicant to revise the plans per the comments in this and all other review letters and submit plans for revised Preliminary Site Plan review along with either landbanked parking indicated on the site or a Shared Parking Study.

Comments:

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 10A (EXO, Exposition Overlay District) Article 23A (OST, Planned Office Service Technology District), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance. Please see the attached charts for information pertaining to ordinance requirements. Applicable sections of the Zoning Ordinance and other regulatory documents are highlighted in gray on the attached chart. Items in **bold** need to be addressed before approval of the Preliminary Site Plan can take place. Underlined items need to be addressed on the Final Site Plan submittal:

1. *EXO Overlay District:* The proposed hotel, located in the EXO Overlay District, is an overlay use permitted subject to required conditions. Therefore, the hotel is subject to the OST District standards (Article 23A) and the Supplemental Required Conditions for Overlay Uses (Section 1003A of the EXO Overlay District). In the event of a conflict between the two standards, the supplemental conditions govern. Please see the Planning Summary Chart for details.
2. *Condominium:* The applicant should indicate whether the hotel will be proposed as a condominium within the overall Suburban Collection Showplace development. All legal documents including proposed condominiums and master deed documents and exhibits will need to be reviewed and approved by City staff and the City Attorney's office prior to recordation. **The applicant should indicate whether or not a condominium is proposed and, if proposed, whether the condominium will be a general condominium or site condominium prior to consideration of the plan by the Planning Commission.**
3. *Parking:* In order to meet the parking standard of Section 2505.14.c.(15), the proposed hotel would require an additional 136 parking spaces to be added to the site. The proposed plan would result in a net decrease of 221 parking spaces from the entire site, including the parking needed for the conference and banquet center and exposition center. This creates a parking deficiency for the existing conference and banquet facilities and the exposition center as well as the proposed hotel. **The applicant has three options to address this parking deficiency:**
 - a. **Landbanked parking could be proposed on the existing vacant parcel currently owned by Suburban Collection Showplace to the east of the larger Suburban Collection parcel.** A 492 space parking area was proposed on this parcel as part of the previous hotel submission in 2008.
 - b. **A Shared Parking Study prepared by a professional in the traffic review and consulting field could be provided demonstrating adequate parking exists on site to meet the current and proposed uses.**
 - c. **The applicant could seek a variance for the deficient parking from the Zoning Board of Appeals.**
(Staff would not support this option.)
4. *Traffic Circulation:* Problematic end islands have led to circulation concerns on the site. **The applicant should revise the plan per the comments in the Traffic Consultant's review letter to ensure safe circulation throughout the site.**
5. *Lighting:* Staff has noted that lights adjacent to the "ticket-taker" area have been installed without the approval of the Community Development Department. The "ticket-taker" lights should be shown on the site plan and included in the photometrics. Lighting plans will be required for the Final Site Plan, meeting the standards of Section 2511 of the Zoning Ordinance.
6. *Covenants and Restrictions:* Per Section 1003A.11 of the Zoning Ordinance, covenants and restrictions pertaining to the subject property were supposed to be drafted and executed with the approval of the first development in the EXO District. This was not done with the original approval of the Suburban Collection Showplace (fka Rock Financial Showplace). **Covenants and restrictions for the subject property will need to be prepared and reviewed by City staff and the City Attorney's office prior to the Planning Commission's consideration of the Preliminary Site Plan.**
7. *Planning Summary Chart:* The applicant is asked to review other items in the attached summary chart and make corrections as noted.

8. **Phasing:** It does not appear this plan will be a phased development. **The applicant should confirm no phasing plan will be proposed. If a phasing plan is proposed, it will need to be reviewed by City staff and consultants prior to consideration by the Planning Commission.**
9. **Façade:** The applicant has requested waivers for the average of EIFS on all facades. The façade consultant has recommended this waiver for the south and east facades. **The applicant should revise the proposed elevations to reduce the percentage of EIFS on the north and west facades per the façade review letter. Additionally, the applicant should submit details for the porte-cochere and type, color and intensity of the roof element illumination. A large scale mock-up of the 'metallic finish on insulated panels' is also required.**
10. **Landscape:** **The applicant has not provided sufficient information for a complete landscape review. Staff is unable to identify what, if any, waivers would be necessary.** See the landscape review letter for additional information.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested to be submitted with the next set of plans highlighting the changes made to the plans.

Site Addressing

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at www.cityofnovi.org under the forms page of the Community Development Department.

Please contact Jeannie Niland [248.347.0438] in the Community Development Department with any specific questions regarding addressing of sites.

Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the Pre-Con please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.



Kristen Kapelanski, AICP
248-347-0586 or kkapelanski@cityofnovi.org

Attachments: Planning Review Chart

PLANNING REVIEW SUMMARY CHART

Project Name: Hyatt Place at Suburban Collection Showplace

Project Number: SP11-44

Plan Date: 12-22-11

Items in **Bold** need to be addressed before approval of the Preliminary Site Plan. Underlined items need to be addressed on the Final Site Plan.

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Office Research Development & Technology	No change proposed	Yes	
Zoning	EXO (Exposition Overlay) in OST District	No change proposed	Yes	
<u>Intent of District (Section 1000A)</u>	EXO Overlay is to be used in conjunction with the OST as the underlying district.	Hotel	Yes	
Overlay Uses Permitted Subject to Required Conditions (<u>Section 1002A</u>)	Hotels and motels permitted when part of a development that includes an exposition, conference and convention facility, with a minimum 250k square feet, subject to OST District standards and supplemental conditions and regulations of Section 1003A, with supplemental conditions governing if there is a conflict	128-room hotel attached to east end of Suburban Collection Showplace conference center/banquet hall	Yes	
Supplemental Required Conditions for Overlay Uses (<u>Section 1003A</u>)	3. Max floor area density of 0.5 FAR 11. Req'd preservation & maintenance of wetlands, landscaping, etc.	Less than 0.5 FAR No wetland impacts appear to be proposed	Yes Yes	

Item	Required	Proposed	Meets Requirements?	Comments
OST District, Required Conditions (Section 2302A)	<ul style="list-style-type: none"> • Truck service areas shall be screened from right-of-way (including freeways) and adjacent properties • Off-street parking & loading/unloading per Sec. 2505, 2506, & 2507 	<p>Loading zone provided on west side of proposed hotel</p> <p>Loading zone provided; limited replacement parking proposed</p>	<p>Yes</p> <p>No</p>	<p>Loading area screened via a courtyard design</p> <p>Adequate parking on site as not been provided per parking requirements listed in Section 2505. Overflow and landbanked parking that meets all ordinance requirements should be shown. 2008 plans for the hotel showed a new 492-space parking area that generally met design standards for surface parking. This parking expansion should be shown on the 2011 plans if it is the basis for the parking calculations included on Sheet C-1. Alternately, a Shared Parking Study could be submitted demonstrating that an adequate amount of parking has been provided.</p> <p>Address traffic consultant's review comments, specifically comments related to adjusting end islands to better facilitate circulation.</p>

Item	Required	Proposed	Meets Requirements?	Comments
Building Height (Section 1003A.4)	Not to exceed 5 stories or 65', whichever less; 1 hotel permitted at 9 stories or 100', whichever less	6-story hotel; top of parapet 63'10" and top of feature entrance 80'9"	Yes	
Building Setback (Section 1003A.6)				
Front	100'	Exceeds minimum setback	Yes	
Side east exterior	63'10" (Height of building mass)	Exceeds minimum setback	Yes	
Side west interior	63'10"	Exceeds minimum setback	Yes	
Rear	63'10" (height of building mass) or 30' if screened per sec. 1006.A.6.a	Exceeds minimum setback	Yes	
Parking Setback (Section 2400)				
Front	20 feet	Exceeds minimum setback	Yes	
Side east interior	20 feet	Exceeds minimum setback	Yes	
Side west interior	20 feet	Exceeds minimum setback	Yes	
Rear	20 feet	Exceeds minimum setback	Yes	
Number of Parking Spaces (Section 2505.14.c(15))	Hotel: One space per occupancy unit plus 1 for each employee = 128 rooms + 8 employees = 136 total, including 5 barrier-free	0 new spaces, net decrease of 221 spaces	No	Hotel requires 136 additional spaces, but there is a net decrease of 221 paved spaces for the entire site. This decrease would require a parking variance from the Zoning Board of Appeals for both the deficient amount of parking now provided for the existing exposition center and banquet center and the proposed hotel.

Item	Required	Proposed	Meets Requirements?	Comments
				<p>Alternately, the application could provide overflow and landbanked parking that meets all ordinance requirements. 2008 plans for the hotel showed a new 492-space parking area that generally met design standards for surface parking. This parking expansion should be shown on the 2011 plans if it is the basis for the parking calculations included on Sheet C-1.</p> <p>Alternately, a Shared Parking Study could be submitted demonstrating that an adequate amount of parking has been provided.</p>
Parking Space Dimensions and Maneuvering Lanes (Section 2506)	9' X 19' 90° parking spaces with 24'-wide aisles; Spaces may be reduced to 17' deep from face of curb (4" height) where vehicles overhang landscaping or 7' sidewalk	Parking spaces meet dimensional standards	Yes	A 4" curb should be indicated wherever 17' parking spaces are proposed.
Loading Spaces (Section 2507)	Required on all premises where receipt or distribution of materials or merchandise occurs and shall be separate from parking areas	360 sq. ft. loading area provided	Yes	
Barrier Free Spaces (Barrier Free Code)	5 barrier free spaces required: 4 standard barrier free, 1 van accessible.	6 barrier free spaces adjacent to hotel, including 2 van accessible spaces	Yes	

Item	Required	Proposed	Meets Requirements?	Comments
Barrier Free Space Dimensions (Barrier Free Code)	8' wide with a 5' wide access aisle for standard barrier free spaces, and 8' wide with an 8' wide access aisle for van accessible spaces	Meets requirements	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One sign for each accessible parking space.	Signs not indicated	Yes	One sign should be provided for each proposed barrier free space. Sign details must be provided on (mounting height, MMUTCD classification, etc.).
Dumpster (Chapter II, Section 21-145 and Section 2503.2.f)	Screen wall or fence required for all dumpsters, must be at least five feet in height, and provided on three sides. Enclosure to match building materials – Design must include protective bollards or similar features	No dumpster shown	Unknown	Applicant should indicate how trash will be disposed of.
Dumpster Enclosure (Sections 2503.2.F and 2520.1)	Dumpster enclosure to be located in rear yard, and set back from property line a distance equivalent to the parking lot setback. It is to be located as far from barrier free spaces as possible.	No dumpster shown	Unknown	Applicant should indicate how trash will be disposed of.
Exterior lighting (Section 251.1)	Photometric plan and exterior lighting details needed at time of Final Site Plan	Unknown "Ticket-taker" lights installed without site plan approval	Unknown No	No lighting details submitted New "ticket-taker" light(s) should be included on site plan and factored into site photometric calculations
Sidewalks (City Code Section 11-276(b))	A 8' wide sidewalk shall be constructed along all major thoroughfares as required by the City	Existing 8' pathway on Grand River; 8' pathway should be provided on Taft	Yes/No	Covenants and restrictions should be submitted including the previously approved deed restriction for the pathway along Taft

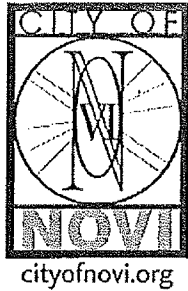
Planning Chart

Hyatt Hotel at Suburban Collection Showplace SP11-44

Item	Required	Proposed	Meets Requirements?	Comments
Building Code	of Novi's Pedestrian and Bicycle Master Plan. Building exits must be connected to sidewalk system or parking lot.	Hotel exits connect to Grand River sidewalk and sidewalks around Showplace perimeter	Yes	Road.
Pedestrian Connectivity	The PC shall consider the following factors in exercising its discretion over site plan approval ... Whether the traffic circulation features within the site and location of automobile parking areas are designed to assure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets (Section 2516.2.b (3)).	5 ft. sidewalk between building and Grand River pathway	Yes	
Design and Construction Standards Manual	Land description, Sidwell number (metes and bounds for acreage parcel)	Provided	Yes	
Development Sign	Permits required for signage			Contact Jeannie Niland at 248-347-0438 for permit information
Covenants & Restrictions (Sec. 1003A.11)	Covenants and restrictions required	None submitted	No	Applicant must submit covenants and restrictions.
Phasing	Show phase line if proposed	No phasing shown	Yes?	Applicant should confirm phasing is not proposed.

Prepared by Kristen Kapelanski, AICP (248) 347-0586 or kkapelanski@cityofnovi.org

ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

January 17, 2012

Engineering Review

Hyatt Place Hotel at Suburban Collection Showplace
SP11-44(A)

Petitioner

Cunningham Limp

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: Suburban Collection Showplace
- Site Size: 48.23 acres
- Plan Date: January 6, 2012

Project Summary

- Construction of an approximately 94,969 square-foot, 6-story hotel, along with some modifications to parking (large portion of existing parking is being eliminated). Site access is not affected.
- Water service would be provided rerouting the existing 8-inch water main that is looped within the site. A 4-inch domestic lead and an 8-inch fire lead would be provided to serve the building, along with three additional hydrants.
- Sanitary sewer service would be provided by rerouting the existing 8-inch sanitary lead to serve the existing Conference area, and the addition of a second 8-inch wye to serve the hotel. No modifications are proposed to the downstream 8-inch sanitary main that extends from Taft Road.
- Storm water from this development will continue to pass through the existing on-site storm water management system consisting of a sediment forebay and a combination of detention basin/wetland mitigation for storm water storage. No modifications are required to the existing storm water management system as the proposed site plan will result in a decrease in impervious area.

Recommendation

Approval of the Preliminary Site Plan and Preliminary Storm Water Management Plan is recommended.

Comments:

The Preliminary Site Plan meets the general requirements of Chapter 11, the Storm Water Management Ordinance and the Engineering Design Manual with the following items to be addressed at the time of Final Site Plan submittal (further engineering detail will be required at the time of the final site plan submittal):

General

1. Provide a note on the plans that all work shall conform to the current City of Novi standards and specifications.
2. The City standard detail sheets are not required for the Final Site Plan submittal. They will be required with the Stamping Set submittal.
3. Provide a traffic control sign table listing the quantities of each sign type proposed for the development. Provide a note along with the table stating all traffic signage will comply with the current MMUTCD standards.

Water Main

4. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (current rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

Sanitary Sewer

5. Provide updated sanitary sewer basis of design calculations to include the proposed hotel.
6. Label sanitary MH2 as a 'monitoring manhole'.

Storm Water Management Plan

7. Provide updated storm water management calculations for the proposed conditions, comparing pre- and post-development conditions. Highlight the reduced storage volume required for the proposed conditions.

Paving & Grading

8. Use of the single ramp rather than ramps at the two western handicap access aisles shall be discussed with the Building Division. This configuration requires use of the vehicular maneuvering aisle to access the ramp. If direct access to the sidewalk is provided, consider lowering the sidewalk between ramps in close proximity to each other, and providing an appropriate wheel stop for this area.
9. Proposed grades in some areas of the parking lot adjacent to the building are around 7-percent. Consider grading further into the existing parking lot to provide a more gradual slope in this area.
10. Dimensions of parking stalls abutting a curb or sidewalk are to the face of curb or walk. All other dimensions are to back of curb unless otherwise indicated.

11. The sidewalk details shall be revised to include an aggregate drainage layer under the sidewalk.
12. Provide spot grades along the proposed retaining wall to indicate the height of the wall.

The following must be submitted at the time of Final Site Plan submittal:

13. A letter from either the applicant or the applicant's engineer must be submitted with the Final Site Plan highlighting the changes made to the plans addressing each of the comments listed above.
14. An itemized construction cost estimate must be submitted to the Community Development Department at the time of Final Site Plan submittal for the determination of plan review and construction inspection fees. This estimate should only include the civil site work and not any costs associated with construction of the building or any demolition work. **The cost estimate must be itemized** for each utility (water, sanitary, storm sewer), on-site paving, right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pretreatment structure and restoration).

The following must be submitted at the time of Stamping Set submittal:

15. A draft copy of the maintenance agreement for the storm water facilities, as outlined in the Storm Water Management Ordinance, was a requirement of the previous site plan. If one wasn't completed previously, it shall be submitted to the Community Development Department with this Final Site Plan. Once the form of the agreement is approved, this agreement must be approved by City Council and shall be recorded in the office of the Oakland County Register of Deeds.
16. A draft copy of the 20-foot wide easement for the water main to be constructed on the site must be submitted to the Community Development Department.

The following must be addressed prior to construction:

17. A pre-construction meeting shall be required prior to any site work being started. Please contact Sarah Marchioni in the Community Development Department to setup a meeting (248-347-0430).
18. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting. Once determined, a grading permit fee must be paid to the City Treasurer's Office.
19. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department (248-347-0430) for forms and information.

20. A permit for water main construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the water main plans have been approved.
21. Construction Inspection Fees to be determined once the construction cost estimate is submitted must be paid prior to the pre-construction meeting.
22. An incomplete site work performance guarantee for this development will be calculated (equal to 1.5 times the amount required to complete the site improvements, excluding the storm water facilities) as specified in the Performance Guarantee Ordinance. This guarantee will be posted prior to TCO, at which time it may be reduced based on percentage of construction completed.
23. A street sign financial guarantee in an amount to be determined (\$400 per traffic control sign proposed) must be posted at the Treasurer's Office.

Please contact Ben Croy at (248) 735-5635 with any questions.



cc: Brian Coburn, Engineering
Kristen Kapalanski, Community Development Department
Tina Glenn, Water & Sewer Dept.

TRAFFIC REVIEW

January 17, 2012

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



**SUBJECT: Hyatt Place Hotel at Suburban Collection Showplace, SP#11-44A,
Traffic Review of Revised Preliminary Site Plan and Traffic Study**

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments.

Recommendation

We can not recommend approval until the **bolded** items below have been satisfactorily addressed.

Project Description

What is the Applicant proposing?

1. The applicant, Cunningham Limp Company, proposes to construct a 6-story, 128-room hotel attached to the east end of the existing Suburban Collection Showplace. According to the floor plans provided with the application, the hotel would include seven meeting rooms totaling 8,129 s.f., plus a small dining area, sun room, and pool.

Traffic Impact Study

Will the proposed access improvements safely and efficiently accommodate future site traffic? Will any off-site roadway or traffic control improvements be needed?

2. A traffic impact study for a previously proposed hotel at this site was prepared by Tetra Tech in February 2008. That study contemplated a slightly larger hotel, started with the higher traffic volumes then prevailing on Grand River, and found negligible traffic impacts from adding the hotel. Accordingly, we asked only that the current traffic consultant (Wilcox) compare the trip generation potential of the currently proposed hotel to that of the previously proposed hotel. Table I (on next page) summarizes trip generation forecasts prepared by Tetra Tech, Wilcox, and Birchler Arroyo (the latter for the previous hotel size actually proposed and for weekday total trips, per the City's *Site Plan and Development Manual*).
3. Wilcox estimated trips for the "break-out and social function" space (termed "Mtg Rms" in our table) by applying trip generation rates (per 1,000 s.f.) for such space, determined from driveway traffic counts done by Tetra Tech in its 2008 study. However, as noted in our review letter of 6-30-08, those counts were made on a day without any significant event traffic (Tuesday, 5-08-07). Hence, the resulting forecasts for this use are artificially low.

Table I. Trip Generation Comparison

Land Use	ITE Code	Size	Weekday Trips	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Hotel Proposed in 2008									
Hotel (per TIS)	310	141 Rms	889	38	25	63	44	39	83
Hotel (per SP)	310	132 Rms	808	35	23	58	41	37	78
Hotel Now Proposed									
Hotel (per TIS)	310	126 Rms	755	33	21	54	39	35	74
Mtg Rms (per TIS)	-	5850 sf	-	1	1	2	0	1	1
Total Trips			755+	34	22	56	39	36	75
Difference			-	-1	-1	-2	-2	-1	-3

4. Increasing the room count (to the 128 rooms proposed in the application), assuming the “break-out and social function” space to equal the total meeting room space (8129 s.f.), and utilizing more critical driveway counts for trip forecasting purposes would together result in somewhat higher estimates of new peak-hour traffic. However, offsetting this effect is the fact that no credit was taken for likely “internal capture,” wherein some vehicles entering or exiting the site will carry people visiting more than one internal use; e.g., both existing exhibition space and the proposed new hotel.

5. We believe that the basic conclusions of the past and current traffic studies remain sound despite the above comments; that is, that the existing Grand River access for the complex is adequate to handle the additional traffic generated by the hotel. No additional traffic impact analysis appears warranted at this time.

Revised Preliminary Site Plan

Are all elements of the site plan in conformance with City standards? Are refinements needed to satisfactorily facilitate safe and efficient access and circulation by both vehicles and pedestrians?

6. Near the southeast corner of the hotel, the existing parking aisle would intersect the new circulation path around the hotel’s periphery at a very flat angle (about 18 degrees). We have several concerns over this issue, as we indicated in our pre-application review comments:
 - a. Drivers westbound in the parking aisle will find it difficult to know where the safe stopping location might be, given that 7-8 parking spaces would be accessible along the south side of the aisle west of that location.
 - b. Vehicles backing out of those 7-8 spaces would be distracting to pedestrians and other drivers, particularly those circulating in either direction around the hotel. Also, those backing drivers may not be able to see or anticipate such circulating traffic.
 - c. Some drivers may try to cut across the parking lot in a northeasterly direction (from south of the existing circular drive to the hotel’s southeast corner), especially during periods of lesser traffic activity unmonitored by parking lot staff.

We strongly recommend that the above concerns be mitigated by extending the island as shown in our attached mark-up of the pre-application site plan. This concern is the reason we are recommending against approval of the preliminary site plan.

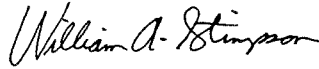
7. Due to the 4-ft-radius west end of the above-cited island, drivers westbound in the next aisle to the south will be unable to complete a (greater-than-90-degree) right turn without encroaching significantly on the wrong side of the parking aisle and/or end aisle. This encroachment would occur over two high-volume marked crosswalks in an area experiencing significant vehicular traffic volumes. **To mitigate related safety concerns at this location, an east-facing No Right Turn symbol (R3-1) sign should be installed on the island immediately east of the sidewalk at its tip.**
8. **The curb radius at the northeast corner of the hotel appears adequate but should be dimensioned on the revised preliminary site plan.** With the exception of the above items, all other circulation design elements appear at this time to be adequate.
9. We are aware of the note on sheet C-5 indicating that a complete traffic control plan will be included with the final site plan. In preparing that traffic control plan:
 - a. A note should be added on the standard parking island detail indicating that in addition to a typical island width of 10 ft, the minimum island width (per ordinance) is 8 ft.
 - b. All markings associated with barrier-free parking spaces shall be blue, and the striping of undesignated parking spaces shall (per the MMUTCD and City policy) be white.
 - c. All crosswalk markings shall (per the MMUTCD and City policy) also be white. The plan should specify striping width and crosshatch spacing.
 - d. The designated loading area should be marked with 4-inch-wide yellow striping, and the associated crosshatching should be spaced 4 ft on-center.
 - e. Per item 12 in the City's Final Site Plan Checklist (appearing in the *Site Plan and Development Manual*), "when arrows are denoted on a plan, solid arrows shall indicate where arrows are proposed as part of the striping plan; hollow arrows shall be used to denote traffic flow directions for review purposes." Since painted arrows do not currently appear in this site's drive aisles, and are generally not required except in one-way situations, the large solid arrows now appearing in the fire aisle around the hotel should be replaced with smaller hollow arrows (or optionally, simply removed).
 - f. A Signing Quantities Table should be added, listing the number of signs by description, MMUTCD sign code, and size.
10. A plan note should be included to ensure that the width of end parking spaces is referenced to the face of curb or walk (as it appears to have been designed).
11. Detectable warning surfaces should be shown at foot of the five handicapped ramps connecting the sidewalks to the adjacent parking surfaces (per the detail on sheet C-5); at the transition between the three barrier-free access aisles and the associated sidewalk landings

(per the plan's MDOT Type P detail) ; and on the tip of the island between the north-south and east-west crosswalks.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President

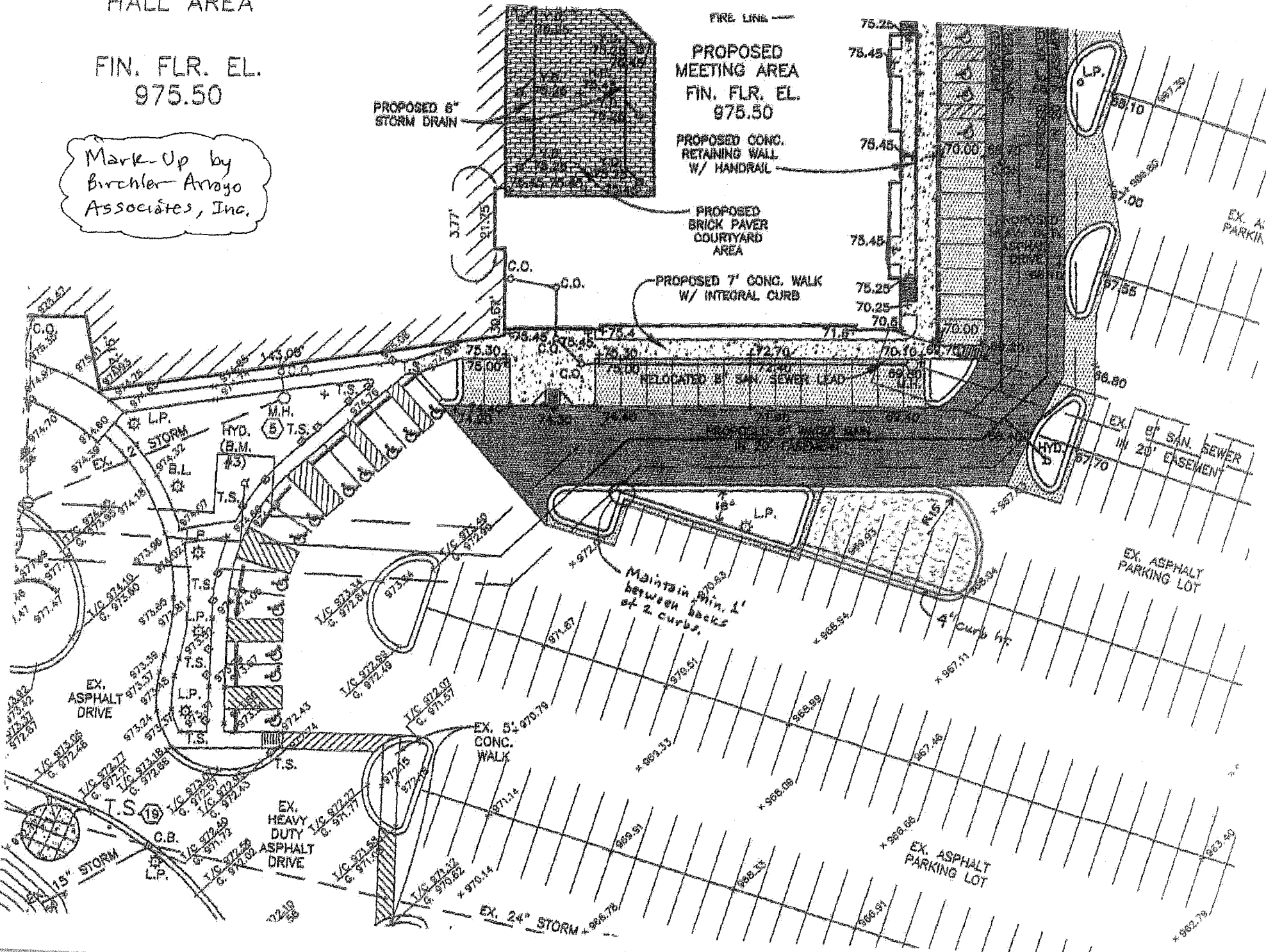


William A. Stimpson, P.E.
Director of Traffic Engineering

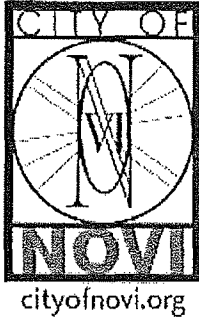
HALL AREA

FIN. FLR. EL.
975.50

Mark-Up by
Birchler Arroyo
Associates, Inc.



LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

January 18, 2012

Revised Preliminary Site Plan

Hyatt Place

Property Characteristics

- Site Location: Grand River Avenue
- Site Zoning: OST District With EXO Overlay
- Plan Date: 12/29/11

Recommendation

Approval of the Revised Preliminary Site Plan for 11-41a Hyatt Place at the Suburban Collection cannot be recommended at this time. The Applicant should address the issues related below and must call out any requested waivers, if any.

Ordinance Considerations

Adjacent to Public Rights-of-Way – Berm (Wall) & Buffer (Sec. 2509.3.b.)

1. No alterations are proposed or required along the Grand River Avenue frontage.

Street Tree Requirements (Sec. 2509.3.b.)

1. No street trees are required.

Parking Landscape (Sec. 2509.3.c.)

1. Please provide calculations for required parking lot landscape including interior parking lot landscape area (islands) and canopy trees.
2. The ordinance allows for no more than 15 contiguous parking spaces without a landscape island.
3. At least two of the proposed canopy parking lot trees are in immediate conflict with utilities. Please show all existing and proposed utilities on the Landscape Plan.

Parking Lot Perimeter Canopy Trees (Sec. 2509.3.c.(3))

1. Perimeter Parking Lot Canopy Trees are required per 35 LF surrounding parking and access areas.

Building Foundation Landscape (Sec. 2509.3.d.)

1. A minimum 4' wide landscape bed is required around the entire building foundation with the exception of access areas. This has been provided.
2. A total of 8' x the building perimeter is required as building foundation landscape area. This has been provided.

Plant List (LDM)

1. Please provide costs for the plant list materials per the requirements of the Ordinance and the Landscape Design Manual.

Planting Notations and Details (LDM)

1. Planting details and notations have been provided per the requirements of the Ordinance and the Landscape Design Manual.
2. **Please revise references to all plant guying material to specify fabric ties only.**
3. **Please revise the proposed date for the commencement of planting.**
4. **Please remove the reference to parking islands being 8' from curb to curb. The ordinance specifies that parking islands are to be minimum 10' curb to curb and a minimum of 300 square feet.**
5. **Please revise the notes to state that guying material will be removed after a period of one year.**

Irrigation (Sec. 2509 3.f.(6)(b))

1. An Irrigation Plan and Cost Estimate must be provided. A note on the plans indicates that all lawn and landscape areas will be irrigated with an automatic underground irrigation system.

General

1. **An overall Landscape Plan for the entire site including parking areas must be provided.**

Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification.

Reviewed by: David R. Beschke, RLA 

FACADE REVIEW



Phone: (248) 880-6523
 E-Mail: dnecci@drnarchitects.com
 Web: drnarchitects.com



DRN & ASSOCIATES, ARCHITECTS, PC

50850 Applebrooke Dr., Northville, MI 48167

January 16, 2012

City of Novi Planning Department
 45175 W. 10 Mile Rd.
 Novi, MI 48375-3024

Re: **FACADE ORDINANCE - Facade Review – Revised Preliminary Site Plan
 Hyatt place Hotel @ Suburban Collection Showplace, SP11-44A (ZCM12-0003)
 Façade Region: 1, Zoning District: EXPO**

Dear Ms. McBeth;

The following is the Facade Review for Revised Preliminary Site Plan Approval of the above referenced project. This review is based on drawings and sample board prepared by Bowers & Associates Architects. An updated sheet A5.00, dated 1/16/12 was provided by the applicant in response to a phone inquiry by DRN to clarify certain façade material. The applicant has been notified to submit the revised sheet to the Novi Department of Community Development. The percentages of materials proposed for each façade are as shown on the table below. The maximum percentages allowed by the Schedule Regulating Façade Materials of Ordinance Section 2520 are shown in the right hand column. Materials in non-compliance with the Facade Schedule are highlighted in bold.

	East	South	North	West	Ordinance Maximum (Minimum)
Brick (4" natural clay)	32%	35%	33%	23%	100% (30%)
EIFS	43%	48%	56%	76%	25%
"Metalic" Finish on Insulated Panel	14%	0%	8%	0%	25%
Limestone Accent	6%	3%	1%	1%	50%
Spanderal Glass	2%	0%	2%	0%	50%
Prefinished Metal, Painted Metal	3%	14%	0%	0%	50%

As shown above the percentage of Brick is below the minimum percentage required by the Façade chart on the west façade and the percentage of EIFS is above the maximum percentage allowed by the Façade Chart on all facades.

The design represents a significant improvement over the prior application (2008) in terms of siting and functional relationship to the existing Expo Center. The sample board indicates that the proposed materials and colors are dissimilar to those used on the existing expo building. The architect has incorporated an offset which visually separates the two structures. It is evident that although the structures are physically connected the intent is for the building to appear as separate structures.

Both structures feature a porte-cochere that defines the main entrances. Drawings for the hotel's porte-cochere are incomplete at the time of this review. It appears that the hotel's porte-cochere is intended to match that of the Expo Center. If so, this will act as a unifying element. The applicant should submit drawings of the porte-cochere to clarify its design intent.

Although the design relies on a large percentage of EIFS, the material is articulated using a variety of colors and textures on various building elements. The "Metallic Finish on Insulated Panel" is in fact a type of EIFS that offers cost effective metal panel simulation. This material is not specifically listed on the Façade Chart. It is treated as a separate material in this review due to its distinct color and texture as compared to normal EIFS. A large scale mock-up panel of this material should be provided at the time of the façade inspection to verify its visual appearance. Approximately 50% of the EIFS is proposed to be a color that almost exactly matches the brick used on the lower story of the building. This will effectively extend the visual presence of the brick to upper stories.

As with the prior application in 2008 the hotel features an internally illuminated sloping glass roof element. Renderings that were provided for the prior application showed that the illumination levels would be consistent with what would be expected through normal windows. Although no nighttime rendering has been provided for this application it is assuming that this is still the case. We believe that this element will act as a visual reference point and enhance the overall design of the Expo Center. The applicant should provide specific data as to the type, color and level of illumination intended of the roof element. It should be noted that the use of this roof element to form a background of a sign would be considered inconsistent with section 2520.2 of the Ordinance.

Based on the above considerations we believe the proposed use of EIFS on the south and east facades are consistent with the intent and purpose of the Façade Ordinance.

The overage of EIFS and underage of brick on the west and north facades is significantly greater than the aforementioned facades. These facades will be highly visible from the I-96 expressway. For that reason we are unable to recommend a Section 9 Waiver for these facades at this time. It is recommended that the applicant increase the percentage of brick and reduce the percentage of EIFS to more closely comply with the Façade Chart and maintain consistency with the other facades. For example, the use of brick in lieu of EIFS on the stair tower portion of the north and west facades (approximately 1,600 S.F) or other similar treatment would effectively meet this intent.

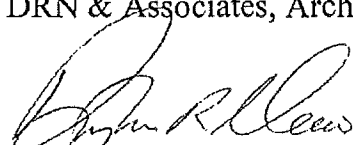
It is our recommendation that a Section 9 Waiver be granted for the overage of EIFS on the south and east facades, contingent on submittal of drawings for the porte-cochere, approval of the large scale mock-up of the 'Metallic Finish on Insulated Panels', and clarification of the type, color and intensity of roof element illumination. For the reasons stated we are unable to recommend a Section 9 Waiver for the west and north facades. Please submit revisions consistent with the comments above for further consideration.

Notes to the Applicant:

1. Inspections - The City of Novi requires Façade Inspection(s) for all projects. Materials displayed on the approved sample board will be compared to materials delivered to the site. It is the applicant's responsibility to request the inspection of each façade material at the appropriate time. This should occur immediately after the materials are delivered. Materials must be approved before installation on the building. Please contact the Novi Building Department's Automated Inspection Hotline at (248) 347-0480 to request the Façade inspection.
2. Dumpster Enclosure – The dumpster enclosure must be constructed of materials exactly matching the primary building (30% minimum Brick).

If you have any questions please do not hesitate to call.

Sincerely,
DRN & Associates, Architects PC



Douglas R. Necci, AIA

FIRE REVIEW



January 17, 2012

TO: Barbara McBeth, Deputy Director of Community Development

RE: Hyatt Place Hotel @ Suburban Collection Showcase

SP#: 11-44, Preliminary Site Plan

CITY COUNCIL

Mayor

Bob Gatt

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Director of Public Safety

Chief of Police

David E. Molloy

Director of EMS/Fire Operations

Jeffery R. Johnson

Deputy Chief of Police

Thomas C. Lindberg

Assistant Chief of Police

Victor C.M. Lauria

Project Description:

Construction of a 95,000 S.F., 6 story hotel and banquet facility connected to and on the east side of the existing exposition and banquet facility.

Comments:

This plans have adequate fire apparatus access and correct hydrant placement.

The previous issue of identifying this building as a high-rise cannot be properly addressed since the Architect did not provide the height of the occupied floors above the finished floor elevation. It appears that the first floor finished level is 3.5 feet above the lowest level of fire apparatus access. This means that the highest occupied floor cannot exceed 51.5 feet above the first floor. This still needs to be addressed.

There are two Fire Department Connections located at the northeast and northwest corners. One of the FDC's needs is for the connections to be relocated to the southeast corner of the building so that it is located at the front/address side of the building.

Recommendation:

This plan is recommended for approval with the above items being completed on the next plan submittal.

Sincerely,

Michael W. Evans
Fire Marshal

cc: file

Novi Public Safety Administration
45125 W. Ten Mile Road
Novi, Michigan 48375
248.348.7100
248.347.0590 fax

cityofnovi.org

SHARED PARKING STUDY

Wilcox



An ISO 9001:2000
Certified Company

37871 Interchange Dr
Farmington Hills, MI 48335
248-478-3690
Fax: 248-478-3986
www.wilcox.us

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and exceed our
clients' expectations.

TECHNICAL MEMORANDUM

TO: Mr. Blair Bowman
TBON, LLC

FROM: Michael J. Labadie, PE
Timothy J. Likens

DATE: February 10, 2012

SUBJECT: Proposed Hyatt Place Hotel at the Suburban Collection Showplace
City of Novi, Michigan
Parking Evaluation

VIA EMAIL

Introduction

This memorandum presents the results of an on-site parking evaluation for the Suburban Collection Showplace, located in the City of Novi, Michigan. TBON, LLC is currently proposing to develop a 128-room hotel and 5,850 square feet (SF) of additional meeting and social function space. The site currently has 2,545 parking spaces and the proposed plan includes a net reduction in site parking supply of 228 spaces, resulting in a future parking supply of 2,317 spaces. The purpose of this Parking Evaluation is to determine the adequacy of the parking supply for the site uses and determine the impact (if any) of the proposed site improvements and associated parking supply reduction.

Data Collection

TBON, LLC provided Wilcox with data related to site operations which included daily attendance and average vehicle occupancy rates for events hosted at the facility throughout the past several years. These data indicated that Saturday is the peak day for site operations for all events. Therefore, Saturday was determined to be the critical day for this parking evaluation and all data and analyses presented herein are with respect to Saturday operations.

On January 21st and 28th, 2012 Wilcox collected parking occupancy and site vehicle turnover data. First, the site parking occupancy was counted approximately 60 to 90 minutes prior to the scheduled start of the Showplace event. This provided the baseline number of parking spaces that were occupied by employees, vendors, etc. to start each day. Vehicles with trailers and trucks were specifically counted as these vehicles occupy two (2) spaces each. Subsequently, Wilcox collected vehicle count data in and out of the site at the site driveways in 15-minute intervals.

Analysis

The data collected were analyzed to determine the peak number of parking spaces occupied on each day and to evaluate the turnover in parking spaces throughout the day. The data provided by TBON, LLC were also analyzed to determine the peak parking demand for the site throughout the year, based on attendance and vehicle occupancy rates. These calculations were then compared to the proposed number of on-site parking spaces to determine the overall adequacy of site parking and the impact of the net loss of 228 spaces.



Existing Facility Parking

The peak parking occupancy for the existing facility was calculated to be 2,087 and 1,560 spaces on January 21st and 28th, 2012, respectively. This peak parking demand occurred between approximately 1:00 PM and 2:00 PM on both Saturdays. Parking Occupancy over the course of each day is shown on the attached graphs. Additionally, the total number of vehicles in and out of the site during operations was calculated. On January 21st and January 28th, approximately 3,200 vehicles and 4,400 vehicles, respectively, entered and exited the site throughout the day.

The existing parking data indicate that on January 21st the peak number of occupied parking spaces was higher, although the number of vehicles in and out of the site was less as compared to January 28th. As is shown on the attached Turnover Pattern graphs, the vehicle arrivals and departures are distinct on January 21st. This information indicates that this event experienced longer parking duration for each vehicle and less frequent turnover of parking spaces. On January 28th similar numbers of vehicles enter and exit the site throughout the afternoon period, indicating shorter parking duration and higher turnover rates.

Further investigation of the events on these days indicates that the event on January 28th most closely represents the commercial and trade shows that are held throughout the year at the facility. These commercial events have generated the highest attendance figures throughout the previous years and are most typical of peak site operations. The event on January 21st experienced lower attendance and represented a non-typical use of the facility as compared to the other events held throughout the year. In both cases, the on-site parking supply is adequate and a surplus of parking spaces would be provided with the proposed reduction in parking supply.

In order to determine the peak parking demand that would be generated for other events throughout the year the attendance and vehicle occupancy rate data were analyzed. These data indicate that the most attended commercial and trade shows generate between approximately 5,000 and 10,000 persons on a Saturday at an average vehicle occupancy rate of 1.8 persons per vehicle. The events with the highest attendance typically have the highest vehicle occupancy rate, which in many cases exceeds 2.0 persons per vehicle. These data indicate that the peak event over the past three years generated 5,408 vehicles, or 1.22 times more vehicles than on January 28th, 2011. Application of this multiplying factor to the peak parking demand experienced on January 28th indicates that a peak parking demand of 1,903 spaces would be experienced throughout the year for the existing facility.

Future Facility Parking

This project is proposed to include a 5,850 SF addition to the existing facility. TBON, LLC has indicated that the purpose of the meeting and social function portion of the facility is to provide support and break-out activity space during events hosted in the main exposition hall. Therefore, this relatively small addition would not generate any additional parking demand as compared to the existing facility. Additionally, this space is typically utilized during later portions of the day and evening, which is after the peak site parking demand has been reached and the overall demand is declining.

The proposed 128-room hotel is anticipated to be utilized on weekends in association with the events held at the existing facility. Organizers and exhibitors for these shows



would occupy the rooms in addition to some attendees. Therefore, the hotel would not generate parking demand which is independent of the existing facility during the Saturday peak period. The Institute of Transportation Engineers (ITE) publishes peak parking demand rates for hotels in *Parking Generation, 3rd Edition*. Based on the ITE data, a 128-room hotel would generate a weekend peak parking demand of 88 spaces. Even if this demand was generated independent of the existing facility, the site would have an adequate parking supply.

Urban Land Institute (ULI) Parking Data

ULI publishes parking demand rates as well as monthly, daily, and hourly demand variation data in *Shared Parking, 2nd Edition*. This publication is referenced nationally to determine peak parking demands for many land uses, including convention centers. The ULI data indicate that a 324,750 SF convention center (existing 318,900 SF Showplace building plus 5,850 SF proposed) would generate a peak Weekend parking demand of 1,948 spaces. Therefore, the ULI data are similar to and support the parking demand calculations presented specific to the Suburban Collection Showplace.

Conclusions

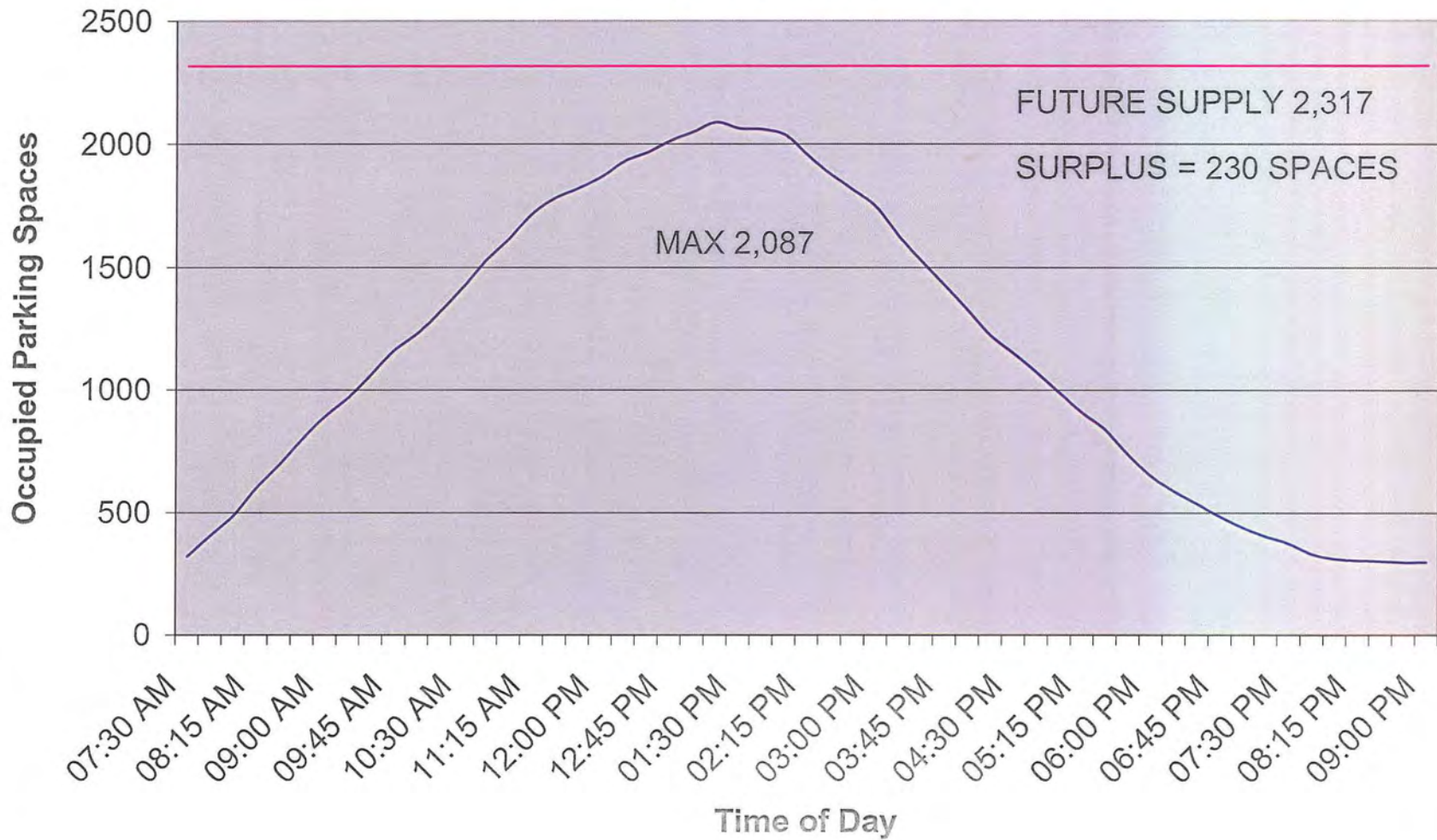
The conclusions of this parking evaluation are as follows:

1. The site was observed to experience a peak parking demand of 2,087 spaces, which is equal to a future surplus of 230 spaces. This surplus reflects the maximum parking demand that would be generated by a non-typical event with lower attendance figures but longer parking duration and less frequent turnover.
2. The highest attended commercial and trade events over the last three years generate a peak parking demand of 1,903 spaces, which is equal to a future surplus of 414 spaces. These events are most typical of facility operations which experience higher vehicle occupancy, higher turnover, and shorter parking duration.
3. The proposed development would compliment the existing use and would not generate additional parking demand during the Saturday peak period.
4. Parking data published by ULI indicate a convention center of the proposed size would generate a peak parking demand of 1,948 spaces, which supports the site-specific calculations.
5. With the proposed development the site will have an adequate parking supply to facilitate peak parking demands.
6. The net loss of 228 parking spaces associated with the proposed development would not adversely impact the on-site parking supply.

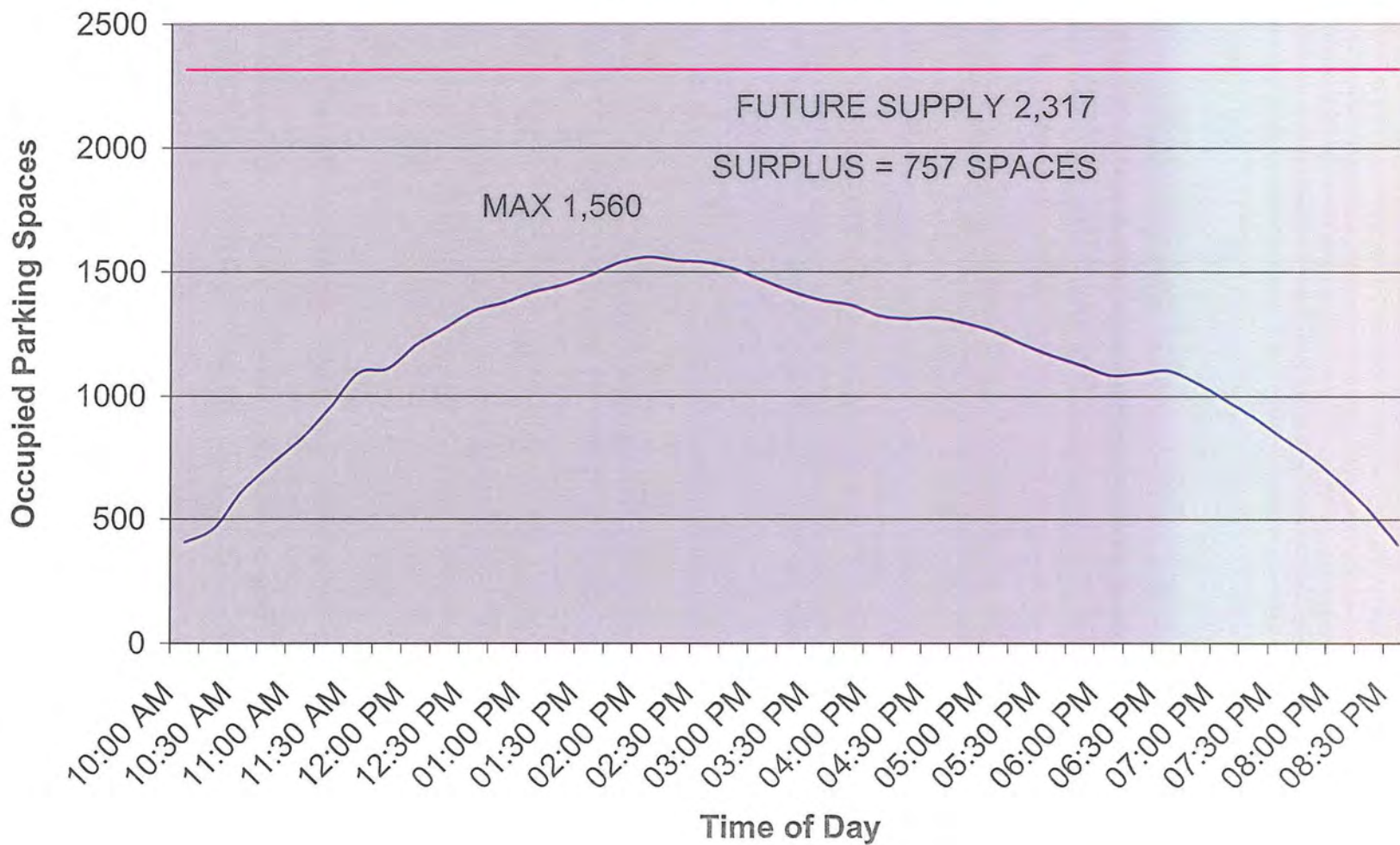
Any questions related to this memorandum, study, analyses, and results should be addressed to Wilcox Professional Services, LLC.

Attachments: Parking Graphs (5)
ULI Parking Calculation

Parking Occupancy January 21, 2012

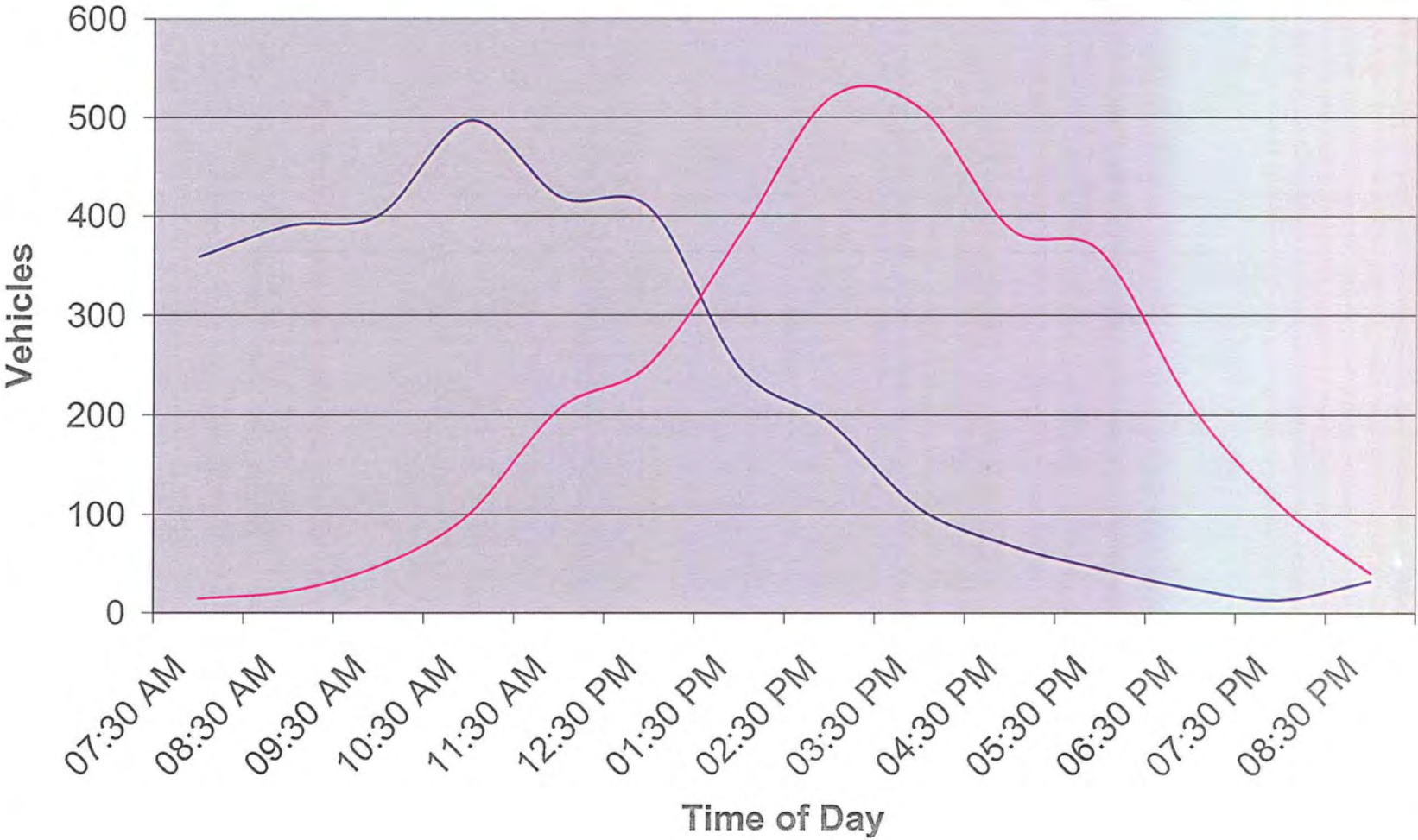


Parking Occupancy January 28, 2012



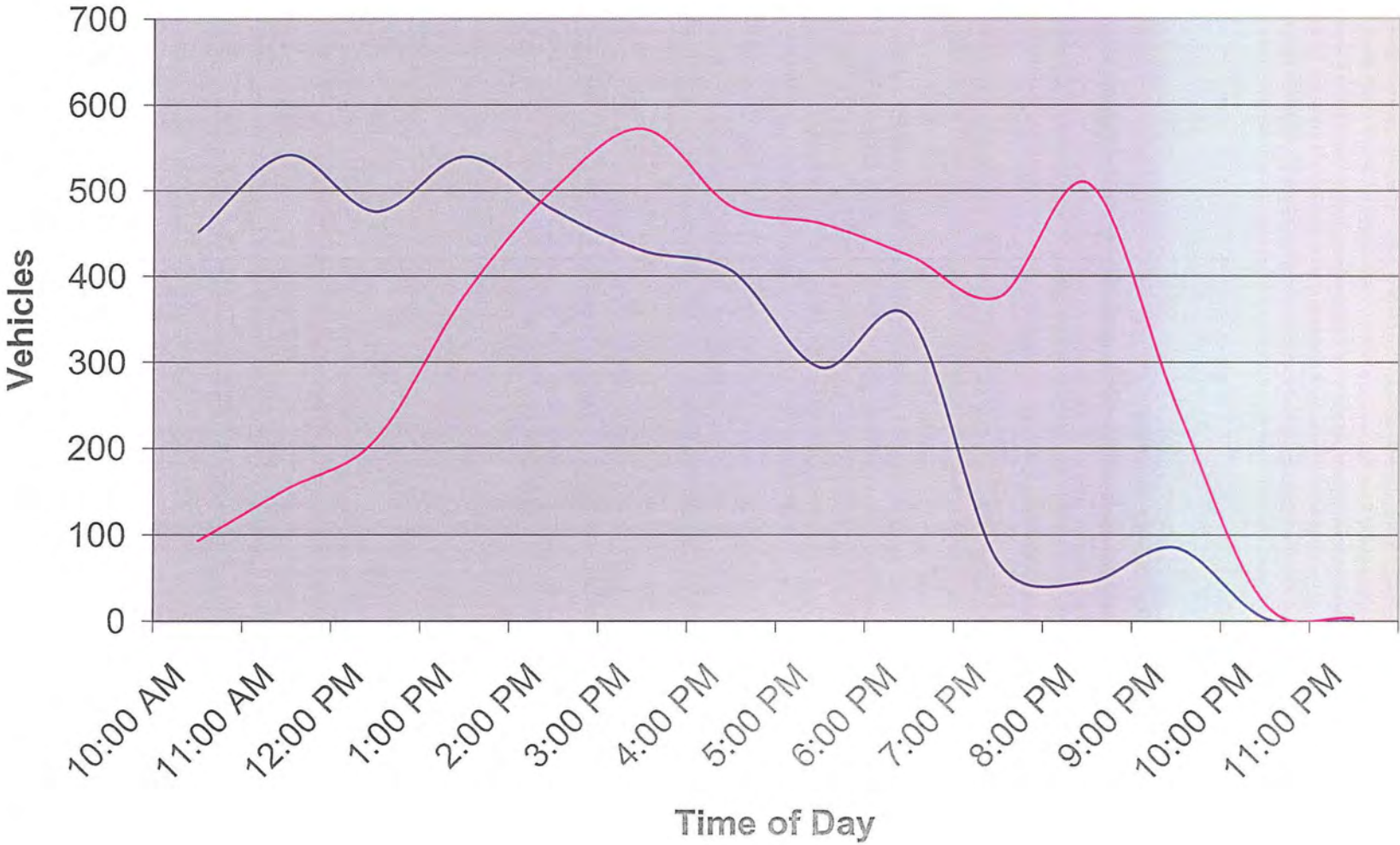
Turnover Pattern January 21, 2012

IN
OUT

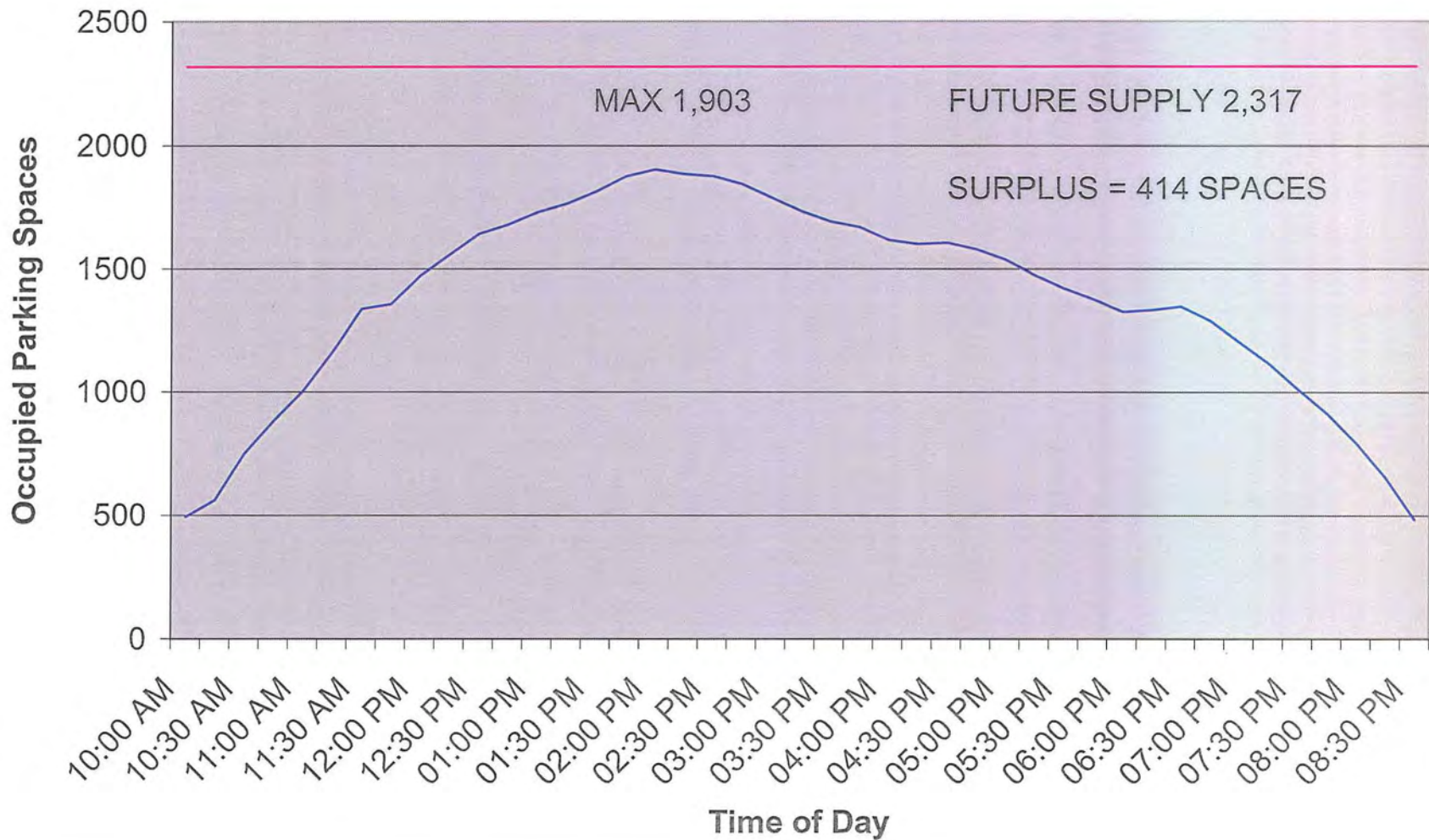


Turnover Pattern January 28, 2012

IN
OUT



Peak Commercial / Trade Show Event



2/9/2012

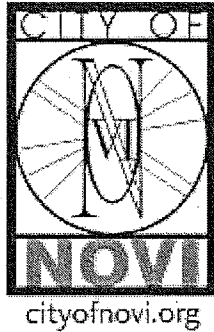
Project: Suburban Collection Showplace
 Description: Future Building Area

ULI SHARED PARKING DEMAND SUMMARY

PEAK MONTH: FEBRUARY -- PEAK PERIOD: 10 AM, WEEKEND

Land Use	Project Data Quantity Unit		Weekend				Weekend		
			Base Rate	Non- Captive Ratio	Project Rate	Unit	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand
							10 AM	February	
Convention Center	324,750	sf GLA	5.50	1.00	5.50	/ksf GLA	1.00	1.00	1,786
Employee			0.50	1.00	0.50	/ksf GLA	1.00	1.00	162
Customer									1,786
Employee									162
Total									1,948

SHARED PARKING STUDY REVIEWS



PLAN REVIEW CENTER REPORT

February 24, 2012

Planning Review

Hyatt Place at Suburban Collection Showplace
Shared Parking Study
SP #11-44A

Petitioner

Cunningham Limp

Review Type

Preliminary Site Plan – Shared Parking Study Only

Property Characteristics

- Site Location: North side of Grand River, west of Taft (Section 16)
- Site Zoning: EXO (Exposition Overlay) in the OST District
- Adjoining Zoning: North: I-96; West and portion of East: OST; South and portion of East: I-1
- Proposed Use(s): 128 room, 6-story hotel connected to the east side of the existing conference and banquet hall ; parking lot demolition that results in a net decrease of 221 spaces on site
- Site Size: 48.23 acres
- Study Date: February 10, 2011

Project Summary

The applicant is proposing to construct a 6-story, 128 room Hyatt Place hotel on the site of Suburban Collection Showplace. The proposed hotel would be attached to the east side of the existing conference and banquet hall area. The hotel would be constructed in space that is currently used as a parking area for the existing conference and banquet center and exposition center resulting in a net loss of 221 spaces.

This project appeared before the Planning Commission on January 25, 2012 where the Planning Commission recommended approval of the Preliminary Site Plan to the City Council subject to a number of factors including, "Applicant addressing the parking deficiency with the submittal of a Shared Parking Study demonstrating adequate parking on the site for all existing and proposed uses. Shared Parking Study shall be in the form required and using the methodology required by the ordinance and shall be reviewed by staff prior to forwarding the matter to the City Council."

The applicant has submitted the required Shared Parking Study for review by the City's staff and consultants. The study indicates the site would have a future surplus of 230 parking spaces when the hotel is operating in conjunction with the banquet and convention center facilities currently on the site.

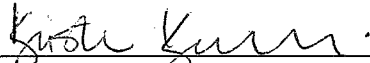
Recommendation

Approval of the **Shared Parking Study is recommended.** See the traffic review letter for additional comments on the methodology and technical findings of the Shared Parking Study.

Comments

1. As part of the required response letter, the applicant should provide additional information on the event held on January 21st as noted in point 2.b in the traffic consultant's review letter. This response letter should be submitted to the City via email no later than March 2.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.



Kristen Kapelanski, AICP
248-347-0586 or kkapelanski@cityofnovi.org

February 21, 2012

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



**SUBJECT: Hyatt Place Hotel at Suburban Collection Showplace, SP#11-44A,
Traffic Review of Parking Study**

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments.

Recommendation

We recommend approval of the applicant's parking study dated 2-10-12.

Future Site Parking Supply

How many total parking spaces would be available on the overall site?

1. The revised preliminary site plan of 12-22-11 proposes 2,323 parking spaces, and the parking study assumes 2,317 spaces. The six-space difference may be largely attributable to the larger island south of the hotel which we have previously recommended but have not yet seen drafted into the site plan (our version would eliminate seven spaces, not six).

Requirement for Event Parking

How many parking spaces will be required for Showplace events, based on past experience?

2. The applicant's parking consultant, Wilcox, has taken a two-pronged approach, as follows:
 - a. Based on past experience indicating that the peak parking demand typically occurs on a Saturday, Wilcox estimated parking accumulation on January 21 and January 28 of this year by determining pre-opening parking use and computing parking levels by hour based on vehicular traffic entering and exiting site driveways. The unspecified event(s) on January 21 generated a peak, early-afternoon demand of 2,087 spaces, based on some 3,200 vehicles entering and exiting the site throughout the day. The unspecified event(s) on January 28 generated a peak demand of 1,560 spaces, even though some 4,400 vehicles entered and exited the site that day. Wilcox states that January 28 was more representative of the facility's typical commercial and trade shows, in that the parking duration was shorter and the turnover rate higher than that on January 21.

- b. Attendance data for the past three years were reviewed to estimate the traffic generated by the best-attended trade show, and the ratio of that traffic to the January 28 traffic was used to estimate the peak parking demand over the past three years. Assuming that the average parking duration was the same in both cases, a maximum of 1,903 spaces were in use at one time.

The above logic regarding parking for typical trade shows appears reasonable. However, **the City may wish to find out more about the event(s) occurring on January 21 of this year, asking the applicant to discuss both how that day was different and how it is that an even busier day of the same type would be unlikely to occur in the future (if that is indeed the case).**

3. As a further reasonableness check, Wilcox found that parking demand ratios recommended by the Urban Land Institute for a convention center indicate the need in this case for maximum of 1,948 spaces, mid-morning on a weekend in February.
4. The above points indicate a range for **the event parking requirement of 1,903-2,087 spaces.**

Requirement for Hotel Parking

How many parking spaces will be required for the proposed Hyatt Place Hotel?

5. Wilcox has stated that "the hotel would not generate parking demand which is independent of the existing facility during the Saturday peak period." In other words, no hotel patrons would require parking that they would not already have needed to attend an event. This appears to be a questionable assumption, in that some weekend patrons may wish to stay at this hotel simply because of its geographic location and amenities (aside from its proximity to the Showplace).
6. As a worst case, Wilcox states that data published by the Institute of Transportation Engineers indicate that a 128-room hotel would generate a weekend peak parking demand of 88 spaces. Checking the cited ITE publication, we find that weekend parking data are offered only for a Business Hotel, in which case the average peak parking demand for 128 rooms would be $(0.66 \text{ space/room} \times 128 \text{ rooms} =) 84 \text{ spaces}$.
7. The ULI recommends for a Business Hotel on a weekend, 0.9 parking space per visitor and 0.18 parking space per employee. Using the site plan's indicated eight hotel employees and assuming one visitor per each of the 128 proposed guest rooms, the ULI weekend parking requirement for the hotel would be 117 spaces.
8. Lastly, the City of Novi Zoning Ordinance requires one parking space per guest room plus one parking space per employee plus "parking for accessory uses." Assuming negligible accessory uses in this case, it appears that the Ordinance parking requirement for the hotel by itself would be 136 spaces.
9. The above points indicate a range for **the hotel parking requirement of 0-136 spaces.**

Proposed v. Required Parking

How does the proposed parking supply compare to the maximum likely requirement?

10. Combining the results stated in comments 4 and 9 above, the indicated total site parking requirement can be expected to fall in the range of 1,903-2,223 spaces. Assuming a supply of 2,316 spaces (per comment 1), **a potential surplus of at least 93 parking spaces is indicated.**

11. The amount of surplus parking would be more, of course, if a less conservative calculation for the hotel requirement is accepted. On the other hand, it may be desirable to assume a "safety factor" relative to the assumed maximum event parking requirement of 2,087 spaces (based on a recent one-day sample). **The City may wish to have the applicant explain contingency plans for larger events.**

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



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

APPLICANT RESPONSE LETTER

TBON, L.L.C.

A Michigan Limited Liability Company

46100 Grand River Ave.

Novi, Michigan 48374

Ph: (248) 348-5600 Fax: (248) 347-7720

January 20, 2012

Planning Dept
City of Novi
4517 West 10 Mile
Novi, MI 48374

RE: Response Letter to Plan Review Center Report, January 17, 2012
Hyatt Place at Suburban Collection Showplace SP# 11-44

This is a response letter pertaining to your above Review Center Report. For clarity purposes, we will address the items in the order that they were contained in your report. To that end, please consider the following:

#2 - Condominium. This is not intended to be a condominium and therefore, no condominium restrictions or covenants will be prepared or provided. (This also addresses Item #6).

#3 – Parking. It is our intention to supplement information previously provided in the form of historical photographic and video evidence of peak parking lot usage with information from Wilcox Associates, who will conduct actual counts during the weekends of January 21-22, 2012 and January 28-29, 2012, Saturday only. This information will be summarized in a report and provided to the City prior to the City Council's Hearing on the preliminary site plan matter.

#4 – Traffic Circulation. The applicant intends to revise its plan in part to respond to the Traffic Consultant's letter relating to circulation. We will be installing the no right turn sign and are proposing the installation of stop signs at the pedestrian crossing and at the island south of the proposed fire hydrant in order to eliminate safety concerns contained in Birchler Arroyo's letter.

#6 – Covenants and Restrictions. This is addressed in Item #2 above.

#8 - Phasing. The project does not proposed to be phased at this time.

#9 – Façade. The applicant will submit an alternative for the north elevation showing a split face block element for the stairwell portion of the north exterior face. No proposed alterations will be made for the west façade as that is largely screened from the positioning of the existing Showplace/Diamond Center facility, and further, due to the area for likely expansion of the hotel tower extending off of the northwest corner. As was the case with the 2008 submittal, the applicant feels strongly that the EFIS material closely matches the design and feel of the existing Showplace facility and if the split face CMU is not an acceptable alternative, then we will stand with our proposed use of the insulated panels as shown. A detail relating to the porte-

cochere is attached to this letter as well as an evening photograph of an existing Hyatt Place showing the nighttime illuminated roof element. Finally, we will endeavor to provide by the January 25th Planning Commission meeting, a larger size mock-up of the metallic finish on the insulated panels proposed.

#10 – Landscape. The landscape review letter appears to be providing a review of and requesting information relating to an overall landscaping plan, parking lot landscaping and/or perimeter required landscaping. No calculations were performed relating to these items because none are proposed or required. We have relocated existing parking lot islands and will restore the plantings within those islands. Where those canopy trees conflict with utilities, they will be relocated to an acceptable location. As it relates to plant materials and costs relating thereto, those will be added to the plans.

This concludes the response to all items contained in the plan review report which were identified in bold. The Applicant stands ready, however, to address in greater detail prior to or at the Planning Commission and City Council Meetings any other details relating to the plan or overall project. Thank you for your attention to these matters.

Very truly yours,
TBON, L.L.C.

A handwritten signature in black ink, appearing to read 'Blair M. Bowman', with a long horizontal flourish extending to the right.

Blair M. Bowman
Manager

TBON, L.L.C.

A Michigan Limited Liability Company
46100 Grand River Ave.
Novi, Michigan 48374
Ph: (248) 348-5600 Fax: (248) 347-7720

Owner of

S SUBURBAN COLLECTION
SHOWPLACE

March 1st, 2012

Ms. Kristen Kapelanski, AICP
Planner
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375

VIA: E-MAIL

RE: Hyatt Place at Suburban Collection Showplace SP11-44A - Review Letters (Shared Parking Study)

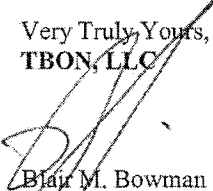
Kristen,

Per your request, please accept this e-mail correspondence as a response to the Plan Review Center Report dated February 24th, 2012 requesting additional information pertaining to the parking and traffic analysis for the January 21st and January 28th event days at our facility. The difference between the two dates is the type of event and the type of attendee. The event on the 21st was a Dog Show with the vast majority of people attending the event also participating in the event i.e: dog trainers and breeders showing their entries. Therefore, consistent with the study, vehicles arrived onsite early and remained onsite throughout a considerable portion of the event day. This would not be the case in a typical event.

What is a more typical event would be the Home Improvement Show which occurred on January 28th. While the study shows a considerably larger amount of total vehicles, the average duration of stay was much lower which results therefore in a significantly lower peak in onsite total vehicle count. As we have consistently indicated, there will be certain events which occur throughout the calendar year (four to five days out of the year) which because of a longer duration in stay and significant amounts of attendance that we will be "pressed" for available parking for approximately one and a half to two (1 ½ - 2) hours on the peak day, Saturday. A good example was the recently held Outdoorama which was held in conjunction with other events occurring including a large-scale, one thousand person dinner function on Friday evening. After construction of the Hotel, we will need to institute measures such as, offsite parking of exhibitors as well as scheduling practices to make sure that the parking is as adequate as possible even during those peak times. It is important to understand, and I want to stress, that during certain peak circumstances we will be essentially full for short periods of time.

I hope this answers your questions and as always if you require additional information please do not hesitate to contact me directly at the above number.

Very Truly Yours,
TBON, LLC


Blair M. Bowman
Owner

CC: Michael Labadie
Sam Ashley
Scott Bowers
Paul Lewsley

DECLARATION OF COVENANTS

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS (“Declaration”) is made this ____ day of _____, 2012, by _____, a Michigan _____ (hereinafter referred to as “Declarant”), whose address is _____.

RECITATIONS:

Declarant owns fee title in land located within Section 16 of the City of Novi, Oakland County, Michigan, legally described as follows:

{Insert Legal Description of Property}

WHEREAS, the City of Novi has approved the Property for development as an exposition facility pursuant to the provisions of the City of Novi Zoning Ordinance. The Zoning Ordinance requires that as part of the approval process for the Exposition Overlay District, the owners of all property in the District shall join in the execution of covenants and restrictions which shall be binding upon the entire District, and binding upon all owners of the District, as well as their successors, assigns and transferees. Such covenants and restrictions shall have as their purpose the establishment of duties and responsibilities relative to the preservation and maintenance of certain aspects of the District, including without limitation, preservation and maintenance of common areas, wetlands, drainage, landscape vegetation and buffer, easement areas, entryway, parking, signage, and the like, as applicable. This Declaration is being provided for preservation and maintenance of storm water drainage facilities and on-site wetlands with respect to the Property.

FURTHERMORE, the City of Novi Zoning Ordinance requires the construction of a safety path along Taft Road with respect to the development of the Property. The City has determined that due to the current lack of development in the area surrounding the Property, construction of a safety path in the proposed location is impractical. As part of the site plan approval process, the City has requested the Declarant to provide the City with security with respect to the construction of the safety path along Taft Road. The Declarant will provide three

options for security to ensure the construction of the safety path at the time the City determines, in its discretion, that it is necessary to serve the Property, or the adjacent or surrounding Property. Consistent with all applicable laws and ordinances, and as an integral part of Declarant's proposal and the City's approval of the site plan, the Declarant has offered to provide, and the City is willing to accept, certain assurances to the City that a safety path meeting the requirements of City Ordinance is completed along Taft Road. The Declarant hereby provides such assurances as set forth below.

NOW THEREFORE, Declarant, for the benefit of the public, the City, and for itself, its heirs, successors and assigns, and all future owners of the Property, and/or any portion thereof, does hereby declare as follows:

1. Storm Drainage and Wetland Preservation and Maintenance

The development on the Property contains certain storm drainage, detention and/or retention facilities, including but not limited to, a detention/sedimentation basin, culverts, pipes, and wetlands for the collection, conveyance, storage, treatment and/or discharge of storm water from the Property in accordance with all approved plans, and all applicable ordinances, laws and regulations.

Declarant hereby covenants and agrees, on behalf of itself and its successors, assigns and transferees, that the Declarant shall, at its own expense, perpetually preserve, maintain, and repair all storm drainage, detention and retention facilities, including all wetlands which are part of the system, to insure that the same continue to function as intended. The Declarant shall establish a regular and systematic program of maintenance for such facilities and areas to insure that the physical condition and intended function of such areas and facilities shall be preserved and maintained.

In the event that the Declarant shall at any time fail to carry out the responsibilities specified within this Declaration, and/or in the event of a failure to preserve and/or maintain the storm water drainage, detention and retention facilities, and/or wetlands in reasonable order and condition, the City may serve written notice upon the Declarant setting forth the deficiencies in maintenance and/or preservation along with a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place for a hearing before the City for the purpose of allowing Declarant an opportunity to be heard as to why the City should not proceed with the correction of the deficiency or obligation which has not been undertaken or properly fulfilled. At any such hearing, the time for curing and the hearing itself may be extended and/or continued to a date certain. If, following such hearing, the person conducting the hearing shall determine that the obligation has not been fulfilled or failure corrected within the time specified in the notice, as determined by the City in its reasonable discretion, 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 the Property through the Ingress/Egress Easement Area as described and depicted in Exhibit B and perform such obligation or take such corrective measures as reasonably found by the City to be appropriate or necessary with respect to the detention/sedimentation basin within the Detention/Sedimentation Basin Easement Area

described and depicted in Exhibit C, and/or the wetland areas described in Exhibit D (the "Wetlands") for the purposes described above. The cost and expense of making and financing such actions by the City, including notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in an amount equivalent to twenty-five (25%) percent of the total of all such costs and expenses incurred, shall be paid by Declarant within thirty (30) days of a billing to the Declarant. All unpaid amounts may be placed on the delinquent tax roll of the City as to the Property, and shall accrue interest and penalties, and shall 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 Declarant, and, in such event, the Declarant shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

In the event that Declarant conveys any portion of the Property to a third party for development, Declarant shall have the right, but not the obligation, to assess the property owner for its share of the cost of maintenance and preservation of the storm drainage facilities, and/or Wetlands.

2. Assurances for Completion of Construction of the Safety Path Along Taft Road

The City of Novi Zoning Ordinance requires the construction of a safety path along Taft Road with respect to the development of the Property. The City has determined that due to the current lack of development in the area surrounding the Property, construction of a safety path in the proposed location is impractical. At such time as the City determines, in its discretion, that the safety path is necessary to serve the Property and surrounding or adjacent developments, the City shall serve notice on Declarant providing a reasonable time period, not less than 30 days, but not more than 90 days (unless otherwise approved in writing by the City), for the Declarant to take one of the following actions to complete the safety path on the Property in the location shown on Exhibit E:

a. Complete the Construction of the Safety Path

Upon the receipt of the notice set forth above from the City, Declarant shall, in accordance with the time frame set forth in the notice, construct the safety path, at its own cost, on the Property in the location described and depicted in the attached and incorporated Exhibit E. The safety path shall be constructed in accordance with the City's then current design and construction standards for safety paths. The safety path shall be constructed in accordance with engineering and construction plans approved by the City. Upon completion of the installation of the safety path, Declarant shall be responsible for the cost of inspection by the City and upon inspection, shall repair or replace any or all of the safety path determined to be defective or any portion that does not meet with the City's then current design and construction standards for safety paths as determined by the City's Engineer or his or her designee; or, alternatively,

b. Deposit an Amount with the City to Construct the Safety Path

Upon receipt of the notice set forth above from the City, Declarant shall deposit with the City the amount determined by the City to enable the City, or the City's contractor or designee, to complete the construction of the safety path on the Property in the location shown on the

attached and incorporated Exhibit E. The amount shall be based on current construction industry standards for the surrounding area for cost of constructing similar paved pathways consistent with the City standards. Upon completion of the safety path by the City, or its contractor or designee, Declarant shall also be liable for any costs and expenses incurred by the City in excess of the deposit under this Agreement as well as any costs and expenses, including reasonable attorney fees, incurred by the City in any action and/or litigation to enforce or collect such funds pursuant to the terms of this Agreement, in the event the City obtains any relief as a result of such lawsuit. The liability of Declarant in such regard, if unpaid after 30 days of a billing sent to Developer at its last known address, may be secured by the City recording a lien on the Property as to those units still owned by the Declarant, effective as of the date the City is authorized to proceed with the completion and/or maintenance of improvements, or restoration, as provided in this Agreement, and all such unpaid amounts may be placed on the delinquent tax roll of the City as to the Property, and shall accrue interest and penalties, and shall be collected as, and shall be 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 also be collected by suit initiated against the Declarant, and in the event the City is awarded relief in such suit, the Declarant shall pay all court costs, expenses and reasonable attorney fees incurred by the City in connection with such suit; or,

c. Petition for Special Assessment

Declarant shall request that the property be assessed for the cost of construction of the safety path by the City by affirmatively entering into an Agreement for a Special Assessment District. The Agreement shall provide for Declarants affirmative petition to construct the safety path as follows:

The Declarant, as owner of the Property to be specially benefitted, does hereby petition the City Council of the City of Novi, Oakland County, Michigan, for the construction of a safety path (the "Improvements") along Taft Road in the location described and depicted on the attached and incorporated Exhibit E, and to finance such improvements by specially assessing the costs thereof against the Property of Declarant that is specially benefitted by the Improvements, in accordance with Act 279 of the Public Acts of 1909, as amended. In signing this Declaration and petition, it is understood that, if the special assessment district is approved by the City Council, the costs of Improvements, plus expenses connected with engineering and legal costs, will be assessed against the Property, as well as other property specially benefitted, and may be divided into annual installments for a period to be determined by City Council in accordance with Act 279, including the preparation of plans, specifications and a cost estimate for construction of Improvements.

3. Documentation Required

Declarant and all of Declarant's officers, employees, consultants and agents, shall be obligated to act and work in cooperation with the City to bring about completion and/or maintenance of the Improvements as contemplated in this Agreement and shall provide the City with all drawings, contracts, documentation, public and private correspondence, agreements and other materials relating to any such Improvements, restoration and/or maintenance.

With respect to all of the options set forth above, Declarant shall for \$1.00, provide the City with the necessary temporary and permanent easements to allow construction, operation, and maintenance of the safety path easement area by the City.

4. General Provisions

- a. **Enforcement.** The City may, but is not required to, initiate a lawsuit for purposes of enforcing and achieving full compliance with the terms and provisions of this Agreement. In the event that the City is awarded relief in such suit, the Owner shall pay all court costs, expenses and reasonable actual attorney fees incurred by the City in connection with such suit.
- b. **Binding Effect.** This Agreement shall run with the land constituting the Property described above and shall be binding upon and inure to the benefit of the City and Declarant, and to their respective heirs, successors, assigns, and transferees.
- c. **Declarant's Warranty on Ownership.** Declarant hereby warrants that it is the owner of the Property described herein, and that it has the full and exclusive authority to execute this Declaration.
- d. **Severability.** Each covenant, requirement, obligation and provision contained herein shall be considered to be an independent and separate covenant and agreement, and in the event one or more covenants, requirements, obligations or provisions shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, all remaining covenants, requirements, obligations and provisions shall nevertheless remain in full force and effect.
- e. **Lawful Document.** Declarant agrees that this Declaration and its terms, conditions, and requirements are lawful and consistent with the intent and provisions of local ordinances, state and federal law, and the Constitutions of Michigan and the United States of America. Declarant agrees that the construction of the on-site and off-site improvements, if any, as specified in this Declaration is necessary in order to protect public health, safety and welfare, and provide material advantages and development options for the Declarant, all of which improvements and obligations Declarant and City have agreed were roughly proportional to the burden imposed and necessary in order to ensure that public services and facilities necessary for or affected by the Property will be capable of accommodating the development of the Property in a socially, environmentally, and economically desirable manner. Furthermore, Declarant fully accepts and agrees to the final terms, conditions, requirements, and obligations of this Declaration, and Declarant shall not be permitted in the future to claim that the effect of this Declaration results in an unreasonable limitation upon use of all or any portion of the Property, or claim that enforcement of this Declaration causes an inverse condemnation or taking of all or any portion of such property. It is further agreed and acknowledged that the terms, conditions, obligations, and requirements of this Declaration are clearly and substantially related to

the burdens to be created by the development of the Property, and are, without exception, clearly and substantially related to the City's legitimate interests in protecting the public health, safety, and general welfare.

- f. **Applicable Law.** This Declaration of Covenants herein shall be interpreted and construed in accordance with Michigan law, and shall be subject to enforcement only in Michigan Courts.

WHEREFORE, the undersigned, as owners of the Property described herein, have executed and made affective this Declaration on the date first set forth above.

