

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT DEPUTY DIRECTOR
FROM: KRISTEN KAPELANSKI, PLANNER *Kristen*
SUBJECT: SP06-30 OLDE TOWN OFFICE VILLAGE
EXTENSION OF FINAL SITE PLAN APPROVAL FOR
DECEMBER 09, 2009 PLANNING COMMISSION MEETING
DATE: NOVEMBER 23, 2009

The subject property is approximately 11.3 acres and the applicant is proposing to construct four similarly designed office buildings along the south side of Grand River Avenue, east of Beck Road, totaling nearly 90,000 square feet.

Approvals for the project proceeded as follows:

- The review of the Stormwater Management Plan, Preliminary Site Plan, Woodland Permit and Wetland Permit was postponed by the Planning Commission on September 13, 2006.
- The Planning Commission granted Stormwater Management Plan approval, Preliminary Site Plan approval, Woodland Permit approval and Wetland Permit approval subject to conditions on January 10, 2007.
- The review of the Final Site Plan and Section 9 Façade Waiver was postponed by the Planning Commission on May 9, 2007.
- The Planning Commission granted Final Site Plan approval and Section 9 Façade Waiver approval on July 11, 2007.
- Stamping Sets were submitted and received final approval on December 13, 2007.
- The Planning Commission granted a one-year extension of the Final Site Plan on November 19, 2008.

The applicant has now requested a second extension of the Final Site Plan approval. The Zoning ordinance allows for up to three one-year extensions of Preliminary and Final Site Plan approval. The applicant has received one extension prior to this request.

The Community Development Department is not aware of any changes to the ordinances, or surrounding land uses, which would affect the approval of the requested extension for one year. Approval of the second extension of the Final Site Plan approval is recommended.

Please refer to the attached letter, which requests the extension of the Final Site Plan approval. Also attached are minutes from pertinent Planning Commission meetings, and a reduced copy of the approved Final Site Plan.

LETTER FROM APPLICANT REQUESTING EXTENSION

Olde Town Office Village

1100 Corporate Office Drive, Suite 300-A
PO Box 535
Milford MI 48381

Telephone 248-889-5000
Facsimile 248-889-5600
HeynProperties@aol.com

November 12, 2009

Angela Pawlowski
City of Novi – Planning Division
45175 W Ten Mile Road
Novi MI 48375

RE: Olde Town Office Village, SP06-30

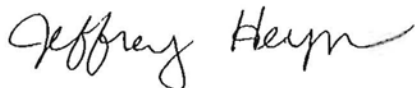
Dear Ms. Pawlowski:

The final site plan for our project "Olde Town Office Village" will expire on December 13, 2009.

At this time, we request the Planning Division to grant us our final one year site plan extension.

Thank you for your consideration.

OLDE TOWN OFFICE VILLAGE



Jeffrey Heyn

**PLANNING COMMISSION MINUTES - EXCERPT
SEPTEMBER 13, 2006**



APPROVED

PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, SEPTEMBER 13, 2006 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members Brian Burke, Victor Cassis, David Lipski (7:54 p.m.), Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: Members John Avdoulos (excused), Andrew Gutman (excused)

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Mark Spencer, Planner; David Beschke, Landscape Architect; Brian Coburn, Engineer; John Freeland, Wetland Consultant; Doris Hill and Larry DeBrincat, Woodland Consultants; David Gillam, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Chair Cassis added a Section 9 Façade Waiver request onto Item 4 of the Public Hearings.

Moved by Member Pehrson, seconded by Member Wrobel:

VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

Motion to approve the Agenda of September 13, 2006. Motion carried 6-0.

PUBLIC HEARINGS

1. OLDE TOWN OFFICE VILLAGE, SP06-30

The Public Hearing was opened on the request of Group 3, Inc., for Preliminary Site Plan, Stormwater Management Plan, Woodland Permit, and Wetland Permit approval. The subject property is located in Section 16, south of Grand River Avenue east of Beck Road, in the I-1, Light Industrial District. The subject property is 10.73 acres and the Applicant is proposing four medical office buildings totaling 83,314 square feet.

Planner Tim Schmitt described the project. This property is adjacent to Heyn Drive, a private drive to the east. Beck Road is to the west. Central Park Estates and Remax 100 are to the south. Aladdin Heating and Cooling is adjacent to the property to the west. The property is zoned I-1, Light Industrial, as are the properties to the west and east. To the south is a mix of I-1 and OS-1, with RM-1 further south. To the north is OST. Further west is R-A and B-3. The properties are master planned for Office, a change in the most recent Master Plan for Land Use update. The Applicant is not proposing a zoning change to Office, though their plan for the land is an office use.

The property contains a lot of wetlands that continue onto the Remax and Central Park sites. Part of the wetland complex even extends into Asbury Park. There are woodlands on the southerly portion of the site and throughout the site.

The building material proposed is brick. Mr. Schmitt showed the façade material board. There are four buildings being proposed, with a mix of medical and general office uses – roughly a 50-50 split. Each of the buildings is fairly similar to the others.

The Planning Review recommends approval subject to some minor items being addressed at the time of Final Site Plan submittal. There are a couple of locations where the setbacks are not met. The Applicant has responded that they will meet the requirement. Therefore, a ZBA variance should not be necessary.

The Applicant is asked to save the black walnut tree between buildings 2 and 3. It is a 44" dbh tree. A sketch was provided that showed a feasible way with which the Applicant can save the tree. They Applicant has responded

that they are not interested in preserving the tree.

The Wetland Review indicated minor items to be addressed at the time of Final Site Plan submittal. There is a minor encroachment in a stormwater outfall into the overall wetland complex.

The Landscape Review indicated there are two items for the Planning Commission to discuss. The parking lot perimeter tree requirement, specifically around the wetland and the detention basin, cannot be met. That requirement is one tree for every 35 lineal feet. A 25-foot buffer around the upper rim of the detention basin cannot be met without encroaching the wetlands. The Planning Commission recommends that the Planning Commission grant these waivers.

The Traffic Review and Engineering Review both indicate the need for a specific driveway spacing waiver. 185 feet is proposed between the two drives. Given a 50 mph speed limit on Grand River, the requirement is 300 feet is required. The Planning Commission supports the waiver because the drive has been placed in a good position. It has less of an impact on properties that will develop in the future.

The Fire Department Review indicated minor items to be addressed at the time of Final Site Plan submittal.

The Planning Commission is asked to weigh in on a Section 9 Façade Waiver request. The Applicant is proposing up to 11% of split-faced block on the buildings. It is an accent piece but 0% is permitted in Region 1 (buildings within 500 feet of a major thoroughfare). The Façade Consultant did not recommend either way on this waiver request; it is up to the Planning Commission. This is different than the cast stone waivers that have been coming through, because split-faced block is discussed explicitly in the Ordinance.

The Woodland Review indicates that approval is recommended, but the Applicant is still encouraged to save the black walnut tree. There is another issue that the Planning Commission should know about. There is a woodland violation on southern portion of this site. Woodland Consultant Doris Hill can describe this violation if the Planning Commission desires. The subject development is only on the north end of this site. The violation should be discussed. No resolution has been finalized. A number of alternatives have been offered to the Applicant. They can provide a 1:1 replacement, which adds up to a very large amount of trees. There is an opportunity to place a Conservation Easement on a section of property that abuts residential, along with some replacement trees. This could be agreed to by the Woodland Consultant. The Applicant's response letter indicates that they are willing to work with the City to find a solution. They have not provided a definitive solution. It is an ongoing situation.

There could also be a wetland violation in the area. Dr. John Freeland, the Wetland Consultant, was present at the meeting and could discuss this potential violation and the Wetland Permit if the Planning Commission so desired.

Mr. Larry Curran from Powell and Associates represented Group 3, Inc. He said he was working with the adjacent property owner so that Heyn Drive will become a public road. Therefore, these buildings will be set back as if it were a public road. The black walnut tree is not between the buildings but under one of the buildings. To do what the previous planner, Jason Myers, had suggested, the Applicant would have to make several concessions. First, this project was put together and represents three owners and five parcels of land. Each building sits on its own parcel. These parcels are not intended to be placed in one large parcel under one ownership. If the building was moved to save the tree, it would not be on its parcel. The I-1 zoning requires a front yard setback of forty feet, with an additional ten to twenty foot of greenspace. There is fifty to sixty feet of greenery in front of one of the buildings and adjacent to Heyn Drive. Mr. Myers suggested that the Applicant place a sidewalk next to the driveway. The Applicant prefers the open space feel upon arrival. To save one walnut tree, the Applicant does not believe it is worth moving the building all the way over to the driveway.

Chair Cassis asked the Applicant if he was willing to do anything to save the tree. Mr. Curran said he would be replacing it.

Mr. Curran said that the comments from the consultants are all regarding minor issues. The major issues have been addressed. A strip of property from the southerly parcel has been added so that the setback requirements

can be met. The buildings have been moved over to meet the setback requirements from Heyn Drive. The landscape issues can be dealt with prior to Final Site Plan submittal.

Mr. Curran said that they liked the split-faced band on their buildings. It is only along the bottom three courses, which is the same white that accents the band above the windows and the doors. The split-face is block. The other white is limestone. The bottom three courses require the Section 9 Façade Waiver.

Chair Cassis asked about the woodland and wetland violations. Mr. Curran responded that the violation is 200-300 feet south of this development. This project sits on five parcels. The violation is on a sixth parcel, which is 700 to 800 feet down from these parcels. Chair Cassis asked whether the violation was on his site. Mr. Curran said that no violation is on his land – it is south of his development.

Member Pehrson read the correspondence received:

- Jeff Kasper, 46593 Grand River: Approved of the plan and thought it was a great improvement to the corridor.
- Yutaka Matsubara, 26775 Broadway, Novi: Approved of the plan.

No one from the audience wished to speak so Chair Cassis closed the Public Hearing.

City Attorney David Gillam asked for the floor. He stated that Mr. Moore was in the audience and is a principal in Group 3, Inc. This group has been before Walled Lake with another project, and Mr. Gillam advises Walled Lake. Mr. Gillam has previously represented Mr. Moore on a barrier-free waiver for a Milford building. That was five or six years ago. Mr. Gillam needed to disclose this to the Planning Commission. If the Planning Commission or Mr. Moore objects to Mr. Gillam sitting at the table representing Novi, then he would step aside. No one objected to Mr. Gillam's presence.

Member Lynch asked what the purpose of the 25-foot buffer standard was. Mr. Schmitt responded that the area is intended to provide landscaping and break up the visual between the detention basin and the parking lot. It helps filter the water – keeping the pesticides out of the basin. It prevents the need for a retaining wall. Most projects need this space. In this case the design criteria just can't be met. The reason it is in the design manual and not the Ordinance is because it is not necessarily a specific waiver – the design manual is intended as an advisory of how to meet the substantive requirements of the Zoning Ordinance. They were both brought up at this meeting because it has been a long time since they have been mentioned. It reminds the Planning Commission that there is a design manual. If this buffer is waived, it will not have an effect on the function or design of the basin itself. These 25 feet would be planted as opposed to the 25 feet of natural area on the south side of the basin. Dr. Freeland has no problem with the design. The waiver keeps the southerly wetland from being impacted.

Member Lynch asked whether the split-faced block meets acceptable standards – no discoloration, etc. Mr. Schmitt responded that a cast-stone product is common in Novi. The City doesn't like to see it painted. Some industrial park buildings have been painted. This design uses the cast stone only as an accent band. It is a relatively small amount. It must be granted a waiver because the buildings are right on the road – Region 1. Their proposed product is of standard quality. It is a longstanding building material. Usually communities that go with the brick look tend not to allow as much cast stone. It is one of the trade-offs.

Member Lynch thought the design looked good aesthetically. He was concerned about the quality. Mr. Schmitt said that the CMU product is cast as a unit, and the City just doesn't want to see it painted. It is colored on its own.

Member Lynch asked why the City should be worried about a violation on another piece of property. Mr. Schmitt responded that the wetland and woodland violations in the area don't occur on the development property. It does occur on a property that is being included in the development. It is located a substantial distance to the south. It is much closer to Asbury Park than it is to Grand River. As the Applicant mentioned, they are taking an additional ten feet out of that property to meet the setbacks on the subject property. There is a small amount of violated property that is a part of this development. If the Applicant were designing this development within their own property lines, the Planning Commission would probably not be made aware of this violation. Because there is a Woodland Permit associated with this project, the Planning Commission can put the hammer down on the violation at this time. The City is still working on this violation, and it is a matter that the City fully intends to resolve. Because the

wetland and woodland issues affect this plan, they were both brought up.

Member Lynch asked what the violation was and whether the Planning Commission should worry about it in terms of reviewing this plan. Mr. Gillam responded that because a portion of the property is part of this project, it can be considered. Additionally, there is some benefit to both the City and Applicant to have this issue resolved at the same time as the site plan review.

Woodland Consultant Doris Hill stated that the violation was discovered on August 1, 2006. A City employee asked Vilican Leman to investigate a possible violation. Ms. Hill responded to that request. She discovered piles of cut timber and some woodchips that were still golden in color. There were disturbed soils. She took several photos. The area may have been farmed at some point in its history. However, the newly disturbed soil was abutting the woodland edge. It looked like heavy equipment was being driven in the area. She reported the information to the City. She felt a violation had occurred. She found a lot of tree stumps in the area. Jeff Heyn owns the property. The City asked her to make an assessment of the damage. She met with Mr. Heyn and some others and they discussed what happened. She had aerials of the site from 1963 through 2005. It appears that the lower area was farmed up until 1974 or 1990. That explains part of the character. The field then went fallow and it reverted to a woodland. When the woodland map was made in 1998, the area was included as a woodland. It had started to succeed. There are some tree trunks that may have been part of eight-inch caliper trees. They would have been cottonwoods or box elder – succession type trees. The wood in the other area was probably a higher quality of wood. She took a sample in two different areas. The one area has silver maple, red maple, a pocket of flowering dogwood, white walnuts, etc. There isn't a lot of survey data on the site, so it was difficult for Ms. Hill to know exactly where she was. She did find one iron, but she wasn't sure which corner it represented.

There was a concerned property owner who was afraid some of the violation occurred on his property. Ms. Hill looked at that possibility. She did not think any vegetation was removed from his lot. She did think some of the vegetation was stockpiled in a certain area that she pointed to on the map.

Ms. Hill calculated what she felt represented the make up of a standard 100 square foot section. The numbers are high. She didn't even consider the one section because of the historical agricultural use. She felt that the number of trees required for replacement cannot feasibly fit on the parcel and still leave room for development. Pending Dr. Freeland's report, Ms. Hill felt that the maps showed a contiguous wetland with a section of historical crossing, and one section of the wetland seemed burdened in size when the required setbacks and screen berms are considered. She didn't know if it was feasible to consider development on the far south. She asked Group 3 to consider taking the southern area, planting it, reforesting it, and considering only the area north for future development. The southerly area and the remaining wetland and woodland could then be placed in a Conservation Easement. She pointed to the areas on the map where she suggested these things take place.

Member Lynch asked Ms. Hill whether she had been working with Dr. Freeland. Ms. Hill said that they haven't been really active on working together on this, and she didn't know for sure what his take on this violation was. She obviously would want to work with Dr. Freeland on this issue. She said that it is often the case that when a high quality woodland is violated, the mitigation efforts are sometimes infeasible. The property owners must retain their right to develop their property, but the restoration must also be just.

Member Lynch said he just wanted to ensure that the City and the Applicant were working on the resolution of this matter. He thought that protecting an area and allowing a developable section seemed reasonable. It seemed to him that there are processes in place that would allow this to happen. Ms. Hill responded that the Applicant has indicated their willingness to work with the City. Ms. Hill said that some of these areas fall under the jurisdiction of the MDEQ – specifically the area woodland wetland areas.

Member Lynch asked about the black walnut tree. He asked whether there was any kind of win-win for this tree situation. Ms. Hill said this tree has a 44" dbh. It is spectacular. It has radial branching. It is gorgeous. On the other hand, to develop around the tree would require sensitivity to the root zones because walnuts do not tolerate much, like equipment driving on the roots. It would not tolerate a great deal of hydrological changes. It would be a burden to preserve the tree. Did she think it was a tree worth preserving? Of course she did.

Ms. Hill said that Michigan is back on the bandwagon of preserving big trees, and there are some spectacular trees in Novi. This walnut tree is spectacular. It is unique. She also noted that just east of this tree is a 12" sumac that will also be removed. Sumac is usually just a shrub along the roadsides. Ms. Hill felt that if something could be reasonably preserved, then it should be. She reiterated that trees are living things and they cannot be overly impacted.

Member Lynch said that upon listening to the Applicant's response, it does not seem as though saving the tree is feasible. He hated losing the tree and he hoped that trees would be planted in its stead. Ms. Hill said that she would prefer to have her colleague, Larry DeBrincat, address the site plan landscaping.

Member Lynch asked about moving the placement of the building. Mr. Schmitt responded that the Applicant has no interest in redesigning the site. They will replant three 2.5" caliper trees instead.

Member Lipski arrived at 7:54 PM.

Member Wrobel asked whether the City loses any control of the situation if they review this plan without dealing with the violation. Mr. Gillam responded that the City does not waive any of its rights if the Planning Commission does not address this violation. A warning letter has gone to the property owner. Next, Neighborhood Services could issue a citation. Proceedings in the district court would ensue.

Member Wrobel would like to see such a large tree saved. He understood the hardship. He looked at the redesign, and noted Ms. Hill's comments about surrounding impacts. He wondered what the survival chances were, even if the Applicant agreed to the redesign. Member Wrobel noted that a 150-foot maple died when his house was built – twenty feet away. Though he would like to see the black walnut saved, if it isn't feasible then the Applicant should cut his losses and move on.

Member Wrobel liked the project. He liked the materials proposed.

Member Meyer thought that the building would have to be moved 72 feet in order to save the tree. He thought that was a little less than being right in the middle of the building. The Applicant suggested that moving the building would place it in the driveway, but Member Meyer thought there was a parking lot. From his perspective, this Applicant has not taken enough time to consider the possibility of saving this tree. He didn't think the tree was in the middle of the building. Member Meyer didn't want the plan approved because he did not believe the Applicant has tried to save the tree. Mr. Schmitt said the sketch in the packet was Mr. Myers' suggestion on how to redesign the property. That building is in the middle of building 2 of the Applicant's proposed plan. The redesign removes the parking lot, pushes the building over and displaces the parking elsewhere on site.

Mr. Schmitt said that this will all be one property when all is said and done. The redesign was just an alternative. He assumed that the Applicant did consider the redesign.

Chair Cassis said the Applicant's claim is that this project is built upon separate parcels. Mr. Schmitt confirmed that there are five parcels. One condition in the Planning Review is that the properties must be combined or a condominium must be filed. The Applicant has not indicated that he would like to pursue a condominium. A condominium would have to be approved by the Planning Commission, so if they choose to take that course they will have to come back before the Planning Commission. As always, the splits or combinations of parcels must take place before the plans get their final stamping set.

Chair Cassis asked whether the concern about the building being shifted on the five parcels was a legitimate concern. Mr. Schmitt said that it was not a concern, which is why it did not get mentioned in the review. The review considered this as one trapezoidal property. Chair Cassis said that the City wants the assemblage, and he appreciated it because it limits curb cuts. This is a beautiful design that will unfold into a campus.

Member Meyer said that even if the parcels were kept in tact, there would still be room on Parcel B to accommodate moving the building. Member Meyer has strong feelings about the tree, but he also understood that trees do die.

Mr. Curran asked for clarification. He said their understanding from the letter was that they were being asked to indicate whether this was going to be a single-unit development with cross-access easements for the parking, or a condominium. The City was told it would not be a condominium. The City was told that each property would house its own building, and cross-access easements would be provided. Mr. Curran said that if this isn't allowed, he was not told that. Mr. Schmitt said that the Planning Review states that a property combination or a condominium will need to be submitted at the time of Final Site Plan submittal, and before Building plan review can proceed, so that the buildings are not standing on multiple parcels. It is a pretty standard comment from the Planning Department.

Mr. Curran asked why the Building Department would not issue a permit if these were separate parcels. Mr. Schmitt said that there are two conflicting situations at work. First, the buildings do not meet setbacks on their own. Mr. Curran interjected that the buildings do meet their own setbacks; that is how they were designed.

Mr. Schmitt said that the five separate parcels do not meet the requirements of the Zoning Ordinance. The Building Department is going to run into concerns. If the buildings are set back appropriately for Planning, usually it is okay for Building. But they are going to run into concerns, in terms of distance from property lines, and whether or not it will become an issue here is something that the Planning Department is always going to call out, because the one time it wasn't called out, it became an issue.

Member Pehrson asked Dr. John Freeland, the Wetland Consultant from ECT, to comment on the violation. Dr. Freeland said that he looked at the property and he thought there was a violation of about 200 square feet (10' x 20'). It is an area where a skidder or some other piece of equipment pushed woodchips into the edge and beyond the edge of a forested wetland. He thought that it wouldn't be difficult to rake the area out. It would be the best way to do it. It would cause the least amount of disturbance. There is some wetland encroachment in the area due to the tree cutting activities. He thought the suggestion of replacing trees in other parts of the area made sense. He said the property owner has been asked to stop doing what he has been doing. If this owner is ever going to do site work on this property, the wetland must be delineated and the process must be followed. Dr. Freeland would like to see them rake the chips out of the wetland and restore the area. There is some soil disturbance due to the equipment, but it isn't like they hauled in soil to fill in the wetland. He thought it was an accident – a slightly overzealous equipment operator pushed the material into the wetland.

Member Pehrson asked how the landowner is notified when the City determines there is a violation. Mr. Gillam responded that the process begins with a notice to the landowner stating the potential violation. It is not a ticket at this point in time. It is an indication that there is a problem and the City is seeking interaction with the landowner to determine if in fact there is a problem. If there is a problem, the City requests that it be taken care of.

Member Pehrson said the buildings seemed well thought out. He had no issue with the Façade Waiver request.

Member Pehrson would like to see a resolution. He asked whether it was worth fighting over the one black walnut tree. Member Pehrson said it was. He asked whether it was worth getting a resolution to the issue which includes the potential for a Conservation Easement for the woodlands and the replacement trees. Given the fact that there is a need for a site condominium, Member Pehrson said he was not in position to approve or deny this project. He would like to see more information from the Applicant.

Moved by Member Pehrson, seconded by Member Lynch:

In the matter of the request of Group 3, Inc, for Olde Town Village, SP06-30, motion to postpone the consideration, with the request that the Petitioner work with the City to resolve, in a favorable manner, the issue of the walnut tree, the woodland violation and the wetland violation, such that it is approved by the City that the Applicant can go forward with this Preliminary Site Plan and the Final Site Plan.

DISCUSSION

Chair Cassis said this plan was thoughtful, bringing five parcels together to make a very nice design which is much needed and clean and good. He appreciated that there would be one or two curb cuts instead of four or five curb

cuts. He liked the façade. He liked the amenities. The Applicant has exceeded expectations with his parking design. It is an ideal development. But, due to the issues and some misunderstandings, this review has resulted in an impasse with his colleagues. Chair Cassis hoped that the misunderstandings could come to a conclusion. Then, the plan can be reviewed without the Planning Commission having to go back and forth for an hour and a half, asking questions about the problems with the plan. There seems to be a problem with the condominium situation. The Applicant claims that this doesn't have to be a problem. The Planner says that there must be a condominium. Chair Cassis asked Mr. Gillam to comment on this.

Mr. Gillam responded that this was not discussed at length; the statement in the Planning Review was taken at face value – that a condominium must occur. Based on Mr. Schmitt's comments, Mr. Gillam agreed with this position. However, he said that it may be an issue that should be looked at more closely from a legal standpoint.

Chair Cassis believed that a development as beautiful as this proposal must go forward. He encouraged the Applicant to huddle with the City and correct the problems. Mr. Schmitt gave a very nice presentation. He was very complimentary of this project. However, members on the Planning Commission have brought up some issues that are very legitimate.

Mr. Curran said his biggest concern is the walnut tree. Despite what Mr. Myers suggested, moving the building 72 feet is more than the currently proposed 58-foot parking lot. That is the whole parking lot plus an additional 14 feet. They have looked at the possibility – even put it on the computer. If he meets with Mr. Schmitt he will get the same issue – can you put it here? If that is what the City wants, Mr. Curran would like it stated: The City wants the sidewalk up against the driveway and then the building. That is what is going to have to happen to save that tree.

Chair Cassis said that there are three or four or five questions. If this list can be narrowed down, then perhaps a compromise can be reached.

Mr. Curran said the wetland and woodland violations are not his issue. They are on their property, but not this subject property. He said that it was the recommendation by the Planning Department to include a sliver of the sixth parcel to this project.

Chair Cassis said that the Planning Commission needs to review a project with as few issues as possible. Mr. Curran said that much he could do. Chair Cassis said that if the number of issues could be reduced, then a compromise could take place.

ROLL CALL VOTE ON OLDE TOWN VILLAGE, SP06-30, POSTPONEMENT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER LYNCH:

In the matter of the request of Group 3, Inc, for Olde Town Village, SP06-30, motion to postpone the consideration, with the request that the Petitioner work with the City to resolve, in a favorable manner, the issue of the walnut tree, the woodland violation and the wetland violation, such that it is approved by the City that the Applicant can go forward with this Preliminary Site Plan and the Final Site Plan.
Motion carried 7-0.

**PLANNING COMMISSION MINUTES - EXCERPT
JANUARY 10, 2007**



APPROVED

PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JANUARY 10, 2007 7:00 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

The meeting was called to order at 7:01 PM.

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, David Lipski (7:19 PM), Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Mark Spencer, Planner; Ben Croy, Engineer; David Beschke, Landscape Architect; Doris Hill, Woodland Consultant; Tom Schultz, City Attorney

PLEDGE OF ALLEGIANCE

Member Meyer led the meeting in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Wrobel, seconded by Member Pehrson:

VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER WROBEL AND SECONDED BY MEMBER PEHRSON:

Motion to approve the Agenda of January 10, 2007. Motion carried 8-0.

PUBLIC HEARINGS

1. OLDE TOWN OFFICE VILLAGE, SP06-30

The Public Hearing was opened on the request of Group 3, Inc., for Preliminary Site Plan with Site Condominium, Wetland Permit, Woodland Permit, and Storm Water Management Plan approval. The subject property is located in Section 16, south of Grand River Avenue, east of Beck Road, in the I-1, Light Industrial District. The subject property is 10.73 acres and the Applicant is proposing to build four multi-story medical/general office buildings.

Planner Tim Schmitt described the property for the Planning Commission. Five properties comprise the area. The site is adjacent to Heyn Drive. It is zoned I-1, as are the properties to the east and west. Aladdin Heating and Cooling is to the west. Central Park Estates is to the south and is zoned RM-1. There is also some OS-1 land to the south. The north side of Grand River is zoned OST. The subject property and the surrounding sites are master planned for Office uses. The Applicant is proposing an office use, which is permitted in the Light Industrial district.

There is a fairly large wetland onsite and offsite. There are woodlands on the site as well.

The design will incorporate drives from Grand River and Heyn Drive. The Planning Commission reviewed this plan on September 13, 2006, at which time the request was postponed to provide the Applicant time to clarify three items: Will the Applicant redesign the site to preserve the landmark walnut tree? Can the Applicant clarify the ownership of the property? When will the woodland violation on the southeast portion of the property be addressed? The Applicant and the City worked together on an alternative plan, but in the end, the plan didn't really benefit any of the three pending issues.

The Applicant has provided the Planning Commission with correspondence relating to the three issues. They have worked out a tentative schedule to resolve the woodland violation. A letter from the Applicant dated November 3, 2006 provides the timeframe for the resolution. The City has agreed to hold in abeyance the required \$120,000 performance bond associated with this woodland violation. Typically there aren't violations such as this on a property with an active site plan. Since the Applicant has been cooperating with the City and there is comfort in accepting their proposal for correction. The first step in their process has already been completed. The next step is due by the end of February.

The Applicant has chosen not to redesign his site to preserve the walnut tree. Again, this was a suggestion only; the Applicant does not believe there is a feasible solution.

The Applicant will be creating a condominium for this site. The Planning Commission is asked to approve the condominium. The Planning Department will review this documentation at the time of Final Site Plan submittal.

The reviews presented to the Planning Commission are the same as what was distributed last September. One additional issue has since been raised. During the construction of the Remax Office Center, to the south of this property, some flooding was identified in the wetland. Remax uses this wetland for their stormwater management plan. The water is eventually meant to channel south under Beck Road. The subject property also relies on this wetland. Civil Engineer Ben Croy has been attending meetings regarding this problem, and it appears that the problem is downstream. At this point, the location has not been identified, and Remax is required to do some additional work, as does this Applicant, to show that their plans are feasible. Mr. Croy is not overly comfortable with stating that this project is feasible from an engineering standpoint because of this issue. Given the gravity of this situation, the Planning Department recommends that this plan return to the Planning Commission for Final Site Plan approval. The City's concern is that something major will change on this site plan, which will require the plan to return to the Planning Commission anyway. Therefore, the concern is being placed on the table right now; if the Final Site Plan does not change, the plan will be placed on the Consent Agenda, acknowledging the plan's conformance to the Preliminary Site Plan approval.

The motions presented to the Planning Commission for consideration are somewhat different from the standard language. The Planning Commission should ask for clarification on any of the items of which they are unsure.

Mr. Schmitt clarified that while the woodland violation is not yet resolved, the Planning Department is satisfied with the efforts of the Applicant to resolve the matter within a specified timeframe.

Mr. Larry Shew from Group 3 addressed the Planning Commission. He stated that they have addressed the woodland violation. They are creating a condominium. This project is unique in that they are combining sites owned by three different property owners. He started the project and was very active in the early stages of this site's design.

Mr. Shew understood that the tree is a great concern to the community. An earlier solution for preservation of that tree included moving one of the buildings forward, but if the buildings were moved forward, it would be worse for the tree. The tree could not hinder the design of this site, and even trying to preserve it (not cutting it down) would be problematic in light of the grading and paving and so forth.

Mr. Shew said that design has a traditional look. The buildings will be multi-storied, mostly brick. They intend to have a lot of medical office based on the Providence Hospital expansion. He noted that these units will be owner-occupied which reduces the "For Lease" signs on the site. Owners take more pride so the buildings will be well-maintained.

Chair Cassis opened the floor for public comment:

- Harper Cunningham, owner of the Remax property: He praised the beauty of the subject buildings. He said there is a wetland mess on their site, and he feared that approving this project would further affect his site. He asked that the approval be withheld until the flooding issue is resolved. He said that their design was built in accordance with the plan approved by the City engineers, and it is not functioning properly. The north-south ditch along Beck Road has been cleaned up, but no one has the answer yet. Mr. Cunningham then said that the City does know what the problem is, but he is unsure whether the City will agree to correct the problem.

No Public Hearing correspondence was received, so Chair Cassis closed the Public Hearing.

Member Lipski arrived at 7:19 PM.

Member Lynch asked what the drainage problem was. Mr. Croy said that it appears that the site was not built up enough – the grading is too low. This may be due to a bad survey or a slightly inaccurate survey. Everyone is

working on a solution, but it is not an easy problem to resolve. An acceptable solution has not been agreed upon. There is no disagreement between the parties, Mr. Croy noted. The drains under the Remax parking lot are remaining full, due to the head of water surrounding their site. This site, the Olde Town site, will also discharge their stormwater to the same wetland system. What is needed is for this Applicant's engineer to state the flow path of their site. If it is going to further impact the Remax site, it will not be allowed. If this Applicant can show that the two sites operate independently of each other, then it can be considered. The Applicant indicates they have a favorable topography to analyze.

Member Lynch asked if the problem was that the City was trying to get water to run uphill. Mr. Croy responded in the affirmative, clarifying that the water could not drain to a low enough point.

Member Lynch asked if approving this plan would exacerbate the problem. Mr. Croy said that it hasn't been proven one way or another, what this plan would do to the drainage. Mr. Croy said that the solution might be to add a pump of some sort.

Member Wrobel wondered whether anything had been done incorrectly on the Remax approval. Mr. Schmitt said that the City was not at fault. The plans were approved in 2005. It appears that the survey data supplied by Remax was wrong. It might be that there is a high point that wasn't caught. There could be a blockage. There is a potential for this plan to exacerbate the plan, but not necessarily. This is a big wetland complex in this area. There might be a wetland violation or there might have been some dumping in the area that just needs to be cleaned up. There are places this water can go – west or south toward Asbury Park.

Member Wrobel asked whether something can be put into place that would stop this from happening again. Mr. Schmitt responded that the City is only able to review the plans that are given to it. If an error is made in the submittal, the City can not be responsible for that. There are plenty of solutions. The goal is to find the solution that will resolve Remax's problem. The Olde Town group will be providing data to the City. As a cautionary measure, the Planning Department would like this Final Site Plan to come before the Planning Commission. Member Wrobel did not want to compound this water problem.

Member Wrobel liked the fact that the plan would become a condominium. He liked the placement of the buildings and the parking. He was pleased that the Applicant designed the plan around the wetlands. He could easily support this project in conjunction with the resolution of the water problem.

Member Burke asked whether the unusual request to bring this plan back before the Planning Commission is a method with which the Applicant is allowed to move forward on other aspects of the job. Mr. Schmitt said that the plan that is reviewed at preliminary by the Planning Commission is rather bare-bones. The Engineering Review only comments to the extent that the plan appears to have feasibility. From preliminary to final is when most of the hard-engineering work is put together. He agreed with Mr. Burke's comment ... this will allow the Applicant to move forward under the assumption that the engineering is likely going to work.

Member Burke asked whether the plan would ultimately move forward if there was a disagreement about whether the water problem had been addressed. Mr. Schmitt responded that, if any detail couldn't be worked out, the plan will not be approved.

Member Burke would support the project. He asked whether there were any commitments for any of the space. Mr. Shew said several reservations have been placed – one building is sold out, which represents 25%. Typically the activity doesn't start until ground is broken. Their typical project is sold out by the time it is complete. Mr. Shew said he was aware that the engineering has to work in order for the plan to go forward.

Member Burke wondered what the Staff's position was on the walnut tree. Mr. Schmitt said that it was a great tree, but he understood the Applicant's rationale in not keeping it. Its location has a lopsided effect on the property.

Member Meyer had no problem with removing the tree, although he appreciated its landmark status. He hoped that the issues with the water could be resolved.

Member Avdoulos was not present when the plan was first reviewed at the Planning Commission. He noted that a lot of the issues had been resolved. He asked about the Building Department comments regarding their concern for setbacks. Mr. Schmitt responded that the Building Department always voices its concern about multiple-parcel projects and the placement of the buildings relative to the property lines. The comment in the reviews regarding the property lines was the Planning Department's acknowledgement that the Building Department would catch this, and therefore the request was made for the Applicant to make this project a condominium.

Member Avdoulos asked whether each building would be sold and the spaces would be leased. Mr. Shew said that the tenants would buy the amount of square footage in which they are interested. Each building could have four or five units. Each owner will be a member of the association. One entity will run the property – the association. He explained that Parcel 1 would have one owner. Parcel 2 will have one owner. Parcel 3 will have two owners. He said if one of the buildings were to be shifted over, it could put pedestrians too close to an area expected to have a lot of traffic. The owners like having parking on more than one side of their building – they found this to be a more marketable design – so shifting the building was not a popular idea.

Member Avdoulos asked if each building would look the same within the complex. Mr. Shew said that each building would use the same materials. The architecture will look the same. Member Avdoulos said that it was more of a row development than a campus development and that the buildings shouldn't look exactly the same. It would add a bit more character if each building had something of its own personality. Mr. Shew said he could change up the brick color. Member Avdoulos said he was looking for buildings that work well with one another but the differences to the building lend interest. Member Avdoulos said that this is a 50 mph road, so as much as the Applicant is trying to fit in the traditional architecture, the project isn't going to be as looked at as much as buildings in the middle of a downtown area.

Member Avdoulos said that the Applicant could also ask for waivers that would allow for the preservation of the tree. He didn't see where any waiver requests for this were ever made. He would have liked to see a few more configurations. He said there are 445 parking spaces for the uses of these buildings, assuming 50% medical. Member Avdoulos wondered if the parking lot is maxed out. Suppose the Applicant comes back and states that they have more medical office than planned for? Mr. Shew said that the percentage of medical is based on his company's own track record. If this number does change, the building's owner would have to demonstrate how there is enough parking. They have never had a 100% medical-occupied building.

Member Avdoulos said that Grand River is sprucing up. The new buildings are nicely done. Aladdin Heating and Cooling updated an old building and it looks nice. Member Avdoulos felt bad about losing the tree. It has a history and serves as a landmark. Just because it is in the way, it is going to be knocked down. There are instances in the City where a tree has been designed around, although on the Providence site, for example, there was more property with which to work. There are other municipalities that won't even let a tree be cut down. Hilton Head Island is an example. Member Avdoulos said that trees can survive in this environment. He said that the tree is the one aspect that makes it hard for him to support the project. If he were to give in, he would like to see each building have a different characteristic. Mr. Shew said that they could make them so they aren't exactly the same; he understood Member Avdoulos' concern. He would ensure that it looks like one project.

Member Avdoulos said that he did not want to see a cookie-cutter project, which lends itself to the City putting in a "Similar/Dissimilar" Ordinance to address this problem with residential developments. Commercial projects are different, though, because they are not as big. This is not an industrial park. He cited Beck North as a park where the similarities make sense because the park has its own road system and that is what that market entails. This project is high profile and the City is looking for high quality. Member Avdoulos reiterated that he would accept the tree's demise if the Applicant would promise something – a pediment change or window configuration – in exchange. Mr. Shew said he liked the idea of variation to rid the plan of redundancy.

Member Avdoulos suggested that Applicant consider using cast stone like Arriscraft instead of CMU. The work that this Applicant has done with the City thus far is appreciated. He said that he trusts the Planning Department when they say that they don't want to support a waiver request, because they work with planning issues every day and have a handle on these requests. He said he also listens to the consultants. He thought that it would help to

have the Planning Commission review the Final Site Plan as well. Mr. Shew agreed to modify the plans to provide variation.

Member Avdoulos was glad to hold this conversation with the project's architect because he has a connection to the site more so than say, the project's attorney. He maintained that the beauty of that landmark tree was important to him, but he understood that the Applicant has agreed to work with the City on the plan.

Mr. Shew said that he would make some changes to the building, but not enough to change the character or ruin the village effect. Member Avdoulos said that the City wants this area of Grand River to be successful, citing the hard work of Providence and Paradise Park as projects whose owners worked hard on their appearances.

Mr. Shew said that he would not introduce something of a contemporary nature. His tenants are interested in the traditional look.

Member Pehrson was disappointed that suggestions made at the first Public Hearing were not taken into consideration to save the tree. He said there were examples of projects along Grand River with front yard parking. That could have been accommodated. This property does belong to the Applicant and the Planning Commission only makes suggestions. He maintained that the tree was important and he would have liked to have seen something different.

Moved by Member Pehrson, seconded by Member Gutman:

In the matter of Olde Town Office Village, SP06-30, motion to approve the Preliminary Site Plan with Site Condominium subject to: 1) A Planning Commission Waiver of parking lot landscape trees along southern edge of parking lot line; 2) A Planning Commission Opposite Side Driveway Spacing Waiver for the Grand River Avenue access point (185 feet proposed vs. 300 feet required); 3) A Planning Commission Section 9 Waiver to allow the use of CMU in the Façade Region 1, with the adaptation per the Planning Commission's desire to see variation in the change of the building for material, and will be reviewed on the Final Site Plan; 4) Resolution of all open issues related to the woodland and wetland violations on the property; 5) The Applicant working with the City Attorney and Planning Department to meet the Ordinance from the November 3, 2006 letter to Doris Hill from Grand River Beck, LLC, regarding the woodland violation; 6) Additional stormwater management plan information being submitted at the time of Final Site Plan submittal; 7) Submittal of all condominium documentation for review and approval at the time of Final Site Plan submittal 8) The Final Site Plan returning to the Planning Commission for review and approval; and 9) All the comments in the Staff and Consultant review letters; for the reason that the plan meets the intent of the Master Plan for Land Use.

DISCUSSION

Member Avdoulos wished to clarify that for the Section 9 Waiver, he did not want the motion to indicate that the Applicant should use CMU. He wanted the stipulation to allow the Applicant to come in with a variation of the proposed materials and in the design of the building.

City Attorney Tom Schultz said that since the plan was coming back to the Planning Commission for Final Site Plan approval, the Planning Commission may wish to withhold the Section 9 Waiver until such time that it can review the plan. **Member Pehrson asked to remove the Section 9 Waiver and state that the variation of the building will be reviewed at the time of Final Site Plan submittal. Member Gutman agreed to the change.**

Mr. Schultz did not think that the plan was a Site Condominium so he asked Member Pehrson to remove the word "Site" from the motion. Member Pehrson and Member Gutman agreed to the change.

Chair Cassis asked if the Applicant was comfortable with the level of approval he was receiving at the meeting, i.e., would this be acceptable to him, since he had stated his concern for spending more money on an unapproved project in one of his response letters to the City. Mr. Shew said he was comfortable. He said that the engineering work on the site takes a long time, but he was happy to get the approval for the site layout. He also understood

that there would be another architectural review. He hoped to break ground by spring. If the Planning Commission wants to continue looking at the plan and elevations, he will get those back quickly. He said it would take a little time to come up with this many variations.

Chair Cassis said that the City has been very helpful in working with the Applicant. Mr. Shew said he appreciated it. Chair Cassis said that Mr. Cunningham has a critical problem on the Remax site and Chair Cassis happened to know all of the problems on that site. That is the biggest investment of the Cunninghams' lives. Mr. Shew said that this was his biggest investment too. Mr. Shew didn't want to have the same problem as Mr. Cunningham. He wanted to make sure that the plan was designed properly.

Chair Cassis said he was looking for Mr. Shew to work with Mr. Cunningham. Chair Cassis wanted to emphasize to Mr. Shew and his people that they should work with Mr. Cunningham and with the City so that the drainage solution can be achieved.

Chair Cassis shared a story about how he paid a little more money to have larger trees planted on his homesite. Chair Cassis suggested this was this Applicant's opportunity to come up with a couple of nice, mature trees, in light of the loss of the landmark walnut tree.

Chair Cassis said that the Similar/Dissimilar Ordinance was a good Ordinance.

Chair Cassis thought this was a good project. The Applicant is able to bring together three different parties. The assemblage of parcels is very nice. There are minimal curb cuts. Chair Cassis appreciated this design. It will bring business and taxes to the City. It will bring well-needed buildings to serve the hospital. Providence wants to bring a holistic approach to their style of medicine and that is why they named themselves Providence Park. He encouraged the Applicant to call this a park as well. He encouraged them to save the wetlands and woodlands. He asked the Applicant to treat the property with a gentle hand.

ROLL CALL VOTE ON OLDE TOWN OFFICE VILLAGE, SP06-30, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:

In the matter of Olde Town Office Village, SP06-30, motion to approve the Preliminary Site Plan with Condominium subject to: 1) A Planning Commission Waiver of parking lot landscape trees along southern edge of parking lot line; 2) A Planning Commission Opposite Side Driveway Spacing Waiver for the Grand River Avenue access point (185 feet proposed vs. 300 feet required); 3) A variation in the buildings being reviewed on the Final Site Plan submittal; 4) Resolution of all open issues related to the woodland and wetland violations on the property; 5) The Applicant working with the City Attorney and Planning Department to meet the Ordinance from the November 3, 2006 letter to Doris Hill from Grand River Beck, LLC, regarding the woodland violation; 6) Additional stormwater management plan information being submitted at the time of Final Site Plan submittal; 7) Submittal of all condominium documentation for review and approval at the time of Final Site Plan submittal 8) The Final Site Plan returning to the Planning Commission for review and approval; and 9) All the comments in the Staff and Consultant review letters; for the reason that the plan meets the intent of the Master Plan for Land Use. *Motion carried 9-0.*

Moved by Member Pehrson, seconded by Member Gutman:

In the matter of Olde Town Office Village, SP06-30, motion to approve the Wetland Permit subject to: 1) Resolution of all issues related to the wetland violation on the property; 2) All the comments in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Ordinance.

DISCUSSION

Member Burke suggested that the stipulation be added to states that the Final Site Plan would return to the Planning Commission for review and approval. The maker and seconder of the motion agreed to the addition.

ROLL CALL VOTE ON OLDE TOWN OFFICE VILLAGE, SP06-30, WETLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:

In the matter of Olde Town Office Village, SP06-30, motion to approve the Wetland Permit subject to: 1) Resolution of all issues related to the wetland violation on the property; 2) All the comments in the Staff and Consultant review letters; and 3) The Final Site Plan returning to the Planning Commission for review and approval; for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 9-0.*

Moved by Member Pehrson, seconded by Member Gutman:

ROLL CALL VOTE ON OLDE TOWN OFFICE VILLAGE, SP06-30, WOODLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:

In the matter of Olde Town Office Village, SP06-30, motion to approve the Woodland Permit subject to: 1) Resolution of all issues related to the woodland violation on the property, following conditions set forth in November 3, 2006 letter to Doris Hill from Grand River Beck, LLC; 2) Conservation easements being placed over all woodland replacements, as they relate to the woodland violation; 3) The Final Site Plan returning to the Planning Commission for review and approval; and 4) All the comments in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 9-0.*

Moved by Member Pehrson, seconded by Member Gutman:

ROLL CALL VOTE ON OLDE TOWN OFFICE VILLAGE, SP06-30, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:

In the matter of Olde Town Office Village, SP06-30, motion to approve the Stormwater Management Plan subject to: 1) Additional stormwater management plan information being submitted to show feasibility of outlet into wetlands, eventually draining under Beck Road; 2) The Final Site Plan returning to the Planning Commission for review and approval; and 3) All the comments in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 9-0.*

PLANNING COMMISSION MINUTES - EXCERPT
MAY 9, 2007



APPROVED

PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, MAY 9, 2007 7:00 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:05 PM.

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman (7:09 PM), Michael Meyer (7:44 PM) Mark Pehrson, Wayne Wrobel

Absent: Member David Lipski, Michael Lynch (excused)

Also Present: Steve Ruple, Director of Community Development; Barbara McBeth, Deputy Director of Community Development, Mark Spencer, Planner; Kristen Kapelanski, Planner; Tim Schmitt, Planner; David Beschke, Landscape Architect; Ben Croy, Engineer; Doug Necci, Façade Consultant; Steve Dearing, Traffic Consultant; Kristen Kolb, City Attorney

PLEDGE OF ALLEGIANCE

Member Burke led the meeting in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Pehrson, seconded by Member Wrobel:

VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

Motion to approve the Agenda of May 9, 2007. Motion carried 5-0.

MATTERS FOR CONSIDERATION

1. OLDE TOWN OFFICE VILLAGE, SP06-30B

Consideration of the request of Tim Adams of Group 3, Inc., for Final Site Plan and Section Nine Waiver approval. The subject property is located in Section 16, south of Grand River Avenue, east of Beck Road, in the I-1, Light Industrial District. The subject property is 10.73 acres and the Applicant is proposing to build four multi-story medical/general office buildings.

Planner Tim Schmitt described the project. It is west of Heyn Drive and is zoned I-1 and master planned for Office. To the south is Central Park Estates, zoned RM-1. Also to the south is Remax, zoned OS-1 and master planned for Office. To the west is Aladdin Heating and Cooling, zoned I-1. To the east is the Planet Neon building, zoned I-1 and master planned for Office. To the north is the Tony Angelo Cement site, zoned OST and master planned for Office.

There are wetlands on the site that run to the southeast and southwest. There are woodlands on the site.

The Applicant proposes four buildings that will front Grand River. The Planning Commission held the Public Hearing on September 13, 2006 but the project was postponed to study the issues. On January 10, 2007 the Planning Commission granted Preliminary Site Plan approval subject to the plan coming back for Final Site Plan approval to review the Stormwater Management Plan regarding this site and Remax. Since that time, it has been determined that the water issue is associated with the Remax engineering. Both the Wetland Review and the Engineering Review recommend approval of this plan.

The Applicant was asked to look into the variation of the façades. The four buildings were previously identical in composition and design. The Applicant has since made minor changes – modifying windows and adding accoutrements. The Applicant needs a Section 9 Façade Waiver for the cast stone along the bottom of the building. The Façade Consultant can discuss the plan if the Planning Commission wishes. The Applicant felt he received little guidance, there therefore no major amount of façade change was made.

Mike Powell represented the Applicant. He is the engineer and the designer of the site. The last item to address is the façade and the Planning Commission's request for variation. The owners modified the plan slightly, but their overwhelming opinion by the three owners is they want the project to look unified. They are only proposing one sign for the site. They want a themed building motif. They did not want each building to look different from the other.

Member Avdoulos remembered that there is a landmark tree that was previously an issue. In the end, the Applicant was not interested in saving the tree. The Planning Commission looked at other things about the project. A lot of times there is a give and take. Because the Applicant wasn't creative enough to implement the tree into the design, he decided to build four significantly sized office buildings with 1,049 feet of Grand River frontage. With four buildings of this size looking exactly the same, lined up without relief, the concern is that it would look out of place and strange. The traditional buildings look nice and are pleasant, but Member Avdoulos' feeling is that once that look is multiplied, its character is diminished. It could look like a glorified strip mall because there is no geometry on the site. Nothing breaks up the plan. The Applicant wanted to create an office village, but the layout does not accomplish that feat. Member Avdoulos could not think of any development with identical buildings.

Member Avdoulos thought that identical buildings could create way-finding issues. The frontage is pretty major and will set the tone for the rest of Grand River. In lieu of having a similar character, they have the exact same character. Member Avdoulos was disappointed because in talking to the Applicant and the architect, they indicated they understood what the issues were. The Planning Commission conceded the loss of the landmark tree providing the Applicant would give his buildings more character. Member Avdoulos didn't endorse the use of CMU on Grand River. He didn't think the Applicant provided any give and take on this plan.

Member Avdoulos read the Group 3 letter, but he could not endorse that length of Grand River having the exact same façade. The buildings are spread apart by parking spaces, so they won't even provide a row house appearance. He cited the Haggerty/Six Mile corridor as a blend of buildings that work together. He said the Applicant didn't provide another example of buildings like these to prove his point that this is a good idea. Member Avdoulos said that the Planning Commission does not design buildings for Applicants; they should have looked for guidance from the Staff and Consultants.

Chair Cassis read from the previous minutes, wherein Member Avdoulos told the Applicant that the buildings should not look exactly the same. The site would have more character if each building had something of its own personality.

Member Wrobel thought the City gave up a lot when they gave up the tree, though he was willing to do so because the Planning Commission was looking for the Applicant make the buildings more appealing. This is a great looking building, but four in a row would be too much of the same. Mixing up a little bit would be better. Member Wrobel was hard pressed to approve this façade.

Member Meyer thought it was important to note that this is the main avenue in Novi. A brand new hospital is going up. Rock Financial is just down the road. These buildings will get a lot of exposure. They will make quite a statement about Novi. One reason a City has a Planning Commission is to ensure there are conscientious citizens looking out for the future of the City. Member Meyer is not an expert, but the key word that comes back to him is creativity. In other words, he thought the Applicant could have worked around the tree. The catch is, this new design is not creative either. It is a beautiful building in the picture, but he would like to see what it would look like on a quarter-mile stretch.

Mr. Larry Shew addressed the Planning Commission. He said that working with three owners is challenging. This is a condominium similar to other building sites in the area. Avalon has three identical buildings. A site across from Fountain Walk has identical buildings. They didn't want to vary the buildings too much because they want the site to look like one project. Variation to the windows was made. They wanted to keep the brick the same. They didn't want the site to look like four different projects. Mr. Shew said that the way to save the tree was to put the buildings way far back, with the idea of keeping the tree in a parking lot island. No one could guarantee this would save the tree. They were told that the odds of that tree surviving were pretty slim.

Member Meyer was glad to hear to that. Mr. Shew felt that it was very important to put the parking in the back. He didn't know whether the City was asking for four different roof lines. Mr. Schmitt said there is an elevation sheet with all four buildings shown. Mr. Shew reiterated that it has been difficult to work with so many owners. Chair Cassis said that didn't matter, and the Planning Commission has been very accommodating. A beautiful hospital is being built down the road. Other office buildings have gone through the process. Chair Cassis said that Mr. Shew did not want to be left out. Chair Cassis did not want to see a negative vote for this project.

Mr. Shew said he was open-minded, and he asked for specific direction.

Deputy Director of Community Development Barbara McBeth said that the Façade Consultant, Doug Necci, was present.

Member Pehrson didn't want to try to redesign the site at the table.

Moved by Member Pehrson, seconded by Member Gutman:

In the matter of the request of Tim Adams of Group 3, Inc., for Olde Town Office Village, SP06-30B, motion to postpone the review in order to provide the Applicant time to prepare further variation and relief to the building façades. The Applicant should resubmit full color elevations for all four buildings in line, in order to demonstrate the differences in the façades, as expressed by the Planning Commission in the past two meetings.

DISCUSSION

Member Avdoulos didn't think the CMU was appropriate. Member Avdoulos asked Mr. Necci what he thought about the redundant nature of this site plan. Mr. Necci said the repetitiveness of the design would be noticed at any speed. He thought the design was the "basic envelope." The design shows a lack of imagination. This is a highly visible site on the main corridor in Novi. The buildings deserve more articulation. The footprint can stay the same, but Mr. Necci would ask the Applicant to look at the roof lines and the basic massing of the building. Using the same materials and colors should be enough to tie the buildings together.

Member Avdoulos cited some examples of buildings in Novi that were too redundant. He said he was disappointed in this submittal, perhaps because he was looking for a change to the roof lines, or variation of brick color, or something. He reiterated how visible this office park will be. Member Avdoulos was very pleased with how the Grand River corridor is shaping up, and he wanted this project to be an important addition to this transformation.

Chair Cassis thought that if the design was improved, it wouldn't cost the Applicant more, but might bring him more rent money.

Member Meyer looked forward to supporting the project. He thought it would be wonderful. No one would have ever believed that Grand River would be the five-lane success story that it is today. He said Novi is one of the best cities in the country and a more creative design for this project is just another example of how the City is going to show that strength.

Mr. Shew asked if there was any way for one building with this façade to get underway. Chair Cassis said that was probably impossible. City Attorney Kristen Kolb said that the Planning Commission has to review the site as four buildings, not as four pieces.

Chair Cassis ensured the Applicant that their next review would be speedy. Chair Cassis asked the Applicant to bring a panoramic view of the four buildings when they return to the Planning Commission.

ROLL CALL VOTE ON OLDE TOWN, SP06-30, POSTPONEMENT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:

In the matter of the request of Tim Adams of Group 3, Inc., for Olde Town Office Village, SP06-30B, motion to postpone the review in order to provide the Applicant time to prepare further variation and relief to the building façades. The Applicant should resubmit full color elevations for all four buildings in line, In order to demonstrate the differences in the façades, as expressed by the Planning Commission in the past two meetings. *Motion carried 7-0.*

PLANNING COMMISSION MINUTES - EXCERPT
JULY 11, 2007



APPROVED

PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JULY 11, 2007 7:00 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, Michael Lynch (7:56 PM), Mark Pehrson, Wayne Wrobel

Absent: Member David Lipski (excused), Michael Meyer (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Ben Croy, Civil Engineer; Doug Necci, Façade Consultant; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

Member Pehrson led the meeting in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Member Avdoulos asked that "Election of Officers" be added to Matters for Consideration.

Moved by Member Wrobel, seconded by Member Gutman:

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

Motion to approve the Agenda as amended*. Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. OLDE TOWN OFFICE CENTER, SP06-30B

Consideration of the request of Group 3, Inc., for Final Site Plan and Section Nine Façade Waiver approval.

The subject property is located in Section 16, south of Grand River Avenue, east of Beck Road, in the I-1, Light Industrial District. The subject property is 10.73 acres and the Applicant is proposing to build four multi-story medical/general office buildings.

Planner Kristen Kapelanski reminded the Planning Commission of their previous review of this four-building office complex. There will be about 90,000 square feet of office space. It is zoned I-1 and master planned for Office. It is bordered by Tony Angelo's Cement to the north (zoned OST and master planned for Office), Planet Neon to the east (zoned I-1 and master planned for Office), Aladdin Heating and Cooling to the west (zoned I-1 and master planned for Office), and Central Park Estates (zoned RM-1 and master planned for Multiple Family Residential) and Remax (zoned OS-1 and master planned for Office).

There are wetlands in the southwest portion of the site. City and MDEQ Wetland Permits are both required. The Planning Commission has approved the Wetland Permit on January 10, 2007. There are regulated woodlands, and the Planning Commission approved that permit also on January 10, 2007.

This project's Public Hearing was held on September 13, 2006. It was postponed so that further study of the plan could take place. The Planning Commission approved the Preliminary Site Plan, Stormwater Management Plan and the two permits on January 10, 2007 subject to the plan returning to the Planning Commission for Final Site Plan approval. On May 9, 2007 the Planning Commission again postponed the consideration of the plan to provide the Applicant time to address the façade concerns, i.e., the need for variation. The Planning Commission requested a colored elevation showing all four buildings in a row. The Applicant has done so. There are two options from which the Planning Commission can choose. The Façade Consultant recommends Option B, which shows a variation of all four buildings. Option A shows a bookend design with the same building on either end. A Section Nine Façade Waiver is no longer required.

All disciplines recommend approval of the plan with minor items to be addressed at the time of Final Site Plan

submittal.

The Applicant appears to be proposing a phased development; should this be the case, additional review of the phasing elements would be required. Staff continues to work with the Applicant to sort out this issue.

The Applicant said they met with the Façade Consultant. They like their design. They offered two designs and they prefer the bookend concept. This would help define the buildings as one complex. The most expensive of the four designs was used to bookend the one option.

Member Pehrson thanked the Applicant. He said this is ultimately what the Planning Commission needed to see. The Applicant responded that they have provided better façades with variation and better materials. The facades will need to be adjusted to meet the actual footprint of the buildings. Member Pehrson liked Option B.

Moved by Member Pehrson, seconded by Member Gutman:

In the matter of the request of Tim Adams of Group 3, Inc., SP06-30B, motion to grant approval of the Final Site Plan subject to: 1) Planning Commission acceptance of the split-face CMU as an acceptable material as it has been used on other building constructions; 2) Planning Commission acceptance of new building façade design, consistent with their motion from January 10, 2007; 3) The façade being constructed as pictured in the elevations provided, Option B; and 4) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reasons that the plan and addresses the issues raised at the January 10, 2007 Planning Commission meeting and is consistent with the Ordinances.

DISCUSSION

Ms. Kapelanski asked that the first stipulation be removed, as the Applicant is no longer proposing split-faced CMU. The maker and seconder of the motion agreed.

Member Wrobel asked which building would be built first. The Applicant said that the entrance would be built and then pointed to his rendering to indicate the order of building. The underground would go in after the entrance. The Applicant hoped to have the entire site built within two to three years, depending on the economy. Their track record is to build quickly. It is a condominium and he said that one building is nearly sold already. Member Wrobel liked both options but preferred Option B.

Member Avdoulos asked Façade Consultant Doug Necci to comment. Member Avdoulos liked Option B. Mr. Necci said that Wah Yee gets all of the credit for their excellent designs. He said the design strikes a balance between uniformity and interest and differentiation. He thanked the Applicant for working with the City.

Member Avdoulos asked that, "The footprint of the buildings match the elevations proposed" be added to the motion. The maker and seconder of the motion agreed.

Member Avdoulos asked whether the phasing could be approved administratively. Ms. Kapelanski said this issue just revealed itself and she was still working on the outcome. She said they may have to come back. Member Avdoulos said he had no issues with the phasing. He supported the project.

Member Lynch arrived at 7:56 PM.

Member Lynch supported the project.

Member Burke asked whether the gables are still considered a problem due to their design. He was not in support of their providing a stage-set appearance. The Applicant asked the Planning Commission to look at the side appearance.

Mr. Necci said this is a false façade. Its main effect is when it is viewed straight on. He suggested that the design be used to shield the roof top appurtenances – it could be more like a mansard roof. Mr. Necci apologized that this

comment was not discussed with the Applicant earlier; it was an observation made about the buildings after the meeting.

The Applicant said this may not be an issue for a three-story building.

Member Burke confirmed with the Applicant that the gables were about four feet wide. He didn't care for the stage-set design.

Chair Cassis asked what could be done to satisfy the Façade Consultant. Mr. Necci said this was not a deal breaker item. The comment grew as much out of concern for rooftop equipment as it did about the stage-front effect. Changing it would provide another unifying element throughout the buildings. It does not rise to the level of critical.

Member Pehrson added to the motion, "The Applicant working with the City to come to a resolution regarding the rooftop screening and extension of gables." The seconder of the motion agreed.

Mr. Necci said that rooftop units would have to be screened, and it would make sense for the Applicant to make use of his gable design to accomplish that.

Chair Cassis concluded that the site has been through a tremendous review and he thanked the Applicants for their patience throughout the process. This is a lovely site with nice buildings. It will blend into its location well. The Applicant will easily find tenants interested in the site.

ROLL CALL VOTE ON OLDE TOWN, SP06-30, FINAL SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:

In the matter of the request of Tim Adams of Group 3, Inc., SP06-30B, motion to grant approval of the Final Site Plan subject to: 1) Planning Commission acceptance of new building façade design, consistent with their motion from January 10, 2007; 2) The façade being constructed as pictured in the elevations provided, Option B; 3) The footprint of the buildings matching the elevations proposed; 4) The Applicant working with the City to come to a resolution regarding the rooftop screening and extension of gables; and 5) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan meets the intent of the Ordinance and addresses the issues raised at the January 10, 2007 Planning Commission meeting. *Motion carried 7-0.*

**PLANNING COMMISSION MINUTES – EXCERPT
NOVEMBER 19, 2008**



cityofnovi.org

PLANNING COMMISSION

CITY OF NOVI

Regular Meeting

Wednesday, November 19, 2008 | 7 PM

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

(248) 347-0475

CALL TO ORDER

In Mark Pehrson's absence, the meeting was chaired by member Wayne Wrobel, who called the meeting to order at or about 7:00 PM.

ROLL CALL

Present: Members Brian Burke, David Greco, Andrew Gutman, Michael Lynch, Michael Meyer, Wayne Wrobel

Absent: Members Victor Cassis (excused), Brian Larson (excused), Mark Pehrson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; David Beschke, Landscape Architect
Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

The meeting attendees recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Meyer, seconded by Member Gutman:

VOICE VOTE ON NOVEMBER 19, 2008 PLANNING COMMISSION AGENDA APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:

Motion to approve the November 19, 2008 Planning Commission Agenda. *Motion carried 6-0.*

CONSENT AGENDA - REMOVALS AND APPROVAL

1. OLDE TOWN OFFICE VILLAGE, SP06-30

Consideration of the request of Heyn Properties for Final Site Plan extension. The subject property is located in Section 16, south of Grand River Avenue and east of Beck Road in the I-1, Light Industrial District. The subject property is approximately 10.73 acres and the Applicant is proposing to build four multi-story medical/general office buildings.

Moved by Member Meyer, seconded by Member Gutman:

ROLL CALL VOTE ON CONSENT AGENDA MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:

Motion to approve the Consent Agenda. *Motion carried 6-0.*

REDUCED COPY OF APPROVED FINAL SITE PLAN

