MEMORANDUM

cityofnovi.org

TO: MEMBERS OF THE PLANNING COMMISSION

THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT DEPUTY DIRECTOR

FROM: KRISTEN KAPELANSKI, *AICP*

SUBJECT: SP06-37 CITY CENTER PLAZA PHASES 4 AND 5 EXTENSION OF FINAL SITE PLAN APPROVAL

DATE: JULY 6, 2010

The subject property is approximately 1.8 acres and the applicant is proposing to construct a 10,400 square foot general office building at the southwest corner of Flint St. and Grand River Ave and a 3,640 square foot retail building at the western edge of the existing City Center Plaza development.

After approval of the Final Site Plan, the applicant approached the City indicating that due to economic constraints, the Phase 5 building and associated site work could not be constructed at this time. In order to demonstrate that within the plan set, a phasing plan was submitted for review and approved by the Planning Commission. The approved phases are as follows:

- Phase 4 includes the proposed Phase 4 building (3,640 sq. ft. retail) and the associated parking, landscaping, etc.
- Phase 5A includes the detention basin at the southern end of the site.
- Phase 5B includes the proposed Phase 5 building (10,400 sq. ft. general office) and the associated parking, landscaping, etc.

Construction has been completed on Phase 4 and Phase 5A. The Phase 5B site remains vacant land.

Approvals for the project proceeded as follows:

- The Planning Commission granted Stormwater Management Plan approval, Wetland Permit approval, Woodland Permit approval and Preliminary Site Plan approval subject to conditions on October 25, 2006.
- Final Site Plan approval was granted administratively on November 15, 2007.
- The Zoning Board of Appeals granted a variance for the reduced loading zone area on December 5, 2006.
- Phasing Plan approval was granted by the Planning Commission on July 16, 2008.
- Final approval of the Phasing Plan was granted administratively on August 4, 2008.

The applicant has now requested an extension of the Final Site Plan approval as the Phasing Plan for 5B. The Zoning ordinance allows for up to three one-year extensions of Preliminary and Final Site Plan approval. The applicant had requested and received one final site plan 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 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 site plan and phasing plan.

LETTER FROM APPLICANT REQUESTING EXTENSION

SUPERIOR
Diversified Services Corporation

CONSTRUCTION MANAGEMENT

21612 Rathlone
Northville, Michigan 48167
Ronald R. Nuechterlein

Phone: (248) 380-6607
Fax: (248) 380-4065
Email: sdsc@tds.net

JUNE 21, 2010

MS. KRISTEN KAPELANSKI
PLANNING DEPARTMENT
CITY OF NOVI
45175 W. TEN MILE ROAD
NOVI, MICHIGAN 48050

RE:

SP 06-37 CITY CENTER PLAZA PHASE V
43687 GRAND RIVER AVE.
NOVI, MI 48375

DEAR KRISTEN,

IT IS MY UNDERSTANDING THAT THE SITE PLAN FOR THE RE-PHASING WAS APPROVED ON AUGUST 4, 2008.

DUE TO THE CURRENT ECONOMIC CONDITIONS WE HAVE NOT BEEN ABLE TO SECURE A TENANT FOR THIS LOCATION.

WE THEREFORE REQUEST A EXTENTION OF OUR APPROVED SITE PLAN TO AUGUST 4, 2011

SHOULD YOU HAVE ANY QUESTIONS OR REQUIRE ADDITIONAL INFORMATION PLEASE CONTACT ME.

VERY TRULY YOURS,

RONALD R. NUECHTERLEIN

CC: GEORGE KEROS

PLANNING COMMISSION MINUTES - EXCERPT
MAY 20, 2009

PLANNING COMMISSION

CITY OF NOVI
Regular Meeting
Wednesday, May 20, 2009 | 7 PM
Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

cityofnovi.org

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

ROLL CALL
Present: Members David Baratta, Victor Cassis, David Greco, Andy Gutman, Brian Larson, Michael Lynch, Michael Meyer, Leland Prince
Absent: Member Mark Pehrson (excused)

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

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

APPROVAL OF AGENDA
Moved by Member Lynch, seconded by Member Greco

VOICE VOTE ON THE AGENDA APPROVAL MOTION:

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

CONSENT AGENDA - REMOVALS AND APPROVAL

1. **NOVI CORPORATE CAMPUS PARCEL 8, SP07-24**
   Consideration of the request of Amson Dembs Development for a one-year Final Site Plan extension. The subject property is located in Section 9, north of Twelve Mile, east of West Park Drive, in the OST, Planned Office Service Technology District. The subject property is approximately 8.34 acres and the applicant is proposing to build a 28,638 square foot speculative office/warehouse building.

2. **MERCANTILE MARKETPLACE, SP08-26**
   Consideration of the request of DAP Investments for a one-year Preliminary Site Plan extension. The subject property is located in Section 15, north of Fonda Drive and west of Novi Road, in the TC, Town Center District. The subject property is approximately 1.29 acres and the applicant is proposing to demolish the existing Big Boy restaurant and construct a 10,000 square foot building consisting of two retail spaces and one restaurant space.

3. **MACKENZIE SOUTH TECHNOLOGY CENTRE, SP07-70**
   Consideration of the request of Northern Equities Group for a one-year Final Site Plan extension. The subject property is located in Section 1, at the southwest corner of Haggerty Road and Mackenzie Drive, north of Thirteen Mile Road, in the OST, Planned Office Service Technology District. The subject property is approximately 5.42 acres and the applicant is proposing to construct a speculative 48,866 square foot one-story general office building.

4. **MACKENZIE NORTH TECHNOLOGY CENTRE, SP08-25**
   Consideration of the request of Northern Equities Group for a one-year Preliminary Site Plan extension. The subject property is located in Section 1, at the northwest corner of Haggerty Road and Mackenzie Drive, north of Thirteen Mile Road, in the OST, Planned Office Service Technology District. The subject property is approximately 6.09 acres and the applicant is proposing to construct a speculative 55,187 square foot one-story general office building.

5. **CITY CENTER PLAZA PHASES 4 & 5, SP06-37**
   Consideration of the request of City Center Plaza, LP, for a one-year Final Site Plan extension. The subject property is located in Section 22, south of Grand River Avenue, west of Novi Road, in the TC-1, Town Center District. The subject properties are approximately 1.8 acres combined and the applicant is proposing to construct

a 10,400 square foot general office building at the southwest corner of Flint Street and Grand River Avenue and a 3,640 square foot retail building at the western edge of the existing City Center Plaza development.

Moved by Member Meyer, seconded by Member Prince:

VOICE VOTE ON CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER MEYERS AND SECONDED BY MEMBER PRINCE.

A motion to approve the May 20, 2009 Consent Agenda. ***Motion carried 8-0.***

PLANNING COMMISSION MINUTES - EXCERPT
JULY 16, 2008

PLANNING COMMISSION

APPROVED

CITY OF NOVI
Regular Meeting
Wednesday, July 16, 2008 | 7 PM
Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

cityofnovi.org

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

ROLL CALL
Present: Members Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Brain Larson, Michael Lynch (7:35 PM), Michael Meyer, Mark Pehrson, Wayne Wrobel
Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Mark Spencer, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Civil Engineer; Steve Dearing, Traffic Consultant; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE
Member Larson led the meeting in the recitation of the Pledge of Allegiance.

Chair Cassis welcomed Brian Larson to the Planning Commission.

APPROVAL OF AGENDA

Moved by Member Pehrson, seconded by Member Burke:

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

Motion to approve the July 16, 2008 Planning Commission Agenda. ***Motion carried 8-0.***

MATTERS FOR CONSIDERATION

2. **CITY CENTER PLAZA PHASES 4 & 5 REVISED PHASING PLAN, ZCM08-26**
Consideration of the request of City Center Plaza, L.P., for revised Phasing Plan approval. The subject property is located in Section 22, at the southwest corner of Grand River Avenue and Flint Street, in the TC-1, Town Center District. The Applicant is proposing to revise a Phasing Plan in order to construct a 10,400 square foot general office building at the southwest corner of Flint Street and Grand River Avenue and a 3,640 square foot retail building at the western edge of the existing City Center Plaza development. The retail building is referred to as Phase 4 and the office building as Phase 5.

Planner Kristen Kapelanski described the request, which is an alteration to the previously approved phasing plan. The property is zoned TC and master planned for Town Center Commercial. The previous approval of these phases was granted on October 25, 2006. Final Site Plan approval was granted administratively on November 15, 2007. Stamping Set approval was granted on December 13, 2007.

Recently the Applicant approached the City and said that due to economic constraints Phase 5 could not be constructed at this time. Ms. Kapelanski identified each of the phases on an illustration for the Planning Commission. She described the new phasing plan, which breaks the uncompleted work into three sections. Phase 4 includes the retail building, its parking and landscaping. Phase 5A includes the detention basin on the south end of the site. Both of these phases are under construction. It is the portion of the plan known as "5B" that is being delayed, which is the office building, its parking and landscaping. All reviews recommend approval of this request.

Ron Nuechterlein addressed the Planning Commission on behalf of the Applicant. He said that Phase 4 is ready for its roof. Phase 3, Phase 4 and Phase 5A must be completed together in order for Phase 3 to receive its Certificate of Occupancy due to FEMA and MDEQ issues. Phases 3 and 4 included fills, so the compensating cut must be

provided now. Phase 5B is not being staged at this time, though Mr. Nuechterlein said they are currently working with a client for this building.

Member Lynch arrived at 7:35 PM.

Moved by Member Meyer, seconded Member Wrobel:

ROLL CALL VOTE ON CITY CENTER PLAZA PHASES 4 AND 5, ZCM08-26, PHASING PLAN APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Ron Nuechterlein for City Center Plaza, Phases 4 and 5, ZCM08-26, motion to approve the Phasing Plan subject to compliance with all conditions and requirements listed in the Staff and Consultant review letters for the reasons that the plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. ***Motion carried 9-0.***

PLANNING COMMISSION MINUTES - EXCERPT
OCTOBER 25, 2006

APPROVED

PLANNING COMMISSION

REGULAR MEETING
WEDNESDAY, OCTOBER 25, 2006 7:30 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 7:30 PM.

ROLL CALL
Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, David Lipski (arrived at 7:33 PM), Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel
Also Present: Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Ben Croy, Engineer; David Beschke, Landscape Architect; Tom Schultz, City Attorney

PLEDGE OF ALLEGIANCE
Member Avdoulos 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 October 25, 2006. ***Motion carried 9-0.***

PUBLIC HEARINGS

1. **CITY CENTER PLAZA PHASE 4 & 5, SITE PLAN NUMBER 06-37**
   The Public Hearing was opened on the request of Ron Nuechterlein for Preliminary Site Plan, Wetland Permit, Woodland Permit, and Storm Water Management Plan approval. The subject property is located in Section 22, on the south side of Grand River Avenue, west of Novi Road. The subject properties are approximately 1.8 acres combined and the applicant is proposing to construct a 10,400 square foot general office building at the southwest corner of Flint St. and Grand River Avenue and a 3,640 square foot retail building at the western edge of the existing City Center Plaza development.

Planner Tim Schmitt described the project for the Planning Commission. This is a two-part project located near Phases One and Two. Phase One was the shopping center. Phase Two was the Garnish addition. Phase Three was Antique and Pine Design, but is placed on hold due to a pending flood plain issue. Phase Four is a combination of three small Grand River Avenue-fronting properties adjacent to Phase Two. Phase Five is also three properties located next to Flint Street. One currently has a small house on it. One parcel houses Hank's Fly Fishing shop on Grand River Avenue.

The properties are all zoned TC-1, as are all of the properties on the south side of Grand River. To the north is TC zoning, and I-1 zoning on the General Filters site. The properties are all master planned for Town Center Commercial, in the north and south areas. General Filters is master planned for Downtown West, the designation that will soon be molded by the Planning Commission's Master Plan and Zoning Committee.

There are regulated woodlands on the Phase Five site, on the south end and some large trees in the center of the site. There are no wetlands, with the exception of the stream that runs along the eastern edge of Phase Five.

Mr. Schmitt said that trees would be removed for the addition of the stormwater basin. This is a result of the flood plain fill that will occur with Phase Three and Phase Four, and slightly with Phase Five. The Federal Emergency Management Association (FEMA), in conjunction with the Army Corps, recently introduced revised floodplain maps. Those maps impacted this area. The creek has a fairly large floodplain because of the grades. The gas station on Flint Street is in the floodway. The basin is being over-excavated to provide for compensatory floodwater storage and stormwater storage for the site. Phase Four will utilize the existing basin for Phases One and Two. There will be modifications to provide adequate storage.

The Planning Commission may wish to discuss several issues at this meeting. A ZBA Variance is required for a

reduced loading zone. This is the third recent project in the Town Center District where this issue has come forward. The Planning Department is discussing whether this standard should be reviewed. The requirement for Phase Five is substantially larger than what this size of a building truly requires. The Planning Commission is asked to reduce the building setback requirements in the western yard (50 feet required, 10 feet proposed). The Planning Commission can waive this requirement in the Town Center Districts, with three conditions – the reduction will not impair health, safety or welfare; it will not create an undesirable relationship between the buildings; the requirement could result in non-usable land. The Staff discussed re-positioning this building so as to reduce this waiver request, but the Applicant did not want to take that route.

The front yard setback is deficient for both phases with regard to the future right-of-way line. Twenty feet are required; eleven feet are proposed. Additional setback is being provided for on the site – there is no net loss of setback. Staff supports the Applicant's request.

Phase Four has multiple setback issues related to the current configuration. The Applicant wishes to combine Phase Four into Phases One, Two and Three, so that this is all one parcel. Staff asks that the Planning Commission make this part of their approving motion.

The Wetland Review indicates that the Consultant needs additional information regarding the outlet. The only encroachment is caused by this outlet. The Applicant responded that it does not appear that any wetlands exist on this site. The Applicant states that all impacts are shown on the plans.

The Woodland Review indicates that the Consultant would like to see a design alternative. The Applicant does not choose to consider another design. The development on Phases Four and Five will require a compensatory cut in the Middle Rouge watershed. This is as good of a place as any, where the Applicant has proposed the extra storage. This causes the woodland impacts that the Consultant hopes to have revisited.

The Traffic Review and Engineering Review both note the need for multiple driveway spacing waivers. Phase Five requires a Same Side Driveway Spacing Waiver with respect to Flint Street, and an Opposite Side Driveway Spacing Waiver with respect to General Filters. Phase Four requires five waivers: Two Same Side Driveway Spacing Waivers with respect to the Phase Three entrance and the gas station, and three Opposite Side Driveway Spacing Waivers with respect to Baby N Kids Bedrooms, Knight's Automotive and Fidelity Investments. Staff was prepared to discuss why another curb cut on Grand River is not wanted, but ultimately, the Fire Marshal is fairly certain that this is required. He is not comfortable with this plan not having a full access onto Grand River. Given that the Fire Marshal is adamant about this, Staff will support these waiver requests. Health and safety trumps good planning 99% of the time.

The Façade Review indicates that the Applicant proposes materials that aren't specifically listed in Section 1609, wherein the Town Center Design Guidelines can be found. A substantial amount of EIFS is proposed. The Planning Commission is asked to make a finding that the materials are appropriate for the District. Historically the Planning Department has not been overly favorable of EIFS, but it will blend into the existing plaza and the revamped Wonderland Plaza to the north.

Mr. Matthew Quinn represented the Applicant, Mr. George Keros. This is nice, that Mr. Keros has stepped forward to redevelop the Grand River corridor after the road has been improved. This area is currently covered by dilapidated buildings. The improved road was meant to bring about economic vitality in the area, which is what Mr. Keros is trying to do. He has received approval to tear down the old furniture store. With the cross access, this plan brings a viable site plan forward. The fly fishing building will come down. A new retail store will take its place. There is a house coming down on the west side of Flint Street. A 10,000 square foot office building will take its place. The redevelopment is moving forward for this area. Property owners to the west will speak in favor of this project – their sites are the next in line. Mr. Quinn noted that retired Chief Begole's home was strategically located in the middle of these properties.

Mr. Quinn said that TC-1 zoning does not fit that well on small properties because of the large setbacks. Small redeveloped parcels cannot meet those numbers. Mr. Quinn used pictures to describe the site in its entirety. He noted that one curb cut will be removed from the site. The Fire Marshal will have access through the site. The

office building will be perpendicular to Grand River. The detention basin will be extra-sized because of the fill going into the creek. The side yard setback goes to Lee Begole's house; if, in the future this home is ever redeveloped as an office, the back end of that office would be situated against the back of the subject office building, so the short ten yard setback is of no consequence. The landscape plan shows that landscaping has been placed in that area, to act as additional buffer.

Mr. Quinn said that the plan provides for good traffic circulation. The retail building adjacent to the City Center corridor will be a nice addition. The architecture of the new additions will complement the existing City Center Plaza. The office building façade has a nice atrium in the front. The retail building matches City Center. The Façade Consultant supports the Section 9 Waiver request because of the complementary nature of the proposal.

Mr. Quinn said that the Opposite Side Driveway Spacing Waiver issues didn't hold much bearing, as the road in this area is five lanes wide, making the traffic maneuvering in this area a different type of pattern. None of the uses on Grand River generate much traffic anyway. He didn't think that any of the area's uses generated a great volume of vehicular traffic or conflict. Every building has its own access to Grand River, as they should, which does create some Same Side Driveway Spacing Waiver requests.

Chair Cassis opened the floor for public comment:

- Richard Gilbert, 43771 Grand River, 43801 Grand River, 43801a Grand River, 43831 Grand River, 43833 Grand River: Approved of the project. He thought the Applicant would do an excellent job of developing the site.
- Jonathon Brateman, 40015 Grand River: Felt the synergy in the area – the completion of Grand River, the redevelopment, the additional residential. He supported the project.

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

Member Avdoulos asked about Phase Five. Mr. Schmitt said it stood on its own – there was no physical connection of this property to the others. Member Avdoulos asked why it came forward as part of the City Center Plan. Mr. Schmitt said it had to do with the flood plain issue – the sites are inter-related due to the fill and compensatory cut. Phase Three is on hold until Phase Five gets approved. As FEMA worked on the flood plain maps, it became apparent that there was going to be a floodplain impact with Phase Three, and mitigation would have to occur. This ultimately ended up being Phase Five. Having them together is a function of the water in the area. This review was somewhat confusing, and Mr. Schmitt agreed that this isn't the cleanest of presentations.

Member Avdoulos thought that the seven curb cuts along Grand River could be addressed. It would have been nicer for the design to be a bit more cohesive. There's a curb cut west of Flint Street. There's Flint Street. There's a curb cut east of Flint Street that will be widened. The property west will want a curb cut some day. It would be more appropriate to slide this building to the east and move the curb cut to the west so that the cut could be shared. He didn't think it was good planning to design buildings only twenty feet apart. There won't be access around the buildings. There are Phase Five issues that make Member Avdoulos uncomfortable.

Mr. Schmitt said that the Staff does not disagree. Engineer Ben Croy, Fire Marshal Mike Evans, Planner Jason Myers and he discussed this at length. Mr. Myers put out a redesign for Phase Five. Perhaps the Applicant should respond to that request. A shared driveway on Phase Five would be a good idea, from the Staff's perspective. Member Avdoulos thought it made sense to tie up the issues as the planning went forward so that the end result was cohesive. Mr. Schmitt responded that he wanted to come to this meeting and tell the Planning Commission that they couldn't support the curb cut, but the Fire Marshal has asked for all the access he can get.

Member Avdoulos said that there would be more access to and around the building if it were placed elsewhere. This current position allows for access from the parking lot, but there isn't any access for the west side of the building.

Member Avdoulos' concern on Phase Four was the curb cut. That will be one wide driveway from the gas station all the way over to this property. There won't be a boulevard separating the entrances. Mr. Schmitt said that it will be a continuous curb line with the gas station. The Planning Department would like additional information

regarding this design. An island design would be nice; it would break up the area and prohibit the area from becoming a pseudo right-hand turn lane. Member Avdoulos was concerned about the traffic flow at this point in the road. The flow in and out of the gas station is also very tight. There is no indication of "No Left Turn" out of the subject driveway. Eastbound Traffic wishing to turn northbound onto Novi Road backs up to the bridge.

Member Avdoulos said the review letters discuss that the detention basin for Phase Four will be built with Phase Three. Member Avdoulos did not know what the master plan for this project is since the full site plan was not provided. That piece of information would have helped with understanding the entire area's traffic as well. He hoped to eliminate some of the waivers and setbacks. He understood that these were difficult parcels and the Applicant worked hard to put out a good product on this type of site. The projects really do work. Member Avdoulos just felt that there wasn't enough information; he did not see the whole picture. He would like the project to come back with the changes indicated on the plan. He would like to see the flood plain information. He would like Phase Three included in the plans. Member Avdoulos reiterated that the drive was going to be wide open and would become a problem. A master plan of this site would have helped in his review.

Mr. Schmitt said that the Staff agreed with some of Member Avdoulos' comments. They have asked the Applicant to flip the office building to reduce some of the waivers. They have responded that they don't want to. Mr. Quinn located the floodplain and commented on the size of the proposed basin. He said the short story is the engineering of the site does not work; this is the best way for the building to be placed on the site. Flint Street is a dirt road and used by very few people. Across the street is the north quadrant of the ring road. There will be a traffic signal. That will stop traffic and allow people to have better turns – on both Phases Four and Five. The ring road will be slightly to the west, on the north side of the road. There will be a reduction of one curb cut – the fly fishing shop will have just one after the redesign. The curb cuts have to be part of the retail building; otherwise, no retailer would rent space if there wasn't access to Grand River. That design would not be viable. The office must also have a Grand River curb cut – the tenant will want a Grand River address, because who knows where Flint Street is? This will also make the office building viable. The requested curb cuts are important and will not add to any real traffic problems along Grand River.

Member Avdoulos said it was more about confusion. People may turn into the wrong driveway and get confused. The criss-crossing of traffic can be problematic. The property west of the office, when developed in the future, will add another curb cut. Left turns from that area will just add to the congestion. Member Avdoulos could not see how this project worked together as a master plan. He could only see the individual plans. He noted that the Master Plan and Zoning Committee routinely discusses the need to encourage joint access to smaller sites, especially in the areas of congestion.

Mr. Quinn appreciated the comments. He suggested that the plan's approval shouldn't be delayed because in the end, the same information will be presented. This plan has been well-thought out by traffic engineers. It is the Applicant's position that the curb cuts are as they should be.

Member Gutman was also concerned about the curb cuts. He asked whether the building for Phase Five had to be the size proposed. Mr. Quinn responded that the two-story building must be sized as such to make the economics work. Since this land is considered Town Center property, its ownership becomes expensive.

Member Meyer asked for clarification on whether there was enough parking if the plan were reviewed together with all four phases. He was uncomfortable with so many variances. He said that perhaps some day the setbacks should be reviewed by the Ordinance Review Committee, because they don't really encourage a "town" design. Mr. Quinn responded that Phase Four is adjacent to the other phases, and he thought it would be responsible of the Planning Commission to approve the plan contingent upon Phase Four becoming part of City Center Plaza, because then all of the extra parking will be available. Mr. Keros intends to do this. The office building has enough parking by itself. Mr. Quinn thought there were two extra spaces. The setback variance requests, other than the one adjacent to Mr. Begole's home, were rather small, Mr. Quinn said. There is a huge rear yard setback on Phase Five because of the basin. Ample landscaping will be provided.

Mr. Quinn explained that a waiver was necessary for the interior parking lot landscaping in order to accommodate the required parking.

Member Meyer agreed that a "No Left Turn" sign should be installed.

Member Lipski noted that the small size of the site does make for a challenging design. He thought the architecture was a meaningful improvement to the area. He would like to see this corner upgraded. He thought that the 3,000 square foot space would ultimately yield just one tenant. He agreed that the building would need a Grand River address and curb cut in order to get leased. The nature of this corner must be considered. The size of the retail will not pose that much risk to the area. The planning should provide safe accel/decel for Grand River. He was in favor of the petition, even with the variance requests. He noted that the setback requirement is a bit heavy. The only way this parcel could comply with the setbacks is if the parcel becomes part of a property assemblage. Mr. Schmitt agreed that the Ordinance is set up to encourage parcel assemblage. There are benefits to assembling parcels. He cited the Kinko's building as a parcel assemblage property.

Mr. Schmitt said that Council Member Mutch has suggested that the City review how the TC and TC-1 Districts function. Are both districts needed? Should an in-fill type proposal be considered? Does it make sense to encourage property combinations? This is being considered. The waiver provisions are in the Ordinance for this kind of situation. The district does try to encourage the assemblage, but options are provided.

Member Lipski said that an option is to deny this plan and wait it out. But for how long? Member Lipski felt this was a reputable development and that it was prudent to make use of the exceptions that the Planning Commission has available. Maybe the City should review the planning and zoning of this area as a whole. As long as safety is considered, it might be possible to modify the long term goals of the area.

Member Meyer said that the loading zone information states that there would not be a zone, and then a request has been made for a reduced loading zone. There was also a comment made regarding a bike path or a bike rack. He asked the Applicant to comment. Mr. Quinn said that the engineer will respond to the amenity question.

Mr. Quinn said that the loading zone on Phase Four is a bit short. By Ordinance, 700 square feet are required; the plan proposes 570 square feet. It is located at the corner of the building. The users of this building will not have the big delivery trucks, but UPS and FedEx-type trucks.

Member Wrobel asked whether the Applicant knew how many tenants would be in the building. Mr. Quinn said that the intent is to have one tenant.

Member Pehrson thought Ordinance items requiring review were becoming more apparent with each Planning Commission review. The Town Center Ordinances may need to be updated to reflect the kind of work that is being proposed in the area.

Member Pehrson did not have a problem with the quality of this project. He said that the City has set itself it up to need this many curb cuts. He cited Novi Road north of Grand River as another area where this many curb cuts also appear.

Member Pehrson would like to see the site in its entirety, meaning that the plan also shows Phase Three. He did not expect to see excessive traffic come from this project. He thought that what traffic does result from this plan would be adequately handled by the traffic light.

Member Pehrson asked that in the future a master plan accompany a plan like this, where a combination of plans comprise an area.

Member Pehrson said the setback issue is relevant, based on what will happen in the west on Grand River. Again, the buildings lend themselves to what the City is trying to do in downtown Novi. He thought this was the kind of plan that the City wants in this area, but he wished the information was more forthcoming.

Moved by Member Pehrson,

In the matter of the request of Ron Nuechterlein for City Center Plaza, Phases IV and V, SP06-37, motion to approve the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals Variance for reduced loading zone area in Phase IV; 2) A Planning Commission Waiver for the reduction in building setbacks for Phase V, under Section 1602.4; 3) A Planning Commission Waiver for the reduction of parking lot setbacks for Phases IV and V, with no net loss of setback area on the site; 4) A Planning Commission Waiver for lack of parking lot landscaping for Phases IV and V; 5) A Planning Commission Waiver for reduction in building foundation landscaping for Phase IV; 6) A Planning Commission Same Side Driveway Spacing Waiver between Phase IV driveway and Phase III entrance (185 feet required vs. 120 feet proposed); 7) A Planning Commission Same Side Driveway Spacing Waiver between Phase IV driveway and Shell gas station (185 feet required vs. 44 feet proposed); 8) A Planning Commission Opposite Side Driveway Spacing Waiver between Phase IV driveway and Baby N' Kids Bedroom (150 feet required vs. 95 feet proposed); 9) A Planning Commission Opposite Side Driveway Spacing Waiver between Phase IV driveway and Knight's Automotive (200 feet required vs. 10 feet proposed); 10) A Planning Commission Opposite Side Driveway Spacing Waiver between Phase IV driveway and Fidelity Investments (200 feet required vs. 145 feet proposed); 11) A Planning Commission Same Side Driveway Spacing Waiver between Phase V driveway on Grand River and Flint Street (185 feet required vs. 91 feet proposed); 12) A Planning Commission Opposite Side Driveway Spacing Waiver between Phase V driveway on Flint Street and the Shell gas station driveway on Flint Street (150 feet required vs. 40 feet proposed); 13) A Planning Commission Finding under Section 1602.9 that proposed façade materials meet the intent of the Town Center Zoning District, based on the fact that it is consistent with the existing City Center Plaza; 14) The Applicant combining City Center Phases III and IV properties prior to Final Site Plan approval; and 15) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Master Plan for Land Use.

DISCUSSION

Member Avdoulos asked about the ten foot setback request on Phase Five – what other districts would allow such a setback? He said that if the Town Center District was what was penalizing this design, then what other district would allow it? Member Avdoulos said it would have been more appropriate for the Applicant to say, in lieu of using TC-1 zoning, could we use "Zoning X" instead? He was not comfortable with the setback request. It is allowing the Applicant to cram as much as possible on this site. For the Applicant to say this is all that they are going to propose does not sit well with Member Avdoulos. It does a bit of disservice. Maybe the office building is too big for the site. Maybe if it was smaller the Applicant could design a 25-foot setback and wouldn't need so much parking.

Member Avdoulos recommended that Phase Five be reviewed separately. Phase Four should be reviewed in connection with the rest of the development. Then the setbacks could be better understood. Mr. Schmitt responded that OS-1 and B-1 Districts require fifteen-foot side yard setbacks. The TC Districts have odd setups. The fifty-foot setback discussed tonight is an external setback. Internal setbacks are from side streets and between buildings, and these are only ten feet, unless other provisions prevail. Ten feet is pretty small in Novi, as a general rule. There is nothing comparable that Mr. Schmitt could direct Member Avdoulos to review.

Mr. Schmitt understood that the previous planner, Jason Myers, had suggested moving the building around or reducing the building size. The Applicant has chosen not to make either of those changes.

Member Avdoulos asked whether the homeowner understood that an office building would be twenty feet away. Mr. Schmitt responded that nothing has specifically been brought to the homeowner's attention. This Public Hearing was noticed, and Mr. Begole did receive a notice. The City did not receive a response from Mr. Begole.

Member Avdoulos reiterated that he was not opposed to building in this area or the architecture as proposed. He just didn't feel that he understood the complexities of the site as well as he would like. He cited the Main Street project as a plan that showed all of the pieces of the puzzle along with the proposed new activity.

Member Avdoulos suggested that the forty-foot setback on Phase Five be reduced to 25 feet, not ten feet.

Member Lynch agreed that the Planning Commission should consider what else could be proposed on this site if not this. He was concerned too, that he couldn't tell how the whole site would fit together. Member Lynch thought more tweaking of this plan could be done. He was not comfortable supporting this project in its current state.

Member Burke thought many valid points were raised at the table. This is a difficult piece of property. A lot of thought has gone into the plan. He was concerned about the location of Phase Three, and would have liked to see the full plan and how the various pieces relate to one another. In this economic climate, he thought that the City Staff would have to be working with the Applicant's Staff to determine how to make this plan work. His biggest problem with the whole request was the setback variance adjacent to the Begole property line. As a matter of record a Public Hearing notice was sent to him. He asked whether any further contact with Mr. Begole was made. Mr. Schmitt responded that the Public Hearing notices are sent to the newspaper of record, which is the Novi News typically, and property owners within 300 feet. The City does not have the resources to contact neighbors individually.

Member Burke felt that perhaps in this case, in light of Mr. Begole's position with the City, contact with him could have been made. Member Burke wanted to support the project. Mr. Schmitt said that he would contact Mr. Begole regarding this plan.

Member Meyer agreed that personal contact should be made with Mr. Begole.

Chair Cassis felt that he had insight to the development of this part of the City. He respected Member Avdoulos' comments. Chair Cassis did not think that the TC Ordinances apply well to this section of the City. He also respected the other commissioners' comments. In some ways the Planning Commission is being held hostage by the language found in the Ordinance. How? Some of the rules aren't applicable to these sites. This particular Applicant has invested in this City. He buys properties that are difficult to develop. He tries to bring renewal and rejuvenation. Assembling properties is tough. Chair Cassis was sure that Mr. Keros tried to purchase Mr. Begole's home. Mr. Begole never wants to sell.

Chair Cassis said that in the general area of this site, there are many single property owners. None want to sell to their neighbors.

Chair Cassis questioned this need for great setbacks. Novi is always wanting a downtown. What is a downtown but close knit buildings against the road?

Chair Cassis encouraged the Planning Commission to read the Grand River Study wherein it was suggested that the speed limit be reduced.

Chair Cassis noted that a five-story building was approved for a site just down the street. That plan was developed for that quadrant. Now, the Planning Commission is looking at this quadrant. Yes, there are curb cuts associated with this site. There is a floodplain to consider. This Applicant paid big money for this property. If he twists the office building, he will not get enough square footage on the site to make the economics work. The Planning Commission is not supposed to consider economics. However, what has the Planning Commission done in the past year? City Council sends them signals. Economics. Economics. How can the City improve the tax base? Conflicted? Yes. The City is conflicted.

Chair Cassis thought that the 3,000 square-foot building would yield one 1,500 square-foot user. He believed that the Applicant has already struggled with designing this site. If Mr. Schmitt was truly against this project, Chair Cassis said he would be able to read it in his face.

Chair Cassis noted that the Planned Rezoning Overlay was designed to get around some of the Ordinances that are on the books.

Chair Cassis agreed that the City would have been happy had the Applicant been able to assemble more parcels. The historical aspect of this Novi Road and Grand River area is that it is comprised of small parcels.

Member Meyer asked the City Attorney to comment. City Attorney Tom Schultz did not think this was a problem – granting the waivers. Each plan and site is different. Only one Ordinance is not being complied with – the loading zone. This request will go to the ZBA. The other items are waivers, which have been built into the process for the Planning Commission to consider. The Ordinance is set up with this mechanism so that the Planning Commission can consider the facts of each particular site, granting waivers when the requests are reasonable.

Member Avdoulos reiterated that he would have liked to have seen the entire project, not just the pieces known as Phases Four and Five. He didn't like reviewing two separate and separated parcels on one site plan. He concluded that there are too many issues that he felt he could still review. He mentioned that he didn't understand the actual location of the proposed traffic light, and he stated that it may not be installed for twenty or thirty years, so its relevance was limited. He just wasn't sure of how the pieces of this puzzle fit together.

Chair Cassis asked the City Attorney to comment on the ring road. Mr. Schultz responded that for several years this issue has been on appeal – would the City obtain the property for the ring road? Would the project fix some other curb cut issues along Grand River? The courts resolved this issue about one year ago. The City only recently obtained title to the property. Engineers are now considering how the road can be built. The initial funding proposal for this road has lapsed. The City and City Council are trying to figure out how and when to pay for it. The plan is imminent only in the sense that the City owns the property now. The City still hasn't paid for the land, and the litigation continues on how much that is going to cost.

Civil Engineer Ben Croy clarified the two locations of one of the driveway spacing waivers in the motion.

ROLL CALL VOTE ON CITY CENTER PLAZA IV & V, SP06-37, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Ron Nuechterlein for City Center Plaza, Phases IV and V, SP06-37, motion to approve the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals Variance for reduced loading zone area in Phase IV; 2) A Planning Commission Waiver for the reduction in building setbacks for Phase V, under Section 1602.4; 3) A Planning Commission Waiver for the reduction of parking lot setbacks for Phases IV and V, with no net loss of setback area on the site; 4) A Planning Commission Waiver for lack of parking lot landscaping for Phases IV and V; 5) A Planning Commission Waiver for reduction in building foundation landscaping for Phase IV; 6) A Planning Commission Same Side Driveway Spacing Waiver between Phase IV driveway and Phase III entrance (185 feet required vs. 120 feet proposed); 7) A Planning Commission Same Side Driveway Spacing Waiver between Phase IV driveway and Shell gas station (185 feet required vs. 44 feet proposed); 8) A Planning Commission Opposite Side Driveway Spacing Waiver between Phase IV driveway and Baby N' Kids Bedroom (150 feet required vs. 95 feet proposed); 9) A Planning Commission Opposite Side Driveway Spacing Waiver between Phase IV driveway and Knight's Automotive (200 feet required vs. 10 feet proposed); 10) A Planning Commission Opposite Side Driveway Spacing Waiver between Phase IV driveway and Fidelity Investments (200 feet required vs. 145 feet proposed); 11) A Planning Commission Same Side Driveway Spacing Waiver between Phase V driveway on Grand River and Flint Street (185 feet required vs. 91 feet proposed); 12) A Planning Commission Opposite Side Driveway Spacing Waiver between Phase V driveway on Flint Street and the Shell gas station driveway on Flint Street (150 feet required vs. 40 feet proposed); 13) A Planning Commission Finding under Section 1602.9 that proposed façade materials meet the intent of the Town Center Zoning District, based on the fact that it is consistent with the existing City Center Plaza; 14) The Applicant combining City Center Phases III and IV properties prior to Final Site Plan approval; and 15) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Master Plan for Land Use. ***Motion Carried 7-2 (Yes: Burke, Cassis, Gutman, Lipski, Meyer, Pehrson, Wrobel; No: Avdoulos, Lynch).***

Moved by Member Pehrson, seconded by Member Wrobel:

ROLL CALL VOTE ON CITY CENTER PLAZA IV & V, SP06-37, WETLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Ron Nuechterlein for City Center Plaza, Phases IV and V, SP06-37, motion to approve the Wetland permit subject to: 1) Additional information being provided prior to issuance of Wetland Permit and Letter of Authorization to Encroach; and 2) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Ordinance. ***Motion carried 8-1 (Yes: Burke, Cassis, Gutman, Lipski, Lynch, Meyer, Pehrson, Wrobel; No: Avdoulos).***

Moved by Member Pehrson, seconded by Member Wrobel:

ROLL CALL VOTE ON CITY CENTER PLAZA IV & V, SP06-37, WOODLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Ron Nuechterlein for City Center Plaza, Phases IV and V, SP06-37, motion to approve the Woodland permit subject to 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. ***Motion carried 8-1 (Yes: Burke, Cassis, Gutman, Lipski, Lynch, Meyer, Pehrson, Wrobel; No: Avdoulos).***

Moved by Member Pehrson, seconded by Member Wrobel:

ROLL CALL VOTE ON CITY CENTER PLAZA IV & V, SP06-37, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

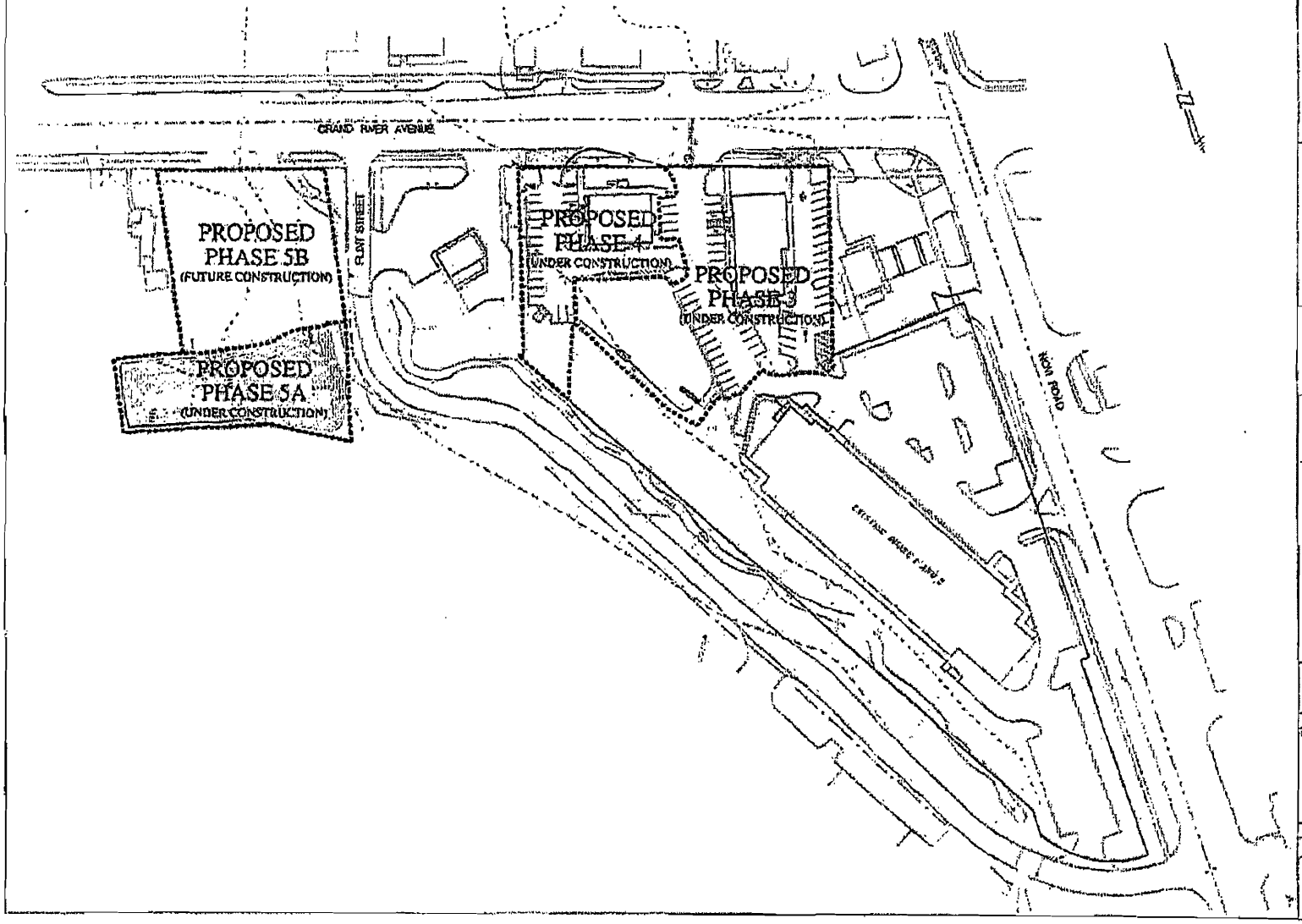
In the matter of the request of Ron Nuechterlein for City Center Plaza, Phases IV and V, SP06-37, motion to approve the Stormwater Management Plan subject to compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is in compliance with the Ordinance. ***Motion carried 8-1 (Yes: Burke, Cassis, Gutman, Lipski, Lynch, Meyer, Pehrson, Wrobel; No: Avdoulos).***

REDUCED COPY OF APPROVED PHASING PLAN

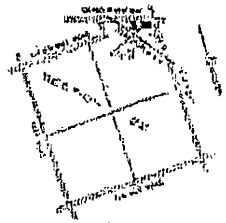
RE-PHASING PLAN FOR

CITY CENTER PLAZA PHASE 4 AND 5

CITY OF NOVI
OAKLAND COUNTY, MICHIGAN



GRAPHIC SCALE



LOCATION MAP

PROPRIETOR

CITY CENTER PLAZA, L.P.
200 RENAISSANCE CENTER
SUITE 3343
DETROIT, MICHIGAN 48243
313.568.8750

LEGEND

CITY CENTER PLAZA PHASE 3, 4, 5A, & 5B (FUTURE CONSTRUCTION)

REVISIONS

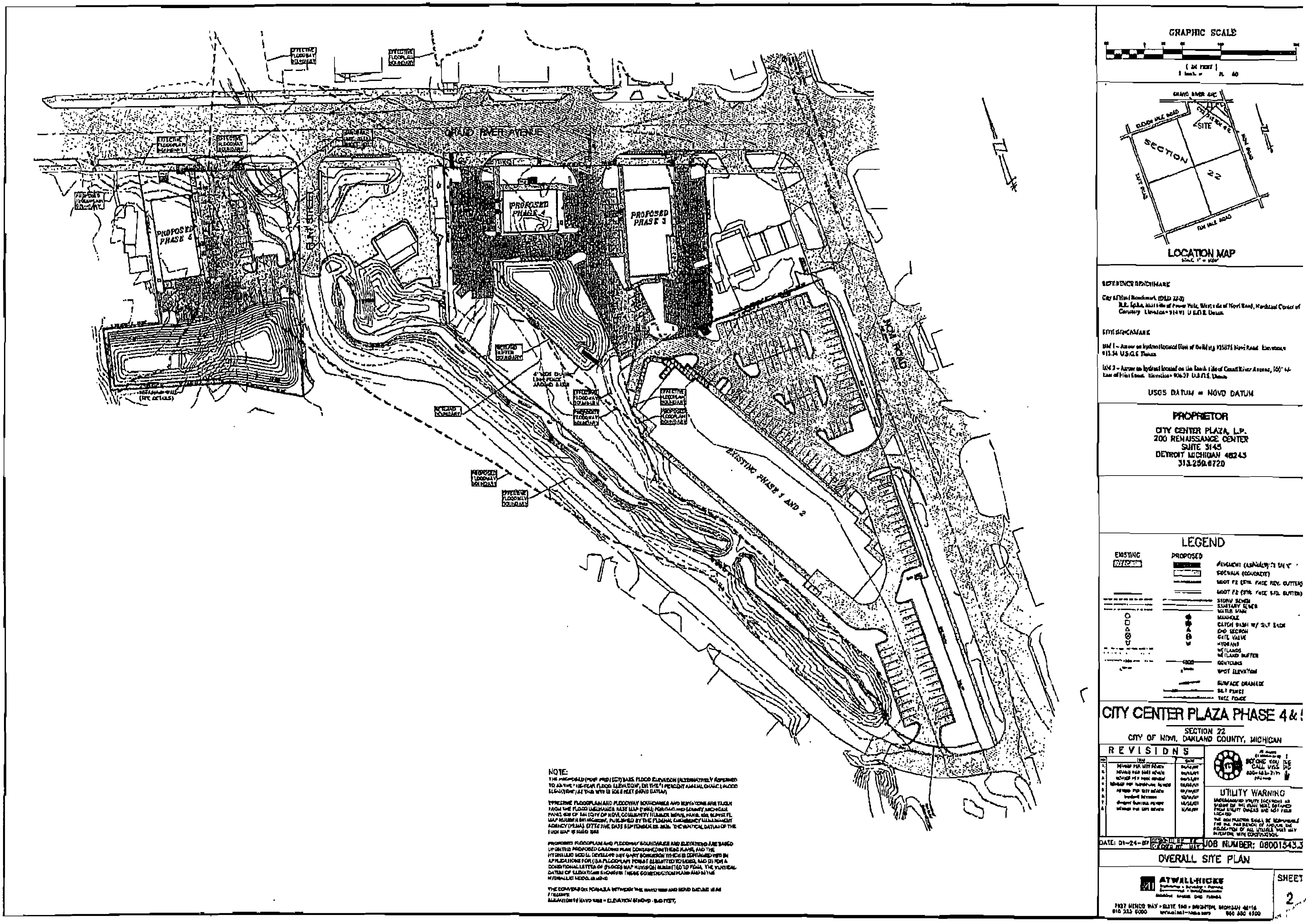
JOB NUMBER: 050015431.30

RE-PHASING PLAN

ATWELL-HICKS

SHEET 1

REDUCED COPY OF APPROVED SITE PLAN


GRAND RIVER AVENUE
NOVI ROAD
PROPOSED PHASE 3
PROPOSED PHASE 4
PROPOSED PHASE 5
EXISTING PHASE 1 AND 2
GRAPHIC SCALE
LOCATION MAP
SITE
SECTION 22
USGS DATUM = NGVD DATUM
PROPRIETOR
CITY CENTER PLAZA, L.P.
200 RENAISSANCE CENTER
SUITE 3145
DETROIT MICHIGAN 48243
313.259.6720
LEGEND
EXISTING
PROPOSED
NOTE:
CITY CENTER PLAZA PHASE 4 &
SECTION 22
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN
REVISIONS
UTILITY WARNING
DATE: 01-24-07
JOB NUMBER: 08001543.3
OVERALL SITE PLAN
ATWELL-HICKS
SHEET
2