



## COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road  
Novi, MI 48375  
(248) 347-0415 Phone  
(248) 735-5600 Facsimile  
[www.cityofnovi.org](http://www.cityofnovi.org)

## ZONING BOARD OF APPEALS STAFF REPORT

**FOR:** City of Novi Zoning Board of Appeals

**ZONING BOARD APPEALS DATE:** October 13, 2015

**REGARDING:** CITYGATE MARKETPLACE (CASE NO. PZ15-0032)

**BY:** Thomas M. Walsh, Building Official

### I. GENERAL INFORMATION:

#### Applicant

Doraid Markus on the behalf of Citygate Marketplace

#### Variance Type

Dimensional Variance

#### Property Characteristics

Zoning District: OST, Planned Office Service Technology District  
Site Location: 27200 Beck Road, north of Grand River Ave. and east of Beck Road.  
Parcel #: 50-22-16-176-033

#### Request

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 3.1.23.D to allow construction of a 6,241 sq. ft. building with a retail space and two fast food restaurant spaces: 1) a variance of 34.0 feet in the required north yard setback (50.0 feet required, 16.0 feet proposed); and 2) a variance from Section 5.3.11.A, B of 20.0 feet in the required north yard parking setback (20.0 feet required, 0.0 feet proposed) to allow construction of a drive-through lane.



**II. ZONING AND LAND USE:**

The table below lists the zoning district, existing land use and future land use for the subject site and surrounding parcels.

Parcel	Zoning District	Existing Land Use	Future Land Use
<b>Subject Property</b>	OST, Planned Office Service Technology District	Vacant	Office research development and technology w/Retail Overlay
<b>North</b>	OSC, Office Service Commercial District	2 Go gas station and Tim Horton's Restaurant	Office research development and technology w/Retail Overlay
<b>South</b>	OST, Planned Office Service Technology District	Chase Bank	Office research development and technology w/Retail Overlay
<b>East</b>	OST, Planned Office Service Technology District	Vacant	Office research development and technology w/Retail Overlay
<b>West</b>	B-2 Community Business District	Westmarket Square Shopping Center	Local Commercial

**III. STAFF COMMENTS:**

**Existing Condition**

The subject property consists of one- (1) lot located on the east side of Beck Road and north of Grand River. The parcel has approximately 142.76 feet of frontage on Beck Road and approximately 420.26 feet deep as measured along north side yard lot line.

**Proposed Changes**

The applicant is proposing to construct a 6,241 sq. ft. building with a retail space and two fast food restaurant spaces. The new building would result in a setback of 121.18 feet from the front (west side/Beck Road) yard lot line, 204.19 feet from the rear (east side) yard lot line, 16.0 feet from the north side yard lot line, and 54.76 feet from the south side yard lot line. The proposed parking would result in a setback of 20.0 feet from the north, east and south side yard lot line. ***This requires a variance of 34.0 feet in the required north side yard setback.***

**IV. SITE STANDARDS:**

1. Drive-through setbacks (Sec. 5.3.11.A, B) drive through shall follow parking setback requirements and applicable parking lot landscaping requirements. The drive-through lane on the north is encroaching into the minimum required parking setback. ***This requires a variance of 20.0 feet in the required north yard parking setback.***

**V. RECOMMENDATION:**

The Zoning Board of Appeals may take one of the following actions:

1. Grant I move that we **grant** the variance(s) in Case No. PZ15-0032, sought by \_\_\_\_\_, for \_\_\_\_\_ because the Petitioner has established that \_\_\_\_\_ causes a practical difficulty relating to the property, including some or all of the following criteria:

(a) Petitioner has established that the property is unique because \_\_\_\_\_, or that the physical condition of the property creates the need for a variance because \_\_\_\_\_.

And, the condition is not a personal or economic hardship.

(b) The need for the variance is not self-created, **because** \_\_\_\_\_.

(c) Strict compliance with dimensional regulations of the Zoning Ordinance, including \_\_\_\_\_, will (either):

1. unreasonably prevent Petitioner from using the property for the permitted purpose as a \_\_\_\_\_, because \_\_\_\_\_, and/or,
2. will make it unnecessarily burdensome to comply with the regulation because \_\_\_\_\_.

(d) Petitioner has established that variance is the minimum variance necessary because a lesser variance would not \_\_\_\_\_.

(e) The requested variance will not cause adverse impact on surrounding property, property values, or the enjoyment of property in the neighborhood or zoning district, because \_\_\_\_\_.

(f) The variance granted is subject to the conditions that:

1. \_\_\_\_\_,
2. \_\_\_\_\_,
3. \_\_\_\_\_,
4. \_\_\_\_\_.

2. Deny I move that we **deny** the variance in Case No. PZ15-0032, sought by \_\_\_\_\_, for \_\_\_\_\_ because the Petitioner has **not** established a practical difficulty because:

(a) Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by \_\_\_\_\_.

(b) The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated \_\_\_\_\_.

(c) The need for the variance is self-created because Petitioner \_\_\_\_\_.

(d) Conforming to the ordinance would not (either):

1. be unnecessarily burdensome because \_\_\_\_\_, or,

2. unreasonably prevent petitioner from using the property for \_\_\_\_\_, because \_\_\_\_\_.

(e) A lesser variance consisting of \_\_\_\_\_ would do substantial justice to Petitioner and surrounding property owner's because \_\_\_\_\_.

(f) The proposed variance would have adverse impact on surrounding property because \_\_\_\_\_.

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0415



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Thomas M. Walsh  
Building Official  
City of Novi



45175 Ten Mile Road  
 Novi, MI 48375  
 (248) 347-0415 Phone  
 (248) 735-5600 Facsimile  
 www.cityofnovi.org

# ZONING BOARD OF APPEALS APPLICATION

**APPLICATION MUST BE FILLED OUT COMPLETELY**

Application Fee: \$300.00  
 Meeting Date: 10-13-15  
 ZBA Case #: PZ 15-0032

I. PROPERTY INFORMATION (Address of subject ZBA Case)	
PROJECT NAME / SUBDIVISION Citygate Marketplace	
ADDRESS 27200 Beck Road	LOT/SUITE/SPACE # N/A
SIDWELL # 50-22- 16 - 176 - 033	May be obtain from Assessing Department (248) 347-0485
CROSS ROADS OF PROPERTY	
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSOCIATION JURISDICTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REQUEST IS FOR: <input type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> VACANT PROPERTY <input type="checkbox"/> SIGNAGE
DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

II. APPLICANT INFORMATION			
<b>A. APPLICANT</b>		EMAIL ADDRESS dsmarkus@yahoo.com	CELL PHONE NO. 248-892-2222
NAME Doraid Markus		TELEPHONE NO. N/A	
ORGANIZATION/COMPANY Grand Back Partners, LLC		FAX NO. N/A	
ADDRESS 4036 Telegraph Road, Suite: 205	CITY Bloomfield Hills	STATE MI	ZIP CODE 48303
<b>B. PROPERTY OWNER</b> <input checked="" type="checkbox"/> CHECK HERE IF APPLICANT IS ALSO THE PROPERTY OWNER			
Identify the person or organization that owns the subject property:		EMAIL ADDRESS	CELL PHONE NO.
NAME		TELEPHONE NO.	
ORGANIZATION/COMPANY		FAX NO.	
ADDRESS	CITY	STATE	ZIP CODE

III. ZONING INFORMATION	
<b>A. ZONING DISTRICT</b>	
<input type="checkbox"/> R-A <input type="checkbox"/> R-1 <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> R-4 <input type="checkbox"/> RM-1 <input type="checkbox"/> RM-2 <input type="checkbox"/> MH <input type="checkbox"/> I-1 <input type="checkbox"/> I-2 <input type="checkbox"/> RC <input type="checkbox"/> TC <input type="checkbox"/> TC-1 <input checked="" type="checkbox"/> OTHER <u>OST</u>	
<b>B. VARIANCE REQUESTED</b>	
INDICATE ORDINANCE SECTION (S) AND VARIANCE REQUESTED:	
1. Section <u>3.1.23.D</u>	Variance requested <u>34'</u>
2. Section _____	Variance requested _____
3. Section _____	Variance requested _____
4. Section _____	Variance requested _____

IV. FEES AND DRAWINGS	
<b>A. FEES</b>	
<input type="checkbox"/> Single Family Residential (Existing) \$200 <input type="checkbox"/> (With Violation) \$250 <input type="checkbox"/> Single Family Residential (New) \$250 <input checked="" type="checkbox"/> Multiple/Commercial/Industrial \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> Signs \$300 <input type="checkbox"/> (With Violation) \$400 <input type="checkbox"/> House Moves \$300 <input type="checkbox"/> Special Meetings (At discretion of Board) \$600	
<b>B. DRAWINGS 1-COPY &amp; 1 DIGITAL COPY SUBMITTED AS A PDF</b>	
<ul style="list-style-type: none"> <li>Dimensioned Drawings and Plans</li> <li>Site/Plot Plan</li> <li>Existing or proposed buildings or addition on the property</li> <li>Number &amp; location of all on-site parking, if applicable</li> </ul>	<ul style="list-style-type: none"> <li>Existing &amp; proposed distance to adjacent property lines</li> <li>Location of existing &amp; proposed signs, if applicable</li> <li>Floor plans &amp; elevations</li> <li>Any other information relevant to the Variance application</li> </ul>



# ZONING BOARD OF APPEALS APPLICATION

## V. VARIANCE

### A. VARIANCE (S) REQUESTED

DIMENSIONAL     USE     SIGN

There is a five-(5) hold period before work/action can be taken on variance approvals.

### B. SIGN CASES (ONLY)

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten-(10) days before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is **NOT** to be actual sign. Upon approval, the mock-up sign must be removed within five-(5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five-(5) days of the meeting.

### C. ORDINANCE

#### City of Novi Ordinance, Section 3107 – Miscellaneous

No order of the Board permitting the erection of a building shall be valid for a period longer than one-(1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty-(180) days unless such use is establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one-(1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

### D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL

PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

CONSTRUCT NEW HOME/BUILDING     ADDITION TO EXISTING HOME/BUILDING     SIGNAGE

ACCESSORY BUILDING     USE     OTHER \_\_\_\_\_

## VI. APPLICANT & PROPERTY SIGNATURES

### A. APPLICANT

*[Handwritten Signature]*

Applicant Signature

*8/12/15*

Date

### B. PROPERTY OWNER

**If the applicant is not the owner, the property owner must read and sign below:**

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and is/are aware of the contents of this application and related enclosures.

*[Handwritten Signature]*

Property Owner Signature

*8/12/15*

Date

## VII. FOR OFFICIAL USE ONLY

### DECISION ON APPEAL:

GRANTED

DENIED

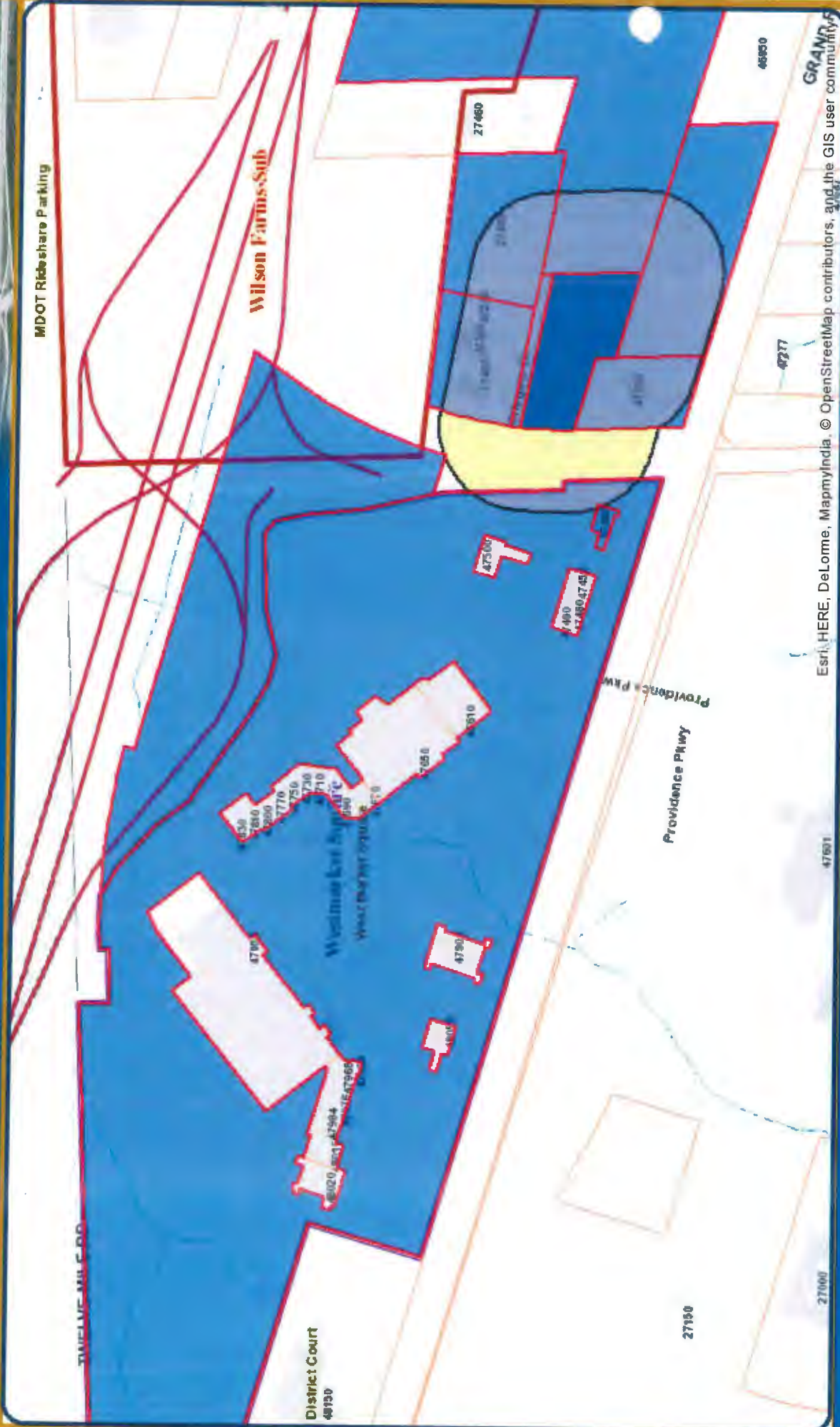
The Building Inspector is hereby directed to issue a permit to the Applicant upon the following and conditions:

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date

PZ15-0032

27200 Beck Road



**MAP INTERPRETATION NOTICE**  
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map. This map was produced under the terms of the City's Internet Site Use Policy available at <http://cityofnovi.org/Resources/InternetUsePolicy.asp>



Author:  
 Date: 9/16/2015

Map Produced Using the  
 City of Novi, Michigan  
 Internet Mapping Portal

**NOVI**  
 cityofnovi.org

### Citygate Marketplace ZBA Application for Dimensional Variance

This project is proposing the development of a new 6,242 square foot retail development on a parcel of land approximately 1.98 acres in size located at 27200 Beck Road (southeast corner of Beck Road and Citygate Drive). The subject parcel is zoned OST (Office Service Technology) which requires pursuant to Section 3.1.23D a 50 foot setback from all property lines. The requested variance is to allow for a 34' foot variance from the required 50 foot setback along the north property line. The reason for this request is due to the fact that subject parcel has a limited north/south dimension to allow for the construction of an appropriately size retail development if the 50 foot setback is utilized. The parcel is also subject to an existing ingress/egress easement with the development to the south (Chase Bank) which forces the location of the building to placed west of where is would typically be sited. Finally the subject site contains a regulated wetland area at the southeast corner of the site which further reduces the amount of area available for this development.

It should be noted that a variance was previously approved for the subject development on September 10, 2013 for a project known as Tom's Bar and Grill (ZBA Case PZ13-042)





## PLAN REVIEW CENTER REPORT

July 14, 2015

### Planning Review

Citygate Marketplace

JSP15-21

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#### Petitioner

Grand Beck Partners LLC

#### Review Type

Revised Preliminary Site Plan with Retail Service Overlay

#### Property Characteristics

- Site Location: 27200 Beck Road, southeast corner of Citygate Drive and Beck Road (Section 16)
- Site Zoning: OST, Planned Office Service Technology
- Adjoining Zoning: North (across Citygate Drive): FS with PRO; East and South: OST; West (across Beck Road): B-2
- Current Site Use: Vacant building
- Adjoining Uses: North (across Citygate Drive): USA 2 Go gas station and Tim Horton's Restaurant; East: vacant; South: Chase Bank; West (across Beck Road): Westmarket Square Shopping Center
- School District: Novi Community School District
- Site Size: 1.88 acres
- Plan Date: 06-23-15

#### Project Summary

The parcel in question is located on 27200 Beck Road on the southeast corner of Citygate Drive and Beck Road in Section 16 of the City of Novi. The property totals 1.88 acres. The current zoning of the property is OST, Planned Office Service Technology. The applicant has proposed a 6,241 sq. ft. building with a retail space and two fast food restaurant spaces (with associated parking, landscaping and stormwater facilities) utilizing the Retail Service Overlay Option. A drive-through is proposed for one of the restaurant spaces.

The Retail Service Overlay Option is intended "...to provide a limited amount of retail and personal service establishments to serve the employees of and visitors to the nearby office use areas." The option allows additional uses not typically permitted in the OST District provided certain conditions are met and subject to the Special Land Use requirements outlined in Section 6.2.C. Retail spaces and fast food restaurants are uses permitted under this option.

#### Recommendation

Approval of the **Preliminary Site Plan is not recommended**. All other reviews except Landscape and Traffic are recommending approval. The applicant should make the appropriate revisions to the plans to address the comments in this and other review letters and submit plans for revised Preliminary Site Plan review.

#### Special Land Use Considerations

In the OST District any developments utilizing the Retail Service Overlay provisions are subject to the considerations for Special Land Uses outlined in the Zoning Ordinance. Section 6.2.C of the Zoning Ordinance includes specific factors the Planning Commission shall consider in the review of the request:

- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.
- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
- Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
- Whether, relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

### **Ordinance Requirements**

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 3.1.23 OST District, Article 3.19 (OST District Retail Service Overlay), Article 4 (Use Standards), Article 5 (Site Standards) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant. Items in **bold and underline** may require a variance from Zoning Board of Appeals, if necessary revisions to the plans are not made.

1. Retail Service Overlay: The applicant is utilizing the Retail Service Overlay Option which allows an applicant to develop properties for uses not usually permitted in the OST District. Refer to the planning chart and façade review letter for a general overview of the retail service overlay conditions and the merits of the application under review. **A public hearing to be held by the Planning Commission is required.**
2. Building Setbacks (Sec 3.1.23.D): Buildings in the OST District must be setback 50 feet from all property lines. The plan indicates a 16 foot building setback in the northern yard. **The applicant has indicated they will seek a variance from the Zoning Board of Appeals for this deficiency.**
3. Drive-through setbacks (Sec. 5.3.11.A, B) Drive through shall follow parking setback requirements and applicable parking lot landscaping requirements. **The Drive-through lane on the north is encroaching into the minimum required parking setback. A Zoning Board of Appeals variance would be required for this deficiency. Staff would support the variance given the size of the site.**

1. Required Parking Spaces: The applicant has provided the required information for calculating the required parking. However, the calculations shown on the plans are incorrect. **Refer to the Planning review chart for correct parking calculation and revise the drawings accordingly.**
2. Outdoor Sales and Seating (Sec 3.19.4):
  - a. Outdoor sales are prohibited in this zoning district. Add a note to the plan to this effect.
  - b. Outdoor seating layout shown on the plan appears to be compact and does not have enough space for pedestrian maneuvering within the area. **Provide an enlarged detail of the outdoor seating area to verify conformance.**
  - c. A decorative fence detail is shown sheet SP-1a. **Indicate the location and extent of the proposed fence in relation to the layout plan.**
  - d. Add the following notes to the plan
    - i. The hours of operation for the outside restaurant shall be consistent with the hours of operation of the inside restaurant.
    - ii. Outdoor seating shall be permitted between March 1st and November 30th with all furniture and fixtures including, but not limited to, tables, chairs and waste receptacles removed from the exterior premises after November 30th. Outdoor seating shall not be the primary seating of the restaurant.
3. Drive-through Stacking Space: Per Section 5.3.11.I, four (4) vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board). Stacking has been provided for only three vehicles in advance of menu board . **The applicant should revise the plans to show adequate storage on the revised submittal. Additionally, pavement markings should be provided. Refer to Traffic review for further details. Applicant should provide additional stacking per requirements or seek a Zoning Board of Appeals variance**
4. Drive-through Lanes Separation (Sec. 5.3.11.A, C): Drive-through lanes shall be separate from the circulation routes & lanes necessary for ingress to & egress from the property. The circulation pattern for loading truck is unclear. It may also conflict with the cars stacked up in the drive-through lanes. **Provide additional details to verify the conformance. Refer to Traffic letters for further details.**
5. Sidewalks: The 5 foot sidewalk proposed along Citygate Drive does not extend to the eastern property line. The applicant has indicated that the sidewalk should be extended in the future at the same time that the roadway improvements are made so as not to interfere with the existing drainage ditch. **The applicant should work with the City's Engineer to come up with an estimate to donate money to the sidewalk fund for this future sidewalk extension.**
6. Construction of Collector Road: The Novi Mile GR/Beck Planned Rezoning Overlay Agreement included provisions for the extension of Citygate Drive to the east eventually looping around to Grand River Avenue. This agreement contemplated the completion of the road when the next property in the area was developed. The applicant should consider completing the planned extension of Citygate Drive to better serve the proposed development from Grand River Avenue. **Staff would like the applicant to note that there is a pre-existing PRO Agreement made by Novi Mile, LLC and CP Novi Center, LLC with the City which talks more about the construction of collector road and not contemplating limitations on left turns onto Beck Road. Given the traffic the current site plan will be**

**generating and the traffic concerns out Traffic review has shared, staff suggests that the applicant could work with Novi Mile, LLC towards completing of the extension of Citygate Drive to Grand River Avenue and addressing other concerns.**

7. Bicycle Parking Facilities: Bicycle parking has been provided near the southeast corner of the building but a detail has not been included. **A detail of the proposed layout and bicycle racks is included in the revised submittal. However, it only indicates 1 rack on the layout detail. Please correct the detail to include two racks.**
8. Rooftop Equipment: The rooftop equipment, if any proposed, should be screened according to Façade ordinance requirements. **Indicate if any rooftop equipment is proposed.**
9. General layout and dimension of proposed physical improvements: Some additional dimensions are requested in this and other review letters. **Provide dimensions for sidewalk, end islands and other items requested in all review letters**
10. Lighting Plan (Sec. 5.7):
  - a. Specification sheets are provided as a separate submittal. **Provide the specification sheets on the sheet set for the proposed light fixtures**
  - b. **Add the following notes to the plan**
    - i. Electrical service to light fixtures shall be placed underground
    - ii. Flashing light shall not be permitted
    - iii. Only necessary lighting for security purposes & limited operations shall be permitted after a site's hours of operation
    - iv. Average light level of the surface being lit to the lowest light of the surface being lit shall not exceed 4:1. **The current site plan indicates a ratio of 4.5:1. Revise the photometric plan accordingly or a Zoning Board of Appeals variance may be required.**
11. Signage: Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

### **Response Letter**

**A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters that are not recommending approval is required along with four copies of site plan with a site plan revision submittal form with the next submittal.**

### **Chapter 26.5**

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

### **Pre-Construction Meeting**

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

**Street and Project Name**

This project name will need approval of the Street and Project Naming Committee. Please contact Richelle Leskun (248-347-0579 or [rleskun@cityofnovi.org](mailto:rleskun@cityofnovi.org)) in the Community Development Department for additional information.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or [skomaragiri@cityofnovi.org](mailto:skomaragiri@cityofnovi.org).



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Sri Ravali Komaragiri – Planner



# COMMUNITY DEVELOPMENT DEPARTMENT

## PZ130042 - ACTION SUMMARY

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### PROJECT SUMMARY:

35' setback variance for exterior side yard

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### APPLICANT/OWNER INFORMATION:

#### APPLICANT

MATTHEW QUINN  
28345 BECK RD 401  
Wixom MI 48393

#### OWNER

PALUSHAJ PROPERTIES, LLC  
55205 EIGHT MILE  
NORTHVILLE MI 48167

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### PROPERTY INFORMATION:

**LOCATION/ADDRESS:** 27200 BECK RD

**PARCEL NUMBER:** 50-22-16-176-033

**SUBDIVISION:**

**ZONING DISTRICT:** OST

**LOT/UNIT #:**

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### ACTION SUMMARY:

ZBA MEETING DATE: 09/10/2013

CASE NO. PZ13-0042 27200 BECK RD (TOMS BAR & GRILL)

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow a reduction in the exterior side yard setback to 35 ft. (50 ft. required) for an existing building proposed for redevelopment to a restaurant use. The property is located north of Grand River Ave. and east of Beck Rd. in the OST Zoning District.

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires front and exterior side yard setbacks of 50 feet minimum in the OST Zoning District.

In CASE No. PZ13-0042 Motion to approve the variance as requested. There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty. As stated by Mr. Quinn, the current property that will be used by the applicant. The need is not self-created because of the existing structure on the property and the applicant can only do what is given to them. There is no other way unless they tear down the building and the applicant does not want to do that. Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district. The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district.

Motion carried: 4-0

Motion maker: lbe

**SITE DATA TABLE:**  
 SITE AREA: 1.88 ACRES (81,822 SQ.FT.) NET AND GROSS  
 ZONING: OST, OFFICE SERVICE TECHNOLOGY, RETAIL OVERLAY  
 PROPOSED USE: RETAIL (2,121 SF)/RESTAURANT (4,120.8 SF)  
 BUILDING INFORMATION:  
 MAXIMUM ALLOWABLE BUILDING HEIGHT = 46 FEET (3 STORIES)  
 PROPOSED BUILDING HEIGHT = 4 STORIES  
 BUILDING FOOTPRINT AREA = 6,241.8 SQ.FT.  
 BUILDING LOT COVERAGE = 7.6%

**SETBACK REQUIREMENTS:**  
**OST ZONING DISTRICT:**  
 FRONT SETBACK (WEST): 50 FEET REQUIRED 121.18' PROVIDED  
 SIDE SETBACK (NORTH): 50 FEET REQUIRED 16.00' PROVIDED\*\*  
 SIDE SETBACK (SOUTH): 50 FEET REQUIRED 54.78' PROVIDED  
 REAR SETBACK (EAST): 50 FEET REQUIRED 204.19' PROVIDED  
 PARKING SETBACK 20 FEET REQUIRED 20.00' PROVIDED  
 \*\* VARIANCE REQUESTED

**PARKING CALCULATIONS:**  
 RETAIL = 1 SPACE PER 200 S.F.  
 TOTAL RETAIL PARKING REQUIRED = 2,121/200 = 11 SPACES  
 RESTAURANT = 1/2 EMPLOYEES + 1/2 PERSONS ALLOWED IN SEATING AND WAITING AREAS:  
 RESTAURANT A = 21 SPACES FOR 42 SEATS INDOOR, 0 SPACES REQUIRED FOR SEATING LESS THAN 20 (14 OUTDOOR SEATS), 4 SPACES FOR 8 EMPLOYEES, 7 SPACES FOR 14 PEOPLE MAXIMUM OCCUPANCY IN 100 SF WAITING AREA:  
 TOTAL PARKING REQUIRED = 32 SPACES  
 RESTAURANT B = 29 SPACES FOR 57 SEATS INDOOR, 5 SPACES FOR 10 EMPLOYEES, 7 SPACES FOR 14 PEOPLE MAXIMUM OCCUPANCY IN 100 SF WAITING AREA:  
 TOTAL PARKING REQUIRED = 41 SPACES  
 TOTAL REQUIRED PARKING = 84 SPACES  
 TOTAL PROPOSED PARKING SPACES = 84 SPACES INC. 4 H/C SPACES  
 BICYCLE PARKING REQUIRED = 5% OF TOTAL CAR SPACES = 4 SPACES  
 BICYCLE PARKING PROVIDED = 4 SPACES

**LOADING CALCULATIONS:**  
 LOADING PROVIDED = 5 SQ.FT. PER L.F. OF BUILDING FRONTAGE OR 380 SQ.FT. PER BUILDING  
 LOADING REQUIRED = 450 SQ.FT. AT BACK OF BUILDING  
**OPEN SPACE:**  
 MINIMUM OPEN SPACE REQUIRED = 15%  
 PROVIDED OPEN SPACE = 32% (SEE SHEET C-3.2 FOR OPEN SPACE PLAN)  
**SITE SOILS INFORMATION:**  
 ACCORDING TO THE USDA NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY FOR OAKLAND COUNTY, THE SITE CONSISTS OF THE FOLLOWING SOIL TYPES:  
 11B - CAPAC SANDY LOAM, 0 TO 4 PERCENT SLOPES  
 12 - BROOKSTON AND COLWOOD LOAMS

**LEGAL DESCRIPTION:**  
 (Per First American Title Insurance Company, Commitment No. 672327, Revision A Date Printed July 31, 2014)  
 PARCEL NO. 22-16-178-033  
 The land referred to in this Commitment, situated in the County of Oakland, City of Novi, State of Michigan, is described as follows:  
 Part of the Northwest of Section 16, Village of Novi, Oakland County, Michigan, described as: Beginning at the East line of Beck Road distant South 00 degrees 36 minutes West 1213.9 feet and South 76 degrees 22 minutes East 72.22 feet from the Northwest corner of Section 16; thence North 4 degrees 22 minutes East 20.33 feet; thence South 76 degrees 22 minutes East along the center line of 60 feet road, 418.44 feet; thence South 00 degrees 36 minutes West 274.10 feet; thence North 70 degrees 53 minutes 34 seconds West 441.76 feet; thence North 00 degrees 36 minutes East 54.65 feet; thence Northerly 144.25 feet, along a curve to the right at radius 1,096.82 feet to the Point of Beginning, EXCEPT the Northerly 30 feet thereof, to be used for road.  
 SURVEYED AS:  
 A part of the Northwest of Section 16, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as commencing at the Northwest corner of said Section 16; thence South 00 degrees 36 minutes 00 seconds West, 1213.98 feet, along the West line of said Section 16; thence South 76 degrees 22 minutes 00 seconds East, 71.75 feet, to the Easterly right of way line of Beck Road (variable width right of way), and the Point of Beginning; thence continuing South 76 degrees 22 minutes 00 seconds East, 420.72 feet; thence South 00 degrees 36 minutes 00 seconds West, 243.22 feet; thence North 70 degrees 50 minutes 19 seconds West 200.00 feet, 442.20 feet, to the Easterly right of way line of said Beck Road; thence North 00 degrees 30 minutes 18 seconds East, 54.04 feet, along the Easterly right of way line of said Beck Road; thence 143.69 feet, along a curve to the right, said curve having a radius of 1,096.28 feet, a central angle of 07 degrees 30 minutes 36 seconds and chord bearing and distance of North 04 degrees 21 minutes 18 seconds East, 143.59 feet, along the Easterly right of way line of said Beck Road, to the Point of Beginning.  
 EXCEPT:  
 Part of the Northwest 1/4 of Section 16, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, being further described as follows: Commencing at the Northwest corner of said section; thence South 00 degrees 36 minutes 01 seconds West 1,352.13 feet, along the West section line; thence North 70 degrees 50 minutes 19 seconds East 64.36 feet to a point on the Easterly line of Beck Road (variable right of way width) and the Point of Beginning; thence continuing South 70 degrees 50 minutes 19 seconds East 200.00 feet; thence South 00 degrees 36 minutes 00 seconds West 55.00 feet; thence North 70 degrees 50 minutes 19 seconds West 200.00 feet, to the Easterly line of Beck Road; thence along said Easterly line North 00 degrees 36 minutes 00 seconds East 54.04 feet; thence along the arc of a curve to the right an arc distance of 0.96 feet, said curve having a radius of 1,096.28 feet, chord bearing and distance of North 00 degrees 35 minutes 57 seconds East 0.96 feet and central angle of 02 degrees 00 minutes 43 seconds, to the Point of Beginning.

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 DRIVE-THRU WINDOW INTEGRAL CURB AND WALK, TYP. REFER TO DETAIL ON SHEET C-9.1  
 STANDARD DUTY CONCRETE PAVEMENT, TYP. REFER TO DETAIL ON SHEET C-9.1  
 DASHED LINES INDICATES 9'X19' STACKING SPACES, TYP.  
 THICKENED SIDEWALK THRU DRIVE APPROACH, REFER TO DETAIL ON SHEET C-9.1  
 DETAIL 'M' GUTTER PAN THRU DRIVE APPROACH, TYP. REFER TO DETAIL ON SHEET C-9.1  
 NOTE: SIDEWALK TO EXTEND TO END OF CITYGATE DRIVE PAVING, DRAINAGE DITCH EXISTS TO THE EAST

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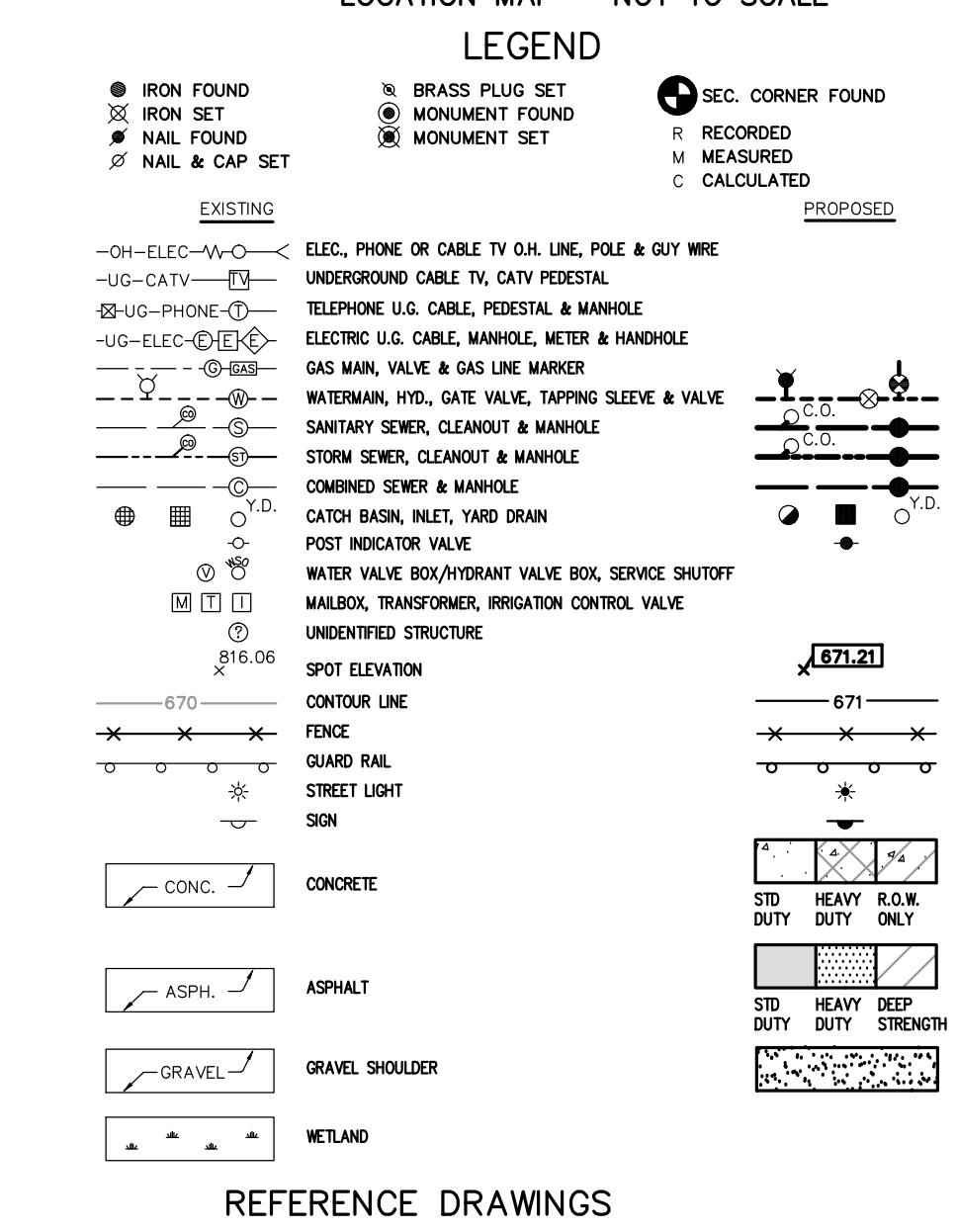
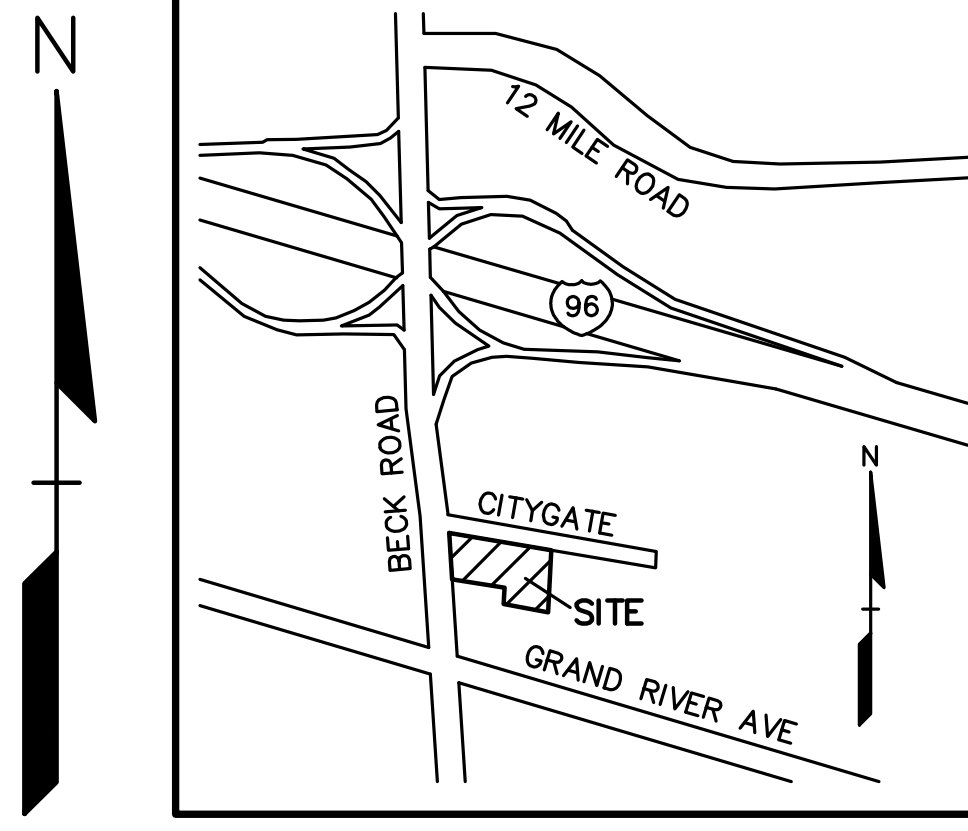
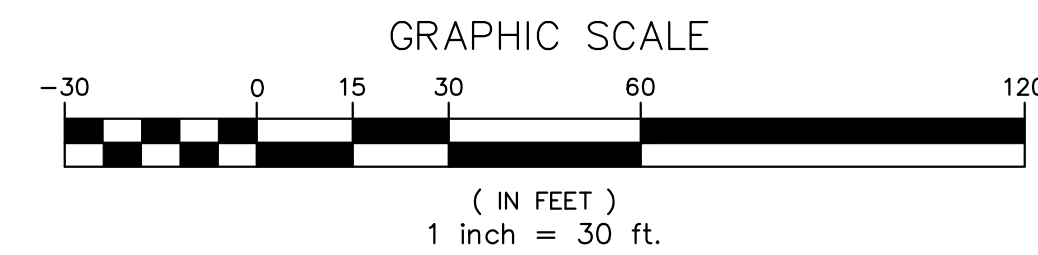
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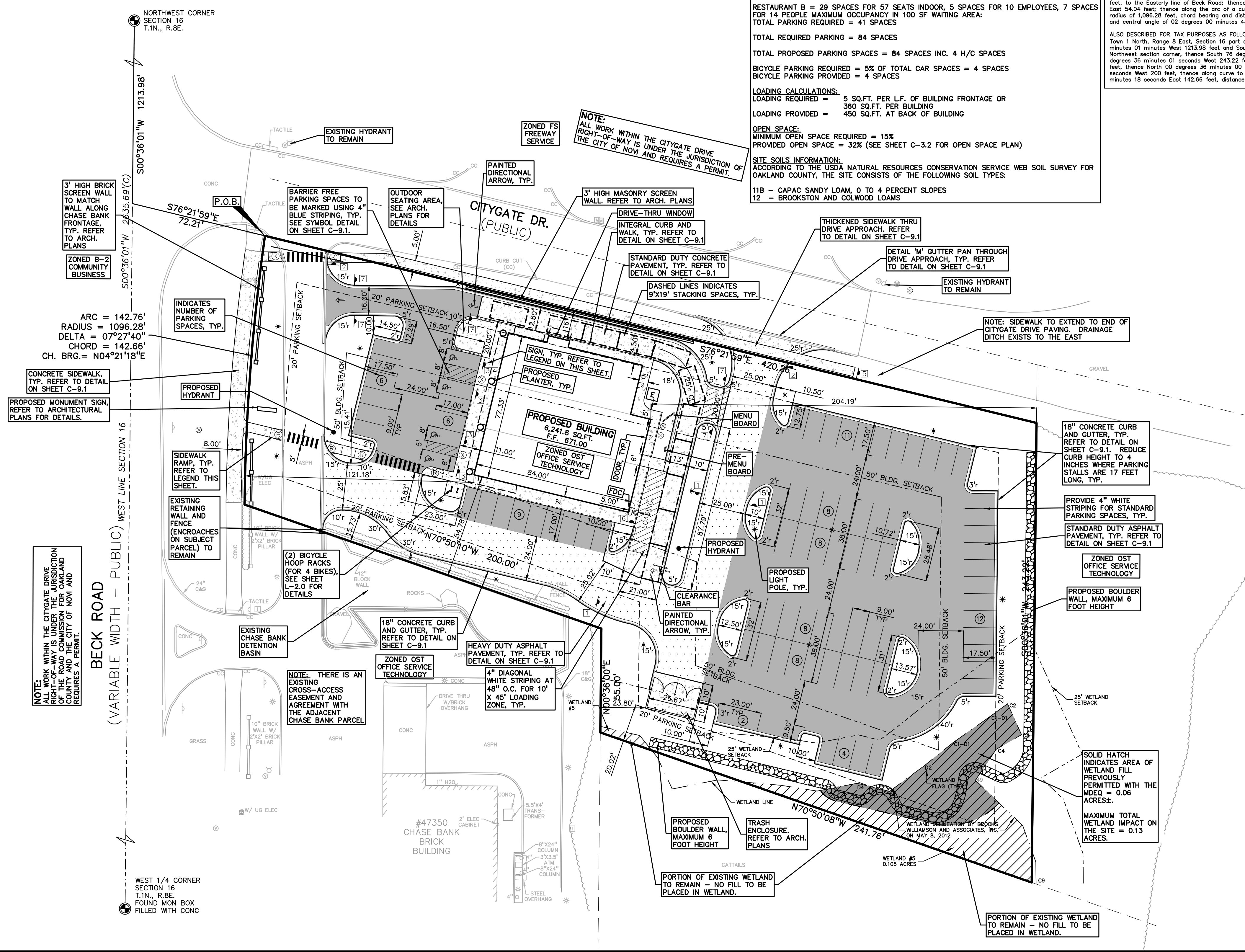
**SIDEWALK RAMP LEGEND:**  
 SIDEWALK RAMP 'TYPE R'  
 SIDEWALK RAMP 'TYPE F'  
 FLUSH SIDEWALK, NO RAMP  
 REFER TO LATEST M.D.O.T. R-28 STANDARD RAMP AND DETECTABLE WARNING DETAILS

**IMPERVIOUS AREA:**  
 BUILDING FOOTPRINT AREA = 6,242 SQ.FT.  
 GRASS/LANDSCAPE AREA = 24,585 SQ.FT.  
 PAVEMENT AREA = 50,995 SQ.FT.  
 TOTAL PARCEL AREA (1.88 AC) = 81,822 SQ.FT.

**FLOODPLAIN NOTE:**  
 BY GRAPHICAL PLOTTING, THE SUBJECT PARCEL IS IN "AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN," (ZONE X) PER FLOOD INSURANCE RATE MAP NUMBER 26125C-0607F, EFFECTIVE SEPTEMBER 29, 2006.  
**SIGN LEGEND:**  
 'NO PARKING FIRE LANE' SIGN (LR7-22) 1 4 EA.  
 24"x24" 'STOP' SIGN (R1-1) 2 2 EA.  
 'BARRIER FREE PARKING' SIGN (R7-B) 3 4 EA.  
 'VAN ACCESSIBLE' SIGN (R7-BA) 4 1 EA.  
 'PATH ENDS' SIGN 5 1 EA.  
 'NO PARKING LOADING ZONE' SIGN (R7-6D) 6 1 EA.  
 'DO NOT ENTER' SIGN (R5-1) 7 5 EA.  
 REFER TO SHEET C-9.1 FOR SIGN DETAILS.  
 ALL TRAFFIC SIGNAGE WILL COMPLY WITH CURRENT MMUTCD STANDARDS.

**GENERAL NOTES:**  
 THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT.  
 1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB, FACE OF SIDEWALK, OUTSIDE FACE OF BUILDING, PROPERTY LINE, CENTER OF MANHOLE/CATCH BASIN OR CENTERLINE OF PIPE UNLESS OTHERWISE NOTED.  
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF NOVI CURRENT STANDARDS AND REGULATIONS.  
 3. THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER AND/OR THE AUTHORITY HAVING JURISDICTION 3 BUSINESS DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION.  
 4. ANY WORK WITHIN THE STREET OR HIGHWAY RIGHT-OF-WAYS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE AGENCIES HAVING JURISDICTION AND SHALL NOT BEGIN UNTIL ALL NECESSARY PERMITS HAVE BEEN ISSUED FOR THE WORK.  
 5. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ADJUST THE TOP OF ALL EXISTING AND PROPOSED STRUCTURES (MANHOLES, CATCH BASINS, INLETS, GATE WELLS ETC.) WITHIN GRADED AND/OR PAVED AREAS TO FINAL GRADE SHOWN ON THE PLANS. ALL SUCH ADJUSTMENTS SHALL BE INCIDENTAL TO THE JOB AND WILL NOT BE PAID FOR SEPARATELY.  
 6. PROVIDE 4" BLUE STRIPING FOR BARRIER FREE PARKING SPACES AND WHITE FOR BARRIER FREE PARKING SYMBOL. NOTE THAT WHERE A BARRIER FREE PARKING SPACE ADJUTS A NON-BARRIER FREE SPACE, THE TWO SPACES SHALL BE SEPARATED BY ABUTTING BLUE AND WHITE STRIPES.  
 7. SIGNS NOTED TO BE MOUNTED ON BUILDING FACADE SHALL HAVE A MINIMUM MOUNTING HEIGHT OF 5 FEET AND A MAXIMUM MOUNTING HEIGHT OF 7 FEET.  
 8. OUTDOOR SALES ARE PROHIBITED IN THIS ZONING DISTRICT.  
 9. THE HOURS OF OPERATION FOR THE OUTSIDE RESTAURANT SHALL BE CONSISTENT WITH THE HOURS OF OPERATION OF THE INSIDE RESTAURANT.  
 10. OUTDOOR SEATING SHALL BE PERMITTED BETWEEN MARCH 1ST AND NOVEMBER 30TH WITH ALL FURNITURE AND FIXTURES INCLUDING, BUT NOT LIMITED TO, TABLES, CHAIRS AND WASTE RECEPTACLES REMOVED FROM THE EXTERIOR PREMISES AFTER NOVEMBER 30TH. OUTDOOR SEATING SHALL NOT BE THE PRIMARY SEATING OF THE RESTAURANT.  
 11. ALL ROOF TOP EQUIPMENT MUST BE SCREENED AND ALL WALL MOUNTED UTILITY EQUIPMENT MUST BE ENCLOSED AND INTEGRATED INTO THE DESIGN AND COLOR OF THE BUILDING.

**CITY OF NOVI FIRE DEPARTMENT NOTES:**  
 1. ALL WEATHER ACCESS ROADS CAPABLE OF SUPPORTING 35 TONS ARE TO BE PROVIDED FOR FIRE APPARATUS PRIOR TO CONSTRUCTION ABOVE THE FOUNDATION.  
 2. ALL WATER MAINS AND FIRE HYDRANTS ARE TO BE INSTALLED AND BE IN SERVICE PRIOR TO CONSTRUCTION ABOVE THE FOUNDATION.  
 3. THE BUILDING ADDRESS IS TO BE POSTED FACING THE STREET THROUGHOUT THE CONSTRUCTION. THE ADDRESS IS TO BE AT LEAST 3 INCHES HIGH ON CONTRASTING BACKGROUND.



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NO.	DATE	DESCRIPTION	BY	CHK.
1	07/15/14	REVISED PER CITY REVIEW		
2	08/20/14	REVISED PER CITY REVIEW		
3	08/20/14	REVISED PER CITY REVIEW		
4	08/20/14	REVISED PER CITY REVIEW		
5	08/20/14	REVISED PER CITY REVIEW		
6	08/20/14	REVISED PER CITY REVIEW		
7	08/20/14	REVISED PER CITY REVIEW		
8	08/20/14	REVISED PER CITY REVIEW		
9	08/20/14	REVISED PER CITY REVIEW		
10	08/20/14	REVISED PER CITY REVIEW		

**CAUTION!!**  
 THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS DRAWING IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS AND ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITIES LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.  
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 Fax: (248) 689-1044  
 website: www.peainc.com

**GRAND BECK PARTNERS, LLC**  
 4006 TELEGRAPH RD., SUITE 205  
 BLOOMFIELD HILLS, MI 48305  
**PRELIMINARY SITE PLAN**  
**CITYGATE MARKETPLACE**  
 PART OF NW 1/4 SECTION 16, T. 1 N., R. 8 E.  
 CITY OF NOVI, OAKLAND COUNTY, MICHIGAN  
 S:\PROJECTS\2014\2014162\DWG\SITE PLAN\TBLK-C-3.1(14162).DWG  
 DES. RLS JPB  
 DN. RLS SUR. MS P.M.  
 ORIGINAL ISSUE DATE:  
 APRIL 17, 2015  
 PEA JOB NO. 2014-162  
 SCALE: 1" = 30'  
 DRAWING NUMBER:  
**C-3.1**

**NOT FOR CONSTRUCTION**