



CITY of NOVI CITY COUNCIL

Agenda Item 2
October 11, 2010

SUBJECT: Consideration of the request of Siegal Toumaala Associates, for tentative approval of a rezoning of property in Section 26, east of Ten Mile Road and south of Novi Road from I-1, Light Industrial District and OS-1, Office Service District to B-2, Community Business District and OS-1, Office Service District with a Planned Rezoning Overlay (PRO) and subject to approval of a PRO Agreement. The subject property is approximately 28.7 acres.

SUBMITTING DEPARTMENT: Community Development ^{Bourb} – Planning Division

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION: The petitioner is requesting tentative approval of a proposed rezoning with a Planned Rezoning Overlay. The parcels in question are located on the south side of Ten Mile Road and east side of Novi Road in Section 26 of the City of Novi. The property to be included in the PRO totals approximately 28.7 acres and is made up of two parcels. The current zoning is split between OS-1, Office Service and I-1, Light Industrial zoning districts. The applicant is proposing the rezoning of portions of both parcels to B-2 with the some portions of the property to remain zoned OS-1. There is a substantial area that would remain zoned I-1 and is not included as part of the PRO. The applicant has indicated that the rezoning is being proposed to facilitate the construction of a retail development in two buildings that would include a total of approximately 105,000 square feet of retail space (roughly equivalent to the Novi Ten Shopping Center at Ten Mile and Meadowbrook roads, at 101,000 square feet). The uses and square footage is as follows:

- Neighborhood Shopping Center: 40,978 square feet
- Kroger Store: 64,245 square feet
- Area rezoned for the future development of B-2 and OS-1 uses along a large portion of the frontage of Ten Mile Road and Novi Road. Although these areas are proposed to be rezoned, the applicant has not offered any building layouts or site layouts for these areas on the submitted concept plan. This future development area is estimated to allow about 18,000 square feet of office space (a little larger than the adjacent Walgreen's store) and another 27,000 square feet possible in the retail outlots (Briarpointe Plaza is approximately 30,000 square feet, for comparison).

Currently, the subject property is zoned I-1 and OS-1. While the OS-1 district does allow for the development of medical offices and banks, neither the I-1 District nor the OS-1 District permits restaurants or retail. Therefore, the applicant is proposing to have the southwestern portion of the site remain zoned OS-1 with the remainder of the subject property to be rezoned to B-2, Community Business.

This matter was brought before the Planning Commission for consideration and public hearing on June 23, 2010. At that meeting, the Planning Commission noted several concerns with the concept plan, particularly with the natural feature impacts on the site and the stormwater management concept. Decision on a recommendation was postponed to allow the applicant time to address the concerns raised at the Planning

Commission meeting, in particular concerns related to stormwater detention, wetland impacts and woodland impacts. Relevant meeting minutes are attached.

The applicant then submitted a revised concept plan to address comments from the Planning Commission and staff review letters. The stormwater management concept and the proposed wetland impacts were both altered and the most up-to-date regulated woodland boundary was added to plan. No other substantial changes were made as part of the revised concept plan submittal. The applicant appeared before the Planning Commission with the revised concept plan on August 25, 2010. At that meeting, the Planning Commission recommended approval (split recommendation 5:3) of the rezoning with PRO and concept plan. Relevant meeting minutes are attached.

At the August 25, 2010 Planning Commission meeting, the Planning Commission also approved the Master Plan for Land Use Amendments, which provides recommended future land use designations for the subject property. The Future Land Use Map now indicates Community Office uses for the western portion of the subject property and Industrial Research Development Technology for the eastern portion of the subject property. The area had previously been designated special planning project area. The proposed rezoning is not in compliance with the 2010 Future Land Use Map.

Staff continues to recommend denial of the proposed rezoning with PRO. Please see the attached memorandum dated September 17, 2010 detailing the reasons for denial. Should the City Council approve the rezoning with PRO, staff recommends conditions be included in the PRO agreement for the area where no building layouts or site layouts have been provided. At a minimum, provisions regulating the uses permitted should be included as well as a provision requiring the applicant to meet all Zoning Ordinance and City Code provisions for the area labeled "Future Phases."

PLANNING COMMISSION RECOMMENDED ACTION: Tentative Approval of Weiss Mixed Use Development Zoning Map Amendment SP09-26A with Zoning Map Amendment 18.690 to rezone the subject property from I-1, (Light Industrial) and OS-1 (Office Service) to B-2 (Community Business) and OS-1 (Office Service) with a Planned Rezoning Overlay, and subject to the approval of a PRO Agreement, with the following ordinance deviations:

- (a) Ordinance deviation for the excess building height of the shopping center (30' required, 35' provided);
- (b) Ordinance deviation for the location of the shopping center loading zone in the interior side yard;
- (c) Ordinance deviation for the shopping center dumpster location in the interior side yard;
- (d) Ordinance deviation for the overage of EIFS, Concrete "C" Brick and Split Faced CMU on the shopping center façade;
- (e) Ordinance deviation for the excess building height of the Kroger store (30' required, 38'6" provided);
- (f) Ordinance deviation for the overage of EIFS, Concrete "C" Brick and Split Façade CMU and the underage of Natural Clay Brick on the Kroger façade;
- (g) Ordinance deviations for the following landscaping requirements:
 - (1) Three foot tall berm along all road frontages;
 - (2) Lack of perimeter trees;
 - (3) More than 15 contiguous parking spaces without an interior landscape island proposed in seven locations;
 - (4) Shortage of 122 linear feet of front façade landscaping for the proposed Kroger;
 - (5) Lack of front façade landscaping on the shopping center;

- (6) Deficient landscape beds around all buildings;
- (7) Deficient foundation landscaping around proposed Kroger building (9,392 sq. ft. required, 1,733 sq. ft. provided);
- (8) Deficient foundation landscaping around proposed shopping center (10,008 sq. ft. required, 1,076 sq. ft. provided);
- (h) Ordinance deviations for the following driveway spacing requirements:
 - (1) Same-side driveway spacing between the proposed Novi Road driveway and the south Walgreens drive (230' required, 116' provided);
 - (2) Same-side driveway spacing between the west driveway on Ten Mile Road and the east Walgreens driveway (230' required, 225' provided);
 - (3) Opposite-side driveway spacing between the proposed center driveway on Ten Mile Road and the opposite-side industrial driveway to the east (300' required, 65' provided); and
 - (4) Opposite-side driveway spacing between the proposed truck egress on Ten Mile Road and the first opposite-side industrial driveway in either direction (150' required, 4' provided to the west and 200' required, 71' provided to the east).

The Plan is also subject to the following PRO conditions:

- (a) Stormwater is to be adequately detained above ground and on the site with no additional discharge into the wetlands; and
- (b) Applicant shall comply with all of the conditions and items noted in the staff and consultant review letters;
- (c) Future PRO Amendments will be required for review and approval of developments designated as "future phases" and that with this approval, no development approvals are granted for any "future phases;" and
- (d) Applicant adding an additional west-bound lane to Ten Mile Road across the entire frontage to make a 5-lane cross section for the full length of the property.

This motion is made for the following reasons: Sufficient conditions are included on and in the PRO Plan on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land uses proposed by the applicant, it would be in the public interest to grant the rezoning with Planned Rezoning Overlay as the benefits which would reasonably be expected to accrue from the proposal are balanced against and have been found to clearly outweigh the reasonable foreseeable detriments thereof, taking into consideration reasonable accepted planning, engineering, environmental and other principles.

Additional recommended conditions:

Since the submitted Concept Plan did not provide building layout, uses and site layouts for a large portion of the area to be rezoned along Ten Mile and Novi Roads, the Planned Rezoning Overlay Agreement shall address the procedure for future review and approval of development in these areas. Additional conditions, as provided on page 4 of the October 5, 2010 memo from staff, are appropriate for the City Council to add if making this motion for approval.

STAFF RECOMMENDED ACTION: Denial of Weiss Mixed Use Development, SP09-26A with Zoning Map Amendment 18.690 to rezone the subject property from I-1 (Light Industrial) and OS-1 (Office Service) to B-2 (Community Business) and OS-1 (Office Service) with a Planned Rezoning Overlay, for the following reasons:

- The proposed rezoning would be contrary to the recommendations of the Future Land Use Map and Master Plan for Land Use;

- The proposed rezoning would be contrary to an Implementation Strategy listed in the Master Plan, which states: "Limit the commercial uses to current locations, current zoning, or areas identified for commercial zoning in the Master Plan for Land Use";
- Approval of the application would not accomplish integration of the proposed land development with the characteristics of the project area because the proposed concept plan is deficient in a number of landscaping standards listed in the Zoning Ordinance and extensive removal of regulated woodlands is proposed without adequate mitigation;
- Recently completed retail studies indicated the City currently has a surplus of land zoned or planned for retail activities to meet the highest predicted retail demand through 2018;
- The City presently has a retail vacancy rate for existing development near 10%;
- The proposed PRO concept plan contains a number of ordinance deviations, including deviations from the ordinance for accessory structure and loading zone locations as well as a significant amount of waivers from the ordinance landscape standards. The applicant has not established that these deviations, if not granted, would prohibit an enhancement of the development that would be in the public interest. Such deviations are not consistent with the Master Plan and are not compatible with the surrounding area because of the deficiencies in the amount of greenspace and landscaping proposed in the concept plan and the adverse impacts of the requested deviations may be seen to outweigh the enhancement of the public benefit offered to date;
- The application proposes to rezone the frontage along Ten Mile Road to the B-2 District, but proposes no conditions or limitations that would result in an enhancement of the development that would be in the public interest. For example, the application does not propose any limitation on undesirable or inappropriate uses and does not propose additional amenities or features for the public benefit.
- The existing I-1 and OS-1 zoning is consistent with the existing zoning in the area and the proposed project does not result in an enhancement of the area as compared to development under the current I-1 and OS-1 zoning, because new developments under the current zoning would be expected to meet landscaping standards and adequately address (and if necessary), mitigate woodland impacts; and
- Woodland impacts are likely to be substantial.

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

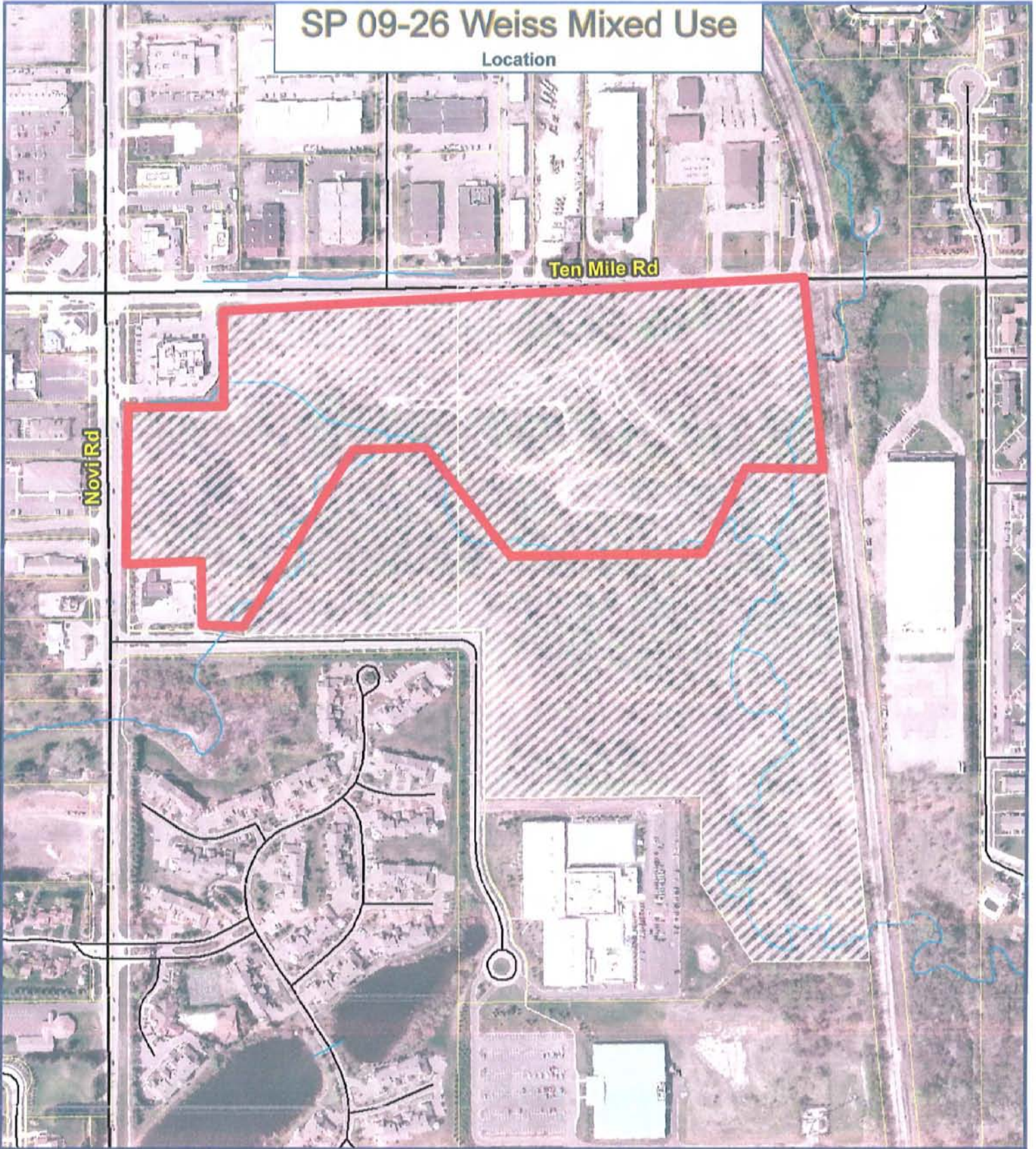
	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

2)

MAPS
Location
Zoning
Future Land Use
Wetlands
Woodlands

SP 09-26 Weiss Mixed Use


Location



Map Author: Kristen Kapelanski
Date: 11/23/09
Project: SP 09-26 Weiss Mixed Use
Version #: 1.0

Map Legend

Subject Properties

 Proposed Area of PRO

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.

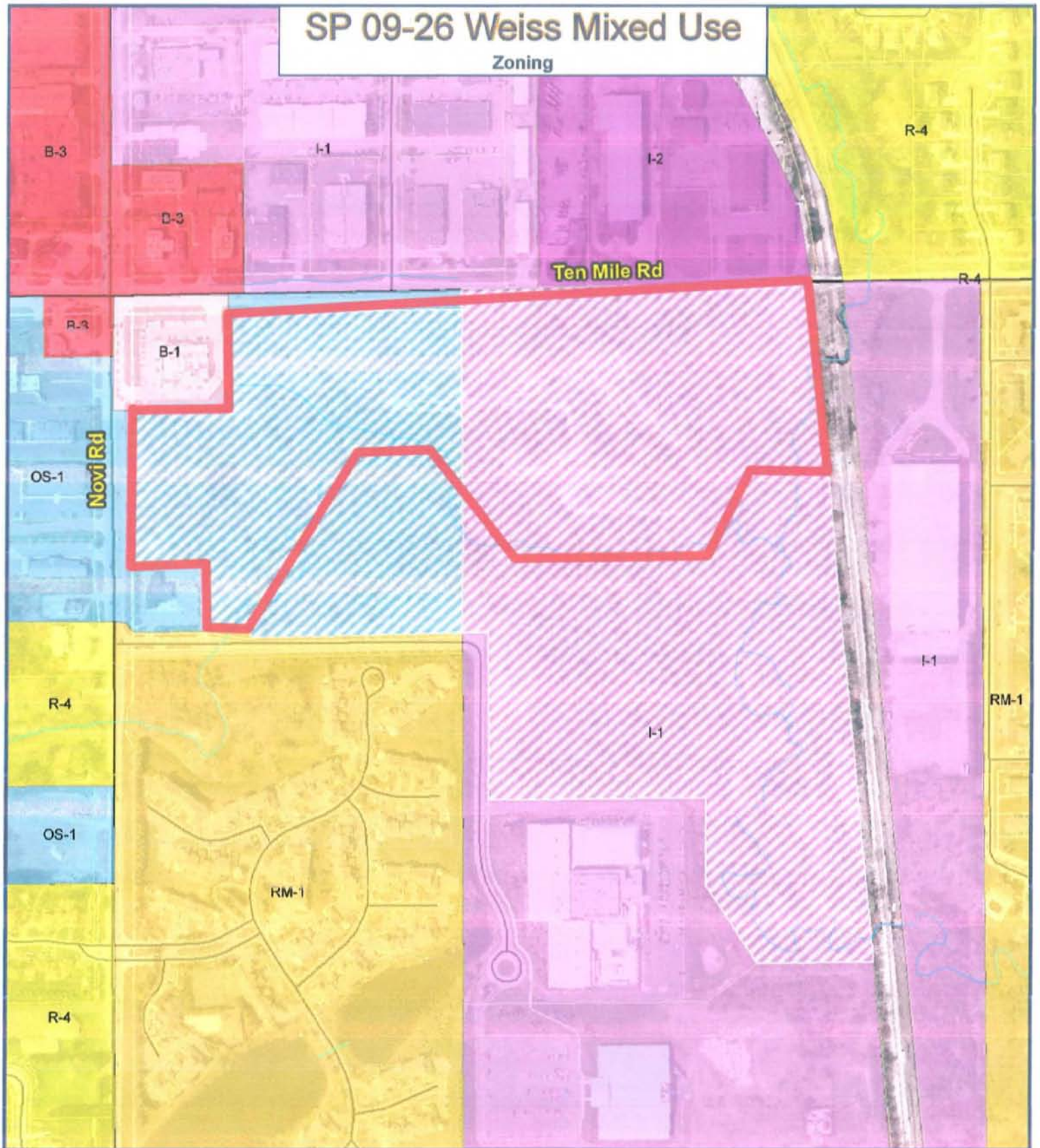


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Novi, MI 48375
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1 inch = 395 feet

SP 09-26 Weiss Mixed Use Zoning



Map Author: Kristen Kapelanski
 Date: 11/23/09
 Project: SP 09-26 Weiss Mixed Use
 Version #: 1.0

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Map Legend

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|---|------|---|----------------------|--|------|
|  | R-4 |  | B-3 |  | I-1 |
|  | OS-1 |  | I-2 |  | OS-1 |
|  | RM-1 | | Proposed Area of PRO | | |



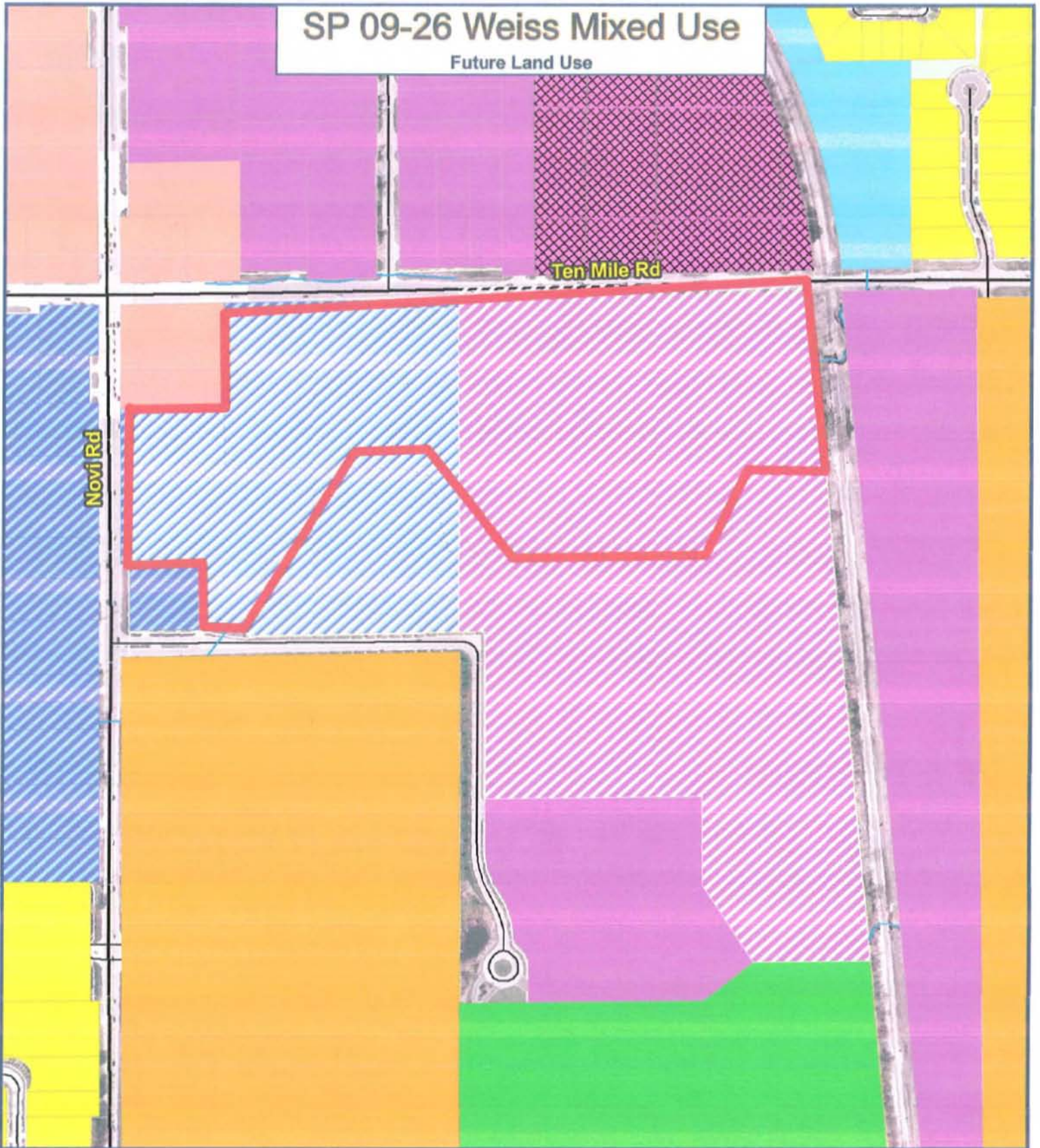
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1 inch = 395 feet

SP 09-26 Weiss Mixed Use

Future Land Use



Map Author: Kristen Kapelanski
 Date: 11/23/09
 Project: SP 09-26 Weiss Mixed Use
 Version #: 1.0

Amended By: Kristen Kapelanski
 Date: 09/18/10
 Department: Community Development

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Map Legend

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|---|-------------------------------------|---|-------------------------|
|  | SINGLE FAMILY |  | HEAVY INDUSTRIAL |
|  | MULTIPLE FAMILY |  | LOCAL COMMERCIAL |
|  | COMMUNITY OFFICE |  | PUBLIC |
|  | INDUSTRIAL RESEARCH DEV TECH |  | PUBLIC PARK |
|  | Proposed Area of PRO |  | PRIVATE PARK |

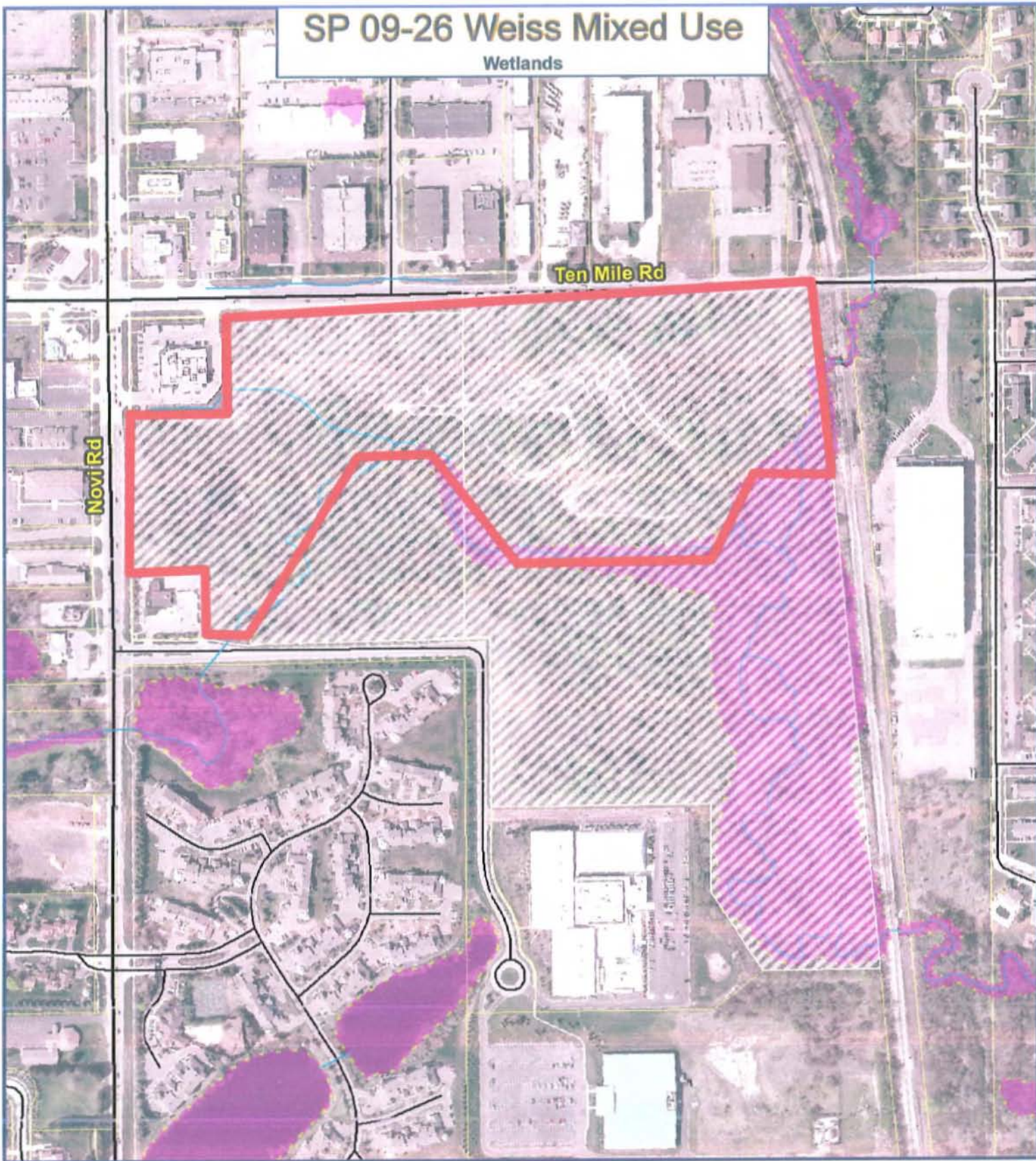


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SP 09-26 Weiss Mixed Use

Wetlands



Map Author: Kristen Kapelanski
Date: 11/23/09
Project: SP 09-26 Weiss Mixed Use
Version #: 1.0

Map Legend

Subject Properties

 Wetland Areas

 Proposed Area of PRO

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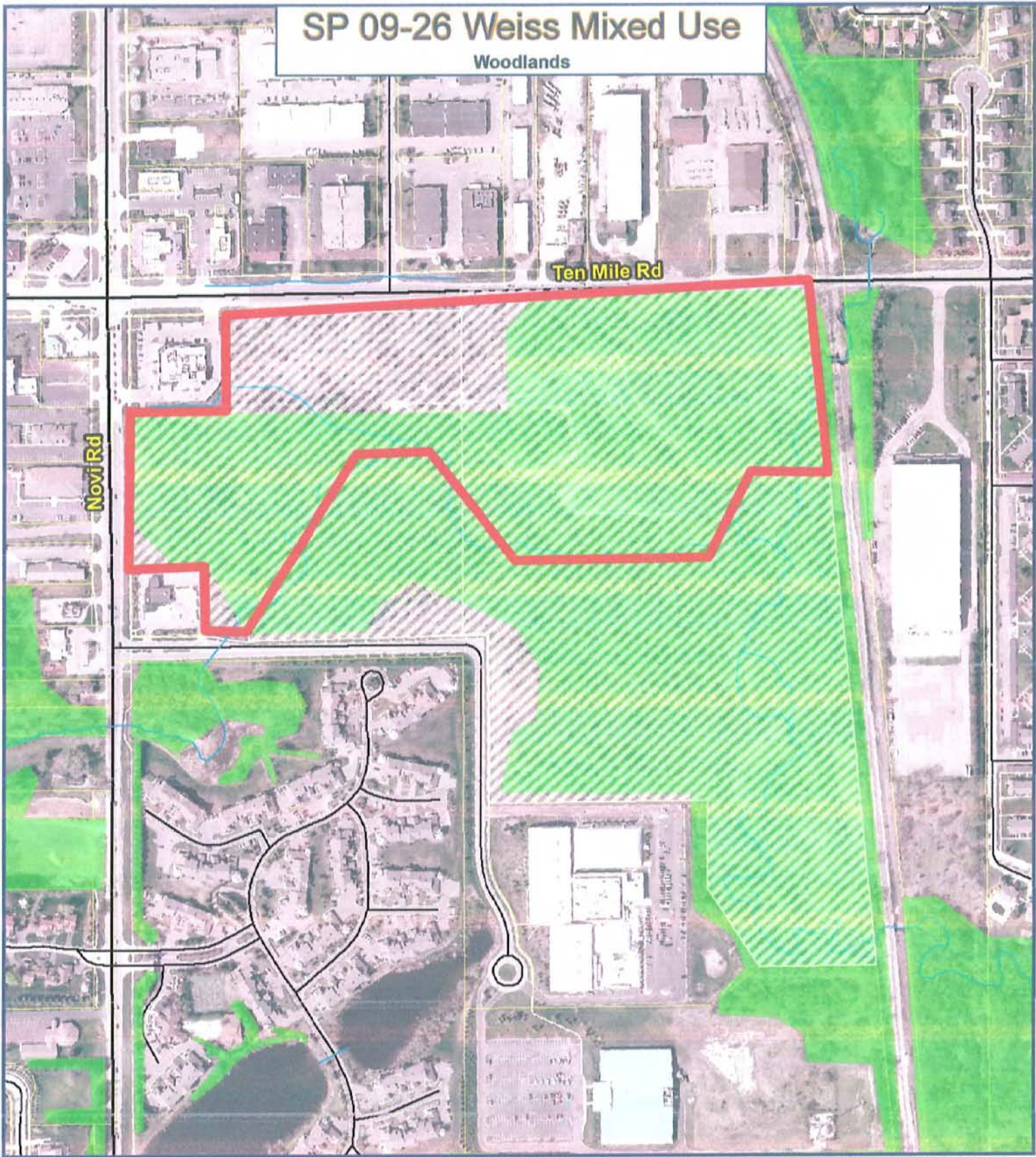
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1 inch = 395 feet

SP 09-26 Weiss Mixed Use

Woodlands




Map Author: Kristen Kapelanski
Date: 11/23/09
Project: SP 09-26 Weiss Mixed Use
Version #: 1.0

Map Legend

Subject Properties

 Woodlands

 Proposed Area of PRO

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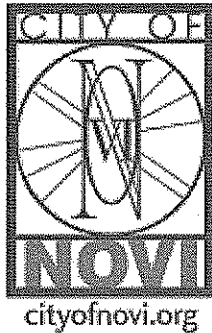


1 inch = 395 feet

CONCEPT PLAN

**PLANNING PROJECT
SUMMARY MEMO**

MEMORANDUM



TO: CLAY PEARSON, CITY MANAGER
FROM: KRISTEN KAPELANSKI, PLANNER *Kristen*
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT DEPUTY
DIRECTOR
SUBJECT: SP09-26A WEISS MIXED USE DEVELOPMENT – PROJECT
SUMMARY
DATE: OCTOBER 5, 2010

As a follow-up to the action taken by the Planning Commission on August 25, 2010, staff offers the following comments regarding the proposed Weiss Mixed Use Development Rezoning with Planned Rezoning Overlay.

Planning Commission's Recommendation

At the Planning Commission meeting held on August 25, 2010, the Planning Commission considered both the Master Plan for Land Use Amendments and the Weiss Mixed Use Development Rezoning with Planned Rezoning Overlay. Relevant meeting minutes have been included in the packet.

The Planning Commission approved the Master Plan Amendments as presented by staff and recommended by the Master Plan and Zoning Committee. These amendments included new future land designations for the Weiss Mixed Use Development property, "Subject Property". The eastern portion of the Subject Property is now designated for Community Office uses and the western portion of the Subject Property is now designated for Industrial Research Development and Technology Uses. A rezoning to B-2, Community Business therefore would not be in compliance with the new Master Plan for Land Use.

The Planning Commission also recommended approval of the Weiss Mixed Use Development with the following motion:

"In the matter of Weiss Mixed Use Development, SP09-26A with Zoning Map Amendment 18.690, motion to recommend approval to the City Council to rezone the subject property from I-1 (Light Industrial) and OS-1 (Office Service) to B-2 (Community Business) and OS-1 (Office Service) with a Planned Rezoning Overlay with the following ordinance deviations: (a) Ordinance deviation for the excess building height of the shopping center (30' required, 35' provided); (b) Ordinance deviation for the location of the shopping center loading zone in the interior side yard; (c) Ordinance deviation for the shopping center dumpster location in the interior side yard; (d) Ordinance deviation for the overage of EIFS, Concrete "C" Brick and Split Faced CMU on the shopping center façade; (e) Ordinance deviation for the excess building height of the Kroger store (30' required, 38'6" provided); (f) Ordinance deviation for overage of EIFS, Concrete "C" Brick and Split Faced CMU and the underage of Natural Clay Brick on the Kroger façade; (g)

Ordinance deviations for the following landscaping requirements: (1) Three foot tall berm along all road frontages, (2) Lack of perimeter trees, (3) More than 15 contiguous parking spaces without an interior landscape island proposed in seven locations, (4) Shortage of 122 linear feet of front façade landscaping for the proposed Kroger, (5) Lack of front façade landscaping on the shopping center, (6) Deficient landscape beds around all buildings, (7) Deficient foundation landscaping around proposed Kroger building (9,392 sq. ft. required, 1,733 sq. ft. provided), (8) Deficient foundation landscaping around proposed shopping center (10,008 sq. ft. required, 1,076 sq. ft. provided); (h) Ordinance deviations for the following driveway spacing requirements: (1) Same-side driveway spacing between the proposed Novi Road driveway and the south Walgreens driveway (230' required, 116' provided), (2) Same-side driveway spacing between the west driveway on Ten Mile Road and the east Walgreens driveway (230' required, 225' provided), (3) Opposite-side driveway spacing between the proposed center driveway on Ten Mile Road and the opposite-side industrial driveway to the east (300' required, 65' provided), and (4) Opposite-side driveway spacing between the proposed truck egress on Ten Mile Road and the first opposite-side industrial driveway in either direction (150' required, 4' provided to the west and 200' required, 71' provided to the east). Plan is also subject to the following PRO Conditions: (a) Stormwater is to be adequately detained above ground and on the site with no additional discharge into the wetlands; and (b) Applicant shall comply with all of the conditions and items noted in the staff and consultant review letters.

Additionally, as a condition of this motion, the Planning Commission notes that the applicant acknowledged that future PRO Amendments will be required for review and approval of developments designated as "future phases", and that with this recommendation for approval, no development approvals are granted for any "future phases". Additionally, it is Planning Commission's recommendation to the City Council to ask the applicant to add an additional west-bound lane to Ten Mile Road across the entire frontage, to make a 5-lane cross section for the full length of the property.

This motion is made for the following reasons: Sufficient conditions are included on and in the PRO Plan on the basis of which the Planning Commission concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land uses proposed by the applicant, it would be in the public interest to grant the rezoning with Planned Rezoning Overlay; as the benefits which would reasonably be expected to accrue from the proposal are balanced against, and have been found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles. *Motion carried 5-3 (Nays: Pehrson, Cassis, Greco)"*

As part of the motion, the Planning Commission recommended the applicant add an additional west-bound lane to Ten Mile Road for the full length of the property, creating a five-lane cross-section on Ten Mile Road from the railroad tracks westward to Novi Road. The applicant has proposed adding or extending portions of the right-turn lane

and left-turn lane along Ten Mile Road, but has not proposed a five-lane cross-section for the entire length of Ten Mile Road from the railroad tracks to Novi Road, as recommended by the Planning Commission.

Staff's Recommendation

Staff recommends denial of the proposed rezoning with Planned Rezoning Overlay request for the reasons noted in the motion sheet in the staff recommended motion. Following is a brief discussion of the reasons for denial.

Master Plan for Land Use

The proposed rezoning would not be in compliance with the Master Plan for Land Use, which recommends office and industrial uses for the Subject Property. The recently adopted Master Plan Amendments included an extensive review of the Subject Property and immediately adjacent areas. As part of the Master for Land Use review, the most recent retail study, completed in 2007 by the Chesapeake Group, was updated by staff to determine the future need for retail and other land uses throughout the City in both the immediate future and the long term future. This study update indicated the City currently has a surplus of land zoned or planned for retail activities to meet the highest predicted retail space demand through 2018. In addition, recent studies also indicated the City presently has a retail vacancy rate near 10%. There is also a local commercial development, including a Busch's grocery store, less than one mile to the east on Ten Mile Road, as well as three Meijer's stores located just on the outskirts of the City.

Future Phases/Ten Mile Frontage

Building layouts, uses and site layouts have not been provided for a large portion of the area to be rezoned with this comprehensive PRO. This includes a substantial amount of the road frontage. This portion of the proposed Planned Rezoning Overlay is in some ways operating as a straight rezoning, since building layouts have not been proposed and there are no conditions placed on the future uses and/or development of the area except a general statement in the Planning Commission recommendation that says that the PRO Agreement would need to be amended for each individual future phase.

While as a general proposition conditioning the rezoning on a future amendment to the PRO Agreement and then expressly stating that no particular development or site plans are approved will offer the City some protection and ongoing discretion as to those areas, arguably the **greatest** amount of discretion resides with the City at **this stage** of the development approval process. If the City and the developer enter into a PRO Agreement with no or only a few conditions as to this portion of the property, it will at that point be rezoned to allow any use permitted in the B-2 or OS-1 District, subject to the City's reasonable exercise of discretion with regard to future development proposals. From the Staff's perspective, although the requirement of future PRO Agreement amendments is an appropriate minimum protection, there are some things that the City Council and the developer could consider at this stage of the development, such as:

- Enumeration of uses that are otherwise permitted in the B-2 or OS-1 District but are not permitted at this particular site (e.g., gas station, etc.). Elimination of uses that the City most likely would not want to see in this round of approvals would make it less problematic for the agreement to defer approval of future phases to future amendments to the agreement.
- Requirement that the future phase area meet all zoning ordinance requirements and other ordinance requirements.
- Enumeration of authority that the City Council will retain with regard to architectural approvals (e.g., retaining future discretionary review/approval authority, if deemed appropriate).
- Increased/improved landscaping and/or other amenities, given the amount of frontage and the high visibility nature of the area.

The portion of the PRO Plan that includes specific development proposals (like the Kroger) has received the majority of attention in the process so far. Yet, there is a significant amount of area along these major road frontages that is simply being rezoned now and left for future discussion. Staff's position is that, even if the developer does not know the exact nature of the development or future users, more specific parameters could be established to guide the City and the developer when it comes time for the developer to consider future users and improvements.

Ordinance Deviations

The plan itself includes a number of ordinance deviations. Attached to this memo are two exhibits highlighting the locations of the Landscape Ordinance deviations and all other Zoning Ordinance deviations.

Ten Landscape Ordinance deviations have been requested. Staff does not recommend approval of **any** of the requested landscape deviations as presented. Landscape deviations and/or waivers are typically recommended for approval when the conditions and design of the site prohibit an applicant from meeting all of the required site landscaping standards despite their best efforts. In most cases, the applicant has included large portions of the required trees and/or landscape beds but has requested a deviation or waiver because they are not able to meet the total amount required. Applicants have in the past added additional landscaping to other areas of the site to "make-up" for the areas that are deficient or provided the required landscape areas in an alternate location close to the vicinity of the original requirement. The spirit of the PRO process—which is to produce a product generally **more favorable** to the City than would otherwise result—would argue in favor of the applicant proposing such alternatives.

Requested landscape deviations for the Weiss Mixed Use Development include the following. Please see staff's response to the requested deviation in italics.

- Exclusion of the required three foot berm on the Ten Mile Road frontage. *The required berm could be accommodated by shifting the proposed parking.*
- Exclusion of the required three foot berm on the Novi Road frontage. *The required berm could be accommodated given the fact no site layout or building location has been provided near Novi Road.*

- Lack of 122 linear feet of front façade landscaping for the Kroger store and 327 linear feet of front façade landscaping for the Retail Center. *The applicant should adjust the site layout to accommodate the required front façade landscaping.*
- A 4' wide landscape bed is required along the entire Kroger store and Retail Center, excluding areas used for access. Only portions have been provided. *While staff recognizes that the layout of the buildings, the location of loading zones, etc. would prohibit the installation of the required bed around the entire perimeter of the buildings, the applicant has not provided space for the landscape bed in all feasible locations.*
- Per Landscape Ordinance standards, 9,392 square feet of foundation landscaping is required around the Kroger store. Only 1,733 square feet has been provided. *The applicant has provided only 19% of the required foundation landscaping and has not proposed additional landscaping elsewhere to account for the deficiency.*
- Per Landscape Ordinance standards, 10,008 square feet of foundation landscaping is required around the Retail Center. Only 1,076 square feet has been provided. *The applicant has provided only 11% of the required foundation landscaping and again no additional landscaping has been proposed elsewhere in place of the required foundation plantings.*
- More than 15 contiguous parking spaces are proposed without a parking lot island in four locations. *The applicant could adjust the site layout to meet this requirement.*
- One perimeter canopy tree is required every 35 feet. No perimeter canopy trees have been provided. *This deviation may be lessened once a full landscape plan is developed. Thus far, the applicant has not indicated these trees will be provided. It is staff's opinion that trees around the entire perimeter of the site, as required by the Landscape Ordinance, could be accommodated.*

Landscape Ordinance requirements cannot be fully evaluated as the applicant has not provided a landscape plan for review. Based on a review of the site plan, it does not appear there is sufficient space on the site to accommodate all of the required landscaping.

The applicant has also requested deviations from the façade ordinance for both the Kroger store and the Retail Center to allow material percentages that exceed the maximum allowable percentage and a deviation for the lack of brick on the Kroger façade. Additionally, the Kroger store and the Retail Center exceed the maximum allowable height in the B-2 District (30 feet). Both facades appear to meet the intent of the Façade Ordinance and proposed heights do not greatly exceed the maximum allowable height. Staff does not oppose the requested façade and building height ordinance deviations.

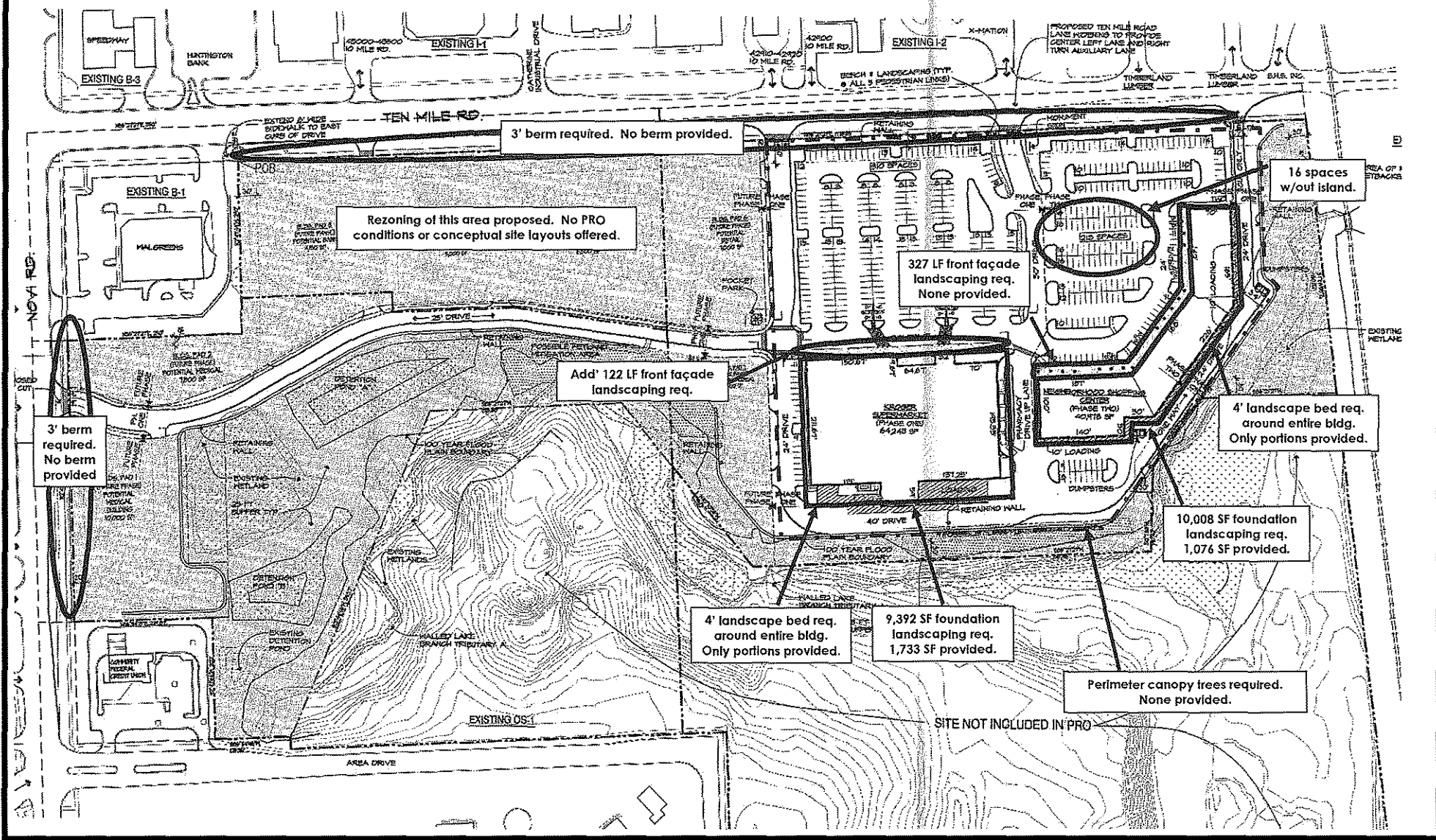
The applicant has shown a portion of the Retail Center loading zone in the interior side yard, as opposed to the rear yard. Staff does not oppose the requested ordinance deviation for the location of the loading zone.

Two of the dumpsters for the Retail Center are located in the interior side yard, as opposed to the rear yard. The applicant could adjust the site layout to move all of the Retail Center dumpsters to the rear yard.

Much of the focus of the discussion so far has been on the Kroger issue (is it an appropriate use, needed in area, etc.). In Staff's opinion, the PRO Plan itself requires additional review/consideration.

DRAFT

Weiss Mixed Use PRO SP09-26A – Requested Deviations from the Landscape Ordinance



3' berm required. No berm provided.

Rezonning of this area proposed. No PRO conditions or conceptual site layouts offered.

327 LF front façade landscaping req. None provided.

Add 122 LF front façade landscaping req.

16 spaces w/out island.

4' landscape bed req. around entire bldg. Only portions provided.

10,008 SF foundation landscaping req. 1,076 SF provided.

4' landscape bed req. around entire bldg. Only portions provided.

9,392 SF foundation landscaping req. 1,733 SF provided.

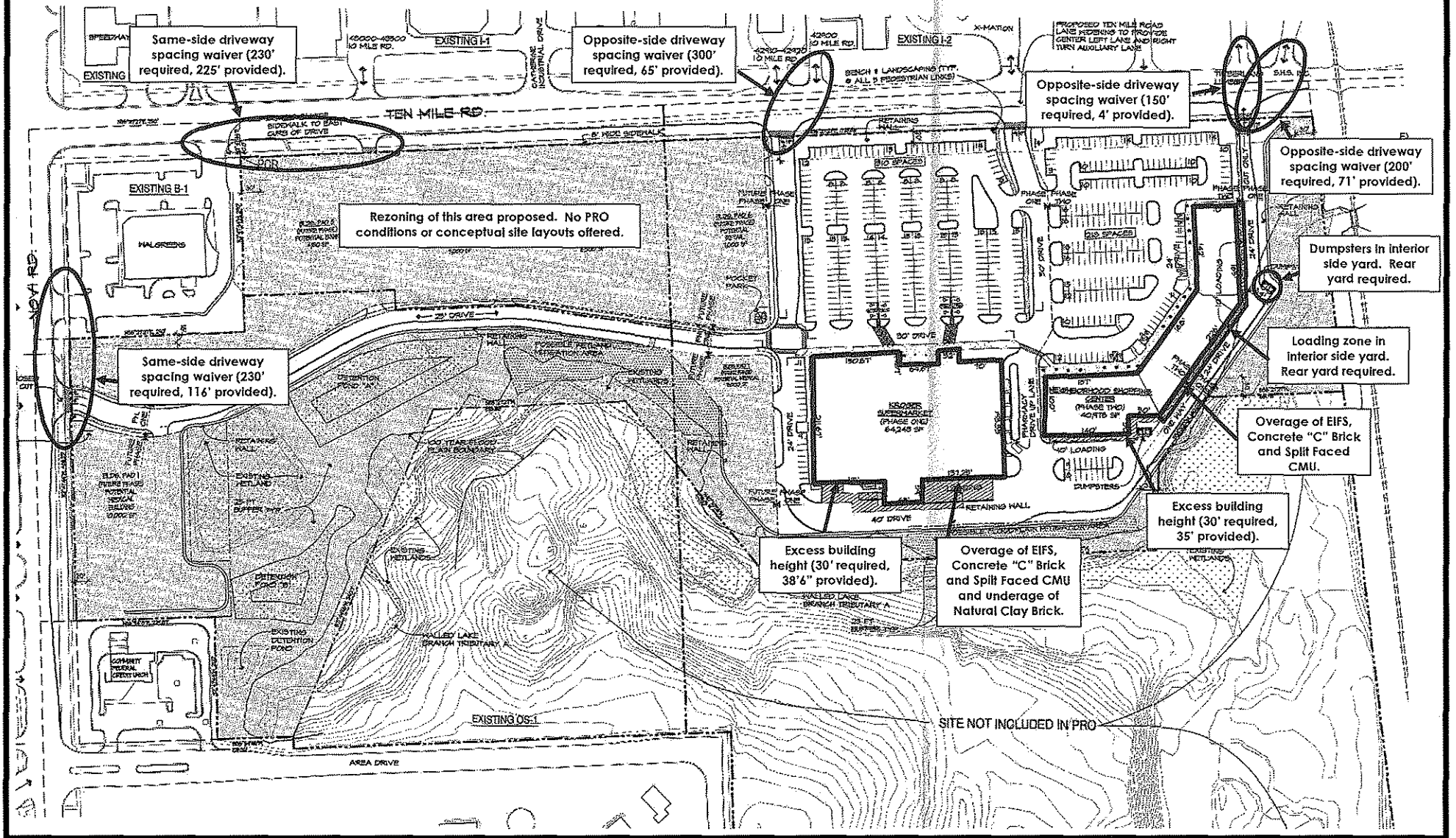
Perimeter canopy trees required. None provided.

SITE NOT INCLUDED IN PRO

3' berm required. No berm provided

DRAFT

Weiss Mixed Use PRO SP09-26A –Requested Deviations from the Zoning Ordinance (excluding landscape waivers)



PLANNING REVIEW



PLAN REVIEW CENTER REPORT

August 4, 2010

Planning Review

Weiss Mixed Use Development
Rezoning with Planned Rezoning Overlay – REVISED
SUBMITTAL
SP# 09-26A/Rezoning 18.690
ZCM10-43 – Revised Concept Plan

Petitioner

Siegal Tuomaala Assoc.

Review Type

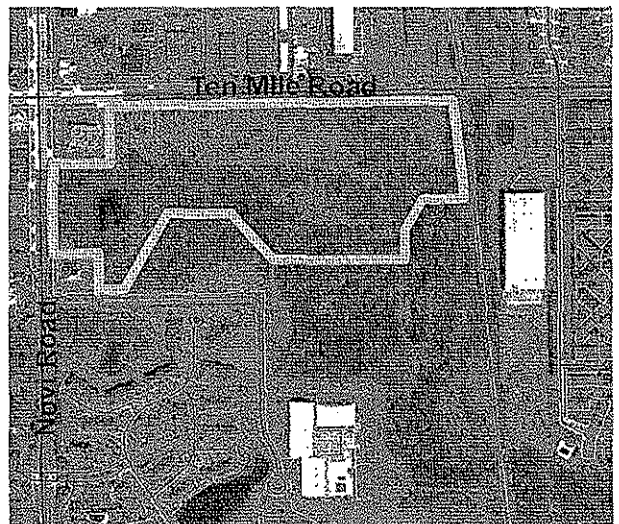
Proposed Rezoning from I-1 Light Industrial and OS-1, Office Service to B-2, Community Business and OS-1, Office Service with a Planned Rezoning Overlay.

Property Characteristics

- Site Location: South of the Novi Road and east of Ten Mile Road
- Site Zoning: I-1, Light Industrial and OS-1, Office Service
- Adjoining Zoning: North: I-1 and I-2, General Industrial (across Ten Mile Road); East: I-1 (across railroad tracks), RM-1, Low Density, Low-Rise Multiple Family Residential (just east of I-1); West: OS-1, (across Novi Road), RM-1, B-1, Local Business; South: I-1, RM-1
- Site Use(s): Vacant
- Adjoining Uses: North: Various industrial; East: Industrial, Novi Ridge Apartments (east of industrial use); West: Medical office/general office (across Novi Road), River Oaks West Multi-Family, Walgreen's; South: Vacant light industrial, Sports Club of Novi and Novi Ice Arena (beyond vacant light industrial), River Oaks West Multi-Family
- Proposed Use: Proposed Kroger store (approx. 64,000 sq. ft.), proposed shopping center (approx. 41,000 sq. ft.), Approx. 26,000 sq. ft. additional B-2 space in freestanding buildings, Approx. 18,000 sq. ft. medical office
- Site Size: 28.7 acres
- Revised Plan Date: 07/15/10

Project Summary

The petitioner is requesting comment on a proposed rezoning with a Planned Rezoning Overlay. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As a part of the PRO, the underlying zoning is changed, in this case to B-2 with a portion to remain zoned OS-1 as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and applicant agree to any deviations to the applicable ordinances and tentative approval of a conceptual



plan for development for the site. PRO requests require a 15-day public hearing notice for the Planning Commission, which offers a recommendation to the City Council, who can grant the final approval of the PRO. After final approval of the PRO plan and agreement the applicant will submit for Preliminary and Final Site Plan under the typical review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the rezoning and PRO concept plan expires and the agreement becomes void.

The parcels in question are located on the south side of Ten Mile Road and east side of Novi Road in Section 26 of the City of Novi. The property to be included in the PRO totals approximately 28.7 acres and is made up of two parcels. The current zoning is split between OS-1, Office Service and I-1, Light Industrial and the applicant is proposing the rezoning of portions of both parcels to B-2 with the some portions of the property to remain zoned OS-1. There is a substantial area that would remain zoned I-1 and not included as part of the PRO. The applicant has indicated that the rezoning is being proposed to facilitate the construction of a retail and office complex that would include the following:

- Neighborhood Shopping Center: 40,978 sq. ft.
- Kroger Store: 64,245 sq. ft.
- Approx. 26,000 sq. ft. additional B-2 space in freestanding buildings
- Approx. 18,000 sq. ft. medical office

Currently, the subject property is zoned I-1 and OS-1. While the OS-1 district does allow for the development of medical offices and banks, neither the I-1 District nor OS-1 District permits restaurants or retail. Therefore, the applicant is proposing to have the southwestern portion of the site remain zoned OS-1 with the remainder of the subject property to be rezoned to B-2.

This matter was brought before the Planning Commission for their consideration and public hearing on June 23, 2010. At that meeting, the Planning Commission noted several concerns they had with the concept plan, particularly with the natural feature impacts on the site and the stormwater management concept. Decision on a recommendation was postponed with the following motion:

"In the matter of Weiss Mixed Use Development, SP09-26A with Zoning Map Amendment 18.690, motion to postpone decision on a recommendation to the City Council to rezone the subject property from I-1 (Light Industrial) and OS-1 (Office Service) to B-2 (Community Business) and OS-1 (Office Service) with a Planned Rezoning Overlay for the following reasons: The applicant has not clearly demonstrated how stormwater detention and wetland mitigation areas will be contained on the site; The applicant has not clearly demonstrated how existing wetlands will not be impacted by stormwater run-off and/or woodland mitigation; Woodland impacts have not been properly identified and are likely to be substantially greater than those indicated by the applicant; The public hearing on the Master Plan is scheduled for July 14, 2010 and postponement of this request would allow an additional opportunity for public comment on the subject property, which has been a study area in the Master Plan update; and the Commission would like to review additional information on the impact the proposed Kroger store would have on other retail stores in the area."

The applicant has now submitted a revised concept plan. A limited group of staff and consultants have reviewed the plan. The applicant has taken the previous review letters and comments from the Planning Commission and made some adjustments to the plan based on those comments and items in the Planning Commission motion. The stormwater management concept and the proposed wetland impacts have both been altered and the most up-to-date regulated woodland boundary has been added. No other substantial changes have been made. As such, only the Engineering Division, and the City's Wetland and Woodland Consultants have performed updated reviews. All previous reviews in other disciplines would still apply.

Recommendation

Staff recommends the applicant postpone their proposal until the Master for Land Use Amendments, which specifically address the future use of the subject property, are finalized.

If the applicant chooses to move forward prior to the completion of the Master for Land Use update, staff would not recommend approval of the proposed Zoning Map Amendment and Planned Rezoning Overlay, which would rezone portions of the property from I-1, Light Industrial and OS-1, Office Service to B-2, Community Business. Approval is not recommended for the following reasons.

- The current Master Plan recommends further study to determine the best use for the subject property. This study is now underway as part of the Master Plan for Land Use review and should be completed in a very short amount of time.
- The proposed rezoning would be contrary to an Implementation Strategy listed in the Master Plan, which states: *Limit commercial uses to current locations, current zoning, or areas identified for commercial zoning in the Master Plan for Land Use.*
- Recently completed retail studies indicated the City currently has a surplus of land zoned or planned for retail activities to meet the highest predicted retail space demand through 2018. In addition, the City presently has a retail vacancy rate near 10%.
- The proposed PRO Concept Plan is found to contain a number of ordinance deviations, as noted in this letter, including deviations from ordinance standards for:
 - Accessory structure and loading zone locations;
 - Various landscape standards.

The applicant has not clearly demonstrated how each deviation will be enhancement to the development that is in the public interest, and whether the deviations are consistent with the Master Plan and consistent with the surrounding areas, as provided in Ordinance Section 3402.D.1.c.

- The existing I-1 and OS-1 zoning is consistent with the existing zoning in the area.
- Woodland impacts are likely to be substantial.

Master Plan for Land Use

Presently, the Planning Commission has opened certain sections of the Master Plan for review and possible updates. The project area has been included in this review by the Master Plan and Zoning Committee for recommendation to the Planning Commission concerning the future land use of the site. This review has been completed and staff along with the Master Plan and Zoning Committee has recommended certain Master Plan amendments. The Master Plan review recommends industrial and office uses for the subject property, with industrial uses recommended for the parcel to the east (nearest the railroad tracks) and

office uses recommended for the parcel to the west. These recommendations are consistent with the current zoning of the subject property. The proposed B-2 zoning would not be consistent with these recommendations. The Master Plan Amendments will likely be finalized by the Planning Commission in the near future.

The Novi Road Corridor Study was approved by the Planning Commission on August 15, 2001 and became an official amendment to the City of Novi Master Plan. Prior to this document, the subject property was partially master planned for local commercial uses and partially planned for light industrial uses. Given the visibility of any development on the site and the 1998 Citizen's Survey that found very little desire from the community for additional commercial development in Novi, the area was given a designation of "Special Planning Project Area" in the study. When the study was adopted, this designation was then placed on the Master Plan for Land Use to guide future development on the parcel.

There is no discussion throughout the Novi Road Corridor Study that additional commercial development at the southeast corner of Novi and Ten Mile Roads would be beneficial to the community. The plan instead states that the need for additional commercial development on this property should be reevaluated, due to the amount of commercial development in the City and the corridor.

As part of the Master for Land Use review, the most recent retail study, completed in 2007 by the Chesapeake Group, was updated by staff to determine the future need for retail and other land uses throughout the City in both the immediate future and the long term future. This study update indicated the City currently has a surplus of land zoned or planned for retail activities to meet the highest predicted retail space demand through 2018. In addition, recent studies also indicated the City presently has a retail vacancy rate near 10%. There is also a local commercial development, including a Busch's grocery store, less than one mile to the east on Ten Mile Road, as well as three Meijer's stores located just on the outskirts of the City.

The southwestern portion of the site is designated for office uses and the applicant is proposing that that portion of the site remain zoned OS-1, which would be consistent with the recommendations of the Master Plan.

Existing Zoning and Land Use

The following table summarizes the zoning and land use status for the subject property and surrounding properties.

**Land Use and Zoning
For Subject Property and Adjacent Properties**

	Existing Zoning	Existing Land Use	Master Plan Land Use Designation
Subject Site	I-1, Light Industrial, OS-1, Office Service	Vacant	Office, Special Planning Project Area
North Parcels (across Ten Mile	I-1, Light Industrial, I-2, General Industrial	Various industrial	Light Industrial, Heavy Industrial

Road)			
Eastern Parcels (across railroad tracks)	I-1, Light Industrial, RM-1, Low-Rise Low Density Multiple-Family Residential (east of I-1)	Industrial, Novi Ridge Apartments (east of industrial)	Light Industrial, Multiple-Family (east of Light Industrial)
Southern Parcels	I-1, Light Industrial, RM-1, Low-Rise Low Density Multiple-Family Residential	Vacant, River Oaks West Multi-Family, Sports Club of Novi and Novi Ice Arena (beyond vacant light industrial)	Light Industrial, Multiple-Family, Public (beyond light industrial)
Western Parcels	RM-1, Low-Rise Low Density Multiple-Family Residential, B-1, Local Business, OS-1, Office Service (across Novi Road)	River Oaks West Multi- Family, Walgreen's, Various medical/general office (across Novi Road)	Multiple-Family, Local Commercial, Office (across Novi Road)

Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the proposed development with the zoning and uses on the adjacent properties should be considered when examining the proposed rezoning with PRO.

Directly to the north of the subject property are various industrial uses across Ten Mile Road. The properties to the **north** are zoned I-1 (Light Industrial) and I-2 (Heavy Industrial). Additional traffic would be the most noticeable impact to the existing industrial developments. The proposed development could draw a considerable amount of cars to the area. For additional information regarding traffic concerns, please see the Traffic Study submitted by the applicant and the attached review letters from the City's Traffic Consultant.

Directly **east** of the subject property is a light industrial development with Novi Ridge Apartments directly east of the industrial building. There are railroad tracks separating the subject property and the industrial development. Again, additional traffic would be the most noticeable impact to the existing industrial developments. For additional information regarding traffic concerns, please see the Traffic Study submitted by the applicant and the attached review letters from the City's Traffic Consultant.

The properties to the **south** of the subject property are vacant light industrial land, the River Oaks West Multi-Family development, and the Novi Sports Club and Novi Ice Arena. The parkland and vacant land will be minimally impacted. The proposed development could bring additional noise to the area that could carry over to the parkland, although this is unlikely. Residents to the south may experience increased traffic in the area as well as noise but residents of the proposed development and users of the proposed retail facilities, etc. will mostly be entering off of 10 Mile Road.

The properties to the **west** of the subject property include again the River Oaks West multi-family development, the Walgreens store and various office uses across Novi Road. The nearby drugstore and office uses could experience increased competition due to the

proposed medical office and retail facilities included in the project. Additional traffic may also be a concern.

The development would add traffic to the area. A Traffic Impact Study has been submitted by the applicant. For additional information, please see the Traffic Impact Study review letter prepared by the City's traffic consultant. The proposed development would add a large amount of new users of the proposed retail uses to the area, much more than would currently be associated with the development of the site under the existing OS-1 and I-1 zoning.

Infrastructure Concerns

An initial engineering review was done to analyze the information that has been provided thus far. The City's engineering staff noted that the concept plan proposed would have a noticeable impact on the public utilities when compared to the existing zoning. Further information can be found in the attached review letters. A full scale engineering review will take place during the course of the Site Plan Review process.

A Traffic Impact Study was required for this rezoning with PRO request. The City's traffic consultant reviewed the Traffic Impact Study, concept plan and rezoning request. The traffic consultant noted that the Traffic Impact Study is generally acceptable and noted several minor concerns outlined in the traffic review letter. The traffic consultant also had several concerns with the site layout. Additional information can be found in the attached traffic review letters.

The City's Fire Marshall also did an initial review of the proposed plan. He noted a number of minor corrections related to the water mains and the location of hydrants. For additional information, please see the Fire Department's review letter.

Natural Features

There are substantial regulated woodlands on the site. There will be significant woodland impacts as part of the proposed concept plan. Please refer to the woodland review letter for additional information.

There are regulated wetlands on the site and based on the concept plan, it appears there will be wetland impacts. Further detail will be needed at the time of Preliminary Site Plan submittal. Please refer to the wetland review letter for additional information.

Development Potential

As part of their materials, the applicant did submit an alternate development plan showing the facilities that could be developed on the subject property under the current zoning. This plan shows a large industrial building (281,700 sq. ft.) on the I-1 portion of the property (eastern end) and a medium sized office building (85,500 sq. ft.) along with two smaller offices (7,800 sq. ft. and 10,000 sq. ft.) on the OS-1 portion of the property (western end).

Major Conditions of Planned Rezoning Overlay Agreement

The Planned Rezoning Overlay process involves a PRO plan and specific PRO conditions in conjunction with a rezoning request. The submittal requirements and the process are codified under the PRO ordinance (Article 34). Within the process, which is completely

voluntary by the applicant, the applicant and City Council can agree on a series of conditions to be included as part of the approval.

The applicant is required to submit a conceptual plan and a list of terms that they are willing to include with the PRO agreement. The applicant's conceptual plan has been reviewed and the following are items shown on the plan by the applicant and interpreted by the Plan Review Center as conditions they are willing to attach to the PRO.

- Conservation of natural features areas through the placement of conservation easements over approximately 3 acres of the site along the southerly line of development and along a portion of Chapman Creek at the northeast corner of the property.
- Improvements to park area near Novi Ice Arena: grade multi-purpose field at east side of ice arena, grade and stone 20 car auxiliary parking southeast of ice arena, park entrance, children's sculpture and sign. (Not installed until after the Kroger is completed.) The applicant's response letter indicated irrigation will be provided.
- Pocket park to be located across from the northwest corner of proposed Kroger.
- Extension of 8' pathway along Ten Mile Road to east of the Walgreen's access drive. This is a proposed approximately 23' extension that was not included on the previous submittal.

Ordinance Deviations – Planned Rezoning Overlay

Under Section 3402.D.1.c, deviations from the strict application of the Zoning Ordinance may be permitted by the City Council in the PRO agreement. These deviations must be accompanied by a finding by the City Council that "each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas." For each such deviation, City Council should make the above finding if they choose to include the items in the PRO agreement. The following are areas where the current concept plan does not appear to meet ordinance requirements. The applicant should include a list of ordinance deviations as part of the proposed PRO agreement. The proposed PRO agreement will be considered by City Council after tentative preliminary approval of the proposed concept plan and rezoning.

Shopping Center

Building Height

Section 2400 of the Zoning Ordinance indicates a maximum building height of 30 feet in the B-2 District. The proposed shopping center measures 35 feet at the midpoint of the roof. **Staff would support the required waiver and the City Council should act on this ordinance deviation in the PRO Agreement.**

Loading Space

Section 2507 of the Zoning Ordinance requires loading space to be located in the rear yard. Portions of the loading space for the proposed shopping center are located in the interior side yard. **Staff does not have any objection to the proposed loading zone location provided adequate screening in the form of screen wall or landscaping is provided.**

Accessory Structure (Dumpster) Location

Section 2503 of the Zoning Ordinance requires all accessory structures to be located in the rear yard. Some of the dumpsters for the proposed shopping center are located in the interior side yard. **The applicant should modify the plans to include the dumpster in the rear yard.**

Elevations

Section 2520 of the Zoning Ordinance lists the façade material standards for Region 1. The façade review letter indicates the proposed shopping center does not meet the material standards because of an overage of EIFS, Concrete "C" Brick and Split Faced CMU and an underage of Natural Clay Brick. The façade consultant recommends these deviations be included in the PRO agreement since the proposed facades meet the intent of the ordinance. **The City's façade consultant would support the required waiver and the City Council should act on this ordinance deviation in the PRO Agreement.**

Kroger

Building Height

Section 2400 of the Zoning Ordinance indicates a maximum building height of 30 feet in the B-2 District. The proposed shopping center measures 38 feet 6 inches at the midpoint of the roof. **Staff would support the required waiver and the City Council should act on this ordinance deviation in the PRO Agreement.**

Elevations

Section 2520 of the Zoning Ordinance lists the façade material standards for Region 1. The façade review letter indicates the proposed Kroger does not meet the material standards because of an overage of EIFS, Concrete "C" Brick and Split Faced CMU and an underage of Natural Clay Brick. The façade consultant recommends these deviations be included in the PRO agreement since the proposed facades meet the intent of the ordinance. **The City's façade consultant would support the required waiver and the City Council should act on this ordinance deviation in the PRO Agreement.**

Items for Further Review and Discussion

There are a variety of other items inherent in the review of any proposed development. At the time of Preliminary Site Plan, further detail will be provided, allowing for a more detailed review of the proposed development. After this detailed review, added concerns with the site layout may be identified and additional variances may be uncovered, based on the actual product being proposed. This would require amendments to be made to the PRO Agreement, should the PRO be approved. **The applicant should address these items at this time, in order to avoid delays later in the project.**

Landscaping Requirements

Section 2509 of the Zoning Ordinance addresses landscaping requirements. A landscape review letter listing numerous items the applicant should address and possible ordinance deviations that should be included in the PRO agreement has been attached. **The applicant should modify the plans to conform to the ordinance and provide statements regarding the intention to meet ordinance standards.**

Location and Centerline Radius of Drive-through Lane

The Traffic Review letter indicates the City's traffic consultant has a substantial concern with the layout and location of the proposed drive-through lane. **The applicant should review the comments in the review letter and adjust the drive-through lane as needed.**

Section 2506 of the Zoning Ordinance requires all drive-through lanes to have a centerline radius of 25'. The applicant has indicated the centerline radius of the proposed drive-through will be shown on the Preliminary Site Plan submittal. **The applicant should be aware that if the centerline radius is less than 25' revisions to the PRO to include an ordinance deviation for a deficient centerline radius may be required.**

Driveway Spacing Waivers

The following driveway spacing waivers would be required to be included in the PRO agreement based on the current site design.

- Same-side driveway spacing waiver between the proposed Novi Road driveway and the south Walgreens driveway (116 ft. provided vs. 230 ft. required);
- Same-side driveway spacing waiver between the west driveway on Ten Mile and the east Walgreens driveway (225 ft. provided vs. 230 ft. required);
- Opposite-side driveway spacing waiver between the proposed center driveway on Ten Mile and the low-volume, opposite-side industrial driveway to the east (65 ft. provided vs. 300 ft. required);
- Opposite-side driveway spacing waiver between the proposed truck egress on Ten Mile and the first opposite-side industrial driveway in either direction (4 ft. provided to the west vs. 150 ft. required and 71 ft. provided to the east vs. 200 ft. required).

The City Council should act on these ordinance deviations in the PRO Agreement.

Lighting

A photometric plan for all parts of the development is required at the time of Preliminary Site Plan submittal due to the site being adjacent to a residentially zoned property.

Loading Space Screening

Section 2302A.1 of the Zoning Ordinance requires all loading zones to be adequately screened with screen walls and landscaping. Screening details for the loading zone have not been provided. **The applicant should be aware that loading zones will need to be adequately screened or revisions to the PRO to include an ordinance deviation for loading zone screening may be required.**

Dumpster Screening

Screening details for the proposed trash compactor should be included with the Preliminary Site Plan submittal and meet the requirements of Chapter 21, Section 21-145 of the City Code.

Phasing Plan

The applicant has indicated that this will be a phased development. Consideration of the phasing plan will take place at Preliminary Site Plan submittal.

Master Deed(s)

The applicant should be advised that all proposed condo documents will need to be submitted to the City for review prior to recordation.

Lot splits/combinations

The applicant should be advised that required lot combinations and splits must be in place prior to Stamping Set submittal. **The applicant should clarify the intended lot configurations for existing and future lots.** This submittal was reviewed assuming the area shown as part of the PRO would become one lot with the area outside of the PRO as one or two separate lots. **This information should be provided prior to proceeding to the Planning Commission meeting.**

Proposed Building Pads

The applicant has indicated that the layout and location of some features of the plan (particularly the building pads) are shown for conceptual and hypothetical purposes only and specific building footprints and uses are not intended to be included in the PRO.

Land Uses

All uses shall meet ordinance requirements of the zoning district in which they are located and will be reviewed in further detail at the time of Preliminary Site Plan submittal and building permit review.

Applicant Burden under PRO Ordinance

The Planned Rezoning Overlay ordinance requires the applicant to make certain showings under the PRO ordinance that requirements and standards are met. The applicant should be prepared to discuss these items, especially in part a, where the ordinance suggests that the enhancement under the PRO request would be unlikely to be achieved or would not be assured without utilizing the Planned Rezoning Overlay. Section 3402.D.2 states the following:

1. Approval of the application shall accomplish, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.
2. Sufficient conditions shall be included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Planned Rezoning Overlay; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

Public Benefit Under PRO Ordinance

At this time, the applicant has identified several items of public benefit. These are called out in the Project Book submitted by the applicant. These items should be weighed against the proposal to determine if the proposed PRO benefits **clearly outweigh** the detriments of the proposal. The benefits proposed include:

- Conservation of natural features areas through the placement of conservation easements over approximately 3 acres of the site along the southerly line of development and along a portion of Chapman Creek at the northeast corner of the property.
- Improvements to park area near Novi Ice Arena: grade, seed and irrigate a multi-purpose field at east side of ice arena, grade and stone 20 car auxiliary parking southeast of ice arena, park entrance, children's sculpture and sign.
- Extension of center turn lane beyond ordinance requirements. (While this is not explicitly required by the ordinance, based on the traffic counts it is likely it would be required.)
- Continuous extra lane on 10 Mile Road in lieu of accel/decel lanes. (While this is not explicitly required by the ordinance, based on the traffic counts and in the interest of access management it is likely it would be required.)
- Pocket park to be located across from the northwest corner of proposed Kroger.
- Improved set of architectural elements and materials beyond ordinance requirements. (The elevations included for the Kroger store and the Shopping Center were evaluated by the City's façade consultant and found to not meet the standards listed in the façade ordinance. Although he does recommend approval of the required façade waiver, the materials themselves do not exceed ordinance standards.)
- Permanent naming of the park and recreational facilities after the donor of land and improvements gives public recognition to the fact that Mr. Weiss made a previous donation of an 18 acre parcel of land to the City. (While this generous gift of 18 acres is greatly appreciated by the City, only those additional benefits being offered up by this PRO can be considered as public benefits related to the proposed development.)
- Extensive internal sidewalk systems with pedestrian entry points into the site above ordinance requirements. (Building exits are required to be connected to the sidewalk system and additional points of entry on large sites are always encouraged.)
- Additional interior parking landscaping: 12,168 sq. ft. required and 22,050 sq. ft. provided. (The applicant has double counted some landscape areas; so while a minimal amount of additional interior parking lot landscaping has been provided, the actual count is much closer to the required amount. Please see the landscape review letter for additional information.)
- Extension of 8' pathway along Ten Mile Road to east of the Walgreen's access drive. This is a proposed approximately 23' extension that was not included on the previous submittal.

For additional information on the proposed public benefits, please see the Project Book provided by the applicant.

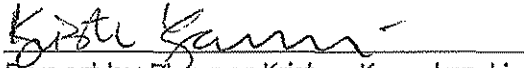
Submittal Requirements

- The applicant has provided a survey, legal description and aerial photograph of the property in accordance with submittal requirements.

Rezoning with Planned Rezoning Overlay
Weiss Mixed Use Development – Revised Submittal

August 4, 2010
Page 12 of 12

- The rezoning signs have been erected on the property, in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request.
- A traffic impact study has been submitted.
- A written statement explaining the full intent of the applicant and providing supporting documentation has been submitted.



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

Planning Review Summary Chart
 Weiss Mixed Use – Shopping Center
 Plan Dated: March 29, 2010

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Local Commercial, Office, Special Planning Project Area 1	Community Commercial (B-2)	N/A	The proposed B-2 zoning would not be in conformance with the Master Plan for Land Use.
Zoning	I-1	B-2	N/A	
Use	Retail businesses or service establishments permitted.	Retail	Yes	
Building Height (Sec. 2400)	Maximum 30 feet	35 ft. (to midpoint of roof)	No	Applicant would like this deviation to be included in the PRO agreement.
Minimum lot size (Sec. 2400)	2 acres	28.7 acres	Yes	
Building Setbacks (Section 2400)				
Front (north)	40 feet	140 feet	Yes	Setbacks measured from PRO line shown on plans assuming property splits and combinations will take place. See the planning review letter for additional information.
Interior Side (west)	30 feet	640 feet	Yes	
Interior Side (east)	30 feet	36 feet	Yes	
Rear (south)	30 feet	46 feet	Yes	
Parking Setbacks (Section 2400)				
Front (north)	20 feet	20 feet	Yes	Setbacks measured from PRO line shown on plans assuming property splits and combinations will take place. See the planning review letter for additional information.
Interior Side (west)	10 feet	108 feet	Yes	
Interior Side (east)	10 feet	10 feet	Yes	
Rear (south)	10 feet	46 feet	Yes	
Number of Parking Spaces (Sec. 2505)	Shopping Center (less than 400,000 sq. ft.): 1 space for each 250 sq. ft. GLA = 40,978 sq. ft./250 = 164 spaces required	218 spaces provided	Yes	Applicant should note that should a use other than a shopping center be proposed, additional parking may be required and any deficiencies would need to be included in the PRO agreement.

Weiss Commercial – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Parking Space Dimensions (Sec. 2506)	90-degree spaces should be 9 feet wide by 19 feet deep with a 24-foot wide aisle; when adj. to landscaping, spaces can be 17 feet deep, with a 2 foot overhang into the landscaped area	Spaces appear to be sized appropriately	Yes	
Barrier Free Spaces (Barrier Free Code)	7 barrier free spaces required (1 van accessible)	8 barrier free (2 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8' wide with a 5' wide access aisle (8' wide access aisle for van accessible)	Spaces sized appropriately	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space.	Signs not shown.	No	Applicant should show barrier free signs on Preliminary Site Plan submittal.
Loading Spaces (Sec. 2507)	Loading space should be provided in the rear yard at a ratio of 10 sq. ft. for each front foot of building 467 sq. ft. x 10 = 4,670 sq. ft required	5,570 sq. ft. provided in the rear and interior side yard	No	Applicant has requested a deviation for locating a portion of the loading zone in the interior side yard be included in the PRO Agreement.
Loading Space Screening (Sec. 2302A.1)	View of loading and waiting areas must be shielded from rights of way and adjacent properties.	Loading zone partially screened.	Yes?	Loading zones should be screened with landscaping or screen walls.
Accessory Structure Setback-Dumpster (Sec. 2503)	Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear yard.	Proposed dumpsters located in the rear yard and interior side yard setback a minimum of 10 ft. from proposed building and 92 ft. from nearest property line.	No	Applicant has requested a deviation for locating a dumpster in the interior side yard be included in the PRO Agreement.

Weiss Commercial – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Dumpster (Chap. 21, Sec. 23-145)	Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.	Brick enclosure shown at 6' in height on three sides with 6' gate. Bollards provided.	Yes?	Applicant should indicate height of proposed dumpsters on Preliminary Site Plan.
Exterior Signs	Exterior Signage is not regulated by the Planning Department or Planning Commission.			Please contact Jeanie Niland (248.735.5678).
Exterior Lighting (Sec. 25-11)	Photometric plan and exterior lighting details needed at preliminary site plan.		N/A	Photometric plan should be submitted with Preliminary Site Plan submittal.
Sidewalks (City Code Sec. 11-276(b))	An 8' wide sidewalk shall be constructed along 10 Mile Road and Novi Road as required by the City's Pedestrian and Bicycle Master Plan. Building exits must be connected to sidewalk system or parking lot.	An 8' sidewalk has been provided along 10 Mile Road and Novi Road. The building is connected to the sidewalk system.	Yes	

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

Planning Review Summary Chart

Weiss Mixed Use – Kroger

Plan Dated: March 29, 2010

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Local Commercial, Office, Special Planning Project Area 1	Community Commercial (B-2)	N/A	The proposed B-2 zoning would not be in conformance with the Master Plan for Land Use.
Zoning	I-1	B-2	N/A	
Use	Retail businesses or service establishments permitted.	Retail	Yes	
Building Height <u>(Sec. 2400)</u>	Maximum 30 feet	38' 6"	No	The applicant would like this ordinance deviation to be included in the PRO agreement.
Minimum lot size <u>(Sec. 2400)</u>	2 acres	28.7 acres	Yes	The applicant has indicated the entire site will be a general condominium.
Building Setbacks (Section 2400)				
Front (north)	40 feet	366 feet	Yes	Setbacks measured from PRO line shown on plans assuming property splits and combinations will take place. See the planning review letter for additional information.
Interior Side (west)	30 feet	190 feet	Yes	
Interior Side (east)	30 feet	254 feet	Yes	
Rear (south)	30 feet	132 feet	Yes	
Parking Setbacks (Section 2400)				
Front (north)	20 feet	20 feet	Yes	Setbacks measured from PRO line shown on plans assuming property splits and combinations will take place. See the planning review letter for additional information.
Interior Side (west)	10 feet	108 feet	Yes	
Interior Side (east)	10 feet	10 feet	Yes	
Rear (south)	10 feet	46 feet	Yes	
Number of Parking Spaces <u>(Sec. 2505)</u>	General Retail: 1 space for each 200 sq. ft. GLA = 64,243 sq. ft./200 = 321 spaces required	324 spaces provided	Yes	The double row of parking directly north of the 32' wide building projection is incorrectly labeled as having 15 spaces in each row. There are

Weiss Commercial – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
				<p>actually 14 spaces in each row.</p> <p>Phase 1 is incorrectly labeled as having 310 parking spaces.</p> <p>The applicant should correct the above discrepancies.</p>
Parking Space Dimensions (Sec. 2506)	90-degree spaces should be 9 feet wide by 19 feet deep with a 24-foot wide aisle; when adj. to landscaping, spaces can be 17 feet deep, with a 2 foot overhang into the landscaped area	Spaces appear to be sized appropriately	Yes	
Barrier Free Spaces (Barrier Free Code)	8 barrier free spaces required (2 van accessible)	8 barrier free (4 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8' wide with a 5' wide access aisle (8' wide access aisle for van accessible)	Spaces sized appropriately	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space.	Signs not shown.	No	Applicant should show barrier free signs on Preliminary Site Plan submittal.
Stacking Spaces for Drive-thru (Sec. 2506)	The drive-thru shall store 3 vehicles, including the vehicles at the pick-up window.	6 stacking spaces proposed.	Yes	
Drive-thru Lane Delineated (Sec. 2506)	Drive-thru lanes shall be striped, marked, or otherwise delineated.	No pavement markings proposed.	No	Applicant should include pavement markings at the time of Preliminary Site Plan submittal to clearly delineate the drive-thru lane and the drive-thru circulation route.
Bypass Lane for Drive-through (Sec. 2506)	Drive-through facilities shall provide 1 bypass	Bypass lane of 32' proposed.	Yes	

Weiss Commercial – Planning Review Chart

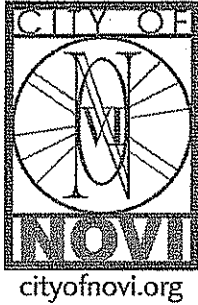
Item	Required	Proposed	Meets Requirements?	Comments
	lane. Such bypass lane shall be a minimum of 18' in width, unless otherwise determined by the Fire Marshal.			
Width and Centerline Radius of Drive-through Lanes (Sec. 2506)	Drive-through lanes shall have a minimum 9' width and centerline radius of 25'.	12' drive-thru lane shown. Centerline radius not indicated.	No	Applicant should indicate centerline radius.
Drive-through Lanes Separation (Sec. 2506)	Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, and egress from, the property.	Drive-thru separated from main circulation route.	Yes	
Loading Spaces (Sec. 2507)	Loading space should be provided in the rear yard at a ratio of 10 sq. ft. for each front foot of building 318 sq. ft. x 10 = 3,180 sq. ft required	5,343 sq. ft. provided in the rear yard	Yes	
Loading Space Screening (Sec. 2507A.1)	View of loading and waiting areas must be shielded from rights of way and adjacent properties.	Loading zone screened by proposed building and masonry screen wall.	Yes	
Accessory Structure Setback-Dumpster (Sec. 2503)	Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear or interior side yard.	Proposed trash compactor shown in the rear yard structurally attached to the building.	Yes	
Dumpster (Chap. 21, Sec. 21-145)	Screening of not less than 5 feet on 3 sides of dumpster required, interior	No screening details provided.	Yes?	Applicant should include screening details for all proposed

Weiss Commercial – Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
	bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.			dumpsters on the Preliminary Site Plan.
Exterior Signs	Exterior Signage is not regulated by the Planning Department or Planning Commission.			Please contact Jeanie Niland (248.735.5678).
Exterior Lighting (Sec 2511)	Photometric plan and exterior lighting details needed at final site plan.		N/A	Photometric plan should be submitted with Preliminary Site Plan submittal.
Sidewalks (City Code Sec 11-276(b))	An 8' wide sidewalk shall be constructed along 10 Mile Road and Novi Road as required by the City's Pedestrian and Bicycle Master Plan. Building exits must be connected to sidewalk system or parking lot.	An 8' sidewalk has been provided along 10 Mile Road and Novi Road. The building is connected to the sidewalk system.	Yes	

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

ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

August 9, 2010

Engineering Review

Weiss Mixed Use Development PRO/Conceptual
SP #09-26A & ZCM 10-43

Petitioner

Siegal/Tuomaala Associates

Review Type

Revised Concept Plan/ PRO – ZCM Review

Property Characteristics

- Site Location: Southeast corner of Novi Road and 10 Mile Road
- Site Size: 28.73 acres
- Date Received: 7/15/2010

Project Summary

- The applicant is proposing a rezoning overlay of 15.83 acres from I-1 to B-2 and 4.16 acres from OS-1 to B-2. The plan consists of constructing a 64,243 sf grocery store in Phase 1 and a 40,978 sf shopping center in Phase 2. Future phases include a 4,150 sf bank, a 5,000 and a 6,500 sf restaurant, 3,000 sf medical building, a 7,000 sf retail building in the rezoned districts as well as two additional medical office buildings in the existing OS-1 district. Water main is proposed to be looped through the development from Novi Road up to Ten Mile Road. Sanitary sewer shall be discharged to an existing manhole on the west side of Novi Road as well as a connection to a stub coming off the Oakland County interceptor along the east side of the property, both within the Simmons Sanitary District. Storm water detention is being proposed onsite adjacent to an existing floodplain.

Additional Comments (to be addressed prior to the Preliminary Site Plan submittal):

General

1. This review was based on preliminary information provided for Conceptual Plan/PRO review. As such, we have provided some basic comments below to assist in the preparation of a concept plan. Once the information below is provided, we will conduct a more thorough review.
2. Provide a note on the plans that all work shall conform to the current City of Novi standards and specifications.
3. It was difficult to get precise measurements due to the small scale provided. A full dimension review could not be completed because of this. The minimum scale on all future submittals shall be 1:60.
4. The site plan shall be designed in accordance with the Design and Construction Standards (Chapter 11) as well as Chapter 5 of the City of Novi Engineering Design Manual for storm water management.
5. Please refer to our traffic review for additional traffic comments.
6. The updated ZCM review only took into account changes in the storm water management calculations. All other comments are based off of the 5-10-2010 plan review submittal.

Utilities

7. Confirm with the Oakland County Water Resource Commission that direct sanitary discharge into their interceptor will be permitted prior to proceeding with site plan design.
8. The utilities shown being the proposed Neighborhood Shopping Center and Kroger buildings are shown within close proximity of each other and consist of numerous crossings, many of which do not cross at 90-degree angles to each other. This layout as is could cause many maintenance in the future. Consider relocating some utilities to a different location. Also, utility crossings shall be at 90-degree angles.
9. The proposed storm sewer being proposed behind the Neighborhood Shopping Center and Kroger stores is located within 6-8 feet of the proposed retaining wall. Depending on the depth of the sewer, there shall be a minimum of 10-feet of horizontal separation between utilities and any permanent structure including retaining walls.
10. All public utility easements shall be a minimum of 20-feet, 10-feet off the center of the pipe. Current easements are shown as only 12-feet wide.
11. As previously stated, maintain 90-degree utility crossings throughout the site. There are several instances where utilities do not cross at a 90-degree angle.

Storm Water Management Plan

12. The revised calculations appear to provide sufficient storm water storage volume.
13. The storm water management facilities must be constructed as part of Phase I.
14. Provide a sheet or sheets entitled "Storm Water Management Plan" (SWMP) that complies with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.

15. The SWMP must detail the storm water system design, calculations, details, and maintenance as stated in the ordinance. The SWMP must address the discharge of storm water off-site, and evidence of its adequacy must be provided. This should be done by comparing pre- and post-development discharge rates and volumes. The area being used for this off-site discharge should be delineated and the ultimate location of discharge shown.
16. Access to each storm water facility shall be provided for maintenance purposes in accordance with Section 11-123 (c)(8) of the Design and Construction Standards.

Paving & Grading

17. As previously stated, provide existing topography and 2-foot contours extending at least 100 feet past the site boundary. Any off-site drainage entering this site shall be identified.
18. Label all sidewalk as proposed or existing on the plan as well as the width.
19. As previously stated, an 8-foot wide concrete pathway shall be required along the complete frontages of the property in accordance with the City of Novi Master Plan. All pathways shall continue through drive approaches.
20. All end islands shall meet the City of Novi design standards. The City required that all end islands end 3-feet short of the adjacent parking stall length for 19-foot stalls and 2-feet short adjacent to 17-foot stalls. The proposed islands on the plan show end island lengths equal to the stall lengths.
21. Proposed 17-foot stall accommodate a 2-foot overhang and must be adjacent to 4-inch curb.

Off-Site Easements

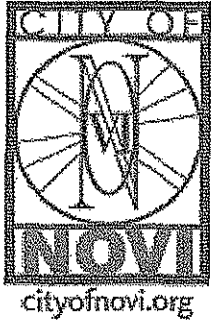
22. Any off-site easements must be executed prior to final approval of the plans. Drafts shall be submitted at the time of the Preliminary Site Plan submittal.

Please contact Lindon K. Ivezaj at (248) 735-5694 with any questions or concerns.



cc: Brian T. Coburn, P.E., Senior Civil Engineer
Ben Croy, P.E., Civil Engineer
Kristen Kapelanski, Planner

MEMORANDUM



TO: BRIAN COBURN, P.E.; SR. CIVIL ENGINEER
BARB MCBETH, AICP; DEPUTY DIR. COMM. DEV.

FROM: LINDON K. IVEZAJ, STAFF ENGINEER LKI
BEN CROY, P.E.; CIVIL ENGINEER

SUBJECT: REVIEW OF PRO IMPACT ON PUBLIC UTILITIES
WEISS MIXED USE DEVELOPMENT

DATE: MAY 10, 2010

The Engineering Division has reviewed the Planned Rezoning Overlay (PRO) proposed for the Weiss Mixed Use Development located at the southeast corner of Ten Mile Road and Novi Road. The applicant is requesting to rezone approximately 15.83 acres from I-1 to B-2 and approximately 4.16 acres from OS-1 to B-2. The remaining 8.57 acres of the site are proposed to remain OS-1. The proposed concept plan consists of constructing a 64,243 square-foot grocery store in Phase 1 and a 40,978 square-foot shopping center in Phase 2. Future phases include a 4,150 square-foot bank, a 5,000 and a 6,500 square-foot restaurant, a 3,000 square-foot medical building, a 7,000 square-foot retail building in the rezoned districts as well as two additional medical office buildings in the existing OS-1 district.

Utility Demands

Because this is a PRO request, the analysis will be based on the concept plan that has been provided and not the proposed zoning. A residential equivalent unit (REU) equates to the utility demand from one single family home. The current zoning for this property would yield approximately 56 REUs. Based on the concept plan provided with the application, we estimate the proposed development would yield approximately 108 REUs, an increase of 52 REUs over the current zoning.

Water System

Water service is currently available along the south side of Ten Mile Road and the west side of Novi Road. The applicant is proposing to construct a water main loop through the site with a connection at both Novi Road and Ten Mile Road which will help maintain water pressure throughout the development. There was no decrease in water pressure after modeling the additional demand. Both connections would be within the Intermediate Pressure District and no further upgrades to the water system would be required.

Sanitary Sewer

The project is located within the Simmons Sanitary Sewer District. The applicant is proposing to discharge at two locations within the Simmons District, one along the west side of Novi Road and a second into the Oakland County interceptor along the east side of the site. The proposed PRO rezoning would increase the required capacity by approximately 0.1 cfs.

Summary

The concept plan included in the PRO application would have an impact on the public utilities when compared to the current zoning. The concept would require capacity for 52 more REUs causing a 0.5% increase in the peak sanitary discharge from the City.

The increase in the peak discharge is notable because the City is currently seeking opportunities to resolve the limit on its contractual sanitary sewer capacity at its outlet to Wayne County. Additional contractual capacity (estimated to be 0.1 cfs based on the concept plan) will be needed to serve the increased density proposed by this PRO.

TRAFFIC REVIEW

April 16, 2010

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



**SUBJECT: Weiss Mixed-Use Development/PRO (Conceptual) and Rezoning,
SP#09-26A and ZCM#10-18
Traffic Review**

Dear Ms. McBeth:

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

Recommendation

We recommend approval, subject to the various issues shown below in **bold** being satisfactorily addressed in subsequent plans.

Project Description

What is the applicant proposing?

1. The applicant, Novi Ten Associates, proposes rezoning action to facilitate the construction of a 148,671-s.f. community shopping center, featuring a Kroger store (Phase One), smaller adjacent shops (Phase Two), and seven free-standing buildings on outlots (mostly along Ten Mile and Novi Roads). The conceptual plan shows the outlots accommodating medical offices (three buildings totaling 20,800 s.f.), a drive-through bank, two sit-down restaurants, and one specialty retail building.
2. The conceptual development plan calls for one access drive on Novi Road and four access drives on Ten Mile Road. Access changes relative to the last plan reviewed (SP#09-26) include the following:
 - a. The drive on Novi Road is now intended to have two exiting lanes rather than one.
 - b. The west drive on Ten Mile is shown (on sheet SP C-200) only 24 ft wide. Sheet SP C-200 indicates two lanes out, but the traffic study assumes one lane in and one out.
 - c. The center drive on Ten Mile is now wide enough to facilitate two exiting lanes to a point some 250 ft into the site. The revised traffic study recommends a signal here.

- d. The so-called East Drive, the one between Kroger and the neighborhood shopping center building, appears slightly wider further south than previously, wide enough to accommodate two exiting lanes some 100 ft into the site (to first parking access).
- e. The true easternmost drive, designated for exiting trucks only, now would permit exiting left turns (to return to Novi Road and I-96) as well as exiting right turns.

Traffic Study

Was a study submitted and was it acceptable?

- 3. The updated traffic study, dated 3-29-10, is generally acceptable. We have the following comments:
 - a. Baseline Traffic Counts – The updated study uses the peak-period turning movement counts taken in September 2007 that were also used in the February 2009 study being replaced. According to City policy (*Site Plan and Development Manual*, page TRAFF 4), “traffic count data shall not be over two years old, except the City may permit counts up to three years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate of less than two percent in the past three to five years.” The new study provides sufficient evidence of such a recent trend in area traffic volumes; hence, we recommend that the City accept the use of the 2007 counts in the present study update.
 - b. Background Traffic Growth – Future background traffic volumes are now estimated assuming a more modest, yet reasonably conservative near-term growth rate of 1% per year. The effective growth rate between 2010 and assumed build-out in 2012 is even more modest, given that the buildings on the “future-phase” outlots are not expected to be occupied until 2013 or later. Considering the continuing uncertainty regarding the pace of economic recovery, however, we are prepared to accept the assumption of a very modest growth in current background traffic.
 - c. Trip Generation – The peak-hour trip generation forecasts summarized below are acceptable for use in the present study, despite some small computational errors.
 - d. Trip Distribution – As in the 2009 traffic study update, the present study continues to use a 2002 marketing study to model trip distribution, rather than a more recently available marketing study. This has been justified in the current traffic study by explaining that the newer marketing study does not “quantify the likely sources of traffic by direction,” and by stating that “any subsequent residential development from 2003 to present is not assumed to have affected the distribution of traffic...”.
 - e. Traffic Assignments – We believe that the current traffic study makes reasonable assignments, both to site driveways and to the turning movements between Novi Road and Twelve Mile Road. Also, two scenarios are now assumed and analyzed, wherein more traffic would use the center drive on Ten Mile Road if that driveway is signalized per warrants and the need to reduce delays exiting the site to the west.

- f. Analysis Scenarios – It is customary to evaluate peak-hour traffic operations under current, future background, and future total (background-plus-site) traffic. Indeed, page 5 of the present report states that a “2010 current volume scenario” would be developed in this study update. No such scenario is actually presented, however, and the first volumes analyzed are “2007 Existing” volumes. While we do not believe that additional work is justified at this time to actually develop and analyze a true current scenario, the “2007” scenario should be more accurately referred to in discussion as “baseline” rather than “existing.”
- g. Delay Predictions by Two Different Programs – Results are presented from both Synchro 7 and SimTraffic software. It is important to realize that delay is defined differently by the two programs. SimTraffic predicts total delay, whereas Synchro predicts control delay – the appropriate measure for determining level of service.
- h. Delay Comparisons between PRO and Existing Zoning Scenarios – Table 6.1f compares average delays between the following traffic scenarios: “existing 2007; background 2012 [with] no changes; background 2012 [with] adjusted signal timing [to better handle left turns]; forecast 2012 [background-plus-site traffic]; and forecast 2012 existing zoning.” Results for the proposed PRO (“forecast 2012”) incorporate signal timing improvements, whereas results for the existing zoning scenario do not. This appears to make the PM peak-hour impacts of the PRO less than those predicted for the existing zoning scenario, which has not been actually demonstrated by analyses to date.
- i. Existing Conditions at Ten Mile and Novi Road – Although the existing signal at this location is fully-actuated (SCATS), the protected left-turn phases (green arrows) on all approaches are limited to a maximum of 15 sec. The applicant’s traffic consultant has found that this limitation, in conjunction with 2007 PM peak-hour volumes, produces an overall average intersection delay of about 60 sec – indicating level of service E (not LOS F as shown in Table 6.1a). The most notable deficiency is the 248-sec average delay for the 290 northbound left turns, with a predicted 95th-percentile queue of 406-441 ft (extending past the site’s proposed Novi Road driveway).
- j. Near-Term Mitigation at Ten Mile and Novi Road – The assumed background traffic growth would increase overall average intersection delay, in the absence of any mitigation, by about 10 sec (to 71 sec, still LOS E). Synchro shows, however, that allowing longer left-turn phases would reduce overall average delay by 12.6 sec (to 58.4 sec, only 3.4 sec above the maximum for desirable LOS D). The most problematic movement, northbound left turns, would experience an average delay of 130.6 sec, only 38% of the delay predicted under existing signal timing. The 95th-percentile queuing for all northbound movements would not quite reach the location of the proposed Novi Road driveway. Given these specific results and their significance to both site access and the public welfare, we recommend that the applicant’s traffic consultant share them with the Road Commission for Oakland County.
- k. Build-Out Conditions at Ten Mile and Novi Road – The combination of future background plus PRO site-generated traffic was evaluated only under the assumption

that signal timing could be improved as noted above. In this case, overall average intersection delay in the PM peak hour would increase to 70 sec (LOS E), 10 sec above so-called "existing" delay but not significantly different than would be experienced by background traffic alone in the absence of mitigation. Northbound delays and queuing would not be significantly different than predicted for mitigated background conditions, since the latest trip distribution model assigns only six site trips to this approach.

- l. Long-Term Mitigation – Since the normal objective of mitigation is to obtain an overall intersection level of service of D or better, the study has addressed that objective with new analyses. It was found that adding a westbound right-turn lane and dual left-turn lanes on all four approaches would result in an average delay of 48.1 sec, LOS D.
- m. West Driveway on Ten Mile – Under the assumption that this driveway is now proposed to have only a single exiting lane, an acceptable exiting delay is predicted by Synchro – 33.5 sec (LOS D). However, SimTraffic predicts a 95th-percentile exiting queue of 128 ft. This queuing would be even longer, of course, if more traffic than predicted attempted to use this driveway – a distinct possibility given the potential bank and restaurant adjacent to the drive and the nearly 700 ft to the next driveway to the east.
- n. Center Driveway on Ten Mile – With two exiting lanes but no new signal assumed at this location, exiting left-turn delays would be too long to be predictable (with a volume-to-capacity ratio of 3.84). With two exiting lanes, a signal added, and somewhat more use due to the signal, an average exiting left-turn delay of 66.4 sec is predicted. The 95th-percentile exiting left-turn queue would extend some 228 ft into the site, using nearly all stacking space that the site plan could make available. **This prospective new signal location should be reevaluated assuming the addition of a second westbound through lane on Ten Mile, which would allow for significantly more green time to be assigned to the driveway.**
- o. East Driveway on Ten Mile – With two exiting lanes, no new signal at the Center Driveway, and the study's initial trip distribution by driveway, exiting left-turn delays at the East Driveway would average nearly 800 sec. **Installing a signal at the Center Driveway, and drawing more traffic to that driveway, has been predicted to reduce average exiting delay at the East Driveway to 370.4 sec (per Table 6.3d; however, no printout or further details are provided for this situation). Given the latter prediction, we believe that more exiting site traffic will likely divert to the signalized Center Driveway than now forecasted. The Center and East Driveways should be reevaluated under the assumption of a signal at the Center Driveway, two westbound approach lanes at that new signal, and additional traffic diverted to the Center Driveway to further reduce average exiting delay at the East Driveway.**
- p. Driveway on Novi Road – Assuming two exiting lanes and no additional traffic using the Novi Road driveway due to excessive delays exiting the East Driveway, exiting delays at the former would average 25.4 sec (LOS D). SimTraffic, using the assumed volumes

and signal timing improvements at Ten Mile and Novi Road, predicts that northbound backups from that intersection would stop just short of the proposed site driveway.

- q. Signal Warrant Analysis – Section 8.0 reports that signal installation Warrants 1 and 2 would be met at the proposed Center Driveway on Ten Mile Road. We find that Warrant 3B – Peak-Hour Volume – would be met as well.
- r. Auxiliary Lane Warrants – The updated traffic study once again confirms that the center left-turn lane on Ten Mile Road must be extended east to serve the West, Center, and East Driveways. Right turns into all four full-service driveways will be aided by the existing or proposed future presence of two through lanes. While the City does not have a warrant for adding right-turn lanes in the presence of multiple through lanes, MDOT guidelines for that situation indicate a need for right-turn tapers at the East and West Driveways, and separate right-turn pockets at the Novi Road and Center Driveways. The Road Commission and/or applicant may want to have the two right-turn pockets, or at least the one at the driveway needing to be signalized.

Trip Generation

How much traffic would the proposed development generate?

- 4. The following table summarizes trip generation forecasts found in the site's 2004 and 2010 traffic studies. Numbers in shaded rows are total driveway trips; for a shopping center, these consist of both new and pass-by trips. The trip generation software used by the consultant produced erroneous directional values for light industrial; the correct values, which we computed manually, are shown in parentheses.

Trip Generation Comparison

Land Use	ITE Use #	Size / Trip Type	Weekday Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
				In	Out	Total	In	Out	Total
Current Conceptual Plan with Rezoning									
Shopping Center	820	148,671 s.f.	8,788	91	58	149	407	423	830
		25% Pass-By	-	-	-	-	102	106	208
		New Trips	-	-	-	-	305	317	622
Hypothetical Development under Existing Zoning									
Light Industrial	110	281,700 s.f.	2,002	185 (214)	58 (29)	243	26 (29)	220 (216)	245
2010: Medical Office	720	93,300 s.f.	3,600	170	45	215	72	193	265
2004: General Office	710	125,000 s.f.	1,584	197	27	224	37	182	219
Light Industrial (corrected) + Medical Office			5,602	(384)	(74)	458	(101)	(409)	510
Light Industrial (corrected) + General Office			3,586	(411)	(56)	467	(66)	(398)	464

Vehicular Access Locations

Do the proposed driveway locations meet City spacing standards?

5. Applicable minimum same-side driveway spacings are 185 ft on (40-mph) Novi Road and 230 ft on (45-mph) Ten Mile Road (near-back-of-curb to near-back-of-curb, per the Design and Construction Standards, Section 11-216 (d)(1)d). Minimum opposite-side driveway spacings are 150 ft to the left and 200-400 ft to the right (center-to-center), depending on the forecasted peak-hour driveway volumes (DCS Figure IX.12).
6. **Based on the proposed plan, the latest traffic study, and above standards, the following driveway spacing waivers would be required by the Planning Commission for concept approval:**
 - a. Same-side spacing between the proposed Novi Road driveway and the south Walgreens driveway (only 116 ft as the drive is now designed, versus 230 ft required).
 - b. Same-side spacing between the proposed west driveway on Ten Mile and the east Walgreens driveway (225 ft as now designed, versus 230 ft required).
 - c. Opposite-side spacing between the proposed center driveway on Ten Mile and the low-volume, opposite-side industrial driveway 65 ft to the east (versus 300 ft required).
 - d. Opposite-side spacing between the proposed truck egress on Ten Mile and the first opposite-side industrial drive in either direction (4 ft to west versus 150 ft required, and 71 ft to east versus 200 ft required).
7. **Future access for the subsequent phases should include, if possible, cross access with the existing Walgreens store. The applicant should make a good-faith effort to arrange a driving connection in line with the north parking aisle, accompanied by a general-purpose cross-access agreement. This connection would benefit Walgreens and the general public as well as customers visiting the subject site.**

Vehicular Access Improvements

Will there be any improvements to the public road(s) at the proposed driveway(s)?

8. The intent of the proposed plan along Ten Mile Road is to extend the existing south curb east from the site's west property line to the west side of the proposed truck egress drive, effectively establishing the south side of a standard five-lane road section. **The location for this curb should be carefully checked by the Road Commission for Oakland County (RCOC) to ensure that larger-scale plans show the back of the new curb a consistent 32.5 ft south of the section line.**
9. **Given the findings and recommendations of the latest traffic study, the intersection of Ten Mile Road and the proposed Center Driveway should be signalized. Subject to Road Commission concurrence, the new signal should be installed at the outset but operated in 24-hour flashing mode until such time site development**

generates sufficient traffic to meet one or more warrants. To obtain reasonable delays and queuing on both the driveway and westbound Ten Mile, it will be necessary to provide a second through lane on the westbound approach to the new signal. The existing outside through lane at Catherine Industrial Drive (see first attached aerial photo) should be extended to a point at least 150 ft east of the future westbound stop bar (or to about 550 ft east of its current eastern terminus).

10. The applicant's traffic study has concluded that a left-turn lane is required on Ten Mile for the West, Center, and East Driveways. Per DCS Figure IX.7, this left-turn lane must extend at least 150 ft east of the East Driveway. To accommodate a continuous center turn lane and 1-2 westbound through lanes, additional widening will be required along the north side of the road that is not currently shown on the concept plan. This widening might be uncurbed with an appropriate shoulder, as determined by RCOC.
11. The concept plan incorrectly shows the east side of Novi Road narrowing south of the proposed new access drive. The plan must be corrected to show the two northbound through lanes extending across the entire site frontage (per the second attached aerial photo).

Driveway Design and Control

Are the driveways acceptably designed and signed?

12. While the proposed Novi Road access drive has been widened to three lanes a short distance into the site, there is no transition for eastbound (entering) traffic to shift over east of the outlot. Our recommended conceptual design, attached, provides 125 ft of two-lane stacking for exiting traffic as well as an appropriately curved transition to one eastbound lane. It appears that our design would not require any modifications to the retaining wall / guardrail on the south side of the drive.
13. Plan sheet SP-C-200 now shows the West Driveway on Ten Mile only 24 ft wide, with two exiting lanes and no entering lane (although the traffic study assumes a single exiting lane). Assuming that entering as well as exiting traffic is intended at this location, the driveway must be at least 30 ft wide (per DCS Figure IX.1). However, given the potential nearby traffic generators, amount of traffic on Ten Mile, and distance to other points of access, we do not support the applicant's plan to eliminate one of the two exiting lanes previously proposed. The West Driveway should be widened to 40 ft (back-to-back) and striped in the manner illustrated in our concept for the Novi Road Driveway.
14. The plan for the Center Driveway now proposes a width sufficient to accommodate two exiting lanes to a point 250 ft into the site. Future plans should flare out the throat at the north end to 40 ft (from the 36-ft width predominating), show appropriate (highway-standard) pavement markings over the entire three-lane section, and include the planned new traffic signal.
15. The proposed connection between the Center Driveway and the outlot parking to the west is too close to Ten Mile to permit traffic to exit the parking lot at this location. A reasonable alternative would be to make this access point 18 ft.

wide and enter-only, with suitably angled parking north of Building Pad #6. At the applicant's option, an 18-ft exit-only connection to the Center Driveway might then be proposed immediately south of Pad #6.

16. The plan for the East Driveway now proposes a width sufficient to accommodate two exiting lanes to a point roughly 100 ft into the site (i.e., to the first two opposing parking lot connections). **Future plans should flare out the throat at the north end to 40 ft (from the 36-ft width predominating) and show appropriate (highway-standard) pavement markings over the entire three-lane section.**

Pedestrian Access

Are pedestrians safely and reasonably accommodated?

17. **Even while operating in flashing mode, the new signal at the Center Driveway should be equipped with pedestrian actuation, sidewalk stubs to Ten Mile, and a north-south crosswalk on the east side of the signalized intersection.**
18. City-standard 8-ft-wide concrete safety paths are proposed along both site frontages, per the City's Bicycle and Pedestrian Master Plan. The path along Ten Mile would be extended 23 ft west of the subject property line, in order to connect to the existing path west of the Walgreen's driveway. This extension constitutes a modest contribution to the benefits test of the PRO requirements.
19. Appropriate 5-ft wide sidewalks are proposed along the north side of the driveway to Novi Road as well as the west sides of the Center, East, and Truck Egress Driveways along Ten Mile Road.

Parking and Circulation

Can vehicles safely and conveniently maneuver through the site?

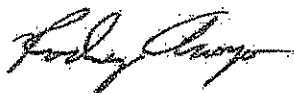
20. **The proposed access aisles between ends of the barrier-free parking spaces in front of Kroger would effectively shorten the adjacent parking stalls to an unacceptable length of 17.5 ft. Also, it appears that these aisles would not function as intended, given the need to place posts for the barrier-free signage in the middle of the access aisle between the two spaces closest to the building. To implement this concept appropriately, the two banks of parking stalls would have to be spread at least 6.5 ft apart so as to provide a clear width of crosshatching at least 3 ft east and west of the sign posts (typically concrete-filled steel posts). North of the barrier-free spaces, this divider could be raised and landscaped. Shifting the Center Drive as much as 13 ft west -- to both facilitate this concept and meet Zoning Ordinance requirements relative to parking space size -- could result in an unacceptable offset between the Center Drive and the opposing existing drive (i.e., one that would interlock east-west left turns at a signal location). Most of the 13 ft needed should be sought by "squeezing" the design -- for example, by removing the landscape strip between the East Driveway and the adjacent sidewalk. If the latter strategy is deemed unacceptable, the concept of a crosshatched aisle between the ends of opposing parking stalls should be deleted. Larger-scale plans will be required to fully evaluate this issue.**

21. To comply with the intent of the Novi-standard end island (per Section 2506.13 of the Zoning Ordinance), the radius of all curbs about which traffic will closely circulate should desirably be at least 15 ft and minimally be at least 12 ft (the inside turning radius of a design passenger car is 14.4 ft). The following locations on the plan show smaller radii which should be increased or otherwise addressed (as indicated):
- a. Near the northwest corner of the Kroger store, the southeast corner of the adjacent intersection and the nearest parking egress (10-ft and 9.5-ft radii now proposed).
 - b. Near the northeast corner of the Kroger store, the parking lot ingress (undimensioned but clearly too small a radius).
 - c. All end islands in front of the neighborhood shopping center (9.5-ft radii proposed, even though the islands are amply wide to meet City standards for larger radii).
 - d. Two large landscape islands, near Kroger's northeast parking lot access and near the middle of the neighborhood shopping center building (4.5-ft radius and 5.5-ft radius proposed). These hard corners would result in any vehicles circulating clockwise around the island severely encroaching on the wrong side of the aisle into which they are turning. To mitigate this safety concern, consideration should be given to placing No Right Turn (R3-1) signs facing south and west in the two respective approach aisles.
22. The proposed egress from the Kroger pharmacy drive-through lane is too close to the nearest intersection and would result in drive-through vehicles approaching that intersection at a very awkward angle. The drive-through window should be moved south and the associated lane redesigned to exit into the adjacent driveway at least one car length south of the stop bar shown.
23. The six barrier-free parking sign posts proposed along the frontage of the neighborhood shopping center should be set at least 2 ft behind the nearest curb to avoid impact damage from overhanging vehicles.


Miscellaneous

24. Other than the two access issues discussed in comments 13 and 15 above, this review does not cover potential issues involved with the future phase (outlot) design concepts.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President

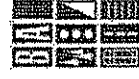


William A. Stimpson, P.E.
Director of Traffic Engineering



WHEELER ROBERTS
ASSOCIATES, INC.

Ten Mile Road East of Catherine Industrial Drive



BRIGGS & BARTON
ARCHITECT, INC.

Novi Road, Arena Drive to 12 Mile Road

R.O.W. LINE

20' SETBACK

15' SETBACK

PROPERTY LINE

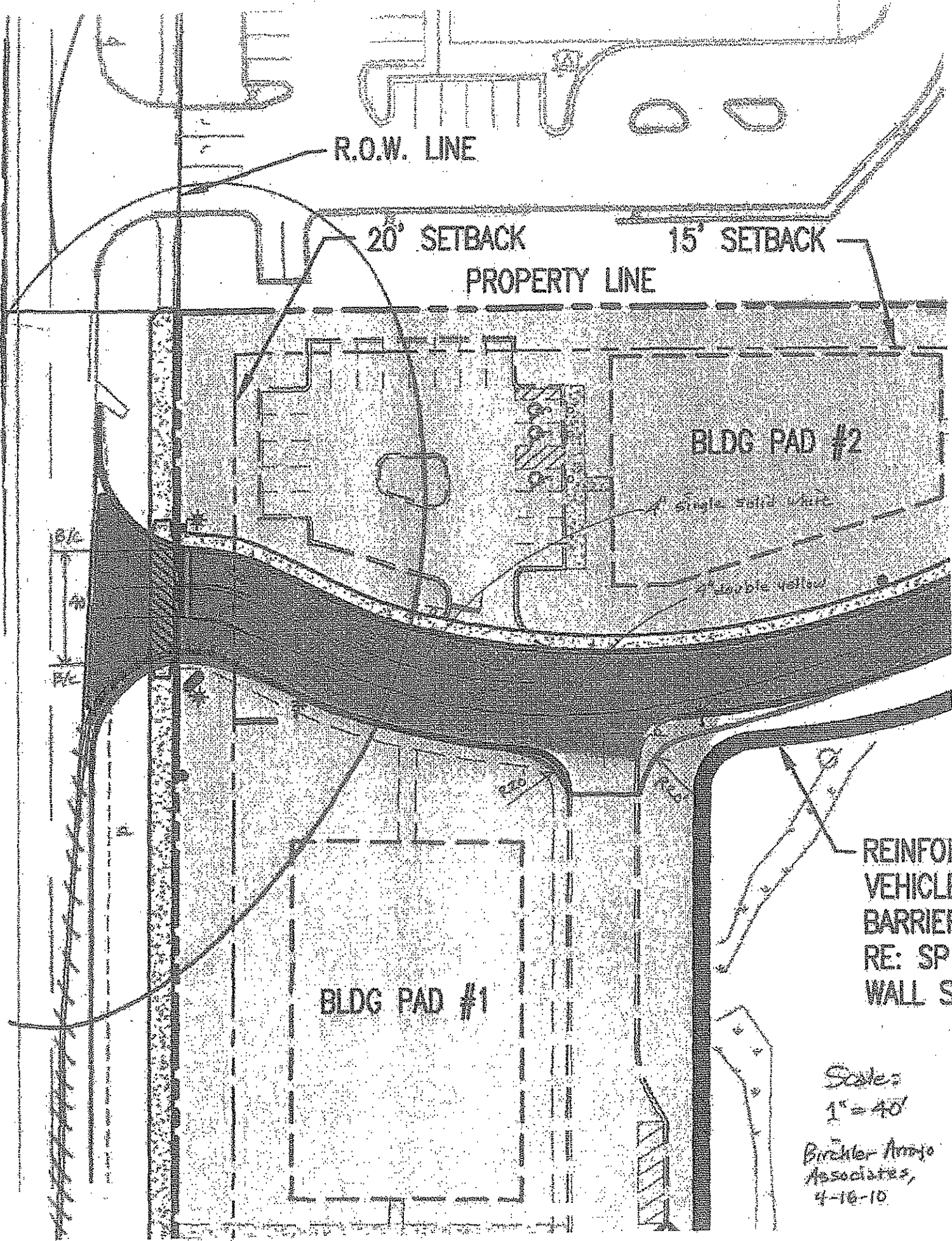
BLDG PAD #2

BLDG PAD #1

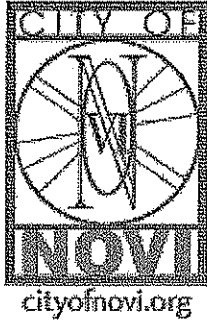
REINFORCED
VEHICLE
BARRIER
RE: SP
WALL S

Scale:
1" = 40'

Birchler Arroyo
Associates,
4-16-10



LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

May 12, 2010

Revised Conceptual PRO Landscape Review

Weiss Mixed Use Development
Rezoning with Planned Rezoning Overlay

Petitioner

Siegal Tuomaala Assoc.

Property Characteristics

- Site Location: South of the Novi Road and east of Ten Mile Road
- Plan Date: March 29, 2010

Recommendation

Site Plan Approval for the Weiss Mixed Use Development SP#09-26 cannot be recommended at this time. The Applicant has not provided the necessary landscape plans and information as required under the ordinance. Upon full site plan submittal, a complete review will be provided. Below are the recommendations that were provided upon the previous submittal. These recommendations and requirements are still outstanding and must be addressed in greater detail on plan drawings as the Applicant has acknowledged in the letter of reply and requested deviations.

Ordinance Considerations

Residential Adjacent to Non-Residential (Sec. 2509.3.a)

1. The project property is not directly adjacent to residentially zoned property.

Adjacent to Rights-of-Way (Sec. 2509.3.b)

1. Both OS-1 and B-2 zoning classifications require a minimum 3' high berm with a 2' crest is required along public and private road frontages adjacent to parking or vehicular access areas. Undulations in the berm are preferred. The current grading plans show no proposed berms on any road frontage. **A PRO deviation would be required to eliminate the required berms from the project. Staff does not support the deviation.**
2. Any frontage berm must include a mixed planting of shrubs and perennials along with the required trees to assure adequate buffering and to meet opacity requirements. It appears that additional vegetation will be required in areas where gaps appear along the road frontages.
3. A 20' wide greenbelt is required adjacent to parking and outside the right of way. This has been shown on the plans, but should be labeled as such.
4. Greenbelt Canopy Trees/ Large Evergreens are required at one per 40 LF of road frontage adjacent to parking. These have been provided.
5. Sub-canopy Trees are required at one per 25 LF of road frontage. The Applicant must provide 2 additional sub-canopy trees to meet this requirement.
6. Canopy Street Trees are required at one per 45 LF along the roadways. These have been provided.

Parking Area Landscape Requirements (Sec. 2509.3.c)

1. Calculations for Parking Lot Landscape Area have been adequately provided.
2. A total of 163 Parking Lot Canopy Trees are required, and 127 have been provided. Please provide the remaining 36 Parking Lot Canopy Trees.
3. Perimeter Canopy Trees are required at an average of 1 per 35 LF around parking and vehicular access areas. The Applicant has stated that no Perimeter Canopy Trees have been provided. Please note that Parking Lot Canopy Trees can be counted toward this requirement. The Applicant must provide additional Perimeter Canopy Trees per the requirements of the Ordinance, including adjacent to pavement at the rear of the buildings. **Alternately, the Applicant could seek a PRO deviation for the Perimeter Canopy Trees. Staff does not support the deviation.**
4. No more than 15 contiguous parking spaces may be proposed without an interior landscape island. There are 7 locations proposed where 16 contiguous parking spaces have been shown. These should be adjusted to meet the requirement. **Alternately, the Applicant could seek a PRO deviation for the 15 parking space limit. Staff does not support the deviation.**
5. Interior Landscape Islands must be a minimum of 10' wide and 300 SF in area. This requirement appears to have been met. Adequate square footage for interior islands has been provided.

Building Perimeter Landscaping (Sec. 2509.3.d. & LDM)

1. Per Section 2509.3.d.(2)(b), "For the front and any other facades visible from a public street, a minimum of sixty (60) percent of the exterior building perimeter will be green space planted with trees, shrubs and groundcovers, perennials, grasses annuals and bulbs." The Kroger store would require 192 LF of front façade landscape and 70 LF are provided. The Applicant must provide an additional 122 LF of front façade landscape. **Alternately, the Applicant could seek a PRO deviation for the shortage of 122 LF of front façade landscape. Staff does not support the deviation.** Please note that the Applicant lists alternate figures for the amount of front façade landscape provided on the plans that can not be duplicated by Staff.
2. The retail store would require 327 LF of front façade landscape and none is provided. The Applicant must provide the required front façade landscape. **Alternately, the Applicant could seek a PRO deviation to eliminate the entire front façade landscape from the retail store. Staff does not support the deviation.** Please note that the Applicant lists alternate figures for the amount of front façade landscape provided on the plans that can not be duplicated by Staff.
3. A 4' wide landscape bed is required around entire building perimeters with the exception of access points. Only portions of both buildings have been proposed with the required 4' wide landscape beds. The remaining areas are all shown as access areas. **The Planning Commission should discuss the level of foundation beds provided and determine if a PRO deviation is warranted.**
4. A total Building Foundation Landscape Area is required at 8' x building perimeter. The Kroger store requires 9,392 SF of building foundation landscape area, and

1,733 SF of qualifying area is provided. Please note that the Applicant does have additional areas that could be considered toward the area requirement, but has chosen to allot this area to the requirements for Interior Parking Lot Islands. **The Planning Commission should discuss the square footage of foundation beds provided and determine if a PRO deviation is warranted.**

5. The retail store requires 10,008 SF of building foundation landscape area, and 1,076 SF of qualifying area is provided. Please note that the Applicant does have additional areas that could be considered toward the area requirement, but has chosen to allot this area to the requirements for Interior Parking Lot Islands. **The Planning Commission should discuss the square footage of foundation beds provided and determine if a PRO deviation is warranted.**

Loading/ Unloading Area (Sec. 2507)

1. Loading zones are required to be placed in the rear of the proposed building. In each case they must be aesthetically and effectively screened from view from adjoining properties or streets. The Applicant has met this requirement.

Plant List (LDM)

1. Please provide a Plant List meeting the requirements of the Ordinance and Landscape Design Manual to include costs for all materials in accordance with the standard City of Novi cost figures.
2. A diversity of tree species is required. Not more than 20% of the tree population may be of one genus and not more than 10% may be of a specific species. The Applicant has met this requirement.

Plan Notes & Details (Sec. 2509. 4. 5. 6. & 7.)

1. Plant Notations and Details meet the requirements of the Ordinance and Landscape Design Manual. Please alter the planting details to call for cloth staking material.

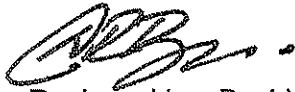
Novi Road Corridor Plan

1. The 2001 Novi Road Corridor Plan included visioning programming that called for the creation of a more pedestrian friendly environment along the roadway. Pedestrian nodes and the inclusion of amenities such as benches and lighting were envisioned. The Applicant has stated in the materials accompanying the site plans that 5 pedestrian node points have been located along Novi Road and Ten Mile. These are to be located adjacent to all entry drives. The node appears to only include a single bench in each location. **Additional detail should be provided for these nodes highlighting features that are in keeping with the intent of the Novi Road Corridor Plan.**
2. A pocket park and gazebo are proposed interior to the site. No details as to landscape treatment, seating, trash receptacles, pavement, etc. have been provided on the landscape plan. **Please provide additional information on this feature.**
3. Staff recommends that the Applicant consider the inclusion of bicycle racks at key points on the site.

General Requirements

1. Please provide an Irrigation Plan and Cost Estimate with the Final Site Plan Submittal.
2. Please specifically list all waivers being requested on the plan.
3. Please note that there is a 25' no disturbance buffer required from all wetlands and high water of storm basins. Storm basins must be seeded with native plant mix and a minimum of 70% to 75% of the rim must be landscaped with large shrubs. The Applicant has met the landscape requirement.
4. All transformers and similar utility installations must be adequately screened. The Applicant has met the landscape requirement.
5. ***Please refer to the review of the Environmental Consultant for other issues pertinent to the Conceptual Site Plan and PRO approval request. Of particular consequence are the comments in regard to existing site woodlands that may have bearing upon PRO approval.***

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



Reviewed by: David R. Beschke, RLA

WETLAND REVIEW



Environmental Consulting & Technology, Inc.

2200 Commonwealth Blvd.
Suite 300
Ann Arbor, MI 48105
(734) 769-3004
FAX (734) 769-3164

MEMORANDUM

TO: Barbara McBeth, Deputy Director of Community Development

FROM: John Freeland, Ph.D., PWS *JF*

DATE: August 5, 2010

RE: Weiss Mixed Use Development (SP 09-26/A)
2nd Revised Conceptual/PRO Wetland Review

Environmental Consulting & Technology, Inc. (ECT) has reviewed the 2nd Revised Concept/PRO plan sheet EXH-A (Plan) prepared by SSOE Inc. dated July 23, 2010. The Plan improves on previous submittals by quantifying overall proposed wetland impacts. Consistent with ECT's previous PRO review letters, the Plan appears to portray wetland boundaries accurately.

Proposed Impacts:

1. The proposed project would have multiple impacts to wetlands regulated by both the City and the MDEQ.
2. Some of the wetland on-site is associated with Chapman Creek, a tributary to the Walled Lake Branch of the Rouge River.
3. The Plan appears to avoid the highest quality wetland located near the east side and southeast corner of the property. Proposed impacts are limited to small wetlands within the area of the proposed parking lot and a few areas in wetlands along a tributary and wetland near the southwest corner of the site. According to the Plan, proposed wetland impacts stand at **0.22-acre**, which is below the threshold requiring compensatory mitigation.

Required Permits:

Based on information provided on the Plan, ECT believes the propose project would require an MDNRE Wetland Use Permit, a City of Novi Non-Minor Use Wetland Permit, and an Authorization to Encroach into the 25-foot Natural Features Setback. The applicant should provide the City with any MDEQ correspondence related to the onsite wetland, including MDEQ File #07-63-16WA Wetland Assessment letter.

Conclusion:

Previously, the applicant was encouraged to avoid wetland impacts as much as practicable and, ideally, keep impacts to less than 0.25-acre, the threshold for required wetland mitigation. It

appears from the Plan, the applicant has done so. For Preliminary Site Plan submittal, the applicant will need to label the acreages of individual wetlands on the plan, and delineate the 25-foot Natural Features Setback adjacent to existing wetlands and watercourses.

ECT also understands that, according to the Plan, stormwater would be pre-treated prior to discharge to wetlands and watercourses.

Although the current concept Plan does not contain all the detail elements required at Preliminary Site Plan submittal, it appears to offer enough information to support the conclusion that the proposed Plan can be built within the requirements of the Novi Wetland Ordinance and without the need to build compensatory wetland mitigation – on or off site.

If you have questions, please contact us.

WOODLAND REVIEW



Environmental Consulting & Technology, Inc.

2200 Commonwealth Blvd.
Suite 300
Ann Arbor, MI 48105
(734) 769-3004
FAX (734) 769-3164

MEMORANDUM

TO: Barbara McBeth, Deputy Director of Community Development

FROM: Martha Holzheuer, ISA Certified Arborist, ESA Certified Ecologist *MRH*

DATE: May 7, 2010

RE: Weiss Mixed Use Development (SP 09-26A) Revised Conceptual & PRO
Woodland Review

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Revised PRO Conceptual Plans (Plan) prepared by Siegal/Tuomaala Architects dated March 29, 2010. The proposed development is located on the southeast corner of Ten Mile and Novi Roads in Section 26. The Plan includes a Kroger store, neighborhood shopping center, number of additional buildings, and associated parking and stormwater detention basins. It appears that no changes were made to the Woodland Plan and that none of the issues noted in ECT's October 22, 2009 Woodland Review have been addressed. Therefore, ECT's comments remain the same as those previously submitted during review of the PRO Conceptual Plans. These comments are provided below.

Site Plan Comments:

Having compared the regulated woodland boundary shown on Plan sheets SP C-100 and SP C-607 to the boundary provided in the City's updated Regulated Woodland Map (approved in March 2009), ECT believes the regulated woodland boundary has not been accurately depicted on the Plan. As a result, quantification of regulated woodland acreage and proposed project impacts have been greatly underestimated. In light of the update Regulated Woodland Map and updated Woodland Protection Ordinance, ECT has the following comments:

1. Within the property boundaries noted, regulated woodland acreage is approximately 4 times greater than the 5.1 acres reported by the Applicant. The Applicant should refer to the City's website for the most current woodland map and ordinance information (<http://www.cityofnovi.org/Services/CommDev/RegulatedWoodlands.asp>) and provide the most recent regulated woodland boundary on the Preliminary Site Plan (see attached graphic).
2. Based on our previous review of Novi aerial photos, Novi GIS, and Novi Official Woodlands Map, as well as a previously conducted onsite wetland verification, this site contains extensive regulated woodland areas. Additional regulated woodland may occur beyond the generalized boundaries provided in the City of Novi Official Woodlands Map, as indicated by the Novi aerial photos. Section 37-4 of the Novi Woodland Ordinance states that "where physical or natural features existing on the ground are at variance with those shown on the regulated woodland map, or in other circumstances where uncertainty exists, the Community Development Director or his or her designee shall

interpret the woodland area boundaries." The boundaries of the regulated woodland will require field verification during Preliminary Site Plan review.

3. The Applicant should note that there are forested wetlands onsite within the regulated woodland boundary that appear to be both City and State (Michigan Department of Environmental Quality; MDEQ) regulated wetlands.
4. The proposed project would have significant impacts to regulated woodlands, above and beyond what is quantified in the Plan. Within the property boundaries noted on the Plan, 82% (771 of 939) of all surveyed trees are proposed for removal. The Plan indicates that only 80 regulation-sized woodland trees are proposed for removal, requiring 825 tree replacement credits. ECT believes that these numbers are underestimates and will be significantly larger when the most current regulated woodland boundary is applied to the Plan.
5. Based on historical aerial photographs, the woodland onsite adjacent to Chapman Creek, a tributary to the Walled Lake Branch of the Rouge River, appears to have been the least disturbed. This area is likely the highest quality woodland habitat within the project boundaries. The mosaic of connected lowland and wetland forest likely provides for excellent ecological functioning and diverse wildlife habitat. Preservation of this woodland area along the southern project boundary should be a priority. Section 37-29 of the Novi Woodland Ordinance states that "the protection and conservation of irreplaceable natural resources from pollution, impairment, or destruction is of paramount concern. Therefore, the preservation of woodlands, trees, similar woody vegetation, and related natural resources shall have priority over development when there are no location alternatives. The integrity of woodland areas shall be maintained irrespective of whether such woodlands cross property lines."
6. The Plan indicates several areas of possible wetland and floodplain mitigation to compensate for proposed wetland and floodplain impacts and areas designated for stormwater detention basins for control of stormwater runoff resulting from the development. The conversion of regulated woodland areas for these purposes is generally not accepted. It has been ECT's experience that the MDEQ rarely considers upland or lowland woodland habitats as acceptable places for construction of wetland or floodplain mitigation.
7. Numerous items must be provided in the Preliminary Site Plan to comply with site plan standards outlined in ordinance Chapter 37 Woodland Protection. Currently, the Plan does not provide an accurate depiction of the regulated woodland boundary and number of regulated woodland trees, the complete scientific and common names of the surveyed trees, how many replacement credits will be provided for each tree proposed for removal, method and cost estimate for the provision of these replacement credits, composition and condition of woodland understory and groundcover, topographic elevations of the trunk base for all regulated trees proposed to remain, location of utilities and associated easements, and a description of proposed changes to drainage within regulated woodlands. Diameter measurements for multi-stemmed trees should be clarified, and the diameter of each stem provided to aid in replacement credit calculation. The Applicant is encouraged to consider planting a variety of native woodland plants for

woodland replacement credits (refer to Section 37-8 of the updated Woodland Protection Ordinance).

8. The onsite disturbances relating to soil borings noted by ECT on October 20, 2009 (refer to ECT's Conceptual & PRO Wetland Review dated October 21, 2009) **are a violation of the City's Woodland Ordinance, as well, per Section 37-26. The applicant should be advised of the violation and cease such impacts unless and until applicable permit authorizations are issued.**

Required Permits:

Based on information provided on the Plan, ECT believes the propose project would require a City of Novi Woodlands Permit.

Conclusion:

ECT is concerned about the magnitude of impacts to regulated woodland on the proposed project site, especially along the southern project boundary adjacent to Chapman Creek. As depicted in the current Plan, woodland impacts are underestimated and will be significantly greater once the most current regulated woodland boundary is applied to the Plan. Numerous issues must be addressed in the Preliminary Site Plan to meet site plan standards outlined in ordinance Chapter 37 Woodland Protection.

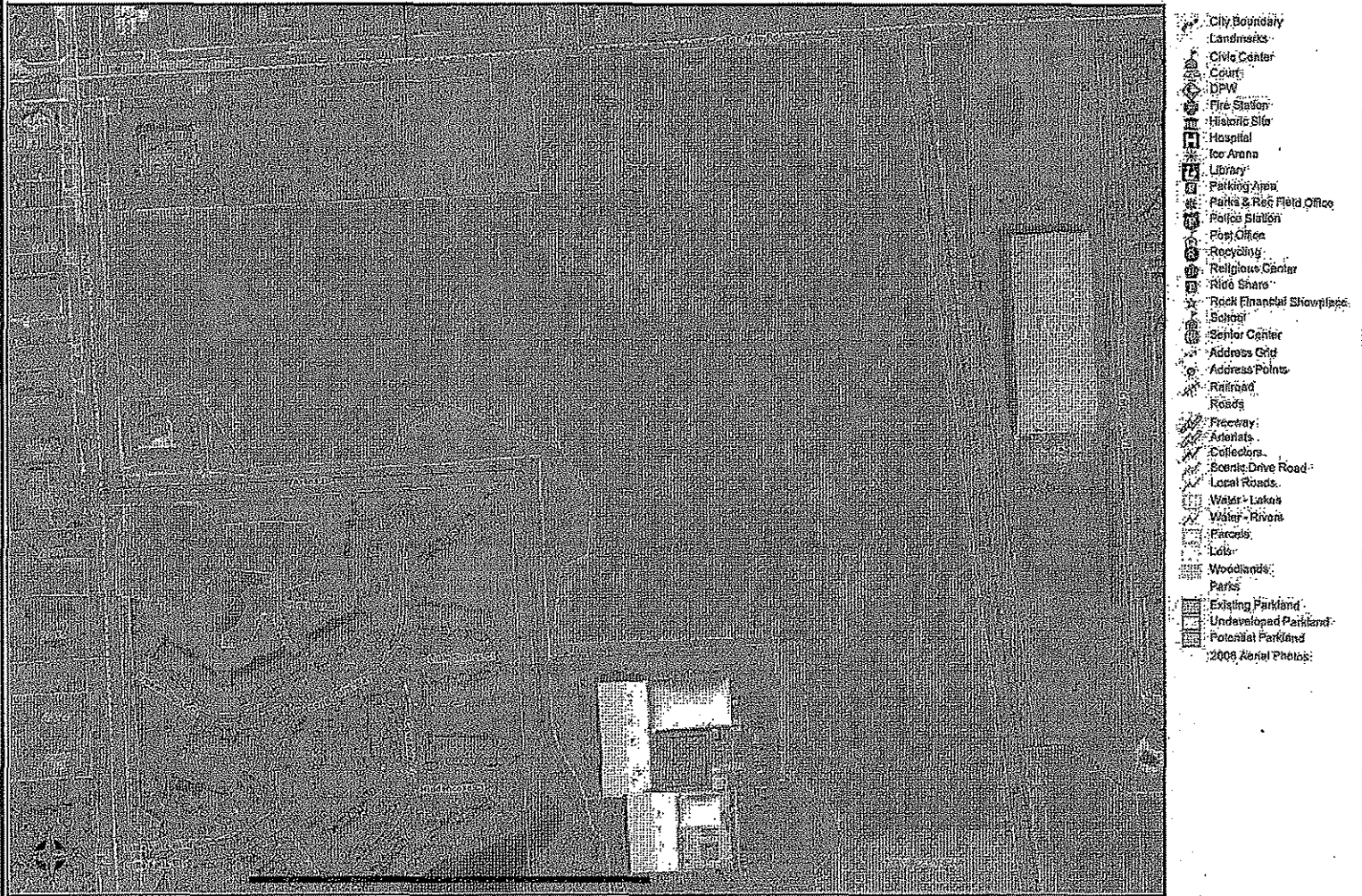
ECT is also concerned about the conversion of regulated woodland habitat for use as wetland and floodplain mitigation and stormwater detention.

If you have questions, please contact us.

cc: Kristen Kapelanski
David Beschke
Angela Pawlowski

Weiss Mixed-Use Development (SP 09-26)

City of Novi Regulated Woodlands



DISCLAIMER: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys, and other public records. The information presented is not a legally recorded map or survey and is not intended as a substitute for original or official source information. The City of Novi makes no warranty, express or implied, as to the accuracy, completeness, or usefulness of the information presented.
 SOURCES: City of Novi; Oakland County, Plansight LLC, October 2006 for County Data; October 2006 for City Data; Aerial Imagery as specified.

FAÇADE REVIEW



The contents of that letter is repeated below
 May 10, 2010

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

Re: **FACADE ORDINANCE**
Weiss Mixed Use Dev. / PRO, SP 09-26A / ZCM 10-18
 Façade Region: 1
 Zoning District: OS-1 (Proposed, I-1 & B-2)

Dear Ms. McBeth;

The following is the Façade Review for Final Site Plan for the above referenced project based on the drawings prepared by Siegal / Tuomaala Associates, Architects, Inc, of Southfield, Michigan dated March 29, 2010. The drawings are unchanged since our previous review dated October 20, 2009 that was based on the drawings dated August 17, 2009. The text of that letter is repeated below.

The percentages of materials proposed for each façade are as shown on the table below. The maximum (and minimum) percentages allowed by the Schedule Regulating Façade Materials of Ordinance Section 2520 are shown in the right hand column. Materials in non-compliance with the Façade Schedule are highlighted in bold.

Kroger Building (64,245 S.F.)	North (Front)	West	South	East	Ordinance Maximum (Minimum)
Brick (Clay) (2.7" x 8" units)	13.0%	5.0%	0.0%	4.0%	100% (30%)
Stone (Field Cobble)	8.0%	0.0%	0.0%	0.0%	50%
EIFS	27.0%	8.0%	0.0%	9.0%	25%
Split Faced CMU (Base) (8" x 16" units)	16.0%	17.0%	20.0%	7.0%	10%
Concrete "C" Brick (4" x 16" units)	81.0%	64.0%	79.0%	74.0%	25%
Metal (Awnings & Trim)	6.0%	6.0%	1.0%	6.0%	50%

Kroger Building - The Façade Ordinance requires a minimum of 30% brick on buildings located in Region 1. The proposed percentage of Brick is below 30% on all facades. The proposed percentage of Concrete "C" Brick exceeds the maximum amount allowed by the ordinance on all facades. The percentage of EIFS exceeds the maximum amounts allowed by the ordinance on the front façade. The percentage of Split Faced CMU exceeds the maximum amount allowed by the Ordinance on the north, west and south facades.

Shopping Center (40,978 S.F.)	North-West (Front)	West	South- East (Rear)	North	Ordinance Maximum (Minimum)
Brick (Clay) (2.7" x 8" units)	9.0%	0.0%	0.0%	0.0%	100% (30%)
Stone (Field, Cobbe)	8.0%	0.0%	0.0%	0.0%	50%
EIFS	38.0%	14.0%	9.0%	15.0%	25%
Limestone (Base & Accents)	13.0%	12.0%	1.0%	12.0%	50%
Concrete "C" Brick (4" x 16" units)	18.0%	66.0%	78.0%	63.0%	25%
Metal (Trim)	14.0%	8.0%	0.0%	10.0%	50%
Smooth Faced CMU (Base) (8" x 16" units)	0.0%	0.0%	12.0%	0.0%	0%

Shopping Center - The Facade Ordinance requires a minimum of 30% Brick on buildings located in Region 1. The proposed percentage of Brick is below 30% on all facades. The percentage of Concrete "C" Brick on the west, rear, and north facades exceeds the maximum amount allowed by the Ordinance. The percentage of EIFS on the front facade and the percentage of Smooth Faced CMU on the rear facade exceed the maximum amounts allowed by the ordinance.

Comments:

Split Faced and Smooth Faced CMU - A limestone base approximately 2'-4" in height is used on the primary facades of the Shopping Center that are directly adjacent to pedestrian walks. Smooth Faced CMU is used to form a continuation of this base on secondary facades located away from pedestrian walks. Split faced CMU is used to form the base on the Kroger Building. The sample board indicates the color and texture of the Smooth Faced CMU to be substantially similar to the limestone. Likewise the color of the Split Faced CMU is similar to the limestone. The transition between the base material and the Concrete "C" Brick above is ordinarily made using a chamfered sill unit however this has not been clearly indicated on the drawings. The use of split faced CMU in this manner is therefore consistent with the intent and purpose of the Ordinance, contingent upon the chamfered sill unit being used.

Concrete "C" Brick - While not technically being considered brick, this material has the unique characteristic of appearing substantially similar to brick when used in certain applications and with careful attention to detail. The Ordinance states that when Concrete "C" Brick is used the "color shall be rich dark earthtone hues consistent with brown or red bodied fired clay brick." The proposed "C" brick color is consistent with this requirement as evidenced by the applicant's sample board. The "C" brick is utilized in concert with a wide variety of other masonry materials including limestone, field stone, and split faced CMU. The proposed colors and textures of these materials have been carefully coordinated and harmonize well with the "C" brick. It is noted that the masonry material taken together represent over 50% of all facades. The extensive use of nicely designed and well coordinated masonry materials is consistent with the Ordinance requirement for 30% brick in Facade region 1.

Metal (Roofs, Awnings and Trim) - Metal accents of various colors are used on awnings, canopies, and most significantly on the roofs of the towers elements. The design employs significant articulation of the roof lines punctuated with vertical tower elements at corners and ends of buildings. The tower elements serve to "anchor" the buildings on the site and provide visual reference points for the overall project. The proposed "patina green" color of the tower roofs is consistent with and will enhance this effect.

Exterior Insulation Finish System (EIFS) - EIFS is utilized as cornices and brackets, as a simulated clear story on the towers, and on selected storefronts. In all cases the EIFS is articulated using interesting joint patterns, molded profiles, and reveals. The use of EIFS in this manner is consistent with the intent and purpose of the Ordinance.

Recommendation: It is recommended that the proposed design is consistent with the intent and purpose of the Façade Ordinance Section 2520. For the reasons stated above a Section 9 Waiver is recommended for the overages of EIFS, Concrete "C" Brick and Split Faced CMU, and the underage of Natural Clay Brick (< 30%), on both the Shopping Center and Kroger buildings. This recommendation is contingent upon the applicant clarifying that a chamfered sill unit will be used to make the transition between the approximately 2'-4" high base and material above on all facades of both the Kroger and Shopping Center buildings.

Notes to the Applicant:

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

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

Sincerely,
DRN & Associates, Architects PC



Douglas R. Necci, AIA

FIRE REVIEW



May 4, 2010

TO: Barbara McBeth, Deputy Director of Community Development, City of Novi

RE: Weiss Mixed Use Development, Ten Mile & Novi Rd.

SP#: 09-26A, Revised Conceptual / P.R.O.

CITY COUNCIL

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City Manager
Clay J. Pearson

Director of Public Safety
David Molloy

Director of Fire and EMS
Jeffrey Johnson

Project Description:

Multi-Phased, multiple buildings project of Mercantile and Business uses.

This submittal contains:

- Access drives (four access points, three from Ten Mile and one from Novi Rd.)
- Parking areas for the Mercantile buildings,
- Phase One building, 64,243 S.F. Kroger Supermarket
- Phase Two building, 40,978 S.F. "Neighborhood Shopping Center", multi-tenant Mercantile building.

This submittal also refers to seven other smaller buildings as "Future Phase" projects. These buildings are not being reviewed and commented on at this time.

Comments:

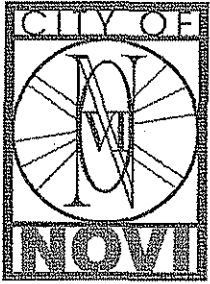
The comments on my October 22, 2009 review letter have not been address.

Therefore, the follow comments are made again:

1. On the Utility plans, the size of the water mains shall be indicated. The water mains shall be 8" minimum and of adequate size to provide a minimum of 4,000 gallons per minute.
2. Hydrant spacing around the buildings that are protected with automatic sprinklers is 500' maximum and is 300' around buildings that do not have sprinklers. An additional hydrant shall be added in the parking island between the Kroger building and Shopping Center building on the north side.
3. The 500' hydrant spacing also pertains to the 16" water main along Ten Mile Rd. There are additional hydrants on Ten Mile that are not shown on the plans. In order to properly assess their locations, they need to be shown. The applicant should contact our Engineering Department to confirm the locations.
4. Each building protected with an automatic sprinkler system shall have a lead-in water supply that is separate from the domestic water supply. The fire protection lead-in shall have a control valve in a well.
5. All weather access roads capable of supporting 35 tons shall be provided for fire apparatus access prior to construction above the foundation. This shall be noted on the plans.
6. All water mains and fire hydrants are to be installed and be in service prior to construction above the foundation. This shall be noted on the plans.
7. The building address is to be posted facing the street throughout construction. The address is to at least 3 inches high on a contrasting background. This shall be noted on the plans.

Novi Fire Department
42975 Grand River Ave.
Novi, Michigan 48375
248.349-2162
248.349-1724 fax

cityofnovi.org



May 4, 2010
Weiss Mixed Use Development, Page 2

Recommendation:

The above plan is **Recommended for Approval** with the above items being corrected on the next plan submittal.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Evans".

Michael W. Evans
Fire Marshal

cc: file

**COMMENTS FROM
PARKS, RECREATION AND CULTURAL SERVICES DEPARTMENT
ON PROPOSED PUBLIC BENEFIT**

MEMORANDUM



cityofnovi.org

TO: KRISTEN KAPELANSKI, CITY PLANNER

FROM: RANDY AULER, CPRP, DIRECTOR
PARKS, RECREATION & CULTURAL SERVICES

SUBJECT: PARKS, RECREATION & CULTURAL SERVICES REVIEW OF
WEISS MIXED USE DEVELOPMENT PRO

DATE: JUNE 15, 2010

Background

Previously, the applicant donated 18 acres of land to the City of Novi. The Ice Arena and a cell tower were constructed on a portion of the property and the remaining acreage has remained undeveloped. In addition, the applicant created and proposed a park conceptual plan for the undeveloped portion of the property. The concept included a large multi-use sports field, additional parking, a pathway and a bronze children's sculpture to be located at the park entry.

PRO-Community Benefit

The applicant is proposing to develop the initial phase of the park. Specifically, grade the area for use as a multi-use sports field, grade and stone a 20 car parking area, install a bronze children's sculpture at the park entry and have the park name recognize the donation.

Comments

1. Community surveys have revealed that citizens rank the need for walk/bike pathways as the highest recreation need. The proposal does not include the development of pathways.
2. Community surveys and recreation participation figures indicate the need to develop multi-use sports fields for soccer, lacrosse, cricket and football. The proposal includes the development of a multi-use sports field. However, a **critical** component to the successful use of multi-sports fields is the installation and use of an irrigation system. The lack of irrigation severely inhibits the growth and maintenance of turf resulting in **very limited** use of the turf for sports. The proposal does not include an irrigation system.
3. The existing parking at the Ice Arena is near or at capacity during the peak season (September – March). The multi-use sports field peak season use is anticipated to be April – September. The addition of 20 parking spaces would serve the use of both recreation amenities.

Please contact me if you have any questions or comments.

APPLICANT RESPONSE LETTERS

August 18, 2010

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Weiss Mixed Use PRO
10 Mile and Novi Road
Site Plan No. 04-41 (09-26/Rezoning 18.690)

Dear Ms. Kapelanski:

The following is an itemized response to the City of Novi's Planning Staff and Consultant's Review to our July 23, 2010 submittal, specifically, a limited review of the revised storm water management calculations and detention facilities. I have also attached our July 23, 2010 cover letter describing the intent of our submittal.

As indicated in our 3/29/10 and 6/10/10 full submittals, we are currently concentrating on the zoning aspects of the overall Weiss Mixed Use PRO/SPA project. At this point in time, we have complied with the requirements necessary to request a Planning Commission hearing regarding the Zoning portion of the PRO.

Our team is continuing their work on the remaining technical issues of your very thorough review. We will continue to work closely with the city's planning staff and consultants to bring those remaining issues to their satisfactory resolutions in a later submittal as required by the City of Novi's Site Plan Approval process. As always, we appreciate your assistance in this matter.

As you will note, most of the following responses have been repeated from our previous letter(s) similar to your review comments. We have highlighted new responses in bold.

Planning Review Letter, K. Kapelanski, dated August 4, 2010.

As previously described, the Weiss Mixed Use project is to be developed as a general business condominium. The condominium units will consist of the footprints of the proposed buildings only. Parking, ingress, egress, landscape and other elements will be "common areas". The building footprints and parking areas indicated on the designated "future phases" are shown conceptually and hypothetically only. They may be modified, reconfigured and developed in random order. All future phase building architecture shall be compatible in style, material and color to the phase 1 and 2 buildings, and will be subject to the regular site plan approval process when developed.

Page 2

Regarding the June 23, 2010 Planning Commission motion, please refer to the attached revised storm water detention drawing, comments from Novi's City Engineer, ECT's welland consultant and our letter dated July 23, 2010, (also attached).

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 2

Page 3 – Recommendation

1. Further study is underway. Understood.
2. Master Plan implementation strategy. Understood.
3. The recently completed retail studios indicate the city has a surplus of land zoned or planned for retail activities through 2019, or 8 years. Appendices to the Master Plan amendments, dated February 2010, indicate that Novi has adequate land zoned or planned for industrial/research for up to 48 years **which is 6 times as long**.
4. The requested deviations and rationale are documented in this submittal package.
5. We believe that the B-2 and OS-1 zoning is also consistent with the existing zoning in the area.
6. **The woodland boundary has been relocated according to the recent ordinance revision. We understand the mitigation issues involved, and they will be resolved per ordinance requirements as part of the Site Plan Approval process.**

Master Plan for Land Use

As design professionals, we question the compatibility of industrial adjacent to residential as opposed to commercial uses.

Page 4 – Novi Road Corridor Study

The Novi Road Corridor study discusses commercial development in the following:

Page 3 – Existing Master Plan recommendations: "...include adding more local commercial at the southwest corner of Ten Mile and Novi Road...", also reflected on the following "existing Master Plan for Land Use map "north segment".

Page 30 – The corridor recommendations for land use indicates a re-evaluation of the southeast corner of Ten Mile and Novi Road "due to the site constraints created by existing natural features", not due to the amount of commercial development in the city and the corridor. As indicated in this response letter, we are responding to the ordinance requirements regarding the existing natural features. From the point of view of the natural features, the ultimate land use is industrial or commercial, makes no difference.

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 3

Page 5 – Compatibility with Surrounding Land Use

Traffic impacts are addressed in the attached traffic consultant's responses. **The traffic consultant has approved the project, pending minor issues.**

Residential properties to the south...as stated, it is highly unlikely that additional noise from the proposed commercial will affect the residential properties. We believe industrial uses would in fact cause a higher incidence of noise.

Drugstore and office properties to the west...the OS-1 Zoning is not in question, in fact, this proposed PRO Development decreases the quantity of land zoned for office.

Infrastructure concerns have been responded to within the attached consultants' review letters.

The city's traffic consultant and fire department have both recommended approval of the plan.

Page 6 – Natural Features have been responded to within the attached consultants' review letters.

Voluntary conditions and ordinance deviations are documented in this submittal package.

Page 7 – Shopping Center

Thank you for acknowledging and supporting our deviation requests for the building height, loading space and elevations. Much like the loading space, the location of the dumpster enclosure is a practical issue, with no real perceived impact to neighboring land uses, as described in our list of requested deviations.

Page 8 - Kroger

Thank you for acknowledging and supporting our deviation requests.

Items for Further Review

Landscaping, drive-through lanes and driveway spacing waivers are addressed later in the response letter.

Photometrics: The property designated for the PRO overlay rezoning and development is separated from any residential zoned property by vacant property or an intervening zoning district and a minimum distance of approximately 300 feet (see similar statement in first paragraph of the following preliminary landscape review).

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 4

A preliminary Photometric Plan was provided in the first submittal. A full photometric plan will be provided. However, it is not pertinent to the zoning aspects of the PRO request and therefore, has not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff to bring the photometrics to a satisfactory resolution prior to final site plan approval.

Loading Space and Dumpster Screening: These elements will be screened per ordinance requirements. This item concern's a technical site issue that our team is currently working on. However, it is not pertinent to the zoning aspects of the PRO request and therefore, is not included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscaping consultant to bring the screening to a satisfactory resolution prior to final site plan approval.

A phasing plan and detailed description are indicated on Drawing Sheet P-2.

The legal Master Plan deed documents will be submitted for review prior to Site Plan Approval and prior to recordation.

Lot split/combinations: Correct, the PRO property is intended to be reconfigured as a single lot. The property south of the PRO property will be designated as one or two separate properties. The legal lot split/combo documents will be submitted for review prior to final Site Plan Approval and prior to recordation.

Proposed Building Pads: Correct. Building Plans 1 through 7 are shown for conceptual and hypothetical purposes only.

Land Uses: Understood.

Page 10 – Applicant Burden under PRO Ordinance

Simply put, the proposed project could not be built under the existing, outdated I-1 Zoning District. The public benefits are attached as part of this submittal.

Kroger Planning Review Summary Chart (from previous response dated June 10, 2010)

Building Height: We are asking for a deviation for this item.

Number of parking spaces: We have corrected the parking count on the Site Plan on Sheet P-2. The Phase 1 parking count has been revised to 324 spaces.

Barrier free signs will be provided per Michigan Barrier Free requirements as part of the final Site Plan Approval.

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 5

Drive-Thru Lane Delineation and Centerline Radius: This item concerns a technical site issue that our team is currently working on. However, it is not pertinent to the zoning aspects of the PRO request and therefore, has not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and engineering consultant to bring this issue to a satisfactory resolution prior to final site plan approval.

Dumpster Screen: A typical design is indicated on Sheet P-6. Kroger's trash compactor will be screened in a similar manner and will be described as part of the Site Plan Approval.

Photometrics: As stated earlier, a full photometric plan will be addressed in the preliminary site plan phase.

Neighborhood Shopping Center Review Summary Sheet (from previous response dated June 10, 2010)

Building Height: We are asking for a deviation for this item.

Barrier free signs will be provided per Michigan Barrier Free requirements as part of the final Site Plan Approval submittal.

Loading Space location: We are asking for a deviation for this item.

Dumpster location: We are asking for a deviation for this item.

Loading Space Screening: The continuous loading space screening will be addressed in the preliminary site plan phase.

Dumpster: The dumpster is approximately 90 feet from the nearest property line (east). The line in question is a phase line.

Dumpster Screening: As noted above, these elements will be screened. This item concerns a technical site issue that our team is currently working on. However, it is not pertinent to the zoning aspects of the PRO request and therefore, is not included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring the screening to a satisfactory resolution prior to final site plan approval.

Photometrics: As stated earlier, a full photometrics plan will be provided as part of the preliminary site plan phase.

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 6

Engineering Review – L. Ivezaj, dated 8/9/10

General

1. Additional information has been provided. Items applicable to the rezoning application have been addressed. All other items will be addressed in the preliminary site plan phase.
2. The note will be added to the Site Plan Approval Drawings.
3. Larger scale Drawings have been included in previous submittals. The detail included on the larger scale Drawings are generally not pertinent to the zoning aspects of the PRO request and therefore not included in this submittal. The larger scale Drawings will be included for review as part of the full Site Plan Approval submittal.
4. Understood.
5. Noted.
6. **Understood.**

Utilities

7. Understood.
8. These items concern technical site issues that our team is currently working on. However, they are not pertinent to the zoning aspects of the PRO request and therefore are not included as part of this phase of our submittal. We will continue to work closely with the city's engineering staff to bring the utility layouts to a satisfactory resolution prior to final Site Plan Approval.
9. See Item 7 above.
10. See Item 7 above.
11. See Item 7 above.

Storm Water Management Plan

12. **Acknowledged.**
13. The storm water management facilities will be constructed as part of Phase 1.

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 7

14. A Storm Water Management Plan will be addressed in the preliminary site plan phase.
15. The Storm Water Management Plan will provide the information required.
16. Access will be provided and shown on the preliminary site plan submittal.

Paving and Grading

17. The additional topography will be provided for the Site Plan Approval submittal. Off site drainage will be clearly identified.
18. The perimeter sidewalk is labeled. We have added a note (Note 10) to Sheet P-2 clarifying internal sidewalk widths. These will be coordinated on the detailed engineering drawings for Site Plan Approval.
19. A continuous 8 foot wide concrete pathway is indicated across the frontage of the property.
20. The islands will be shown in compliance on the Site Plan Approval submittal.
21. Stalls and curbs will be shown compliant on the Site Plan Approval submittal.

Off-Site Easements

22. On-site easements have been indicated on Sheet C400. The storm easements will be indicated as the storm water design progresses. Please clarify what is meant by the term "off-site" easement.

Public Utilities Impacts – L. Ivezaj, dated 5/10/10 (from previous response, dated June 10, 2010)

Utility Demands

We have provided an REU calculation and provided it on C400. We calculate the site will require approximately 76 REUs total once developed.

Water System

Noted.

Sanitary Sewer

We request further information on the capacity of the existing sanitary sewer.

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 8

Summary

Understood. Again we would request further information on the capacity of the existing sanitary sewer.

Traffic Review – Birchler Arroyo, dated 4/16/10 (from previous response, dated June 10, 2010)

- 2B. The assumption is correct. The west drive on Ten Mile Road is intended to include one lane in and one lane out.
- 3A-G. Acknowledged.
- 3H. From the traffic study report of March 2010, if developed under existing zoning, the intersection of Ten Mile Road and Novi Road would have an overall delay of 81.2 seconds. If the signal timing splits were optimized in Synchro, this could be reduced to an overall delay of 78.5 seconds, which would be more than the 70.0 second average delay if developed with the PRO plan.
- 3I-3L. Acknowledged.
- 3M. We disagree with the assessment that an additional outbound lane is needed, particularly if a signal is installed at the center drive.
- 3N. With a refined signal timing at the outbound delay, the left turn would operate at level of service "C". The westbound through level of service would operate at "B".
- 3O. "Further analysis of the center driveway on Ten Mile Road indicates that the level of service at the center driveway would be acceptable for all movements, even with the addition of more traffic which could divert from the eastern driveway, assuming that a semi-actuated and uncoordinated traffic signal is installed at the intersection. With a single westbound lane the 95% queue length would be approximately 635 feet and the level of service for the movement would be a B, which would not interfere with the railroad crossing in the foreseeable future. The outbound traffic would operate at a level of service C, with a 95% queue length of 215 feet. There will be adequate storage for those left-turn movements with the separate left-turn lane provided.

According to Synchro, the left-turn delay for the remaining 10 vehicles assumed to turn left out of the eastern driveway would still be long at 204.7 seconds but the 95% queue would only be 31 feet, or two cars.

The comparative SimTraffic Analysis (run 10 separate times and averaged) indicates far less delay for both the westbound through movement along Ten Mile Road at the center driveway with signal and the outbound left turn movement at the eastern driveway. The

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 9

westbound queues 330 feet vs. the 635 feet estimated by Synchro do not approach the railroad crossing in the model.

With further refined signal timing at the Center Driveway, a separate westbound through lane would not be necessary to accommodate this development.

3P. Acknowledged.

3Q. Acknowledged.

3R. The additional lane will serve as a defacto right turn lane for all of the driveways along Ten Mile Road. We disagree with the assessment that an additional right-hand turn taper at the east and west driveways are beneficial.

Trip Generation

4. Acknowledged.

5&6. The drives on the opposite side of Novi and Ten Mile Road already do not comply with spacing standard. We will be requesting space waivers.

7. An agreement for a cross-easement at the existing Walgreen's store has not been reached. There is also the technical difficulty of an eight foot grade differential between the two properties. At this point in time, a shared egress point does not seem possible.

Vehicular Access Improvements

8. Understood.

9. See Item 3N above.

10. Ten Mile Road widening will be coordinated with RCOC.

11. The plan will be corrected.

Driveway Design and Control

12. We will consider your recommended Conceptual Design. Final revisions to the Novi Road Drive will be brought to a satisfactory resolution prior to final Site Plan Approval.

13. The west drive on SP C-200 with two outbound lanes is an error on the Sheet. It has been corrected to a single entry and exit lane. See Item 3M above regarding multiple exit lanes.

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 10

14. Final revisions to the center driveway will be brought to a satisfactory resolution prior to final Site Plan Approval.
15. Understood. The final connection will be brought to a satisfactory resolution prior to final Site Plan Approval.
16. Final revisions to the east driveway will be brought to a satisfactory resolution prior to final Site Plan Approval.

Pedestrian Access

17. Acknowledged.
18. The site plan has been revised to include the missing section of 8 foot path on the northeast corner of Walgreen's site. Question: Was there a condition on the Walgreen's Site Plan Approval that they shall complete the section of 8 foot pathway once the adjacent property is developed?
19. Acknowledged.

Parking and Circulation

20. The proposed access aisles and barrier free parking spaces in front of the Kroger store will be revised. However, these items are not pertinent to the zoning aspects of the PRO request, and therefore, have not been included as part of this submittal. We will continue to work with the city's planning staff to bring these issues to satisfactory resolution prior to final Site Plan Approval.
21. The radii will be revised per requirements and submitted as part of the final Site Plan Approval package.
22. The drive-through lane will be modified and submitted as part of the final Site Plan Approval package.
23. Understood.

Miscellaneous

24. Understood.

Ms. Krisfen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 11

Landscape Review – Benchke, 5/12/10 (from previous response dated June 10, 2010)

Residential Adjacent to Non-Residential

1. Correct...the PRO project property is not directly adjacent to any residential zoned property.

Adjacent Rights-of-Way

1. We are not asking for a deviation to eliminate the berms from the road frontage. As the grading design continues to move forward, we will demonstrate compliance with the requirements. This item is not pertinent to the zoning aspects of the PRO request, and therefore, has not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring this issue to satisfactory resolution prior to final Site Plan Approval.
2. The berms will be planted to meet buffering and opacity requirements.
3. The greenbelts shall be identified on the Landscape Drawings.
4. Acknowledged.
5. Understood.
6. Acknowledged.

Parking Area Landscape Requirements

1. Acknowledged.
- 2&3. The landscape plan, parking lot and perimeter canopy tree counts will be revised. These items concern technical site issues that our team is currently working on. However, they are not pertinent to the zoning aspects of the PRO request, and therefore, have not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring these issues to satisfactory resolution prior to final site plan approval.
4. We are asking for a deviation on 1 space in 4 locations (not 7) in front of the neighborhood shopping center.
5. Acknowledged.

Building Perimeter Landscaping

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 12

1-5. We are seeking deviations for these items.

Loading Area

1. Acknowledged.

Plant List

1. The final plan list will be provided in the preliminary Site Plan Approval phase.

2. Acknowledged.

Novi Road Corridor Plan

1, 2 & 3.

We will provide additional detail regarding the 5 pedestrian node points, gazebo and bicycle rack locations. However, these items are not pertinent to the zoning aspects of the PRO request and therefore, have not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring these issues to a satisfactory resolution prior to final site plan.

General Requirements

1. Understood.
2. Understood.
3. Acknowledged.
4. Acknowledged.
5. Understood.

Woodland Review – M. Holzheuer, dated 5/7/10 (from previous response, dated June 10, 2010)

1-7 The woodland boundary has been relocated according to the recent ordinance revision. We understand the mitigation issues involved, and will be resolved per ordinance requirements as part of the Site Plan Approval process.

8. We understand this item has been resolved.

Wetland Review – J. Freeland, August 5, 2010

Proposed Impacts:

1. Acknowledged.
2. Acknowledged.
3. Acknowledged.

Required Permits: Understood.

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 13

Conclusion: Per the wetland consultant's review, the newly proposed detention design can be built within the requirements of Novi's Wetland Ordinance and without the need to develop compensatory wetland mitigation.

Façade Review – D. Necci, 5/12/10 (from previous response dated June 10, 2010)

1. As stated previously, Split Faced/Smooth Faced CMU: It has not yet been determined if the split faced CMU base will project beyond the C-brick wall surface on all walls of the Kroger building. If that is the final design, a chamfered sill unit will be used. However, this item is not pertinent to the zoning aspects of the PRO request and therefore, has not been included as part of the city's planning staff and façade consultant to bring this issue to a satisfactory resolution prior to final site plan approval.

Fire Department Review – M. Evans, 5/4/10 (from previous response dated June 10, 2010)

The following items concern technical items that will be provided on the plans prior to final site plan approval. However, they are not pertinent to the zoning aspects of this PRO request and therefore, have not been included as part of this phase of our submittal.

1. The conceptual water main layout is only shown at this point. The water will be sized as required by the city and indicated on the preliminary site plans.
2. The Hydrant will be added as part of the preliminary site plan submittal.
3. The existing hydrants will be located and appropriately shown as part of the preliminary site plan submittal.
4. The water supply into the buildings will be shown per requirements as part of the preliminary site plan submittal.
5. – 7. The note will be added as part of the preliminary site plan submittal.

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375
August 18, 2010
Page 14

As stated above, this submittal concerns itself only with the zoning aspects of the PRO project. Many of the items above concern technical issues that are not pertinent to the zoning aspects of this PRO request. They will all be brought to a satisfactory resolution prior to Final Site Plan Approval. If you have any questions, please feel free to contact me. Thank you.

Sincerely,

SIEGAL/TUOMAALA ASSOCIATES
ARCHITECTS AND PLANNERS, INC.

A handwritten signature in black ink, appearing to read 'MJS', with a long horizontal stroke extending to the right.

Martin J Smith
NCARB, LEED AP
Principal

MJS:bmw



NOVI TEN ASSOCIATES
400 RENAISSANCE CENTER
SUITE 2170, DETROIT, MI 48243
Tel: 519-825-3112 Fax: 519-825-3152

August 18, 2010

To: Planning Commissioners, City of Novi

Re: Weiss Mixed Use PRO, 10 Mile and Novi Road
Site Plan No. 04-41 (09-26/Rezoning 18.690)

Dear Commissioners:

This memo responds to topics raised during the June 23rd Planning Commission meeting at a mid-point where procedure did not allow opportunity for us to provide you these additional facts and input:

1. **Woodlands** Perspective regarding: Where staff verbally or in writing says: There will be "significant impact on woodlands". Our documented plan includes FULL compliance with your regulations. We are NOT even asking for ANY deviation or Variance, from your full regulatory requirements which will all be accomplished in the form of tremendous Landscaping, and combination of required Re-plantings, Natural marshland retained, as well as contribution to your tree fund. * Further, upon completion, this site will be 41.8% Green Landscaped and other treed areas (TWELVE Acres green). Few of sites have such a high percentage of Green areas, and we far exceed the regulations.

* **2. Compliances:** As to this above representation and all the representations we have made, as to wetlands and many other topics. We are not asking you to simply "Trust Us". After your approval, we still have to go through FULL Formal, detailed Novi Site Plan approval processes, where we must demonstrate full compliance with ALL regulations and representations before any Building Permit is issued. You are fully protected for compliance.

3. Kroger: Commissioner Cassis asked if Mr. Ragsdale, was merely a Kroger Employee who was only representing himself, merely as a local resident that personally wanted a Kroger store located at this site at the corner of 10 Mile & Novi Road. Quite to contrary: Mr. Ragsdale has the official Title: Senior Real Estate Manager, Kroger Co. of Michigan, and has appeared, as well as signing many documents formally representing and on behalf of: The Kroger Company.

Further Commitment and Reliance on Novi's Representations: Since 1993, when Novi first approved this site as shown in the 1993 Master Plan, for Local Neighborhood Commercial use, with documented statements* from the city about specifically including a provision for food store (see prior Exhibit 'C'). They did also ask us to please "wait to build, until after the road intersection improvements are done" and numerous other changes requested by various Novi City development committees, etc., which we have incorporated into this plan, working with the city and far exceeding regulations. During this time, Kroger has demonstrated its commitment by not only signing contracts on this land but also, like Novi Ten Associates, has spent hundreds of thousands of dollars on this site, also Kroger separately has also spent considerably \$100,000 on this site. That all has been based on reliance on these realities, and the reasonable representations from the city of Novi, about the appropriateness of a food store in this location. Kroger's commitment here is not just a mere personal interest of Mr. Ragsdale These facts are all well documented. Kroger has stated in writing they are eager to start construction immediately upon city approval, as soon as possible.

4. **Market Needs and Beneficial American Competition:** Mr. Cassis also voiced a question/concern whether a new store in this location might have a negative impact on the Busch's store a mile away, and thus the City of Novi. We offer two independent responses, each alone, answers this question:

First: In the City of Novi's own market studies, Master Plan and other documented conclusions, there has been a clear pattern of over a decade, this City has been consistently saying itself, that a food store and neighbor commercial should be located on this spot. This has included even the most recent Market Study done by the City (Novi's Market Assessment, Chesapeake Group, 2007). This is confirmed also by other recognized authorities, ALL having a consistent theme: The City of Novi as compared to any city this size and other traditional urban planning measures, Novi is currently underserved as to number of needed full service food grocery stores. Meaning: INCLUDING the existing Busch's store, there is still a need for more food stores as this Kroger. For the typical conveniences as well as employment, and tax revenues, etc., for the City of Novi. The point of those studies done by Novi is clear: There is plenty of consumer demand for BOTH stores. This was documented by Novi in its own Market Studies and Master Planning meetings and Master Plan documents.

Second: Beneficial Competition: In many parts of routine commerce, **identical** retail stores are located side by side even closer than Busch's: Gas stations side by side, Tire stores side by side, Banks side by side, Burger Kings/Wendy's side by side, pharmacies side by side, restaurants side by side, car dealerships side by side. These competition pressures strongly tend to **promote better business serving the community:** better upkeep of parking lots and landscaping, better storefronts and building maintenance, and better products and pricing. These are all benefits for the community, for the retail customer, nicer drive-by appearance, and other such typical benefits of typical healthy competition. As we all know, such competition promotes higher quality businesses and neighborhoods. It's the "American Way", and benefits this entire community.

These stated benefits are above and beyond the fact that the additional food store provides more jobs and local cash revenues that will circulate around the community, benefiting other community retail, large tax revenues for Novi, and numerous other "Public Benefits" to the City, as specifically listed elsewhere in this documentation.

We have done everything the City of Novi has asked, over many years. This property has been designated for this use, consistently since 1993. As we were asked by Novi, we have waited for the intersection improvements per the City's request. And then we went on to spend several hundreds of thousands of dollars in revisions and re-submittals incorporating many other revisions requested by Novi personnel and departments. We have been paying the costs of additional design work and construction work for the delays of these revisions and upgrades. We are complying with the ordinance requirements and asking for no variances for the use aspects of the project. We have confirmed we will comply with the full Site Plan Approval process in the future to get a Building Permit, as to all regulations and technical issues, to the complete satisfaction of the City's consultants, Planning Commission and Council. Our reward for this cooperation should not be "postponement" or "we need more study". We ask for your Vote of Support today, for this project that will so clearly benefit this community.

Sincerely:
Novi Ten Associates

Dan Weiss, Managing Partner

DW/ck

Supplemental Documentation of Support:

1. We are including a more up to date Market Assessment prepared October, 2008 by Chesapeake Group (the very same respected economic development consulting firm retained by the City of Novi). Page six of the document, included as supplement 1 and submitted previously, states the City of Novi has unmet needs for neighborhood commercial at this location.

2. Also attached as supplement 2, is a letter to Darcy Schmitt from Matthew Quinn, dated March 8, 2004 documenting numerous of the items referenced in the above memo, which has been submitted several times previously.

Supplements:

1. Chesapeake Group, Synopsis: Market Assessment for Mixed-use Development of the Weiss Site in Novi, Michigan, Page 6, dated October, 2008.

2. Matt Quinn letter to Darcy Schmitt, dated March 8, 2004.

**SYNOPSIS:
MARKET ASSESSMENT
FOR MIXED-USE DEVELOPMENT
OF THE WEISS SITE IN
NOVI, MICHIGAN**

WEISS MIXED-USE DEVELOPMENT



October, 2006

Prepared by

The
Chesterbrook Group, Inc.

Building A Foundation For The Future

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*ALSO ADMITTED IN FLORIDA

March 8, 2004

Darcy Schmitt
Planner
City of Novi
45175 West Ten Mile Road
Novi, MI 48375-3024

RE: Master Plan and Zoning Committee
Property located at Novi Road and Ten Mile Road
Proposal of Novi Ten Associates

Dear Ms. Schmitt:

The purpose of this letter is to supplement the letter submitted by Mr. Dan Weiss which confirms the existing Master Plan uses for the subject property and which seeks the introduction of the re-zoning of this property to comply with the Master Plan. The additional purpose of this letter is to address two levels of concern for the approximate 66 acres of land owned by my client which fronts both Ten Mile Road and Novi Road and which abuts on its southern boundary River Oaks West, Sports Club of Novi, and the Novi Ice Arena/City Park property. Under current zoning, parcel number 22-26-101-019 contains 44.71 acres and is zoned I-1. Parcel number 22-26-101-021 contains approximately 21.07 acres and is zoned OS-1. My client is seeking a change of zoning which would result in 22.92 acres of B2 zoning along Ten Mile Road and 34.34 acres of RM-2 zoning on the south end of the property abutting River Oaks West and the Sports Club of Novi (Exhibit A). The current Master Plan denotes the Ten Mile Road frontage and the Novi Road frontage as local commercial and justifies the underlying rationale for the request for change of zoning to the B-2 designation. The multiple family condominiums currently lies within the Master Plan light industrial area and, therefore, a Master Plan change is requested. It is presumed that the overall re-zoning request will be accompanied by an application for the Overlay Zoning Ordinance at the request of the applicant, for their benefit and the protection of the City of Novi.

With the above as an overview of the requests, I will now provide the backup information from the City's records and from the applicant's studies which provides the justification for the required Master Plan and zoning amendment changes. Dan Weiss and his associates originally purchased this property from the Erwin family when they concluded their orchard operations over 30 years ago. Thereafter, in 1997, Novi Ten Associates through Dan Weiss, the managing partner, donated

to the City of Novi 18 acres for the construction of the Novi Ice Arena and the land surrounding the ice arena to be used as a park for the benefit of the "children". Later, at the City's request, in 2001, Novi Ten Associates modified the charitable use limitations on the donated property, so that the City could install a cellular tower and the resultant income could then be used to decrease the Novi Ice Arena debt and later to be used for the ice arena operations and other on-site recreational uses for children. As a result of these very charitable acts, Mr. Weiss and his group was awarded a Letter of Commendation from Mayor Clark in January of 2000 (Exhibit B).

The development of this acreage has been under discussions with the City since the 1993 Master Plan (Exhibit C). From that Master Plan the retail and office sector study and plan traced the commercial land use from 1974 through 1990. The City's own study showed that due to the fact that there were very few food stores in the City that there was a net loss of potential retail sales of \$4,341,000.00 as of 1987. Further considerations were the great increase in the inconvenience of obtaining basic food products as well as the number of new jobs which would be created. The same study also showed that the space requirements for retail sales were distorted from conventional planning analysis due to the fact that there were three regional shopping centers located at I-96 and Novi Road. The City, in this study, noted that local businesses missing from the community were defined as convenience shopping with areas of land consisting of relatively compact groups of stores would satisfy the day-to-day shopping needs of the residents. Uses including in that category were food stores, drug stores, personal service stores and other convenience type establishments. The City further defined a local business as serving a trade area consisting of nearby neighborhoods with the population between 5,000 and 10,000 people and with a floor area of up to 100,000 square feet. The principal tenant would be a supermarket.

After the adoption of the 1993 Master Plan, the City took a look at the Novi Road Corridor Plan. I believe this was adopted in June of 2001. Portions of it are attached as Exhibit D. It did acknowledge that the current Master Plan recommendations were to add more local commercial at the southeast corner of Ten Mile and Novi Road and also designated my client's property as a Special Planning Project area. My client assisted in that discussion by bringing forward certain portions of a marketing study that was completed in November of 2002 (portions of which are attached as Exhibit E) and determined that based upon the year 2000 census that approximately 40,000 people and 14,000 households were in the defined trade area of a proposed shopping center at the location of Novi Road and Ten Mile Road. It showed that there were only three traditional supermarkets serving the entire Novi area. This included the Kroger store at Grand River Avenue and Beck Road which consisted of 54,000 square feet, the Farmer Jack store at Ten Mile and Meadowbrook which was of 1970 vintage and contained approximately 30,000 square feet, and the Hiller's Shopping Market in Northville. This market study further showed that for grocery stores in the year 2002 the total expenditure in the trade area was projected to be \$84,671,000.00, by the year 2007 the sales would equate to \$106,482,000.00 and by the year 2012 the total sales were expected to be \$127,585,000.00. It was projected that by the addition of a grocery store at the subject location that these projections would be met and the portion of the

Tim Schmitt
March 8, 2004
Page three

money staying within the City of Novi would reverse the projected deficit from grocery store sales. Attached is an excerpt from the Executive Summary of the Novi 20/20 Master Plan for Land Use (Exhibit F) and on page iv it showed that there was still a "negative outflow of some retail dollars from Novi residents to other communities due to a shortage of grocery stores and some other retail uses. The Master Plan went on to say:

"the Master Plan for Land Use includes new local retail sites for possible grocery store and similar related development at the southeast corner of Novi Road and Ten Mile Road..."

From that Summary there was a first draft of the 20/20 Master Plan Map and that is attached as Exhibit G. You will note that the area proposed for commercial was limited to more of the corner area of Ten Mile and Novi Road. Later when the final Master Plan for Land Use Map was adopted (Exhibit H), you will note that the area for local commercial designation extended all the way from Novi Road easterly to the railroad tracks and it was bounded on the south by the natural creek area which resulted in light industrial zoning on the south side of the creek..

At the time that the 20/20 Master Plan was adopted, Mr. Weiss and his representatives were specifically told that they should consider applying for re-zoning and site plan approval on this commercial project when the improvements proposed at the Ten Mile and Novi Road intersection were underway. Therefore, Mr. Weiss has been continuously having his architectural firm, Siegal/Tuomaala Associates Architects and Planners move slowly on this project until they were certain that the intersection improvements were going to occur. WELL, NOW IS THE TIME!! Based upon the City Manager's Second Quarter Performance Report to the City Council, it is specifically noted (see attached Exhibit I) that the Novi Road and Ten Mile Road intersection is noted that the Road Commission of Oakland County is continuing with the design, the right-of-way acquisition is continuing and they anticipate a May 2004 bid letting with completion of the improvements by June of 2005, therefore, the long awaited event upon which the 20/20 Master Plan for Land Use was based is now a reality and the work is scheduled. Therefore, Mr. Weiss and his associates are prepared to comply with the Master Plan and submit their request for re-zonings and later site plan approvals.

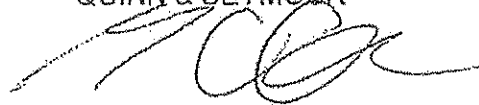
Having waited for over ten years to begin this project and given the go-ahead by the Planning Commission with the adopted 20/20 Master Plan of Land Use, tens of thousands of dollars has been expended by my client in doing a thorough and exhaustive investigation of the wetlands of the area, the drainage of the area, the justification for the economic support of a supermarket anchored shopping center and with the immediate market need for sale condominium. My client looks forward to starting this exciting project. I must say, however, that the minutes from an October 14, 2003 meeting of this committee (said minutes were just received by the undersigned in February, 2004) did peek the interest of the undersigned and my clients. (See minutes attached as Exhibit J). It appears from those meeting minutes that the Master Plan and Zoning Committee

Tim Schmitt
March 8, 2004
Page four

was not aware of the ten years of study devoted to this 66 acres. Therefore, my client is more than able to assist the Committee in understanding the ten years of work on this project and we look forward to a prompt meeting with the Committee to confirm that the Master Plan will at least continue in its current configuration and perhaps even change to the requested re-zoning configuration and that a positive recommendation on the re-zoning will be included. My client and I are available for attendance at such a meeting at any time other than the week of March 29th as I will be on vacation.

Respectfully submitted,

COOPER, SHIFMAN, GABE,
QUINN & SEYMOUR



Matthew C. Quinn

MCQ/kw
Enc.
cc: Dan Weiss
Leonard Siegal

July 23, 2010

Ms. Kristen Kapelanski
Planner, City of Novi
45175 W. 10 Mile Road
Novi, MI 48375

Re: Weiss Mixed-use / PRO Development
Novi Road & 10 Mile Road
Site Plan No. 04-41 (09-26/Rezoning 18.690).

Dear Ms. Kapelanski:

Pursuant to our phone conversation with Ms. Barbara McBeth on July 19, we are required to submit our additional information through the normal channels of communication. Therefore, we are submitting a revised Engineering drawing (Exhibit A) which indicates the newly configured storm water detention design and relocated Woodlands Boundary Line.

The drawing and following comments resolve the issues stated in the Postponement Motion made and passed at the June 23rd Planning Commission meeting:

1. "The applicant has not clearly demonstrated how stormwater detention and wetland mitigation areas will be contained on the site."

Mr. William Curry, our civil consultant from SSOE had previously been in contact with Novi's wetland consultant, Mr. John Freeland (EGT) and city engineer Mr. Lindon Ivezaj.

The new design fully answers the question asked during the June 23rd hearing regarding the capacity of the stormwater detention at the site. In fact, it goes further to indicate that the wetland disturbances total less than 0.25 acres, and therefore falls below Novi's threshold requiring any mitigation at all. It also falls below Michigan's threshold of 0.53 acres.

Based upon this new design, we are confident that Mr. Freeland and Mr. Ivezaj will agree that the presented solution demonstrates, without question that the stormwater detention will be contained on the site. During the next Planning Commission meeting, when a Planning Commissioner or staff member asks their city engineer or wetland consultant, "Are we satisfied that the stormwater issue has been resolved?" they will be able to answer unequivocally "Yes, this item is no longer an issue."

2. "The applicant has not clearly demonstrated how existing wetlands will not be impacted by stormwater run-off and/or woodland mitigation."

As indicated above, the disturbed area is now under 0.25 acres. Mitigation is not required under Novi's or the State's requirements. This item is therefore no longer an issue.

3. "Woodland impacts have not been properly identified and are likely to be substantially greater than those indicated by the applicant."

We have repeatedly acknowledged that the Woodland line of the ordinance has changed due to a recent ordinance revision, and have relocated it accordingly on the attached exhibit. We understand the mitigation issues involved, which will be resolved once site plan issues, such as



the stormwater detention configuration is finally established. We have repeatedly affirmed that we are not asking for any variance or deviation. We have also said that we intend to comply with the ordinance requirements. Woodland mitigation is not a zoning issue as it relates to the land use of the site. It is a Site Plan Approval issue, which will be addressed to the satisfaction of your staff and woodland consultant.

4. "The public hearing on the Master Plan is scheduled for July 14, 2010 and postponement of this request would allow an additional opportunity for public comment on the subject property, which has been a study area in the Master Plan update."

Mr. Quinn has informed us that the Master Plan Update was further discussed and passed by the Planning Commission at their meeting on July 14th. However, the Weiss Mixed-Use/PRO Development was pulled from the motion and designated to remain a Special Planning Area for further consideration. This condition is now satisfied.

5. "The Commission would like to review additional information on the impact the proposed Kroger store would have on other retail stores in the area."

This item has been heavily documented and debated at the previous Planning Commission meetings. We are prepared to discuss it further, if necessary at our next Planning Commission hearing.

Please remember, we are asking for no variances for any of these issues. We have continually stated that we intend to fully comply with storm water, wetland and woodland ordinance regulations and requirements, which will be resolved to the satisfaction of your planning staff and consultants. The City of Novi has ultimate control, and we will not be issued building permits, nor allowed to proceed on the site until we receive Final Site Plan Approval.

Please forward the attached Exhibit A to the appropriate consultants for a "limited review" as we discussed. I have also enclosed the \$930.00 check to cover your review costs. As discussed, we look forward to being placed on the August 25th Planning Commission agenda. Please feel free to call if you have any questions. Thank you.

Sincerely:

SIEGAL/TUOMAALA ASSOCIATES
ARCHITECTS AND PLANNERS, INC.



Martin J Smith
NCARB, LEED AP
Principal

Copy: D. Weiss, M. Quinn

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OF COUNSEL:
CHARLES Y. COOPER
ARNOLD J. SHIFMAN

REPLY TO ROYAL OAK OFFICE

June 15, 2010

Barbara McBeth
Deputy Community Development Director
45175 West Ten Mile Road
Novi, MI 48375


RE: Weiss Mixed Use Project – PRO Resubmittal

Dear Ms. McBeth:

Please find enclosed my attorney letter in support of the Weiss Mixed Use Development SP #09-26A. Please provide this information to the Members of the Planning Commission for use at the public hearing coming up on June 23, 2010. Thank you for your cooperation.

Very truly yours,

GABE, QUINN & SEYMOUR,



Matthew C. Quinn

MCQ/kw
Enc.

cc: Marianne Cornelius, Novi City Clerk
Dan Weiss
Christine Klingenschmitt
Marty Smith

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OF COUNSEL:
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ARNOLD J. SHIFMAN

REPLY TO ROYAL OAK OFFICE

June 15, 2010

City of Novi Planning Commission
45175 West Ten Mile Road
Novi, MI 48375

RE: SP #09-26A/Rezoning 18.690
Weiss Mixed Use PRO

Dear Members of the City of Novi Planning Commission:

Mr. Weiss is bringing to the City of Novi an approximate \$20 million commercial/office project. The original PRO was submitted July of 2004 under Site Plan No. 04-41. The resubmission in August of 2009 was assigned Site Plan No. 09-26. After receiving the Novi Planning Commission Staff comments, the PRO re-submittal was completed on March 29, 2010 and assigned Site Plan No. 09-26A.

This is not a new project. It was first submitted to the City in 2004 but had been actively worked on since the 1999 Master Plan designating all of the Ten Mile Road frontage between Novi Road easterly to the railroad tracks with a commercial designation. It is acknowledged that the special planning project area designation was placed during the 2004 Master Plan. The purpose of that designation was to allow further study on a comprehensive plan between the commercial portion and the office portion. Mr. Weiss has accomplished the goal with the resubmission of the PRO which is now pending.

The current PRO further follows the previous recommendations of the City Staff and the Planning Commission. The square footage proposed to be designated as B-2 has been decreased by 12% to 20.16 acres. The retail square footage of 130,871 square feet is a 24% reduction from the 2004 submission. Overall, the office and retail square footage of 148,671 square feet has been decreased by 17% from the 2004 Application. Both Novi Ten Associates LLC and Kroger have together spent hundreds of thousands of dollars in planning for and designing this development. You have previously been advised by Rick Fagsdale of the Kroger Company in his letter of March 24, 2010 that Kroger is ready to begin construction on this project. You have also previously received a letter dated November 5, 2009 from Landmark Commercial Real Estate Services, Inc.

Page two

that stated that while there are many big box vacancies available in the regional centers in Novi, there is still a need for local type shops and a well-located supermarket anchored neighborhood center.

It is well documented in the City's planning documents and its paid-for Market Study that Novi needs additional grocery stores. Currently, Novi is served by the Kroger store at Grand River Avenue that was built in 2000. It was a proto-type store, at that time, with 54,000 square feet. **Please note that this store will remain open and is not affected by the new Kroger store in the Weiss PRO.** The only other true grocery store in Novi is the old Farmer Jack/Busch store. This was built in 1970 and it is undersized at only 30,000 square feet. Therefore, the conclusion is that the approximate 54,000 residents of Novi are only served by 84,000 square feet of grocery store located within the City. **The proposed Kroger store of 64,000 square feet, with competitive prices, meets the needs of a large portion of the City of Novi residents.**

The Market Study submitted with this Site Plan was performed by Chesapeake Group Inc., the same company the City used. The Market Study demonstrated that 40 perspective retail category uses were underserved in the trade area for the Weiss PRO. The recommended tenant mix from that number showed 12 specific uses that could support a shopping center between 140,000 and 199,000 square feet which includes a supermarket of 50,000-65,000 square feet. They reported that "based on the US Census, the City of Novi per capita sales were lower than that of Oakland County or the Detroit PMSA for the categories of food stores, specifically grocery stores..." Further, there is "...market support for a grocery anchored center, to curtail leakage out of the market for food shopping. Typically, grocery shopping is done close to one's home, unlike comparison shopping goods shopping."

Mr. Weiss hired the Strategic Edge Company to perform customer research on neighborhood shopping patterns and preferences in Novi. This was a random survey of 308 area residents; the goal was to determine current shopping patterns as well as level of interest in having a new supermarket and similar neighborhood shops at Ten Mile and Novi Roads. The results were as follows:

1. **Over 78% of the respondents said they were "very likely" or "somewhat likely" to shop at a new supermarket, should it be located at the site at Ten Mile and Novi Roads.**
2. **64% of those surveyed said that the location at Ten Mile and Novi Roads is more convenient than, or as convenient as, their present supermarket location. Most shoppers identify Meijer as their present primary supermarket (19% at Grand River and Wixom Roads and 20% at Haggerty and Eight Mile Roads), followed by Hilliers in Northville (16%), Farmer Jack (now Busch) at Ten**

Page three

- Mile and Meadowbrook Roads (15%), and Kroger at Beck and Grand River Roads (also 15%).
3. Overall, most of the respondents shop at their primary supermarket due to convenience of the location (53%) more than any single reason, including everyday prices, selection and variety, produce quality and advertised prices, and meat quality.

They conclude by determining "this customer consumer survey shows that convenience is the primary factor in consumer choice for grocery and neighborhood type of shopping. Novi shoppers desire and would patronize a conveniently located full-service grocery store and associated neighborhood shopping at Novi Road and Ten Mile Road".

The next major discussion area is a comparison of the retail vacancy rate versus the industrial vacancy rate.

The City Staff, through its own survey, established the retail vacancy rate in the City of Novi at 10%. Members of the Planning Commission correctly asked the Staff what the vacancy rates are for industrial buildings in the City. The Staff said they did not look at that. While I have! Attached is the vacancy rate schedule for Novi Industrial Building Space that I received from Thomas A. Duke Company. Novi has 8,323,666 square feet of industrial building space. As of May 24, 2010, 16% of industrial space was vacant and there is a total availability of 21% of all industrial building space located within the City. Additionally, the Staff reports, at page 53 of the Appendices to the Master Plan Amendments dated February 26, 2010: "available area for office and industrial uses may be a 19 to 48 year supply".

The City Staff has stated that Novi needs to maintain its supply of vacant industrial land in case a big user wants to come to town. Remember that east of the Weiss PRO parcel is a vacant 107,000 square foot industrial building that has been vacant for five years or more. Any large user would move into that building rather than go through the time and expense of new construction.

The same Master Plan report, at page 21 of the Appendices, stated: "without an adequate supply of land for retail space, some retail services that the public wants may not be provided and, if not provided, the public will need to travel outside of the local community to get these services."

The Staff concluded that there is currently enough retail supply that it will not need more by the year 2018 as the population increases.

FACTS

Industrial Vacancy Rates	16% - 21%
Retail Vacancy Rates	10%
Supply of existing industrial land per City Staff	19 to 48 years
Supply of existing retail vacant land per, City Staff	8 years

FACTS

1. Consumer research for neighborhood shopping patterns and references established that over 78% of Novi residents were "very likely" or "somewhat likely" to shop at a new supermarket at Ten Mile and Novi Roads.
2. The Market Study establishes there is market support for a grocery anchored center with ancillary retail uses at Ten Mile and Novi Roads between 140,000 and 199,000 total square feet.
3. The current retail vacancies are at 10% and land zoned for retail which should be used within eight years.
4. The vacancy rate for industrial buildings in Novi is between 15% -21% and the vacant industrial zoned land should be used up within 19 to 48 years.

In conclusion, the facts speak for themselves. Novi residents desire a grocery store with ancillary retail at Ten Mile and Novi Roads. It is supported by Market Study, resident opinions and through a comparison of the vacancy rates between retail and industrial uses. The subject land should not remain as industrial. It should be rezoned as requested to allow for the retail uses as presented. Any other conclusion would not be based upon fact but upon mere emotion and unfounded beliefs.

Respectfully submitted,

GABE, QUINN & SEYMOUR)

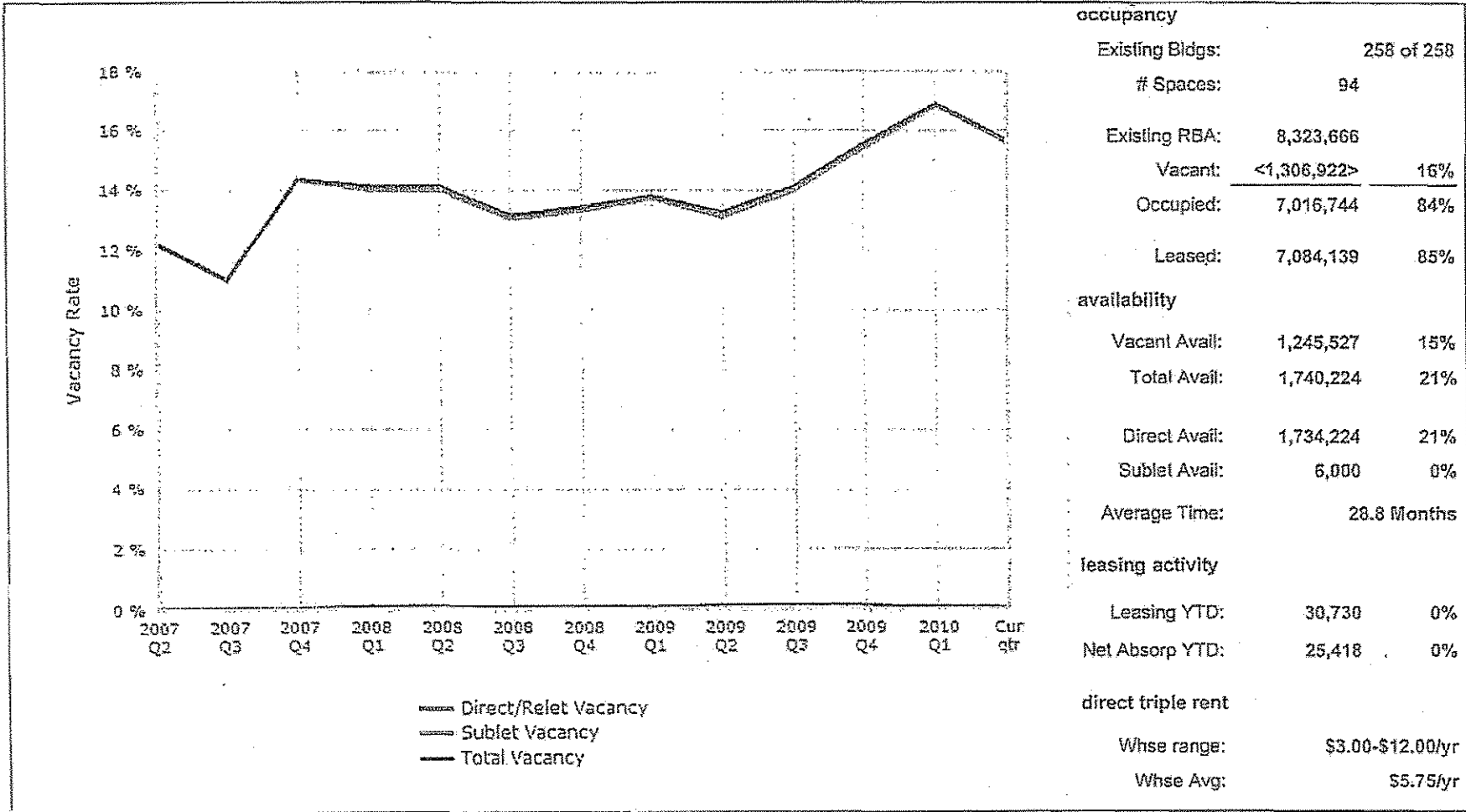


Matthew C. Quinn
Attorney for Novi Ten Associates

MCQ/kw
Enc.

NOVI INDUSTRIAL BUILDING SPACE

Vacancy Rates



occupancy		
Existing Bldgs:	258 of 258	
# Spaces:	94	
Existing RBA:	8,323,666	
Vacant:	<1,306,922>	16%
Occupied:	7,016,744	84%
Leased:	7,084,139	85%
availability		
Vacant Avail:	1,245,527	15%
Total Avail:	1,740,224	21%
Direct Avail:	1,734,224	21%
Sublet Avail:	6,000	0%
Average Time:	28.8 Months	
leasing activity		
Leasing YTD:	30,730	0%
Net Absorp YTD:	25,418	0%
direct triple rent		
Whse range:	\$3.00-\$12.00/yr	
Whse Avg:	\$5.75/yr	



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5/24/2010

Thomas A. Duke Company

March 29, 2010

Planning Commission
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Re: Weiss PRO
Novi Road & 10 Mile Road
Site Plan No. 04-41 (09-26/Rezoning 18.690)

Dear Planning Commission:

We are respectfully re-submitting with revisions, the PRO (Plan Re-zoning Overlay), Site Plan No. 04-41, previously submitted in July 2004, and upon which we have been working productively with the City of Novi for years.

The Project has been quite actively ongoing since 2001, and before, pending the completion of improvements to the 10 Mile/Novi Road intersection and numerous changes as were requested in prior Novi subcommittee approvals, etc. In that time, the property owner and design team has made many changes that correspond to the comments of the Planning Department's staff and consultants from various meetings, hearings and correspondence.

One main point to please keep in mind: The concept and zoning use has remained as originally initiated by the City of Novi itself, based on its own studies and confirmation of the need for Local Commercial at this location. That is, to rezone portions of the existing I-1 and OS-1 zones to B-2.

Furthermore, initiated by Novi Ten Associates, the affected acreage and building square footage has been voluntarily reduced considerably in the current version as compared to the previous 2001 and 2004 submittals. The original proposed B-2 zoned area was 22.92 acres, but has been reduced to 20.16 acres...A 12% reduction. The retail square footage has dropped substantially from 170,072 sf to 130,871 sf...A 24% reduction. The overall retail and office square footage has been reduced from 179,072 sf to 148,671 sf...A 17% reduction creating a much lower density, with greatly improved aesthetics.

More recently, the Novi Ten Associates team has submitted a PRO re-submittal, dated February 2, 2009 and then again on August 17, 2009, responding to the requests for clarifications and further info as requested by Novi's Planning staff and consultants.

To date, Novi Ten Associates and Kroger have spent several hundreds of thousands of dollars to move this project along based on the preliminary comments we have received from the various Novi subcommittees (made up of planning staff, Planning Commissioners and City Council members). The Novi Ten Associates' Team has now completed the requirements for the zoning issues and is continuing on the technical issues and details to the satisfaction of the requests.

STA

The latest submittal includes several refinements:

- The development is to be set up as a General Business Condominium in conformance with Novi's standard practices, in lieu of the previous Site Condominium.
- The Ten Mile Road improvements have been further defined, indicating many road improvement items that exceed standard requirements.
- The access drives have been aligned with those across Ten Mile and Novi Roads, and also with the internal drives of the project.
- More natural landscaped areas have been set aside.
- We have included an out-only driveway at the east end of the property for truck traffic, eliminating any co-mingling with pedestrians and customer vehicle traffic.
- Sidewalks and node points have been located to encourage pedestrian traffic into and within the site and improve drive-by aesthetics.
- The Kroger and neighborhood shopping center façade designs have also been upgraded significantly.

This submittal package also includes a list of substantial public benefits and a short list of minor deviations:

A quality project, such as proposed, can have a significant positive impact on the tax base of the City of Novi. It is estimated that this project will have a value of more than \$20 million at completion. At the City's current tax levy, this project would pay an amount in excess of \$211,000 per year to the City. This amount would represent the payment for existing or approximately three new police officers. The Novi School District would receive an even greater benefit from school taxes. Local employment and other beneficial commerce would also be increased. And of primary note, in conformance with the many studies that initiated Novi's own prior Master Plan conclusions, this development will serve the convenience of the local population's needs for daily commercial needs, most specifically a full-service grocery store, in an area which currently is under-served (being the exact stated reason the Novi Master Plan indicated this exact use here).

Our PRO/Re-zoning proposal complies with the 20-20 Master Plan of Land Use which designated the entire frontage of Ten Mile Road for commercial purposes as well as the entire frontage of Novi Road. This proposal includes much less commercial than suggested, and no commercial on Novi Road. Thereafter, with the placement of the Special Planning Project Area over the underlying commercial Master Plan uses in the Novi Road Corridor Study and in the current Master Plan, which merely requested that all be addressed in a cohesive plan, we have satisfied and exceeded that requirement. We have mixed our uses between commercial and OS-1 to make a very compatible development with the surrounding areas and which have inter-related road networks, drainage patterns, and common architectural highlights.

Planning Commission
City of Novi
Page 3
March 29, 2010

We understand that the 'zoning' and 'site plan approval' aspects are intertwined under the PRO overlay ordinance. We acknowledge the planning, engineering, traffic, landscaping, woodland and wetland technical issues and details need to be worked and must comply with the complete approval process in the future, which your planning staff, along with their consultants will leave any PRO approval, to still be "tied" and subject to further full approvals during the future Site Plan Approval process.

The extensive details and calculations, such as tree replacements, grading, etc., are not yet provided here as we look to first address and confirm the ZONING USE aspect of the PRO. The balance of all ordinance requirements will be addressed and fully detailed to comply with the aspects of the proposed project prior to recommending SPA approval to the Planning Commission and City Council.

However, our concept plan, its uses, density, building structures, natural areas, basic utilities, roadways, parking and walkways have been long-established and have remained consistent and in conformance, other than when exceeding Novi's standards. The high level of expensive technical detail required to later achieve final SPA is immensely above and beyond what is required to first confirm the 'Zoning' viability of this project.

While Novi Ten and Kroger are looking to proceed immediately with the entire project, at this first preliminary point we wish to concentrate on the zoning aspects. Accordingly, it is our request here to gain now first from this submittal, confirmation of that zoning, and that confirmation, in the PRO format be in the form of an: "Approval of the PRO by the City of Novi, as submitted, and still subject to all typical Novi Site Plan Approval requirements in which all site plan items (outside the specific zoning topic) must next, still be submitted to Novi's Planning Department, Engineering Department, Traffic Consultant, Landscape Review Department, Woodland and Wetland Consultants, Façade Consultant and Fire Department for their review and approval."

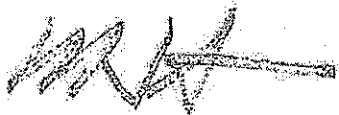
Accordingly, we are respectfully requesting a hearing to present and discuss our PRO project, specifically as to your intent for our zoning request. If favorable, Novi Ten Associates and their partner Kroger are ready to commit their consultants and monetary funds toward the refinement of the project development to the satisfaction of your planning staff and consultants. The Kroger store is a viable project now. They have stated several times before various committees that they have completed their own market study and are committed to this project and this site. They are self-funded and ready to commence construction, even in this economy.

Further, we have taken the previous advice from the City, through its consultants, staff and Planning Commissioners and waited to present our project until after the Novi Road/Ten Mile Road intersection improvements have been made. We have done each and everything that the City has asked and we now ask for a positive recommendation from this body to the City Council for the re-zoning of our PRO Application.

Planning Commission
City of Novi
Page 4
March 29, 2010

In conclusion, this submission brings us into full compliance with all of Novi's requests. Having complied fully, every step of the way, to put this project into the form requested by Novi and its consultants, we ask for final approval of this use, as it was recognized as beneficial and initiated by the City of Novi itself.

Sincerely,
SIEGAL/TUOMAALA ASSOCIATES
ARCHITECTS AND PLANNERS, INC.



Martin J. Smith
NCARB, LEED AP
Principal

MJS:bmw

June 10, 2010

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Weiss Mixed Use Project
10 Mile and Novi Road
Site Plan No. 04-41 (09-26/Rezoning 18.690)

Dear Ms. Kapelanski:

As indicated in our previous submittal (3/29/10), this submittal is intended to concentrate only on the zoning aspects of the overall Weiss Mixed Use PRO/SPA project. At this point in time, we have complied with the requirements necessary to request a Planning Commission hearing regarding the Zoning portion of the PRO.

Our team is continuing their work on the remaining technical issues of your very thorough review. We will continue to work closely with the city's planning staff and consultants to bring those remaining issues to their satisfactory resolutions in a later submittal as required by the City of Novi's Site Plan Approval process. As always, we appreciate your assistance in this matter.

The following is an itemized response to the City of Novi's Planning staff and consultants' review to our 10/17/08 PRO Submittal, 8/17/09 and 3/29/10 Re-submittal.

Planning Review Letter, K. Kapelanski, dated 5/10/10

As previously described, the Weiss Mixed Use project is to be developed as a general business condominium. The condominium units will consist of the footprints of the proposed buildings only. Parking, ingress, egress, landscape and other elements will be "common areas". The building footprints and parking areas indicated on the designated "future phases" are shown conceptually and hypothetically only. They may be modified, reconfigured and developed in random order. All future phase building architecture shall be compatible in style, material and color to the phase 1 and 2 buildings, and will be subject to the regular site plan approval process when developed.



Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 2
June 10, 2010

Page 3 – Recommendation

1. Further study is underway - Understood.
2. Master Plan implementation strategy - Understood.
3. As indicated the recently completed retail studies indicate the city has a surplus of land zoned or planned for retail activities through 2018, or 8 years. Appendices to the Master Plan amendments, dated February 2010, indicate that Novi has adequate land zoned or planned for industrial/research for up to 48 years...6 times as long.
4. The requested deviations and rationale are documented in this submittal package.
5. We believe that the B-2 and OS-1 zoning is consistent with the existing zoning in the area.
- 6.&7. The stormwater, wetland and woodland issues will be resolved per ordinance requirements as part of the Site Plan Approval process.

Master Plan for Land Use

As design professionals, we are concerned regarding the compatibility of industrial land uses adjacent to residential as opposed to commercial uses.

Page 4 – Novi Road Corridor Study

The Novi Road Corridor study discusses commercial development in the following passages:

Page 3 – Existing Master Plan recommendations: "...include adding more local commercial at the southwest corner of Ten Mile and Novi Road...", also reflected on the "existing Master Plan for Land Use map north segment".

Page 30 – The corridor recommendations for land use indicates a re-evaluation of the southeast corner of Ten Mile and Novi Road "due to the site constraints created by existing natural features", not due to the amount of commercial development in the city and the corridor. As indicated in this response letter, we are responding to the ordinance requirements regarding the existing natural features.

Page 5 – Compatibility with Surrounding Land Use

Traffic impacts are addressed in the attached traffic consultant's responses.

Residential properties to the south...as stated, it is highly unlikely that additional noise from the proposed commercial will affect the residential properties. We believe industrial uses would in fact cause a higher incidence of noise.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 3
June 10, 2010

Drugstore and office properties to the west...the OS-1 Zoning is not in question, in fact, this proposed PRO Development decreases the quantity of land zoned for office.

Infrastructure concerns have been responded to within the attached consultants' review letters.

Page 6 – Natural Features have been responded to within the attached consultants' review letters.

Voluntary conditions and ordinance deviations are documented in this submittal package.

Page 7 – Shopping Center

Thank you for acknowledging and supporting our deviation requests for the building height, loading space and elevations. Much like the loading space, the location of the dumpster enclosure is a practical use issue, with no real or perceived impact to neighboring land uses, as described in our list of requested deviations.

Kroger

Thank you for acknowledging and supporting our deviation requests.

Page 8 – Items for Further Review

Landscaping, drive-through lanes and driveway spacing waivers are addressed later in this response letter.

Photometrics: The property designated for the PRO overlay rezoning and development is separated from any residential zoned property by vacant property or an intervening zoning district and a minimum distance of approximately 300 feet (see similar statement in first paragraph of the following preliminary landscape review).

A preliminary Photometric Plan was provided in a previous submittal. A full photometric plan will be provided. However, it is not pertinent to the zoning aspects of the PRO request and therefore, has not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff to bring the photometrics to a satisfactory resolution prior to final site plan approval.

Loading Space and Dumpster Screening: These elements will be screened per ordinance requirements. This item concerns a technical site issue that our team is currently working on. However, it is not pertinent to the zoning aspects of the PRO request and therefore, is not included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscaping consultant to bring the screening to a satisfactory resolution prior to final site plan approval.

A phasing plan and detailed description are indicated on Drawing Sheet P-2.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 4
June 10, 2010

The legal Master Plan deed documents will be submitted for review prior to Site Plan Approval and prior to recordation.

Lot split/combinations: Correct, the PRO property is intended to be reconfigured as a single lot. The property south of the PRO property will be designated as one or two separate properties. The legal lot split/combo documents will be submitted for review prior to final Site Plan Approval and prior to recordation.

Proposed Building Pads: Correct. Building Plans 1 through 7 are shown for conceptual and hypothetical purposes only.

Land Uses: Understood.

Page 10 – Applicant Burden under PRO Ordinance

Simply put, the proposed project could not be built under the existing, outdated I-1 Zoning District. The public benefits are attached as part of this submittal.

Kroger Planning Review Summary Chart

Building Height: We are asking for a deviation for this item.

Number of parking spaces: We have corrected the parking count on the Site Plan on Sheet P-2. The Phase 1 parking count has been revised to 324 spaces.

Barrier free signs will be provided per Michigan Barrier Free requirements as part of the final Site Plan Approval submittal.

Drive-Thru Lane Delineation and Centerline Radius: This item concerns a technical site issue that our team is currently working on. However, it is not pertinent to the zoning aspects of the PRO request and therefore, has not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and engineering consultant to bring this issue to a satisfactory resolution prior to final site plan approval.

Dumpster Screen: A typical design is indicated on Sheet P-6. Kroger's trash compactor will be screened in a similar manner and will be described as part of the Site Plan Approval submittal.

Photometrics: As stated earlier, a full photometric plan will be included as part of the Site Plan Approval submittal.

Neighborhood Shopping Center Review Summary Sheet

Building Height: We are asking for a deviation for this item.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 5
June 10, 2010

Barrier free signs will be provided per Michigan Barrier Free requirements as part of the final Site Plan Approval submittal.

Loading Space location: We are asking for a deviation for this item.

Loading Space Screening: The continuous loading space screening will be addressed in the preliminary site plan phase.

Dumpster location: We are asking for a deviation for this item.

Dumpster Screening: As noted above, these elements will be screened. This item concerns a technical site issue that our team is currently working on. However, it is not pertinent to the zoning aspects of the PRO request and therefore, is not included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring the screening to a satisfactory resolution prior to final site plan approval.

Photometrics: As stated earlier, a full photometrics plan will be provided as part of the site plan submittal.

Engineering Review – L. Ivezaj, dated 3/29/10

General

1. Additional information has been provided. Items applicable to the rezoning application have been addressed. All other items will be addressed in the preliminary site plan phase.
2. The note will be added to the Site Plan Approval Drawings.
3. Larger scale Drawings have been included in previous submittals. The detail included on the larger scale Drawings are generally not pertinent to the zoning aspects of the PRO request and therefore not included in this submittal. The larger scale Drawings will be included for review as part of the full Site Plan Approval submittal.
4. Understood.
5. Noted.

Utilities

6. Understood.
7. These items concern technical site issues that our team is currently working on. However, they are not pertinent to the zoning aspects of the PRO request and therefore are not included as part of this phase of our submittal. We will continue to work closely with the

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 6
June 10, 2010

city's engineering staff to bring the utility layouts to a satisfactory resolution prior to final Site Plan Approval.

8. See Item 7 above.
9. See Item 7 above.
10. See Item 7 above.

Storm Water Management Plan

11. The preliminary design shows that we can achieve a large amount of storage volume south of the proposed retaining wall. There are a number of options at our disposal to adjust the detention area/volume as necessary in the final design and analysis. We have a multitude of options to mitigate the wetlands. As indicated in others responses, these are technical site plan issues, not related to the zoning issue at hand. We will work closely with the city engineering and planning staff to bring these items to satisfactory resolutions prior to final Site Plan Approval.

The proposed run off coefficient values used to determine the detention volume is generally accepted. We request reasoning for utilizing a higher value. Similarly, although we are not proposing underground detention, we request clarification as to why the size of the site is a determining factor in whether it is allowed or not.

12. The storm water management facilities will be constructed as part of Phase 1.
13. A Storm Water Management Plan will be addressed in the Site Plan Approval submittal.
14. The Storm Water Management Plan will provide the information required.
15. Access will be provided and shown on the Site Plan Approval submittal.

Paving and Grading

16. The additional topography will be provided for the Site Plan Approval submittal. Off site drainage will be clearly identified.
17. The perimeter sidewalk is labeled. We have added a note (Note 10) to Sheet P-2 clarifying internal sidewalk widths. These will be coordinated on the detailed engineering drawings for Site Plan Approval.
18. A continuous 8 foot wide concrete pathway is indicated across the frontage of the property.
19. The islands will be shown in compliance on the Site Plan Approval submittal.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 7
June 10, 2010

20. Stalls and curbs will be shown compliant on the Site Plan Approval submittal.

Off-Site Easements

21. On-site easements have been indicated on Sheet C400. The storm easements will be indicated as the storm water design progresses. Please clarify what is meant by the term "off-site" easement.

Public Utilities Impacts – L. Ivezaj, dated 5/10/10

Utility Demands

We have provided an REU calculation and provided it on C400. We calculate the site will require approximately 76 REUs total once developed.

Water System

Noted.

Sanitary Sewer

We request further information on the capacity of the existing sanitary sewer.

Summary

Understood. Again we would request further information on the capacity of the existing sanitary sewer.

Traffic Review – Birchler Arroyo, dated 4/16/10

2B. The assumption is correct. The west drive on Ten Mile Road is intended to include one lane in and one lane out.

3A-G. Acknowledged.

3H. From the traffic study report of March 2010, if developed under existing zoning, the intersection of Ten Mile Road and Novi Road would have an overall delay of 81.2 seconds. If the signal timing splits were optimized in Synchro, this could be reduced to an overall delay of 78.5 seconds, which would be more than the 70.0 second average delay if developed with the PRO plan.

3I-3L. Acknowledged.

3M. We disagree with the assessment that an additional outbound lane is needed, particularly if a signal is installed at the center drive.

- 3N. With a refined signal timing at the outbound delay, the left turn would operate at level of service "C". The westbound through level of service would operate at "B".
- 3O. "Further analysis of the center driveway on Ten Mile Road indicates that the level of service at the center driveway would be acceptable for all movements, even with the addition of more traffic which could divert from the eastern driveway, assuming that a semi-actuated and uncoordinated traffic signal is installed at the intersection. With a single westbound lane the 95% queue length would be approximately 635 feet and the level of service for the movement would be a B, which would not interfere with the railroad crossing in the foreseeable future. The outbound traffic would operate at a level of service C, with a 95% queue length of 215 feet. There will be adequate storage for those left-turn movements with the separate left-turn lane provided.

According to Synchro, the left-turn delay for the remaining 10 vehicles assumed to turn left out of the eastern driveway would still be long at 204.7 seconds but the 95% queue would only be 31 feet, or two cars.

The comparative SimTraffic Analysis (run 10 separate times and averaged) indicates far less delay for both the westbound through movement along Ten Mile Road at the center driveway with signal and the outbound left turn movement at the eastern driveway. The westbound queues 330 feet vs. the 635 feet estimated by Synchro do not approach the railroad crossing in the model.

With further refined signal timing at the Center Driveway, a separate westbound through lane would not be necessary to accommodate this development.

- 3P. Acknowledged.
- 3Q. Acknowledged.
- 3R. The additional lane will serve as a defacto right turn lane for all of the driveways along Ten Mile Road. We disagree with the assessment that an additional right-hand turn taper at the east and west driveways are beneficial.

Trip Generation

4. Acknowledged.
- 5&6. The drives on the opposite side of Novi and Ten Mile Road already do not comply with spacing standard. We will be requesting space waivers.
7. An agreement for a cross-easement at the existing Walgreen's store has not been reached. There is also the technical difficulty of an eight foot grade differential between the two properties. At this point in time, a shared egress point does not seem possible.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 9
June 10, 2010

Vehicular Access Improvements

8. Understood.
9. See Item 3N above.
10. Ten Mile Road widening will be coordinated with RCOC.
11. The plan will be corrected.

Driveway Design and Control

12. We will consider your recommended Conceptual Design. Final revisions to the Novi Road Drive will be brought to a satisfactory resolution prior to final Site Plan Approval.
13. The west drive on SP C-200 with two outbound lanes is an error on the Sheet. It has been corrected to a single entry and single exit lane. See Item 3M above regarding multiple exit lanes.
14. Final revisions to the center driveway will be brought to a satisfactory resolution prior to final Site Plan Approval.
15. Understood. The final connection will be brought to a satisfactory resolution prior to final Site Plan Approval.
16. Final revisions to the east driveway will be brought to a satisfactory resolution prior to final Site Plan Approval.

Pedestrian Access

17. Acknowledged.
18. The site plan has been revised to include the missing section of 8 foot path on the northeast corner of Walgreen's site. Question: Was there a condition on the Walgreen's Site Plan Approval that they shall complete the section of 8 foot pathway once the adjacent property is developed?
19. Acknowledged.

Parking and Circulation

20. The proposed access aisles and barrier free parking spaces in front of the Kroger store will be revised. However, these items are not pertinent to the zoning aspects of the PRO request, and therefore, have not been included as part of this submittal. We will

Ms. Krisien Kapelanski, Planner
Community Development Department
City of Novi
Page 10
June 10, 2010

continue to work with the city's planning staff to bring these issues to satisfactory resolution prior to final Site Plan Approval.

21. The radii will be revised per requirements and submitted as part of the final Site Plan Approval submittal.
22. The drive-through lane will be modified and submitted as part of the final Site Plan Approval submittal.
23. Understood.

Miscellaneous

24. Understood.

Landscape Review – Benchke, 5/12/10

Residential Adjacent to Non-Residential

1. Correct...the PRO project property is not directly adjacent to any residential zoned property.

Adjacent Rights-of-Way

1. We are not asking for a deviation to eliminate the berms from the road frontage. As the grading design continues to move forward, we will demonstrate compliance with the requirements. This item is not pertinent to the zoning aspects of the PRO request, and therefore, has not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring this issue to satisfactory resolution prior to final Site Plan Approval.
2. The berms will be planted to meet buffering and opacity requirements.
3. The greenbelts shall be identified on the Landscape Drawings.
4. Acknowledged.
5. Understood.
6. Acknowledged.

Parking Area Landscape Requirements

1. Acknowledged.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 11
June 10, 2010

- 2&3. The landscape plan, parking lot and perimeter canopy tree counts will be revised. These items concern technical site issues that our team is currently working on. However, they are not pertinent to the zoning aspects of the PRO request, and therefore, have not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring these issues to satisfactory resolution prior to final site plan approval.
4. We are asking for a deviation on 1 space in 4 locations (not 7) in front of the neighborhood shopping center.
5. Acknowledged.

Building Perimeter Landscaping

- 1-5. We are seeking deviations for these items.

Loading Area

1. Acknowledged.

Plant List

1. The final plan list will be provided in the preliminary Site Plan Approval phase.
2. Acknowledged.

Novi Road Corridor Plan

- 1, 2 & 3. We will provide additional detail regarding the 5 pedestrian node points, gazebo and bicycle rack locations. However, these items are not pertinent to the zoning aspects of the PRO request and therefore, have not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring these issues to a satisfactory resolution prior to final site plan

General Requirements

1. Understood.
2. Understood.
3. Acknowledged.
4. Acknowledged.
5. Understood.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 12
June 10, 2010

Woodland Review – M. Holzheuer, dated 5/7/10

- 1-7 The reviewer, Mr. Holzheuer, is correct. The March 29, 2010 response did not propose any revisions to the drawings regarding the woodland issues. As previously stated, those issues are not pertinent to the zoning aspects of the PRO request and therefore, have not been included as part of the phase of our submittal. We will continue to work closely with the city's planning staff and woodland consultant to bring these issues to a satisfactory resolution prior to final site plan approval.
8. We understand this item has been resolved.

Welland Review – J. Freeland, 5/10/10

As previously stated in our March 29, 2010 response, we agree with the assessments and comments from the welland review letter. We fully intend to comply with welland mitigation requirements of the City and of the State. We are currently exploring areas of potential mitigation on site and feel confident we will be able to comply. All required permits will be obtained. Further delineation of mitigation areas will be shown and will be in compliance on the preliminary site plan submittal.

Facade Review – D. Necci, 5/12/10

1. As stated previously, Split Faced/Smooth Faced CMU: It has not yet been determined if the split faced CMU base will project beyond the C-brick wall surface on all walls of the Kroger building. If that is the final design, a chamfered sill unit will be used. However, this item is not pertinent to the zoning aspects of the PRO request and therefore, has not been included as part of the city's planning staff and facade consultant to bring this issue to a satisfactory resolution prior to final site plan approval.

Fire Department Review – M. Evans, 5/4/10

The following items concern technical items that will be provided on the plans prior to final site plan approval. However, they are not pertinent to the zoning aspects of this PRO request and therefore, have not been included as part of this phase of our submittal.

1. The conceptual water main layout is only shown at this point. The water will be sized as required by the city and indicated on the preliminary site plans.
2. The Hydrant will be added as part of the preliminary site plan submittal.
3. The existing hydrants will be located and appropriately shown as part of the preliminary site plan submittal.

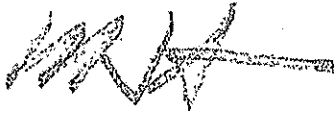
Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 13
June 10, 2010

4. The water supply into the buildings will be shown per requirements as part of the preliminary site plan submittal.
5. - 7. The note will be added as part of the preliminary site plan submittal.

As stated above, this submittal concerns itself only with the zoning aspects of the PRO project. Many of the items above concern technical issues that are not pertinent to the zoning aspects of this PRO request. They will all be brought to a satisfactory resolution prior to Final Site Plan Approval. If you have any questions, please feel free to contact me. Thank you.

Sincerely,

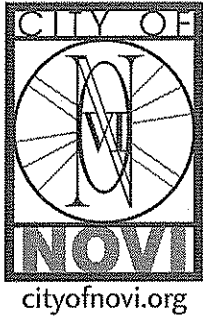
SIEGAL/TUOMAALA ASSOCIATES
ARCHITECTS AND PLANNERS, INC.

A handwritten signature in black ink, appearing to read 'MJS', with a long horizontal stroke extending to the right.

Martin J Smith
NCARB, LEED AP
Principal

MJS:bmw

**PLANNING COMMISSION
MEETING MINUTES EXCERPT
AUGUST 25, 2010**



PLANNING COMMISSION MINUTES SUMMARY

Draft

CITY OF NOVI

Regular Meeting

Wednesday, August 25, 2010 | 7 PM

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

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Baratta, Member Cassis, Member Greco, Member Gutman, Member Larson, Member Lynch, Member Meyer, Chair Pehrson

Absent: Member Prince (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Tom Schultz, City Attorney; Mark Spencer, Planner; Kristen Kapelanski, Planner; Lindon Ivezaj, Engineer; David Beschke, Landscape Architect; Rod Arroyo, Traffic Engineering Consultant; Dr. John Freeland, Environmental Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Larson:

VOICE VOTE ON THE AGENDA APPROVAL MOTION:

A motion to approve the August 25, 2010 Planning Commission agenda. Motion carried 8-0

AUDIENCE PARTICIPATION

Chair Pehrson asked if there was anyone in the audience who would like to address the Planning Commission on anything other than the public hearings that are listed tonight.

Mr. Edward Leininger came forward and stated that he lives at 24589 Hampton Court, Novi, MI and has lived here for the past 34 years. He has served on this esteemed body and City Council and has helped put Master Plans together and feels like a real major part of this City.

He has submitted comments regarding the Weiss Mixed Use Development project and has a number of issues. Mr. Leininger said, maybe the City Attorney can address this question regarding the 300 foot distance for notifying people. In this particular case, it is somewhat of an isolated situation and no one at Meadowbrook Glens Subdivision, which is 471 homes, was notified. Mr. Leininger made a request that the City look into what dictates 300 feet and see if the language could be changed to increase the distance for notifications when it is a major project that will dramatically affect the community.

The only other issue with Weiss is the traffic situation. Certainly staff has looked at that and the biggest problem here is that the roads are county roads. The City cannot do a thing about it. Mr. Leininger has been here 34 years and Novi Road has needed some improvement. This is a project that has come up on the list now and the county recognizes to develop Novi Road you have to do something about the railroad track to move traffic north and south through Novi. Ten Mile Road is another county road and it is two lanes. Mr. Leininger has called the railroad and asked if the City could get a railroad crossing there and gates. They said no, it is only one track and they do not put up railroad crossing gates for one track.

Mr. Leininger said, the other thing he wonders is, looking at the Master Plan and having been part of it in the

past and looking at the uses in Novi, do we need more businesses like B-2 or B-3 in the community? It is not that it is used up already. The existing Master Plan is a pretty balanced Master Plan right now. There is not much I-2, one little parcel by design. I am not certain that opening things up beyond the scope of commercial is exactly what was originally intended.

In fact, we actually prided ourselves on the fact that we did not have a strip center on every corner even though a lot of communities do and of course you see them slowly disappearing as time goes on. Mr. Leininger is also really concerned about the overlay that is being used to help stimulate this particular zoning request. It is pretty weak and from what I can tell, it is going to be a cost to the City rather than a benefit to the City. If you get a parking lot and a soccer field, maybe parks and recreation will have more to do.

In any event, it is pretty weak and the Planning Commission should take this into consideration that most of the benefits that are being proposed by this project are going to happen anyways. There should be a traffic light at Meadowbrook Glens Subdivision because people cannot get into the subdivision in the morning or the night and it just works its way back all the way down to Meadowbrook Road. About five lights will be needed along Ten Mile Road to make this project work and it will look just like Novi Road between Grand River Avenue and the expressway.

Mr. Leininger knows NIMBY is a bad word, but this project is in his backyard and he would like the Planning Commission to vote as if it was in their backyards; please vote no.

Dan Phelps, who resides at 24548 Hampton Hill, came forward and indicated he has lived there for more than 20 years and was also at the last Planning Commission meeting where this matter was considered. He wanted to point out there was typographical error on the agenda. The agenda notes the property is east of Ten Mile Road and south of Novi Road instead of reading east of Novi Road and south of Ten Mile Road.

Matthew Quinn came forward and stated that he was here to talk about item one, the Master Plan for Land Use. Mr. Quinn said he was confused and that at the last meeting he attended, the Planning Commission voted on the Master Plan and approved the Master Plan, leaving Special Study Area 1 designated as Special Study Area 1. Then at the next meeting, it was not on the agenda, but was added to the agenda at the beginning of the meeting. Mr. Quinn does not know what was said or discussed, but there was no decision made. Now, the Master Plan Amendments show up again this evening before the Weiss Mixed Use project.

Mr. Quinn stated that he wanted the Planning Commission to think about this practically. Why argue on how even to adopt the Master Plan when Item two on the Planning Commission agenda is the cause of the dissention? The Planning Commission is in no hurry to approve this Master Plan and it is going to be good for five years under state law. The City will not have to look at it again and the plan is for ten to twenty years down the road. Mr. Quinn proposes that the Planning Commission not discuss the Master Plan and delay it a month and the Weiss project will, after the Planning Commission's favorable vote, go up to the City Council. City Council will have their debate next month, probably at the second meeting, and the Planning Commission will then know the answer to this dilemma.

Mr. Quinn stated that the City Council is either going to say yes or no to the PRO. The answer is at the City Council table in how to continue to address the Master Plan. The Planning Commission does not need to make that decision tonight. All the Planning Commission needs to do is delay it thirty days.

Mr. Scott Casegg, who resides at 24614 Applecrest in Meadowbrook Glens Subdivision, came forward. His biggest concern about this rezoning and Kroger going in is the traffic on Ten Mile Road. During the evening rush hour, it is almost impossible to get out of Meadowbrook Glens Subdivision and traffic backs up on Ten Mile Road all the way across the railroad tracks. If a light is put in at Catherine Drive there will still be cars backing up not only at rush hour, but other times as well and backing up over that railroad track with no gates is a disaster waiting to happen.

Marty Smith, Architect with Siegal Tuommala & Associates came forward and stated that he has been here before regarding the Weiss PRO. Mr. Smith's family moved to the area in 1966 and he used to live near the Guernsey Dairy, less than two miles from the Weiss property. He lived in Novi/Northville area for 44 years and watched the area grow and Mr. Smith discussed this proposed project with his mom and her friends. They say they would love to see a new local retail grocery store here. Some people are not fond of Hiller's in Northville, and some people do not like going to the Meijer's at Eight Mile and Haggerty due to the traffic congestion.

Mr. Smith does not understand the push for industrial on this property. There is a planning staff memo talking about the need for industrial as opposed to commercial use which specifically cites the visual impact a commercial establishment can have. On page 3, it says typically office and industrial establishments have fewer signs and parking, thus less visual impact on the neighborhood or thoroughfare. The B-2 District allows 25 foot buildings and the Planning Staff is suggesting and rightfully so to allow the proposed Kroger to go a little bigger. The office district allows 30 foot buildings and the industrial district allows 40 foot buildings and that allowed building height is a big difference in the visual impact a building has, not an extra sign or two along Ten Mile Road. With the I-1 uses, the Planning Commission does not know what they are getting. Under the I-1 District a property owner can build the following: manufacturing, auto service of different kinds, metal plating facilities, eating and drinking establishments including fast food and drive-thru, motels, tool and die shops and self storage. The industrial building could be as large as 280,000 square feet on a site of this size and 40 feet tall. With the B-2 PRO, the Planning Commission knows exactly what they are going to get.

Staff also mentions the railroad spur. The use of the spur is not really practical. It's too small for a proper radius and a developer would need to cross from the railroad to the property over a very high quality wetland, which means a bridge or second lane, all impacting the wetlands and it may not even be possible due to the wetland regulations.

Member Baratta spoke a couple of months ago and noted the railroad spur value had diminished over the decades because companies do not really build them anymore. But, with the B-2 PRO option, the high quality wetlands are preserved.

There is a 9% retail vacancy rate in Novi and that is unfortunate. The City's own study in the Master Plan memo indicates a vacancy rate for industrial establishments of almost 19%. Look across Ten Mile Road from the subject property and most of them are empty. Look next door to the east and that facility has been closed for almost ten years. The memo mentions there is enough retail zoning through 2018 and it also mentions the same state for industrial, but for up to 48 years. That is six times as much excess land zoned for industrial use. Kroger's Market Study Analysis says they will be successful at this location, even without additional population. There is a retailer, Kroger, and property owner who are willing to spend their money, willing to invest for future.

Mr. Smith stated that the City does not want to base this decision on an unfortunate snapshot of time. Granted, there will be growth in the future and granted, it will be slower right now than people would like it to be. Novi will recover, foreclosed homes will recover and vacancies will recover and growth will recover, especially in the strong community of Novi. Novi will grow and the studies that say retail is the right use in this location are still valid and the B-2 PRO is still valid.

Chair Pehrson asked if anyone else in the audience wished to address the Planning Commission. Seeing no one, Chair Pehrson closed this Audience Participation and asked if there was any correspondence.

CORRESPONDENCE

Member Greco stated that there was correspondence with regard to the Public Hearing that can be discussed at that time and there is other correspondence with respect to item number two under Matters for Consideration, the Weiss Mixed Use Development that can be addressed at that time as well.

Chair Pehrson stated that the only other correspondence received was a copy of the West Bloomfield Master Plan Draft letter.

MATTERS FOR CONSIDERATION

1. MASTER PLAN FOR LAND USE

Planner Spencer stated that the Master Plan for Land Use is an important policy document that guides the development of the City. Although the Plan is a living document that changes from time to time, it is also a reflection of the City's land use goals and objectives at a particular point of time. The State of Michigan's Planning Enabling Act includes a large set of requirements for creating and adopting a master plan. As a principal guide for making zoning decisions, a Master Plan and its supporting documents are often used to support a City's rezoning decisions in the courts. Thus, it is important that the Plan include a future land use designation for all properties, in the event that a rezoning is proposed. The City's planning staff and City Attorney recommend that the Planning Commission adopt a Master Plan that includes a future land use designation for all properties within the City.

Planner Spencer stated, after receiving comments, a set of Master Plan amendments was presented to the Planning Commission for adoption on July 14, 2010. The Commission discussed the proposed amendments including the proposed future land use designations for the properties designated within the Special Planning Project Area Study Area. After discussing the area, the Commission did not reach a consensus on a new future land use designation for the properties and adopted a resolution approving the Master Plan amendments as presented, with the exception of keeping the area currently designated Special Planning Project Area 1 on the Future Land Use Map.

At the following meeting on July 28th, the Commission discussed the merits of having a complete Master Plan that did not leave any areas without a future land use designation. The Commission then passed a motion unanimously to reconsider the July 14th adoption. The Commission again discussed potential uses for the Special Planning Project area parcels and was not able to pass a motion adopting the Master Plan with a super majority of two-thirds of its members.

In order to move forward with the adoption of the Master Plan, Staff and the City Attorney suggest that the Planning Commission consider using an alternative adoption procedure that is often used by public bodies for adopting complex or large documents that require a "super majority" of votes. This procedure involves voting on portions of a document first to reach a consensus through a simple majority, followed by a vote on the entire document. This procedure can assist in the approval of complex documents, while ensuring that everyone's point of view is heard.

Although the "super majority" may not agree on each issue, usually in the best interest of everyone it can agree to adopt the document as a whole. The City's Annual Budget document is effectively adopted with this procedure. This procedure was also used during the adoption of the last Master Plan for Land Use.

The Planning Commission by resolution can agree to use this alternative procedure to adopt the Master Plan for Land Use amendments. The motion should identify specific areas to be voted upon separately. Draft motions are provided for possible use by the Commission: the first provides the alternative procedure for discussion and adoption of the plan, and the second motion provides suggested language for adoption of the overall plan.

Following up on the Planning Commission's request for additional comments from Staff on Special Planning Project Area 1, staff offers the following.

Over the last thirty plus years the City of Novi has had a history of planning retail nodes versus retail strip areas to serve the local retail needs of residential areas. Node style development is compact and often square in area. It has less frontage on major roads which lessens the visual impact of commercial development, especially in regard to parking and signage.

Planner Spencer stated, recently developed neighborhood retail properties in the City of Novi have limited road frontage. Retail properties at the intersection of Fourteen Mile and Novi Roads, Thirteen Mile and Novi Roads, Nine Mile and Novi Roads, and Beck and Ten Mile Roads all have less than 1,300 feet of planned frontage on main roads. Currently, the planned retail frontage at Novi and Ten Mile Roads is about 1,500 feet long on Novi Road and 1,300 feet on Ten Mile Road fits this pattern. If Special Planning Project Area 1 was developed for retail uses, retail properties with frontage on Ten Mile Road would extend over 3,000 feet, over one-half of a mile. The planning staff believes that creating an extensive commercial strip along Ten Mile in this area would change the character of the area.

Staff believes that typical office and industrial developments will have fewer signs and less parking than retail developments. Thus, they have less visual impact than retail developments and thus would not change the character of the area as much.

Staff continues to recommend Community Office and Industrial Research Development and Technology for the Special Project Planning Area 1 properties.

Planner Spencer concluded by stating that staff has also supplied the Planning Commission with a memo from the City's Economic Development Director, Ara Topouzian, further explaining his position of recommending that the Planning Commission consider office and industrial future land use designations for the Special Planning Project Area 1 properties.

City Attorney Schultz stated that he had a couple of comments to frame the discussion. Matt Quinn, representing the applicant for the Weiss Mixed Use Development project, had two different things to say and City Attorney Schultz disagrees with both. Mr. Quinn said the Planning Commission should let the City Council make the decision regarding what the Future Land Use for this property is going to be. With all due respect, the State Statute says the Planning Commission decides what the Future Land Use and Master Plan should be. The City of Novi's Ordinance also says that the Planning Commission should make that decision. A Resolution of City Council has said that should be the discretion of the Planning Commission.

The Planning Commission should give the suggestion its due, but in the end really ought not to be persuaded to put this decision off. The reason why the Master Plan is back before the Planning Commission again is because the Planning Commission has recognized a decision should be made. It's no surprise that the applicant would like to see what City Council wants to do.

City Attorney Schultz stated that the second thing Mr. Quinn seemed to be insinuating was that the Weiss Mixed Use PRO was the reason the Master Plan has been brought up for consideration again. City Attorney Schultz does not know if that is in fact the case. There are eight people sitting here and there could be any number of reasons any member of the Planning Commission wants to reconsider the Master Plan. But, if that is the case, it really shouldn't be, because these are two entirely different decisions. What the Planning Commission is being asked right now is just to make a determination on the Future Land Use Map. What is the designation of Special Planning Project Area 1 going to be? Is it going to be commercial, industrial, or some combination of the two? The Planning Commission does not need to worry that the decision on the future land use question is going to drive the decision on the Weiss Mixed Use project. The Planning Commission is here talking about two things that are really related, but different.

The PRO question is really a rezoning. The Planning Commission has to be able to make that distinction between the future land use designation and the zoning designation. The applicant wants a particular

development and the City Council is going to look at what the Master Plan says and the Planning Commission is going to look at that in making a recommendation, but also look at a whole host of other things that might drive a decision. This development might never happen and it might get approved and there might be some future development ten years down the road. We have all seen things get approved that are appropriate zoning decisions at the time that don't happen. The Planning Commission looks at a proposed PRO plan, and considers what they want to see for the property and how they want it to work for the zoning decision, looking at all the factors in the PRO Ordinance including compatibility with existing zoning and how the proposed development would affect traffic and all those other things. There shouldn't be any confusion as to why the Master Plan is being reconsidered at this time. There needs to be a designation for Special Planning Project Area 1. In terms of the process, City Attorney Schultz addressed Chair Pehrson saying he has a lot of control on how votes get taken. The idea of voting on each piece of the plan individually and then the plan as a whole has been thrown out there as a suggestion if the Planning Commission is really split or evenly divided on a big topic. That is sometimes a way to deal with it. It does not have to be done that way if the Commission can decide in one motion without voting on the process. That was a suggestion, not an obligation.

Chair Pehrson thanked City Attorney Schultz for his comments and then turned it over to the Planning Commission for their comments.

Member Meyer asked if the Master Plan approval vote required the votes of two-thirds of the members of the Planning Commission present this evening.

City Attorney Schultz told Member Meyer six votes were needed for approval.

Member Cassis thanked Attorney Schultz for his comments. Mr. Leininger indicated during the public comment period that residential zoning should be protected from any commercial development. Member Cassis stated that he wanted to highlight that before he proceeded with his comments on the Master Plan and why he believes that the Planning Commission should pass a Master Plan with the future land use designation for Special Planning Project Area 1 as recommended by staff, which is industrial and office uses.

Member Cassis stated the Planning Commission has come a long way since this process of trying to adopt this Master Plan was started. The Planning Commission is charged with adopting a Master Plan and future land use designations for all properties and they didn't do it because a very important applicant said wait a minute, I've got acreage that I want to designate as commercial. Let the Planning Commission do the right thing and adopt this Master Plan, as the Planning Commissioners have toiled through Committee meeting after Committee meeting, with the recommendation of staff. An applicant can always come before the Planning Commission as the City Attorney indicated and try to rezone a property and present their case.

Member Greco thanked Member Cassis for his words and echoed a lot of the ideas and sentiments of Member Cassis. The City Attorney has indicated what the Planning Commission should be doing as a body. Member Greco is not going to dwell on the reasons why the Planning Commission failed to adopt a complete land use designation for Special Planning Project Area 1. There are probably a lot of different motivating factors. The Planning Commission is trying to do what is best for the City of Novi and is probably hesitant to designate a future land use for Special Planning Project Area 1 maybe because of a special applicant or the lack of projects in the past couple of years and getting excited or at least intrigued by the potential for growth. The Planning Commission does not want to be flippant in turning away certain projects or businesses where there has been a lack thereof in the City. What Member Greco would like to see the Planning Commission do is what Member Cassis is suggesting and that is to adopt a complete Master Plan and then deal with the issues that come before the Planning Commission project by project. The Planning Commission can then move on and get to the task at hand and look at each project and move forward from there. The Planning Commission needs to get the Master Plan done and then move forward with whatever projects come before the Commission.

Member Baratta stated that he echoes Commissioners Greco and Cassis and their desire to have a complete Master Plan today. When the Master Plan and Zoning Committee sat down with staff and studied the uses or the appropriate uses and the designations of the properties and created the Master Plan, they did a very good job. Sometimes when one looks at such a complex document theoretical designations of properties seem good, but they may not be economically viable. There is only one piece of property where the future land use designation remains in question and that is Special Planning Project Area 1, also the area proposed for the Weiss Mixed Use Development. Special Planning Project Area 1 is not an industrial property. Someone said it could be a 280,000 square foot industrial building just because it is next to a railroad line but railroad spurs aren't used today to any great extent. Member Baratta does not know anyone in Novi that has a railroad spur that uses it, mostly because they are very expensive. The purpose of having a piece of property in an area with a railroad line is typically because it's cheap. Who wants to live next to a railroad line? The Planning Commission has a proposal to look at where a retail use is proposed that is certainly less noisy and less intrusive on the residents who are in the vicinity than an industrial use and also typically has less traffic from a truck standpoint. Member Baratta would not want to live next to a warehouse that is 280,000 square feet, a 40 foot high building with maybe 30-50 dock doors and having semi's coming to that facility. A retail designation is absolutely appropriate on the frontage of the intersection of Ten Mile Road and Novi Road. Staff has presented a wonderfully designed Master Plan with one remaining issue and that is the difference between an economically viable project and a theoretical use. This is a retail site. The Planning Commission can designate Special Planning Project Area 1 for office and industrial use and it will be a lovely vineyard for many years.

Member Meyer stated that in his 28 years of living in the City, he has served on the Master Plan and Zoning Committee and he considers it one of the highest honors he has had of the various positions he has held in the City. Member Meyer considers this vote one of the most important that he will ever take. Member Meyer did not vote against anyone in particular or on behalf of anyone in particular in his votes on the Master Plan and Zoning Committee. He voted based on his understanding of what is in the best interest of the City, fully aware of the fact that there was an orchard at the intersection of Ten Mile Road and Novi Road and someday it would be developed.

Chair Pehrson said maybe the Planning Commission got things a bit crossed when considering the proposed PRO and the future land use designation. The Master Plan stands on its own. City Attorney Schultz framed the question very well for the Planning Commission. The Planning Commission needs to make sure there is a Master Plan going forward and anything that is proposed as a site plan or PRO is judged on its own merits. Chair Pehrson is in favor of moving the Master Plan ahead as recommended by staff.

Motion made by Member Cassis, seconded by Member Greco:

Motion to approve a resolution adopting the proposed 2010 Master Plan for Land Use Amendments with the changes proposed by the Master Plan and Zoning Committee on July 7, 2010, including the proposed Future Land Use Map, with no further revisions. This motion is made for the following reasons: (1) The Master Plan & Zoning Committee and the Planning Commission, with the assistance of the Community Development Department Planning Staff, reviewed the current Master Plan for Land Use's goals, objectives, and implementation strategies, and the Future Land Use Map use designations for the entire City, and evaluated each of the three Master Plan Study Areas in detail; (2) Public comments regarding the future land uses in the study areas and City at large were solicited and people provided input through answering questionnaires, written comments and in person at City Hall, public meetings and public open houses; (3) The proposed Master Plan for Land Use amendments reflect the desires of the City's citizens, promote natural feature protection, foster quality development, encourage investment in the City, and provide design guidance for future transportation improvements; and (4) The proposed amendments foster sound land use planning by including the following new land use goals: (a) Provide for planned development areas that provide a transition between high intensity office, industrial and commercial uses and one-family residential uses; (b) Develop the Grand River Avenue and Beck Road Study Area in

a manner that supports and complements neighboring areas; (c) Create, preserve, and enhance quality residential areas in the City; and (d) Continue to promote active living and healthy lifestyles in the City of Novi and continue to achieve a high level of recognition under the State of Michigan's "Promoting Active Communities Program."

Member Baratta asked City Attorney Schultz if in the event that the Master Plan is approved without any modifications and people come in and request a modification to the existing zoning, what type of precedent is the Planning Commission creating.

City Attorney Schultz answered any property owner is permitted to come in and request a rezoning to any district they would like to rezone their property to.

ROLL CALL VOTE ON ADOPTION OF THE PROPOSED 2010 MASTER PLAN FOR LAND USE AMENDMENTS MOTION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER GRECO.

Motion to approve a resolution adopting the proposed 2010 Master Plan for Land Use Amendments with the changes proposed by the Master Plan and Zoning Committee on July 7, 2010, including the proposed Future Land Use Map, with no further revisions. This motion is made for the following reasons: (1) The Master Plan & Zoning Committee and the Planning Commission, with the assistance of the Community Development Department Planning Staff, reviewed the current Master Plan for Land Use's goals, objectives, and implementation strategies, and the Future Land Use Map use designations for the entire City, and evaluated each of the three Master Plan Study Areas in detail; (2) Public comments regarding the future land uses in the study areas and City at large were solicited and people provided input through answering questionnaires, written comments and in person at City Hall, public meetings and public open houses; (3) The proposed Master Plan for Land Use amendments reflect the desires of the City's citizens, promote natural feature protection, foster quality development, encourage investment in the City, and provide design guidance for future transportation improvements; and (4) The proposed amendments foster sound land use planning by including the following new land use goals: (a) Provide for planned development areas that provide a transition between high intensity office, industrial and commercial uses and one-family residential uses; (b) Develop the Grand River Avenue and Beck Road Study Area in a manner that supports and complements neighboring areas; (c) Create, preserve, and enhance quality residential areas in the City; and (d) Continue to promote active living and healthy lifestyles in the City of Novi and continue to achieve a high level of recognition under the State of Michigan's "Promoting Active Communities Program." *Motion carried 8-0.*

2. WEISS MIXED USE DEVELOPMENT, SP09-26A WITH ZONING MAP AMENDMENT 18.690

Consideration of the request of Siegal Tuomaala Associates, for Planning Commission's recommendation to City Council for rezoning of property in Section 26, east of Ten Mile Road, and south of Novi Road, from I-1, Light Industrial District and OS-1, Office Service District to B-2, Community Business District and OS-1, Office Service District with a Planned Rezoning Overlay (PRO). The subject property is approximately 28.7 acres.

Member Cassis asked City Attorney Schultz if the applicant's request was for a change of the Master Plan for Land Use Future Land Use designation for the subject property.

City Attorney Schultz stated that the Master Plan that was approved previously in the meeting is effective.

Member Cassis asked City Attorney Schultz if this matter requires a public hearing.

City Attorney Schultz indicated a public hearing was held on this matter by the Planning Commission several weeks ago and all the Planning Commission needs to do at this point is make a recommendation to City Council on the rezoning.

Planner Kapelanski showed the location map for the property. The applicant is proposing the rezoning with PRO of an approximately 28.7 acre parcel located on the south side of Ten Mile road east of Novi Road from I-1, Light Industrial and OS-1, Office Service to B-2, Community Business and OS-1, Office Service with a Planned Rezoning Overlay. To the north of the property, across Ten Mile Road, are various industrial uses. To the west are office uses. To the south is vacant land and multiple-family residential and to the east is existing industrial.

The subject property is currently zoned I-1 and OS-1. The site is bordered by I-1 and I-2 zoning to the north, I-1 zoning to the east, OS-1 zoning to the west and I-1, RM-1 and OS-1 zoning to the south.

There are existing wetlands on the site, mainly concentrated along the creek. The majority of the site is also part of a regulated woodland.

Planning staff has noted in the review letter that denial of the rezoning is recommended as the proposed zoning is not consistent with existing zoning in the area, recently completed retail studies indicate the City has a surplus of commercially zoned land and the City currently has a retail vacancy rate near 10%. In addition, the rezoning would be contrary to the approved Master Plan for Land Use, which recommends industrial and office uses for the site. The rezoning would also be contrary to an Implementation Strategy listed in the Master Plan for Land Use. The applicant is proposing a 64,000 square foot Kroger store, a 41,000 square foot shopping center and space for additional buildings in the future. There are a number of issues regarding the proposed concept plan. The applicant would need deviations for the proposed building height of the shopping center and the Kroger store, the loading space and dumpster location of the shopping center and façade waivers for both the shopping center and Kroger store. Four driveway spacing waivers would be required, as would various landscape waivers. A PRO requires the applicant propose a public benefit that is above and beyond the activities that would occur as a result of the normal development of the property. The applicant has proposed the grading of a sports field to be located in the existing park behind the Novi Ice Arena. This would also include providing seed for the field, as well as irrigation. Twenty gravel parking spaces would be installed along with a landscaped park entrance way. Included in the packet is a memo from the Parks, Recreation and Cultural Services Department commenting on the proposed public benefit. Since that memo was written, the applicant has proposed to irrigate the field.

The Landscape Review noted landscape waivers could potentially be required for the lack of berms along the road frontage, the lack of perimeter canopy trees, more than fifteen contiguous parking spaces without a landscape island, a shortage of front façade landscaping and the amount of foundation landscape plantings. The applicant has not clearly demonstrated on the concept plan that these requirements can be met.

Planner Kapelanski indicated that the façade review noted a Section 9 waiver is required for the overages of EIFS, C-brick and split faced CMU and the underage of brick on the Kroger and shopping center buildings. Approval of the requested waiver is recommended.

This matter was previously brought before the Planning Commission on June 23, 2010. At that meeting, the Planning Commission postponed their recommendation noting further information was needed regarding the stormwater, the wetlands and woodlands and on how this new store would affect other nearby retail.

The applicant has since submitted a plan to address the stormwater and wetland concerns and the Engineering Department is now satisfied that the stormwater can be adequately handled on site. The City's wetland consultant also noted in the revised review that no substantial outstanding wetland concerns remain and the applicant has reduced impacts so that they are below the threshold for mitigation.

The Woodland Review comments remain, with the letter noting various concerns regarding the large amount of regulated woodlands on site and the fact that impacts will likely be substantial. Dr. John Freeland is also

available to answer any woodland questions.

Planner Kapelanski indicated that there were a number of concerns noted in the traffic review although conditional approval was recommended. The City's traffic consultant did go over those concerns in detail at the June 23rd Planning Commission meeting and that information has been included in the excerpt of meeting minutes included in the Planning Commission packets. The City's Traffic Consultant, Rod Arroyo of Birchler Arroyo is here this evening to address any questions regarding the traffic review comments.

Matthew Quinn came forward on behalf of Dan Weiss & Associates, the applicant, regarding the proposed mixed use project and indicated the applicant has a good plan and project and one that is going to benefit the City. When this matter was before the Planning Commission on June 23, 2010 there was quite a bit of information presented and that is included in the minutes. A decision on the matter was delayed that night because of five items, all of which have now been addressed.

Stormwater detention issues have been resolved with the City Engineer and a letter indicating that is in the Planning Commission packets.

Wetland mitigation has been satisfied and the plans now show that no mitigation is required because there is so little intrusion into the wetlands.

There was a question on the woodland line not being in the right place and that has been corrected and submitted and is no longer an issue.

Mr. Quinn said, the Planning Commission asked for more public input on the Master Plan on the July 14, 2010 meeting and there was no one that came to that meeting that wanted to comment on the Master Plan.

Mr. Quinn said, the Planning Commission also asked about the effect of Kroger on other retail stores in the area. Once again, the Planning Commission has received nothing from staff regarding that. What the Planning Commission has are the market studies that have been done to show the true situation, that there is demand there whether this Kroger store is built or not built and whether there is a Busch store or no Busch store and there is more than enough demand to handle this project.

Mr. Quinn stated that the Traffic Consultant has recommended approval with some conditions and comments. The natural features basically are approved with conditions. The Fire Department has approved it. The Façade Consultant is recommending approval of the required waivers.

The Staff is on record as saying the building height waivers are supported as are the driveway spacing waivers.

Mr. Quinn said, the public benefits that the City is being offered are on page eleven of the Planning Commission packet. The public benefits include a conservation of natural features area through the placement of a conservation easement over approximately 3 acres of the site and improvements to the park area near the Novi Ice Arena consisting of grading, seeding and irrigating a multi-purpose field. Also, on the east side of the Ice Arena, to grade and stone a 20 car auxiliary parking lot and do a park entrance as well as a children's sculpture and sign at the beginning of the park entrance. The applicant has also proposed extending the center turn lane on Ten Mile Road beyond ordinance requirements. The applicant is going to continue an extra lane on Ten Mile Road in lieu of acceleration and deceleration lanes in excess of requirements. The applicant is going to provide a pocket park located on the northeast corner of the proposed Kroger site and an improved set of architectural elements and materials beyond the ordinance requirements. The applicant is going to provide an extensive internal sidewalk system with pedestrian entry points above ordinance requirements and will extend the eight foot pathway along Ten Mile Road to east into the Walgreen's access drive, which isn't required. That is the list of public benefits that is being proposed for this PRO.

Now, what other benefits are being provided for this PRO? First of all, twenty million dollars of tax base will be added to the City by the time this project is done in phases. Through Kroger, over 125 new jobs that do not exist today will be added. When the other phases are completed and those additional retail and restaurants are added, there will be more than 100, probably closer to 200 plus additional jobs. These are public benefits and these are benefits to the citizens and to the City as a whole.

Mr. Quinn stated that they have never asked for any special treatment in this situation from when it started in 2004. Some people think this is being rushed, remember, this project was first submitted in 2004. This project was put on hold because the City said to hold up while we improve the intersection of Ten Mile Road and Novi Road so the traffic that is going to be caused by this project could be accommodated.

Mr. Quinn stated that the applicant has complied with every request that the City has made throughout the years. The City has asked for special treatment from the applicant and has not asked for anything.

Novi tries to be business friendly. Novi, through Mayor Landry over his five years in office now, has made a special attempt to be business friendly to new businesses coming into the community. This is a landowner of 30 plus years that is bringing business to the community. How business friendly is Novi going to be to a twenty million dollar project with an excess of 200-300 jobs and how business friendly is Novi.

Mr. Quinn stated he wanted to bring up an argument that has been brought up by the staff multiple times and it has to be mentioned. The argument is these businesses shouldn't be retail because the retail vacancy rate is now at 9.8 to 8.9 percent vacant. A common vacancy rate is seven percent or less. This is not that out of line with the current retail vacancies. Let's look at the industrial vacancies. In the Planning Commission's own document, it shows 18.8 percent vacancy in industrial buildings in Novi. Right next door across the railroad tracks to the east, there is a 107,000 square foot building that has been empty. A mile away on Nine Mile Road, there are two buildings across the street east of Novi Road in excess of 200,000 square feet of industrial space that are empty. The City's own documents said it will remain industrial for about 48 years. The City's studies indicate the City has an eight year reserve of vacant retail land. Does any of that make sense? Why would the City want to leave this industrial? The retail is everything that will make this project work and it is the right thing to do and the Kroger store is needed.

Mr. Quinn said, one final thing I want to talk about is the issue of competition. There have been some comments that if a new Kroger store comes in, it would provide adverse competition to stores in the area. What is America all about if it is not competition? Think about this. There are furniture stores next to furniture stores, tire stores next to tire stores, drive-ins next to drive-ins, restaurants next to restaurants and why? Because they like to be in competition with each other and they draw people to the area. The Kroger store is going to draw people to the area just like the Busch store draws people to the area and competition is good. What else does competition do? First of all, what you're going to have is more competition in food prices and if you have another grocery store, theoretically food prices should go down. What else are you going to have in the shopping centers around? They are going to be better maintained because the owners of those shopping centers are going to want people to come in. People will want to upgrade the same way the Town Center Mall is upgrading now to try to match the other malls across Novi Road. The City will make a better Novi by granting approval of this project.

Architect Marty Smith came forward and stated that he spoke very quickly earlier and would be glad to reiterate anything that was said if any of the Planning Commissioners have any questions.

Architect, Marty Smith stated that Mr. Quinn mentioned a lot of the things that he wanted to talk about and there are a couple of comments that came up regarding vacancy rates. All and all, vacancy rates don't mean anything on this property since there is a user that is self funded, just waiting to put the shovels in the ground and move ahead.

Mr. Smith stated that there were comments made earlier that residential should be protected from commercial and he does not understand that. Mr. Smith is a Planning Commissioner in his town and they believe residential should be intertwined with commercial. In the successful downtowns, the Birminghams, the Royal Oaks, the Ferndales, the Northvilles, the retail, commercial and residential are right on top of each other and it makes for a very vibrant community. If you separate them too far and people have to drive, they are not as successful. This project puts neighborhood retail, neighborhood commercial and neighborhood services closer to a lot of residential neighborhoods that are lacking those services and it will cut down on people going out of the town and possibly on traffic since people will not have to drive through the area to get to another shopping area. As far as the market studies, back in 1999, Novi's own market study prior to the 2020 Master Plan for Land Use indicated that there is a significant shortage of grocery stores and other local type retail.

The Master Plan for Land Use includes new local retail sites for possible grocery stores and similar related development on the southeast corner of Ten Mile Road and Novi Road. In 2004, the Master Plan and Rezoning Committee voted in favor of a commercial project in this location. Then later in 2004, the applicant honored the City's request to postpone their project for the redevelopment of the intersection of Ten Mile Road and Novi Road. In late 2007, Novi conducted another market study by the Chesapeake Group which is in Appendix F of Novi's 2008 Master Plan for Land Use. It says that the retail activity with the greatest potential is associated with convenient shopping, including food purchases and grocery stores. It says the public would be enhanced by the development as many residents now make convenient purchases outside the area in which they live.

Mr. Smith said, in late 2008, Novi Ten Associates hired the same esteemed Chesapeake group to do another market study and that has been submitted several times to the Planning Commission over these last months. It states in there shopping demand is sufficient to support the activity of the noted proposed development of this site and is compatible with and supported by the findings of the previous report to the City as part of the City's comprehensive plan update. Kroger has done a market study and without a doubt they believe their store will be hugely successful with the population as it stands now. They are not relying on growth. The houses, the residents, the apartments are there now for their store to be successful. Regarding the statistics of the site, the deviations and benefits, this project currently has tentative approvals from engineering regarding the detention, tentative approval by traffic with some minor comments, the wetland impact has disappeared, and the façade and fire department have approved the project. There are some technical issues to complete and that will be done as part of the site plan approval process. It's not really related to the zoning. Planning, engineering, landscaping, and woodlands have some issues and that can be sorted out by going through the site plan approval.

Chair Pehrson asked Member Greco to read the correspondence into the record.

Letter sent to Planning Commission, Community Development Department and Consultants on August 18, 2010 from Edward Leininger, 24589 Hampton Court, Novi, MI 48375.

Dear Members,

The proposed rezoning and special land use permit is a major intrusion to the character of the City of Novi. The inventory of land use in the City is master planned to provide a balanced community. Retail zoning is plentiful with both successful and failed projects all around the city.

The land along Ten Mile Road, bounded by the railroad tracks and Novi Road is definitely a difficult piece of property to develop, but certainly NOT Commercial (B-3) uses.

Master Plan

The current Master Plan was very careful about this parcel as traffic from two major county roads service the area. With NO county funds and improvement plans to expand these roads it seems foolish to force more traffic on these already over burdened roads. Should you arbitrarily rezone this land to commercial, then no court in the area will ever uphold any other part of the City of Novi's Master Plan in the future.

Land Use

OSC may be the most logical land use with an internal road system with entry and exits on Novi Road only and right turn only entry and exit on Ten Mile Road. OSC allows for increased height (ideal for this property) and a mixed use of office, office services and light retail. But, even this type of development will require major road improvements on the bordering county roads.

Overlay Zoning

The overlay option being used to consider this land use shouts of "contract zoning" as the City benefit is minuscule and calls for an increased burden on the City's budget to maintain the fields and parking lots in the future.

We do not need more commercial to balance our land use in Novi, but we do need more office and light industrial business. OSC, OS-1 and OS-2 require the least amount of City services support and maintenance throughout the years.

Commercial is an easy decision especially in light of the depressed economy, but that is very short sighted.

Traffic – WOW

How many more cars and trucks do you think Ten Mile Road and Novi Road can handle, even if you convince the county to complete the improvements to full build out? Note: I did not find a current widening project on the county plans anywhere for these roads.

Who is going to pay for the railroad crossing gates and expansion of the road over the tracks? Don't use my tax dollars. Note: The railroad does not have any plans or money to improve the Ten Mile Road crossing.

Not in my backyard – NIMBY

An easy acronym to throw around as a negative. But YOU should consider what you would do if it was being proposed in YOUR backyard.

It is impossible to enter or exit the Meadowbrook Glens Subdivision and Novi Meadows Apartments complex and when the industrial building (Wisne Mfg.) is once again in business and Orchard Hills Subdivisions from 7 – 9 AM and 3 – 6 PM now. Over 400 homes in the Meadowbrook Glens Subdivision will be dramatically affected by your decision to arbitrarily change the zoning to B-3.

I have walked and studied this property many times and find it to have a unique topography that actually shouts high-end office and high tech R & D facilities. Terraced winding roadways and multi-level lots will make this property attractive to future premium uses. It does not say, fill and level for a Super Market.

Thank you for your time to review my thoughts and hopefully you will deny this request and consider other non-retail uses for this property as you study the master plan.

Best Regards,

Edward Leininger
34 year resident of Novi
Representative for the Homeowners Association of Meadowbrook Glens Subdivision
Former Novi City Councilman

Letter sent to the Members of the Planning Commission from Citizens of Meadowbrook Glens Subdivision on August 24, 2010 re: Proposed Development of Land, east of Novi Road, west of Meadowbrook Road.

The purpose of this memorandum is to express our concern over the proposed development of a former orchard that is east of Novi Road, west of Meadowbrook Road, and south of Ten Mile Road not far from the Walgreen's Drug Store. The proposed development consists of a "Super Kroger" and some light industrial and office space.

The concerns over this project are many. First, we question the need for this development. There is a Kroger at Grand River Avenue and Beck Road, a Busch's at Ten Mile Road and Meadowbrook Road and a proposed plan to bring a Walmart store to the Novi Town Center. We do not need another grocery store to compete with these stores with the potential of putting any one of them (mainly Busch's) out of business. If this were to happen, we would have another vacant building, one of many unfortunately now in the City, to deal with.

Second, there are traffic concerns. Ten Mile Road is two lanes and cannot handle a large shopping center going in to cause more congestion. Widening the road may alleviate some of the issues, but it would still not deal with all the traffic concerns and would cause many more problems during construction. During the school year, Ten Mile Road is a major thoroughfare for buses traveling to the high school, Novi Meadows, the Middle School and various elementary schools. Having a large shopping center in this location would add to an already stressed traffic area, especially at the end of the day, regardless of how wide the road is.

Third, there is the issue of proper city planning. Members of the Planning Commission should consider what kind of a city we want to have. Do we want a city that has some green space or do we want one that has endless strip malls with stores that often go out of business and then create eyesores for the community to deal with? If another development is needed, the City should consider what existing vacancies we have and put new development there. The Novi Town Center has much potential, yet it consists of numerous vacant store fronts. The Main Street area has numerous vacancies as well. A small grocery store went in on the corner of Meadowbrook Road and Grand River Avenue, only to go out of business and stand empty with a lease sign in front of it. If another grocery store, small retail outlets, and light industrial areas are needed, consider putting them where the development already is. This would be a win/win situation as blight would be reduced from the City and we would be revitalizing areas that need it.

Thank you for allowing us the opportunity to voice our concerns over this project. We hope that these issues will be taken into account when a final decision is made and that you will update us on the status of this proposed development.

Diane Jamrog, 24614 Hampton Hill, Novi, MI 48375
Barb & Dan Phelps, 24548 Hampton Hill, Novi, MI 48375
Robert & Pauline Riley, 24602 Hampton Hill, Novi, MI 48375
Edward Leininger, 24589 Hampton Court, Novi, MI 48375
Beth Covery, 41951 Park Ridge, Novi, MI 48375
Anita Parker, 24724 Highlands, Novi, MI 48375
Alice Morgan, 24581 Hampton Court, Novi, MI 48375
Lisa A. Engels, 24536 Hampton Hill, Novi, MI 48375

Chair Pehrson turned the matter over to the Planning Commission for their consideration.

Member Baratta asked if City Landscape Architect David Beschke and Wetland Consultant Dr. John Freeland could come forward and answer some questions.

Wetland Consultant Freeland stated that he had received a revised plan with additional information regarding wetlands as well as additional information regarding the depiction of the regulated woodland boundary on the property. As far as the proposed wetland impacts go, the wetland impacts have not disappeared, but they have been somewhat minimized to an area below a quarter of an acre, with a quarter of an acre being the threshold requiring mitigation. The woodland issues are basically unchanged compared to the June Planning Commission meeting. The woodland issue is not as trivial as correcting an item on a drawing. There will be very substantial woodland impacts associated with this project. According to a count provided to ECT, the number of regulated trees may be as high as 771 trees and that number will have to be clarified and field checked in the event the project goes to preliminary site plan. In order to build the entire infrastructure associated with this project many trees will have to be taken down.

Member Baratta then asked Mr. Quinn if the project was rushed.

Mr. Quinn stated that the project was started in 2004 and he couldn't say the project was rushed.

Member Baratta stated that he does not believe it was rushed and he agrees with Mr. Quinn's characterization. Member Baratta does not believe that anyone is receiving special treatment and the Planning Commission looks at a project as a project and is it good for the City, irrespective who represents it. From Member Baratta's standpoint, when he reviews this project, and he is sure he speaks for the rest of the Commission, the Planning Commission looks at each project and the benefit it provides to the City and the citizens. There was an issue brought up in prior presentations regarding the Kroger's and possibly closing the store at Beck Road and Grand River Avenue. Member Baratta had an opportunity to look at the way Kroger deployed their stores in targeted markets and some of the other grocery stores and from what he has seen, this is a classic deployment strategy for a grocery retailer. Member Baratta does not believe they are going to close the Grand River Avenue store and Kroger has made that representation several times.

Member Baratta stated that he still had an issue with the traffic and wondered what the applicant was proposing to do to alleviate the traffic generated by this shopping center.

Mr. Quinn indicated that there will be road improvements from the railroad track to Novi Road and there is going to be a center turn lane added that will be provided, instead of the required acceleration lanes and deceleration lanes. In addition, if in fact the traffic warrants require a traffic signal to go at the Kroger entranceway, the traffic signal will be placed. As far as the traffic is concerned, according to the City's traffic consultant and the completed Traffic Impact Study, there will have to be some timing changes at the intersection of Ten Mile Road and Novi Road. It will have to be coordinated with the new traffic signal. People will also be able to use that interior road instead of going out and using Ten Mile Road and Novi Road. The other thing to remember about the traffic is that if this is developed as industrial with a 200,000 plus square foot industrial building and a 100,000 square foot office building and the morning and afternoon peak associated with that kind of development would be tremendous. When you bring in a Kroger store and retail, there is basically little early morning peak traffic and there are people coming and going all day long and there is not a big influx in the morning like there would be with an industrial development and the same way at 5:00pm.

Member Baratta asked who is paying for the road improvements and the traffic signal.

Mr. Quinn answered the applicant would be paying for those improvements as a public benefit.

Member Baratta stated the Planning Commission has seen this project many times and has talked about all the issues, or a great number of issues in great detail and the petitioners have answered the Planning Commission's comments over several presentations. Member Baratta would recommend approval of the project and but would like to give the other Planning Commissioners an opportunity to speak before he makes a motion.

Member Meyer asked City Traffic Consultant Arroyo to come forward and reiterate what Mr. Quinn just said or at least give the Planning Commission his perspective on impacts to the peak hour traffic. Member Meyer wanted to know if additional lanes along Ten Mile Road are planned.

City Traffic Consultant Arroyo answered one of the items that was mentioned in the traffic review letter on page four dealt with the inclusion of an additional westbound through lane serving the center and east driveway which would enable the signal timing, if a signal is put at the center driveway, to better serve and provide a higher level of service to that intersection and potentially shorten the queues that are heading westbound that could potentially impact the railroad tracks. The applicant has not provided that improvement and it is not being proposed at this time. There were some significant delays that were being proposed at that drive and there is also a concern regarding the Ten Mile Road westbound queues. There are many improvements that are being proposed as part of this development but that does not necessarily mean there will be a perfect level of service everywhere. The other question dealt with the comparison of light industrial and office. That is addressed in the traffic review letter as well. Mr. Quinn is correct in terms of the a.m. peak hour that industrial and office would generate substantially more traffic than retail. Generally the a.m. peak hour occurs sometime between 7:00 a.m. and 9:00 a.m. and most retail stores are not open at that time. The comparison that was evaluated in the applicant's traffic impact study shows that the shopping center would generate about close to 150 a.m. peak hour trips and a combination of light industrial and medical office would generate about 458 a.m. peak hour trips and light industrial with general office would generate 467 a.m. peak hour trips. During the p.m. peak hour, it goes the other direction in that the shopping center would generate more p.m. peak hour trips than the light industrial and medical office with the shopping center generating 830 driveway trips.

Member Meyer then stated that Mr. Quinn mentioned that there might be several tire companies in one area or several restaurants where the competition is healthy. I do truly believe that competition holds a key place here. If the City is going to be a City that is business friendly, City officials have to at least hear people out and make their decision. Member Meyer noted Environmental Consultant Freeland stated many trees would need to be removed in order to construct this project. It seems many trees have been taken down in this City for all sorts of developments and those trees are replaced.

Member Meyer asked Environmental Consultant Freeland what the process would be if the applicant were to remove the trees on this site.

Environmental Consultant Freeland answered the City has a Woodland Ordinance and it is strictly a local ordinance and not a state program. The first choice for the replacement of impacts to regulated woodlands is to replace trees on site. It doesn't appear very many trees would be able to be put back on this site because much of the undeveloped site is already woodland. In lieu of replacing the trees, the Ordinance allows for payment into the Tree Fund. At this time, it amounts to at least \$400 per tree credit and the credits are graduated according to the diameter of the tree that is cut down. Again, exact numbers are not ready at this time, but Dr. Freeland would estimate approximately 1,000 tree credits would be required if this site were developed. Compared to other projects Dr. Freeland has seen in Novi, not very many have had such a large woodland impact.

Member Larson asked Mr. Quinn what the hours of operation would be for the Kroger store.

Mr. Quinn stated that the Kroger store will not be a 24 hour store and the hours of operation will be from 6:00 a.m. to 12:00 p.m.

Member Lynch asked for some clarification from Traffic Consultant Arroyo. Member Lynch looked at the traffic review letter. Eventually this site will be developed with something, be it industrial, office, retail, etc. and Member Lynch is concerned with the traffic impacts. In reading the traffic review, it appears traffic will be less impacted by a retail development than an industrial development during the peak hours.

Traffic Consultant Arroyo responded it depends on which peak hour someone is looking at. During the morning peak hour, an office or industrial development would have more of an impact and during the p.m. peak hour a retail development would have more of an impact.

Member Lynch asked if the additional lane is going to mitigate much of the impact.

Traffic Consultant Arroyo stated that the improvements that the applicant is proposing are certainly going to mitigate to a certain extent some of the impact. It doesn't mean it is going to fully mitigate the impacts, but it is going to mitigate the impacts to a certain extent.

Member Lynch stated he understood that the site would eventually be developed and whatever development occurred would cause traffic impacts. Member Lynch's personal feeling says that a Kroger needs to be there. Member Lynch thinks that the east sides of Novi do not get the same benefit as the people in the west. By looking at the analysis on how the Kroger stores are set up, it seems this store will be similar to the existing store at Grand River Avenue and Beck Road but less intense. Member Lynch is struggling with the traffic. It sounds like a lot can be mitigated with the additional lane the applicant is proposing.

Member Lynch said he is envisioning in his mind that traffic is so backed up that someone is stuck in the middle of the tracks. Member Lynch is wondering if this goes industrial, would that possibility still exist?

Traffic Consultant Arroyo answered that it is very difficult to answer that question without knowing the configuration of the site and a lot of it would depend on, for example, the fact that the office generates more traffic per square foot, particularly medical office. If there was more medical office, it would likely increase the impact and increase the likelihood of the need for more of those improvements. Also, the timing of the development would be important. Will there be background growth that will impact that as well? It is difficult to give a precise answer.

Member Lynch stated he did not see a significant difference in traffic impacts between the development of the site as industrial or office and the development of the site as retail. The traffic will probably be similar to the traffic at Beck Road and Grand River Avenue. Sometimes people will have to wait at a light.

Traffic Consultant Arroyo stated that the traffic light is absolutely critical to the operation of this site.

Member Lynch asked if the applicant is going to put in the traffic light.

Mr. Arroyo answered yes, subject to approval from the City and RCOC.

Member Lynch stated that he would like to see any tree removed from the property put back on that property. Even though the tree fund is a good thing, the people in the area are used to seeing those trees in that location and Member Lynch would rather not see the replacement trees put elsewhere.

Environmental Consultant Freeland stated with the proposed site layout and the fact that most of the site is regulated woodland, he did not see a lot of room to put replacement trees on the property. There may be some gaps in the woodland and there may be a few opportunities for replacement on-site and that is

something that would be evaluated during the Preliminary Site Plan review.

Member Lynch stated that he hoped that the trees could somehow be kept on the site, primarily by the residential areas. Member Lynch has seen cases previously where an applicant has put the trees in the tree fund and this does not do the people in the area any good.

Environmental Consultant Freeland stated that he doubted the applicant could replace anywhere near 700 or more trees back on the parcel. In addition to woodland replacement trees, there may be requirements for landscape trees which are a separate part of the ordinance. Landscape Architect Beschke may be able to comment on that and that may allay some of the Planning Commission's concerns of having an area devoid of trees.

Member Lynch stated that he did not want to take an area that is kind of forested now and just thin it out.

Member Lynch said that he felt the City owes it to the people that live in that area to try to make the minimal amount of change to the aesthetics of the area. The traffic issues are still a concern and Member Lynch hopes that somehow and someday traffic impacts could be minimized. Member Lynch asked Mr. Quinn if as many trees as possible will be left on the site.

Mr. Quinn stated that certainly, as far as the trees, it doesn't behoove the applicant to take trees down that do not have to be taken down. It is better to transplant as many trees as possible on site. The figure for this proposed site plan is 53% open space after development. Mr. Weiss also owns all of the property to the south to the Ice Arena and along the railroad track. It seems there should be places to put new trees in that whole area and that would be on the south side where the Chapman Creek goes through there. That is all going to be looked at in the site plan review process.

Member Lynch stated that the point he was making was that he is not a big supporter of the tree fund. He would like to see the trees stay on that property or that area so the people in the area could get the benefit from it.

Mr. Quinn told Member Lynch that he looked forward to being back in front of the Planning Commission when the project goes through site plan approval process.

Member Lynch thinks this is a good development for this site and a benefit to the east side that they do not have right now. Competition is good and the mere development of this site will be good and the right thing to do.

Member Gutman stated that he was in favor of this use and from an economic standpoint, it is a positive thing for the City of Novi and he appreciates all of the additional public benefits. Member Gutman appreciates the work that the applicant has done to allay all of the Planning Commission's fears. It has been a long process and Member Gutman will be looking forward to supporting Member Baratta's motion.

Member Greco stated that like Member Meyer had indicated earlier, this vote is significant and important and the Planning Commissioners have all taken this project and the decision on the Master Plan very seriously and realized they are two separate issues. The Planning Commission can talk about studies and what studies say and what they make inferences about and what may happen in the future and what may not happen in the future. But, studies are not really a substitute for people and the only people who have commented are the residents who have indicated that they do not feel the need for a store. The Planning Commission has not heard from any specific residents that say, I'm glad that there is a Kroger going in down the block from me, only the opposite has been stated. If this store is built, people will come, but that does not necessarily mean that there needs to be a Kroger there when there is a Hiller's and Kroger nearby. As far as consumers, competition is good for consumers in terms of pricing and quality, but as a body, the Planning Commission is

not a marketing body. When there are two banks across from each other, or two fire stores, and a CVS and Walgreens across from each other, Member Greco looks at it as a waste for the members of the community that it is not spread out more among the community. The reason those are there is not because the planners planned this for their community. The reason why it's there is for marketing strategies, for businesses to put each other out of business.

Member Greco stated that the work the applicant has done is good as far as the presentation and everything they've done but Member Greco does not believe it is needed or necessary in that area. There are enough grocery opportunities around the community. It would be silly for the City to plan for two similar services to be across the street from one another and the only reason they end up there is because the City has no choice. Member Greco may be recommending denial of this project.

Member Cassis stated that he has talked about this project for the last three or four sessions and has talked about it at the Committee level. Other members of the Planning Commission have said the City is engineering something for the surrounding community and the City has no right to decide for them whether they want a store there or do not want a store there. Member Cassis sometimes visits the Kroger at Maple Road and Telegraph Road when he visits family in the area. That store was in business and then two months later, it went out of business.

Member Cassis asked Mr. Ragsdale, the Kroger representative, if he was familiar with the Kroger store at Maple Road and Telegraph Road.

Mr. Ragsdale answered yes, he was.

Member Cassis asked if the store was closed.

Mr. Ragsdale answered yes, it is.

Member Cassis asked about the West Oaks Kroger store, what happened to it?

Mr. Ragsdale stated that it was closed and he explained why it was closed the last time this matter was before the Planning Commission.

Member Cassis asked Mr. Ragsdale if he had in his possession any guarantee that he can give the Planning Commission as an affidavit notarized that this Kroger or the Kroger on Beck Road will not be closed.

Mr. Ragsdale stated no and there is not a retailer in the United States of America that could make that guarantee. If they do Mr. Ragsdale would say they are not being honest and forthright with what they have to say. Kroger does have plans to invest money in the store at Beck Road and Grand River Avenue and they wouldn't be doing that if the store were planning to close soon.

Member Cassis asked Mr. Ragsdale if he had any figures to indicate the sales have improved and gone up at the Beck Road store in the last five years.

Mr. Ragsdale said he could not give Member Cassis any figures, but the store is doing well enough to consider future investments in the store.

Member Cassis stated that the Community Development Department said no to this project and they have examined it and they have made their recommendation. In 2001 the Master Plan did say designated to be studied further; however, there was one quotation that said commercial is not recommended. In 2007, the Chesapeake Group said the City currently has a surplus of retail until 2018. The City's Economic Development Director wrote a long exhaustive study where he clearly states that the City does not need any retail in this

area. He quoted many people in a big meeting of retailers, supermarket people, planners, some 500 people in that area said retail is going down and that stores are being shut down and going out of business. Traffic Consultant Arroyo gave a very honest review of the Traffic Study and he clearly says that there are difficulties in that area for this huge retail development. If the Kroger does go in, how long will people have to wait in traffic with a backup? Member Cassis did get the map with all the different supermarkets in the area and there is no guarantee that all those stores will stay there. Kroger has a propensity to move stores around. Another thing, do you know how large Walmart is? The applicant says competition is healthy. When a Walmart comes to town, small businesses go to the meeting to oppose it and the applicant is saying competition is healthy. What about the woodlands and the 770 trees to be cut down. Haven't enough trees been cut down in this community? According to the school district, the district is losing students because the City is losing population. Is this a growing community that there is a need for two Krogers and a Walmart within three or four miles? Many residents have had homes foreclosed. If the population is decreasing why would another Kroger store be needed? The answer was given to the Planning Commission by staff. The City's Economic Development Director said to halt it, do not go ahead, there is surplus. The Planning Commission should not approve this project.

Chair Pehrson stated that he wanted everyone to realize that the reason the Planning Commission is here is because the City is business friendly. This is not just an exercise to make people go through hoops. The citizens do care about the community. The Planning Commission hears from passionate people about their community and how it is going to impact their future. If the Planning Commission were to ask Mr. Quinn directly if this was a business friendly city, hopefully his answer would be yes.

None of the citizens have ever lived in these kinds of economic times and no one has ever had the opportunity to witness the kind of economic downturn the country is currently in. The competition that people insist upon is very fragile at this point in time. Chair Pehrson is not 100% sure that the Planning Commission would be doing the right thing approving this project. It would be detrimental to other businesses that are still trying right now to survive. Maybe if this were 2001, if this were 1990 or ten years ago when this was first conceived, there would probably be a thriving business sitting there right now.

Chair Pehrson is not 100% convinced that this is the right location for a couple of points. Chair Pehrson's habits of purchasing groceries aren't affiliated to one brand or to one store. It is a matter of location and convenience. It's not to go out and find that one particular store and that is part of the problem with this particular location. There will always be traffic no matter what is done. Member Lynch was right by saying that this will be developed one day and it may be developed with a Kroger on it. The applicant has every right to come before the Planning Commission and the City Council and state their case and plead their arguments and have people deliberate at this level, people deliberate at the City Council and the ZBA. This is what people in the audience and the people in the City need to understand, that anyone that owns property can come before the City and ask for certain things.

Utilizing the PRO option extends the applicant the opportunity to overcome some of the hurdles relative to the site itself because some of the things people are trying to develop these days are a little bit more difficult and are not wide open spaces. They do require tree cuts and curb-cuts; there is no perfect piece of land anymore inside the City.

In this case, there are more negatives than positives, relative to sewers, lane changes, etc. The traffic is still going to be an issue. There have been some statements made that are a little bit skewed. The building to the east of this site, the industrial building that has been shut down for ten years has not been shut down for ten years. It was open as recently as 2008 and Chair Pehrson was a member at that company at that time in 2008. Some of the data placed in front of the Planning Commission whether it's surveys by City staff or the applicant gets a little bit skewed.

Chair Pehrson remembers from the previous presentation that 78% of the members that were surveyed would

love to shop at a Kroger based on a sample size of about 72-75 people. That is not a statistical summary that is valid. Chair Pehrson is also concerned about the phasing of the project relative to the other retail outlets. How can the City be assured that with each new tenant being brought onto the site that it would be someone like Kroger who had the money, had the backing, had the willingness and had the desire to make the commitment? That would be great, but Chair Pehrson can envision a Kroger being surrounded by buildings that have those for lease signs in them for quite a period of time.

The Planning Commission is not out to try to take away from the tax base or turn away business. That is not what the City is about here. The Planning Commission is trying to seek what is best for this particular piece of property. The Kroger building might be the best solution for the property, but it is just too large of a building when the impacts to woodlands and wetlands are considered. That is always something that gets swept under the rug. One of the things that this Commission has been pretty steadfast on is looking at the size relative to what is going on on that particular piece of property. This proposal is just a little bit too big.

Chair Pehrson appreciates the effort that has gone forward on everyone's part to bring this to this point today from the Planning Division and the applicant, Mr. Quinn and the people at Kroger. Chair Pehrson hopes there is some common ground to be able to demonstrate the City's business friendliness to the applicant, even though he is not 100% sure in which way he is going to vote or what the vote will be at this particular time.

Chair Pehrson then asked City Attorney Schultz for his comments.

City Attorney Schultz had a question in advance of a motion. Looking at this from the perspective of writing the PRO Agreement and the list of PRO conditions that go along with that, City Attorney Schultz is wondering whether or not the motion or the applicant is addressing the other area of rezoning, the frontage along Ten Mile Road for which he hasn't seen or heard any conditions. From the staff's perspective, if it is just a rezoning with no conditions, then the Planning Commission probably should talk about what the applicant expects, just a straight rezoning with no conditions or whether there is some other plan on the part of the Planning Commission on dealing with those areas in the future. Right now, looking at the draft motion, it does not appear that area, which is about five acres of frontage, has been addressed.

Chair Pehrson asked Mr. Quinn if he could help us understand what City Attorney Schultz stated.

Mr. Quinn told City Attorney Schultz that they would have to go back in the original application. Phase I of this project includes all of the improvements along Ten Mile Road including all the landscaping. It includes the driveways that are on the east side of the property and the access road from Novi Road. The outlots are being constructed as a general condominium and those outlots have not been properly sized. They are to be constructed after the first three phases and the infrastructure is to be put in with the first phase.

City Attorney Schultz stated that the PRO process normally affords the City some ability to say what they like and don't like. However, there are no site layouts or building layouts provided for the area labeled future phases. Staff is assuming that if there isn't going to be a discussion about the buildings or site layouts in the future phases, then it should somehow be indicated they are not addressed and at a minimum, will need to be included as future amendments to the PRO Agreement.

Mr. Quinn stated that City Attorney Schultz is absolutely right. It has been the applicant's plan to show the outlots in the area labeled for future phases within the rezoned B-2 area with the PRO on them. The applicant agrees that whenever the time to develop that area comes, the PRO Agreement would need to be amended.

City Attorney Schultz said the key is that a PRO Plan is what would be amended, not an approved site plan; essentially it would be a series of additional PRO Agreements.

Moved by Member Baratta and seconded by Member Lynch:

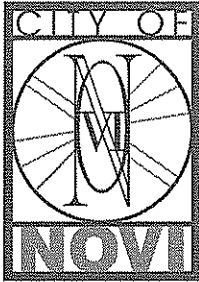
ROLL CALL VOTE ON THE APPROVAL RECOMMENDATION MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH.

In the matter of Weiss Mixed Use Development, SP09-26A with Zoning Map Amendment 18.690, motion to recommend approval to the City Council to rezone the subject property from I-1 (Light Industrial) and OS-1 (Office Service) to B-2 (Community Business) and OS-1 (Office Service) with a Planned Rezoning Overlay with the following ordinance deviations: (a) Ordinance deviation for the excess building height of the shopping center (30' required, 35' provided); (b) Ordinance deviation for the location of the shopping center loading zone in the interior side yard; (c) Ordinance deviation for the shopping center dumpster location in the interior side yard; (d) Ordinance deviation for the overage of EIFS, Concrete "C" Brick and Split Faced CMU on the shopping center façade; (e) Ordinance deviation for the excess building height of the Kroger store (30' required, 38'6" provided); (f) Ordinance deviation for overage of EIFS, Concrete "C" Brick and Split Faced CMU and the underage of Natural Clay Brick on the Kroger façade; (g) Ordinance deviations for the following landscaping requirements: (1) Three foot tall berm along all road frontages, (2) Lack of perimeter trees, (3) More than 15 contiguous parking spaces without an interior landscape island proposed in seven locations, (4) Shortage of 122 linear feet of front façade landscaping for the proposed Kroger, (5) Lack of front façade landscaping on the shopping center, (6) Deficient landscape beds around all buildings, (7) Deficient foundation landscaping around proposed Kroger building (9,392 sq. ft. required, 1,733 sq. ft. provided), (8) Deficient foundation landscaping around proposed shopping center (10,008 sq. ft. required, 1,076 sq. ft. provided); (h) Ordinance deviations for the following driveway spacing requirements: (1) Same-side driveway spacing between the proposed Novi Road driveway and the south Walgreens driveway (230' required, 116' provided), (2) Same-side driveway spacing between the west driveway on Ten Mile Road and the east Walgreens driveway (230' required, 225' provided), (3) Opposite-side driveway spacing between the proposed center driveway on Ten Mile Road and the opposite-side industrial driveway to the east (300' required, 65' provided), and (4) Opposite-side driveway spacing between the proposed truck egress on Ten Mile Road and the first opposite-side industrial driveway in either direction (150' required, 4' provided to the west and 200' required, 71' provided to the east). The plan is also subject to the following PRO Conditions: (a) Stormwater is to be adequately detained above ground and on the site with no additional discharge into the wetlands; and (b) Applicant shall comply with all of the conditions and items noted in the staff and consultant review letters.

Additionally, as a condition of this motion, the Planning Commission notes that the applicant acknowledged that future PRO Amendments will require review and approval of developments designated as "future phases", and that with this recommendation for approval, no development approvals are granted for any "future phases". Additionally, it is Planning Commission's recommendation to the City Council to ask the applicant to add an additional west-bound lane to Ten Mile Road across the entire frontage, to make a 5-lane cross section for the full length of the property.

This motion is made for the following reasons: Sufficient conditions are included on and in the PRO Plan on the basis of which the Planning Commission concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land uses proposed by the applicant, it would be in the public interest to grant the rezoning with Planned Rezoning Overlay, as the benefits which would reasonably be expected to accrue from the proposal are balanced against, and have been found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles. *Motion carried 5-3 (Nays: Pehrson, Cassis, Greco)*

**PLANNING COMMISSION
MEETING MINUTES EXCERPT
JUNE 23, 2010**



PLANNING COMMISSION MINUTES

Approved
CITY OF NOVI
Regular Meeting
Wednesday, June 23, 2010 | 7 PM
Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Baratta, Member Cassis, Member Gutman, Member Lynch, Chair Pehrson, Member Prince

Absent: Member Greco (excused), Member Larson (excused), Member Meyer (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Mark Spencer, Planner; David Beschke, City Landscape Architect; Lindon Ivezaj, City Engineer; Rod Arroyo, Traffic Consultant; John Freeland, ECT; Doug Necci, Façade Consultant; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman and seconded by Member Cassis:

VOICE VOTE ON THE AGENDA APPROVAL MOTION:

Motion to approve the June 23, 2010 Planning Commission Agenda. Motion carried 6-0.

PUBLIC HEARINGS

1. WEISS MIXED USE DEVELOPMENT, SP09-26 WITH ZONING MAP AMENDMENT 18.690

Public Hearing for Planning Commission's recommendation to the City Council of a Planned Rezoning Overlay associated with a zoning map amendment to rezone from I-1, Light Industrial and OS-1, Office Service to B-2, Community Business and OS-1, Office Service, with a Planned Rezoning Overlay (PRO). The Subject Property is located in Section 26, east of Novi Road and south of Ten Mile Road.

Planner Kapelanski stated that the applicant is proposing the Rezoning with PRO of an approximately 28.7 acre piece of property located on the south side of Ten Mile Road, east of Novi Road. This property is proposed to be rezoned from I-1, Light Industrial and OS-1, Office Service to B-2, Community Business and OS-1, Office Service with the Planned Rezoning Overlay.

Planner Kapelanski explained that various industrial uses are located to the north of property across Ten Mile Road. To the west are office uses, to the south is vacant land and multiple-family residential, and to the east, there is an existing industrial use, east of the railroad tracks. Notice for this rezoning was provided in the newspaper as a rezoning from I-1, Light Industrial and OS-1, Office Service to B-2, General Business. The name of the B-2 District was incorrectly stated as General Business and it should be noted that the correct name is Community Business. General Business is the name of the B-3 District. Planner Kapelanski explained that the City Attorney's office has determined that the notice to the public of the pending rezoning was sufficient.

Planner Kapelanski explained that the property is currently zoned I-1 and OS-1. The site is bordered by

I-1 and I-2 zoning to the north, I-1 zoning to the east, OS-1 zoning to the west, and RM-1 and I-1 to the south. The current Future Land Use Map designates the subject property for further study and the majority of the property surrounding the site is Master Planned for Office. There are also existing wetlands on the site which are mainly concentrated along the creek. The majority of the site is also part of regulated woodlands as shown in green on the most current woodland map.

Planner Kapelanski stated that the Planning Staff has noted that the proposed rezoning is not in compliance with the current Master Plan which recommends future study for the subject property. Previous Future Land Use maps have partially Master Planned the subject property for local commercial and light industrial development. Some sections of the Master Plan were recently opened for review and amendments have been drafted.

Planner Kapelanski explained that the subject property was included in this review and a Public Hearing on the proposed Amendments is set for July 14, 2010. Also noted in the planning review, is that the City currently has a surplus of land zoned for retail use and a retail vacancy rate of about 10%.

Planner Kapelanski stated that the applicant is proposing a 64,000 square foot Kroger store and a 41,000 square foot shopping center, as well as space for additional buildings in the future. Those future buildings are ghosted in on the plans and are not intended to be part of the Concept plan itself, and are shown to provide an idea on what might be built in the future.

Planner Kapelanski stated that there a number of issues regarding the proposed Concept plan. It is staff's opinion that there is insufficient information to fully evaluate the plan. The applicant would need to seek deviations for the proposed building height of the shopping center and Kroger store, deviations for the loading space and the dumpster location and façade waivers for both the shopping center and the Kroger store. Four driveway spacing waivers would be required and various landscape waivers would be needed.

The PRO requires the applicant to propose a public benefit that is above and beyond the benefit that would normally occur as a result of the development of the property. The applicant has proposed the grading of a sports field to be located in the existing park behind the Novi Ice Arena and this would also include providing seed for the field as well as the irrigation. Twenty gravel parking spaces would be installed along with a landscaped park entrance-way.

Included in the packet is a memo from Randy Auler, Parks, Recreation and Cultural Services Department Director commenting on the proposed public benefit. Since that memo was written, the applicant has proposed to irrigate the field as an additional public benefit.

Planner Kapelanski explained that the landscape review noted landscape waivers could potentially be required for the lack of berms along the road frontage of Novi Road and Ten Mile Road. Also, waivers would be needed for the lack of perimeter canopy trees, more than 15 contiguous parking spaces without a landscape island, a shortage of front façade landscaping and the amount of foundation landscape plantings. The applicant has not clearly demonstrated on the concept plan that these requirements can be met.

Planner Kapelanski stated that the Wetland review notes a number of concerns regarding the Concept plan. In particular, there does not seem to be an area ideally suited for wetland mitigation, if it is required. In addition, there is concern that adequate stormwater storage has not been provided on site. No direct discharge of storm-water into the wetlands would be permitted. Dr. John Freeland from ECT is here this evening to answer questions regarding the wetland review.

Planner Kapelanski stated that the woodland review noted various concerns as well impacts to a large

amount of regulated woodlands on the site. The applicant has not applied the most current regulated woodland line to the plan. In addition, stormwater cannot be directly discharged into the woodlands and the woodland area cannot be used for wetland mitigation. Dr. John Freeland from ECT is also available to answer questions regarding the woodlands impacts.

Planner Kapelanski explained that the Engineering review indicated that the proposed Concept plan would result in an increase in peak sanitary discharge. Various additional issues will need to be addressed at the time of the Preliminary Site Plan submittal. The applicant has not demonstrated adequate stormwater storage on the site. There are also significant concerns regarding whether the plan will be able to accommodate the required above ground detention volumes. The Fire Marshal has recommended approval of the proposed concept plan with items to be addressed on the preliminary site plan. The Façade review noted that a Section 9 Waiver is required for the overages of EIFS, C-brick, and split face CMU and the underage of brick on the Kroger and the shopping center buildings. Approval of the requested waiver is recommended and Doug Necci is here this evening to address any questions regarding the façade. Planner Kapelanski asked the City's Traffic Consultant, Rod Arroyo of Birchler Arroyo to summarize the traffic review and comments.

Rod Arroyo of Birchler Arroyo and Associates, the City's Traffic Consultant, stated that he would summarize his letter dated April 16, 2010. The initial part of the letter is an introduction and some background information on the Traffic Study. On page 3, Item J, one of the items identified in the Traffic Study was that north-bound left turns on Novi Road to go left / west on Ten Mile are a current problem movement. The analysis shows a fixed limit on how much green time is allocated to turn left. If more green time was allocated, it could improve the level of service. The letter asks the applicant to share this information with the Road Commission for Oakland County as this is something that could help to alleviate the existing situation.

On page 4, the review letter states that a center driveway is shown on Ten Mile along with several other points of access to the site from Ten Mile and one to Novi Road. Since the initial submittal, this center access point has been revised rather substantially to increase the stacking space, which could be particularly beneficial as we anticipate northbound traffic will be quite heavy. Essentially, if no signal were put in at that location, the volume is projected to exceed the capacity causing a significant delay at that intersection. One of the improvements that would be necessary to mitigate that delay would be the installation of a traffic signal at that center driveway to enable the site to adequately handle the outbound left turn maneuver and provide for more smooth and efficient traffic. It would encourage some of the left turning traffic at the other driveways that aren't signalized to use that signal. A signal is critical to the operation due to 1,100 vehicles per hour expected during the peak hour going westbound on Ten Mile.

Even with a signal, there will still be some issues with traffic delay. To provide acceptable levels of service there would have to be a five lane road section from Novi Road through the center driveway. This provides for two through lanes in each direction and provides a center turn lane. Providing this improvement on Ten Mile would improve the projected levels of service. There will still be some outbound delays at the other internal driveways. Those are not going to impact the public road system. With the signal in place and with the additional lanes the intersection will operate in an appropriate manner. The drive on Novi Road has been modified to add an additional lane. This design will need some tweaking and we believe this is something that can be addressed as we go through the plan approval process.

On page 6 of the review, it is noted that four vehicular access points have driveway spacing issues:

- Same side driveway spacing between the proposed Novi Road driveway and the south Walgreens driveway is only 116 feet proposed versus 230 feet required;

- Same side driveway spacing between the proposed west driveway on Ten Mile and the east Walgreens driveway is 225 feet versus 230 feet required;
- Opposite side driveway spacing between the proposed center driveway on Ten Mile and the rather low volume opposite industrial driveway is 65 feet to the east; and
- Another opposite side spacing waiver would be required between the proposed truck egress on Ten Mile and the first opposite side industrial drive in either direction. That is likely a very low volume driveway, but, nonetheless, there are some driveway spacing issues per Novi's ordinance requirements.

On page 7, the traffic review letter notes that it would be advantageous if some kind of cross access easement could be developed between this property and the Walgreens site. With a shopping center of this type, which is neighborhood commercial, it is very likely that there will be interaction between the Walgreens site and the shopping center site and people will be making multi-purpose trips. A connection between the uses would minimize the number of trips that have to go onto Ten Mile Road.

On page 7, item 13, the west driveway should be widened to 40 feet and striped in a manner for two out-bound lanes and one in-bound lane. The letter talks about the proposed connection between the center driveway and the outlot parking to the west being too close to permit traffic to enter the parking lot at this location. The letter is suggesting an alternative would be if you are going to have a driveway here, that it be inbound only and angle the parking and, if it were necessary, you would end up with an out-bound driveway. Another minor site issue which could easily be resolved later is some of the barrier free striping for appropriate spacing requirements for ADA access. The pharmacy area at Kroger has some access issues in terms of location and circulation along with some other minor end island changes and radii adjustments to enhance circulation.

Chair Pehrson asked if the applicant would like to make a presentation.

Mr. Matthew Quinn came forward appearing on behalf of the applicant. Mr. Quinn explained that this plan started with the City of Novi adopting its 1990 Master Plan which designated the Ten Mile frontage in this area as commercial and also Novi Road as commercial. Mr. Weiss has owned this property for over 30 years and was there when it was rezoned, which started the process of this neighborhood commercial development.

Mr. Quinn said, the last Master Plan designation was commercial. In 2004, it became a special study area and went into a holding pattern. It was a study area because Mr. Weiss had submitted this plan in 2004 and it was bigger at that time and had more commercial, more office space, less green space. As you see in the new numbers, it has been shrunk to something that is much more manageable. When the plan was presented in 2004 and went to the Planning Commission for a public hearing, the Planning Commission made comments as well as the Planning staff. Mr. Weiss and his group then went back and considered those comments and that is how the shrinking of this entire plan came out over the years. The plan was resubmitted in 2009 and this is a project that when completed will be a 20 million dollar project and under Novi's current tax code, it is a little over \$200,000 to the City itself and this does not include the monies that would go to the schools and the other taxing authorities.

Mr. Quinn explained that there is a written statement from Mr. Ragsdale from Kroger and that he is present this evening. He is going to tell you that Kroger is buying their acreage as a general condominium and is buying approximate 9 acres to build on.

Everything is in phases. The first phase is the Kroger building and that includes all the Ten Mile Road improvements, green space improvements, and the interior east/west connector road from Novi Road into the Novi Road Kroger property site. Phase II is the other properties. As Mr. Weiss develops the neighborhood center, he is not going to spec anything. He is not going to build until he has financing in place. Also, this is not going to be just massive construction occurring right away for the entire area. The phasing is important.

Mr. Quinn stated that he knows the Commission might say why do we need a Kroger store at Ten Mile and Novi Road? The market study that was done, prepared, and submitted with the concept plan documented that this area of Novi needs a grocery store. Planner Spencer's report to the Planning Commission stated that you need one grocery store for every 8,500 people in the community. That being, Novi would need six plus grocery stores for the population of approximately 53,000 people.

There is an existing Kroger store on Grand River Avenue and Beck Road and it was built in 2000. Also, the former Farmer Jacks at Ten Mile and Meadowbrook Road is now a Busch's Market and is 30,000 square feet and was built in 1970 and with that, Novi is under the national average.

A phone survey was also done with 300 Novi residents and the survey showed over 78% said they were very likely to shop at a new supermarket, should it be located at Ten Mile and Novi Road. Also, 64% surveyed said that the location at Ten Mile and Novi Road is more convenient. Planner Spencer's report stated that the average shopper goes to the grocery store 2.5 times per week. The survey and the national standards and the studies provided by the national people show that a grocery store is needed.

The Novi Planning Staff noted that 10% of the City's retail space is vacant. The other question was about industrial vacancy. The staff proposal is to leave this land zoned industrial. Novi has over 8 million square feet of industrial buildings currently. As of May, 2010, 16% of industrial space is vacant and 21% of industrial is available for lease because leases are about to run out. Also, contained within this information and according to staff, there is a 18 - 48 year supply of vacant industrial land in this community. Surrounding this site and across the railroad way is a vacant site totaling 107,000 square feet of industrial space that has been vacant for 5 or more years. Nine Mile and east of Novi Road one mile away there are two vacant industrial buildings and one is 132,000 square feet and the other is 109,000 square feet and they are across from one another. There is an excess of 300,000 square feet of constructed industrial buildings and someone could move into these vacant buildings today if they wanted to.

Mr. Quinn asked why would a tenant come to this site and build something new, when they could come in tomorrow and move into a one of the vacant buildings. It doesn't make sense to leave the property industrial and let it be vacant for 48 years. Is this what a Planning Board for a community wants?

The Kroger store is ready to go and be built and there will be an immediate tax base for the City along with the traffic improvements given along Ten Mile Road. Maybe City Traffic Consultant Arroyo didn't quite state this, but one of the public benefits is instead of having accel/decel lanes along Ten Mile Road, the applicant would build a brand new center turn lane for its entire length which is not a requirement.

There is some conflict with the issue of the traffic signal at this intersection. City staff say that there should be a traffic signal there and the RCOC has concerns because there could be a backup of traffic from the light to the railroad tracks that could be a dangerous situation. The Traffic Study showed that if the timing of this traffic signal is done correctly, then there would not be a backup. Is that a benefit if that traffic signal is put in? Mr. Weiss and his associates tonight will tell you if that traffic

signal is deemed necessary and the City and the county can agree, it will be put in. That is a definite improvement. Other benefits would be local employment in the Kroger store and other stores.

At the Ice Arena, Mr. Weiss is agreeing that the park land behind the Ice Arena is designated park land on the City's Master Plan and it is undeveloped and simply overgrown. After meeting with Parks and Recreation Director, Randy Auler, the plan now is to level off as large an area as possible roughly 300 by 300 feet. Director Auler can use that for multiple purposes fitting in three to four soccer fields, a lacrosse field, football and all in different combinations. We have agreed to spend the money in tens of thousands of dollars to grade that entire area and seed and irrigate that entire area. Director Auler has asked for twenty additional parking spaces behind the Ice Arena and we have obliged. This is a public benefit and a donation to the Parks and Recreation Department. In addition to the parking, a sculpture will be placed at the entrance of the park of children leap-frogging over each other. A sign and landscaping will also be provided.

Besides the traffic benefits already talked about, the east/west driveway is actually a traffic benefit also. People will not have to go out from Novi Road onto Ten Mile to gain access to the building and they can go through the interior driveway, private road to get access and also for people to get out. They will not have to go out onto Ten Mile and come down Novi and they will be able to go through and access the site. There was a comment about the Walgreens doing an easement there; but that would be very difficult due to an 8 foot elevation drop between the Walgreens property line and the Weiss property line.

An additional public benefit being proposed is to extend the sidewalk from the Weiss property and to put a bike path all along the front and extend it on the Walgreens property as long as the City has an easement. For pedestrians, this entire project is going to be pedestrian orientated and everywhere there is a pedestrian walkway or entranceway; there will be a sidewalk that connects. There will be benches, bike racks, and a gazebo in the center that is tied into the sidewalks. As far as open space benefits, Mr. Weiss is going to donate to a nature conservation area to the City more than three acres of land that will be in a permanent easement. Another thing to remember on this site is that 41% of this site is green space and this is a significant number.

Planner Kapelanski stated that there were a lot of deviations. Mr. Quinn would like to go through the deviations that are referenced and tell the Commission why some of them should be deleted.

Under a, Ordinance deviation for excess building height in the shopping center, 30 foot required, 35 provided. In the letters, the City staff is supporting that. The neighborhood shopping center and Kroger are set far back and are in a hole. This goes back to the Chapman Creek that is there and these are going to be a bit taller than usual so they are able to be viewed from the site and we have staff support.

Ordinance deviation for location of the shopping center loading zone in the interior side yard. Again, staff supports this deviation with landscaping.

Ordinance deviation for the shopping center dumpster location in the interior side yard, just the location of that, is a minor deviation.

Ordinance deviation for the coverage of EIFS, concrete "C" brick and split face CMU in the shopping center façade. The Section 9 Waiver is being recommended by the Architectural Façade Consultant because he is satisfied that what we are using meets the intent of the ordinance.

The building height for the Kroger store again is supported by staff in the letters.

The elevation and the materials for the Kroger store is supported by the Architectural Façade Consultant.

In point G, Mr. Quinn asked the Commission to delete the first three items. A 3 foot tall berm along all road frontages will be provided as will the perimeter trees and no more than 15 contiguous parking spaces without an interior landscape island will be adhered to. The next areas all deal with one thing and that is putting landscaping up close to the buildings, both to the Kroger and the shopping center and all of the future out-buildings are going to comply, but the ordinance requires there to be a four foot green space, landscaped area around all buildings. That would be basically all around the entire Kroger building, and all along the neighborhood shopping center along the front and the back. That landscaping cannot be provided. In the rear of these buildings you have nature for about ½ mile and there is no one back there and they do not serve any purpose on the rear of the building and on the side you have a railroad track. So, why go through the time, effort and money of landscaping and irrigating something that no one can see. The front areas are where landscaping is proposed. Please remember, 41% of the site is green space.

Mr. Quinn continued: ordinance deviations for the driveway spacing requirements; those have to be requested and Traffic Consultant Arroyo went through those and they're basically on Ten Mile Road for across the street. None of those driveways across the street comply with the ordinance today. When they were put in, this ordinance was not in place. Now, this site is stuck with having to comply with non-conforming driveways and that does not make any sense. On Novi Road, there is a conflict with the Walgreens driveway. Traffic Consultant Arroyo did not really say there is a problem there, except that per the ordinance those variances are required. So the driveway spacing would be referenced.

On the next page, letter i, storm water. The storm water is adequately detained above ground and on the site with no additional discharge into wetlands. The applicant will comply with that. There are adequate areas for storm water detention. If not, that will be fixed at the site plan submittal. The applicant can comply with this, once it gets to the site plan and has no issue with making it a condition of this PRO acceptance.

Mr. Quinn said the applicant shall comply with all the conditions and items noted in staff and consultant review letters. The applicant does not have particular problems with any and has responded to those.

This rezoning to B-2 for the frontage of Ten Mile Road and leaving the balance of it OS-1, combining these two projects together gives what the Planning Commission and staff have always looked for and that is a coordinated plan of commercial and office. A tree count has been done and there are approximately 939 trees onsite. Trees to be removed are 771 and trees remaining are 168 with replacement numbers totaling 825. Either trees will be replaced or money paid to the tree fund. Nothing here has been left unturned and it is a well thought plan and will be a benefit to the residents of Novi and especially the residents in the south third of the City and the east part at Nine Mile and Meadowbrook.

Mr. Quinn stated that the people he has talked to have said it will be easier and cheaper for them to shop there than Busch's and that they would no longer have to fight the traffic at Eight Mile and Haggerty to go to Meijer's. People in that part of the City would love to have this store there today and are looking forward to its approval.

This is a concept plan and not a final site plan and the ordinance requires a concept plan for a PRO, and it doesn't require final site plan. Yes, it is a general idea on what will go there, where the parking will be and where the location of the buildings will be and that is part of the concept plan. Mr. Quinn said, the concept plan is a good plan and to the Planning Commission should send a positive

recommendation on this PRO / Rezoning to the City Council.

Mr. Quinn said that Rick Ragsdale is going to come up from Kroger and give a short comment.

Mr. Rick Ragsdale, Senior Real Estate Manager for the Kroger Company wanted to give some history on why this should be a grocery store. Mr. Ragsdale moved to Novi and was transferred from Kroger up to Michigan in 1994 and after looking at all the communities, his wife said they were going to live in Novi. When he was checking locations with the realtor, Mr. Ragsdale came by this site and thought it would be a perfect location for a grocery store and that was in 1994. His realtor said they needed a grocery store in Novi to go with the wonderful shopping, regional shopping and Twelve Oaks and West Oaks Mall. At the time there was an existing Kroger store in West Oaks. It so happened that was the only store in the entire company of over 2000 stores whose business used to go down at the holidays. The reason for that was because the destination traffic for the regional mall and West Oaks was choking off the customers.

Kroger did not really have any state of the art convenient grocery stores near the population. One of Mr. Ragsdale's objectives in 1994 was to get a grocery store in his neighborhood. That was several years ago and there is still no store nearby. There are 56,000 people in Novi and the community Mr. Ragsdale originally came from had a similar population and three Kroger stores there. The community does lack convenience. As Mr. Quinn pointed out, Kroger will own the nine acres of land and the building. Kroger does not have financing and does not go out and get loans so they do not deal with the banks. They will be building their own store and contributing to the site development costs on this. This center is going to be phased. The process started with us in 1996-97, and Kroger wanted to be patient where it would be the right time where it was right for the City, right for Kroger and right for the developer to do this.

Kroger has gone through numerous study sessions and has waited patiently to start. Kroger is ready and able to go. This project has been something on Mr. Ragsdale's individual list as well as the president's and past president's list. Everyone in the Kroger Company is aware of this site. This will be a net new store and Kroger is not closing any stores. They currently have one store in Novi. Kroger did open the West Oaks store when a Kroger store in Commerce Township closed.

Kroger offices have been moved to Novi so there is a built in merchandising staff that will be overlooking this store, so it is going to be the best store and it will get a lot of help. Kroger divisional staff is located on Grand River Avenue and this store will get lots and lots of attention. Mr. Ragsdale appreciates being here to tell the Commission that Kroger has waited patiently and appreciates the Commission's consideration on this subject.

Chair Pehrson noted that this is a Public Hearing and asked if anyone in the audience would like to address the Planning Commission on this matter.

Mr. Dan Phelps, 24548 Hampton Hill stepped forward and stated he lives across Ten Mile and across the railroad tracks from this site and drives by almost everyday. It seems to him that the people are saying that there is a lot of vacant industrial, retail and offices that have lease signs. He has lived here since the early '80's and would not like to see the orchard vanish. It should be made back into an orchard and it would seem like there would be better places, flatter spaces that do not have a creek running through them for the commercial development. When he saw the zoning sign, he was not aware that it was zoned light industrial. He shops at the Busch's and walks to the grocery store, to church, to his children's schools. It seems like there is a lot of building going on and then it ends up being empty or vacant. He would not want to see the orchard tore down for a grocery store.

The correspondence was read into the record.

- Melissa Place, 42496 Parkridge, Novi opposes the rezoning request.
- Jim Oegema, Luna Entertainment, 42875 Grand River Avenue, Suite 201, Novi and 24342 Myrtle Court opposes the rezoning request due to increased traffic, lack of bridge over railroad tracks and the fact that it would cause significant problems with congestion on Ten Mile Road and also speaks to the existing vacant retail and office space.
- Ajay Pulpa, no address provided, opposes the zoning change.

Chair Pehrson then closed the Public Hearing.

Member Lynch would like to hear whether the staff agrees or does not agree with what was said by Mr. Quinn on behalf of the applicant.

Planner Kapelanski asked if Member Lynch was referring to the ordinance deviations.

Member Lynch responded he was referring specifically to the building height.

Planner Kapelanski stated that staff does not have any concerns with the ordinance deviations regarding the building height, loading zone and dumpster and would support them.

Member Lynch asked about Items a thru f and asked if Façade Consultant Necci has any concerns with the Section 9 Façade Waivers requested.

Façade Consultant Necci answered in saying that Mr. Quinn stated accurately. He is recommending approval of the waivers. Essentially it is a very nicely designed building and the deviations are really enhancements to the building so the waivers are recommended.

Member Lynch asked Environmental Consultant Dr. Freeland, ECT what his concerns were regarding the storm water.

Environmental Consultant Freeland explained that his firm is responsible for reviewing the woodland and the wetland issues with respect to the Woodland and Wetland Ordinance that City of Novi has. He will defer to Engineer Ivezaj for specific comments regarding storm water. Storm water does potentially impact woodlands and wetlands. The Chapman Creek, and the riparian corridor have a very high quality wetland running along it. That is along the east side of the proposed development. There is also high quality forested wetland and woodland south of the development. Any discharge of excess storm water, both from a quantity and water quality standpoint could potentially impact those natural features. ECT is concerned about that and wants those issues addressed properly if this goes to full site plan review.

Member Lynch stated that he has driven by the site and is familiar with it. He wondered if the stormwater could be handled without impacting the wetlands.

Environmental Consultant Freeland stated that he could not say exactly how the storm water would be handled and maybe Engineer Ivezaj can comment on that. He has heard commitments to handling it on site but does not know what the specific storm water plan is. Anytime there is a large area of impervious surface, as this would be with the roof top and the parking lot area, there are concerns with where the extra storm water will go.

City Engineer Ivezaj stated that basically their concern was the amount of limited space due to the

proposed layout. The applicant hasn't allowed for much wiggle room there. The calculation that the applicant showed, used the incorrect run-off coefficient. The correct coefficient calculation would require more volume and staff was concerned with where the applicant would anticipate putting the extra storm water volume. The City would want to avoid any underground storage on a site this large since there is no real supporting reason for it at this point.

Environmental Consultant Freeland stated that the placement of the storage of any detention facilities could potentially impact the wetlands and woodlands. There are a lot of regulated woodlands on this site. In order to build detention south or east of the proposed developed area, the applicant would be impacting additional regulated woodlands and possibly wetlands, but certainly woodlands. That is a problem; ECT would typically not recommend that. The wetland impact proposed is not specific at this conceptual level of detail and it's not clear exactly how much wetland the applicant is proposing to impact, but there is a critical threshold of one quarter of an acre. If wetland impacts exceed a quarter of an acre of wetland fill, then under the Novi ordinance, the applicant is required to build compensatory mitigation.

Environmental Consultant Freeland does not see anywhere on that site where the applicant could build mitigation that wouldn't already be regulated woodland or wetland, or otherwise developed. ECT is concerned that the applicant does not have enough room on that site beyond the developed area that's not already a regulated natural feature. At this level and the way the plan looks now, ECT is concerned with where the applicant would put mitigation in the event they needed it. There is a ratio for impacts to emergent and scrub wetlands. For each one acre impacted, one and one half acre must be created. If the applicant is impacting forested wetlands, the compensation is two to one. So, if they impacted a quarter of an acre of forested wetland, they would have to build half an acre of forested wetland mitigation. Dr. Freeland does not know where they would do that on this site.

Member Lynch stated that it looks like this is an open issue. The property is zoned industrial and he does not want to see a factory go in there. He thinks a Kroger would work out well because there will be one on one side of Novi and one on another side of Novi. Residents drive all the way to the Kroger on Grand River and this location could be more convenient for them. Member Lynch is still worried about traffic congestion. The Kroger in West Oaks closed and he wants to make sure that this Kroger is successful. He understands that this is a concept plan and he is trying to flag issues that could be a problem. It appears the applicant will be donating a large amount of trees somewhere off-site. It seems the tree fund money could be spent somewhere on that site. The applicant has proposed putting in some bicycle paths and walking paths. As far as being able to walk through the site, it looks like they have considered and come up with a reasonable plan to accommodate that. The areas Member Lynch is most concerned with are the traffic and the storm water.

Chair Pehrson asked that relative to this being a concept plan, what safeguards are in place going forward, if this were to be approved. If any one of those issues cannot be mitigated, cannot be handled or sorted out in the preliminary site plan approval, is the project then abandoned or does it have to be changed to meet the intent of the ordinance?

City Attorney Kolb stated that if the Commission accepts the concept plan and it goes on to City Council and the Council accepts it, Council will direct the creation of a PRO Agreement. This is a legal, binding document that provides all the requirements and locks in the conditions that the applicant offered. It also reemphasizes that anything the applicant comes forward with in the future has got to comply with the ordinances and if it doesn't, the applicant is back in front of the Planning Commission and City Council seeking an amendment to the PRO Agreement. The safeguard is if changes are made, it comes back and the Planning Commission and City Council get to decide if those changes are acceptable. This is a fully discretionary decision by the Planning Commission and the City Council. So, the Commission is under no obligation to accept the proposal.

Deputy Director McBeth explained that part of the gap the Commission is seeing between the staff recommendations and concerns that are identified and Mr. Quinn's assurances that things are going to be worked out on the next submittal of plans, is because this is a concept plan. A lot of the concept plans that come before the Planning Commission do have a greater level of detail and do address some of the concerns in more detail than this plan has at this point. That may be some of the gap that the Commission is seeing. Some of these could be brought closer together through further discussion.

Member Cassis asked Planner Spencer to come forward to discuss his work on the City's Master Plan. Member Cassis stated that this project came up in deliberations at the Master Plan and Zoning Committee. The Committee had asked Planner Spencer about several statistics while they were compiling the Master Plan such as population, and demographics of all kinds.

Planner Spencer confirmed that information had been provided to the Committee.

Member Cassis stated that Planner Spencer had supplied the committee with all kinds of statistics as far as the population of Novi, the commercial, industrial and other different statistics so they can put together a sound Master Plan for this community. The Master Plan that the Committee and the Planning Commission has been deliberating on for many months is critical for a community because that is how we study what we have already in the community and what we project would be a sound thing to adopt for the future. Mr. Quinn said that there are only two supermarkets in Novi.

Planner Spencer confirmed there are two full service supermarkets in Novi.

Member Cassis asked how many supermarkets were in the immediate area.

Planner Spencer answered in saying that there are four additional supermarkets that are on the border of Novi: Hiller's at Fourteen Mile and Haggerty and Hillers in Northville, Meijer's on Grand River in Wixom and Meijer's on the opposite side of Eight Mile Road in Northville. There are also some smaller markets that supply groceries. There is one grocery store for every 6,000 residents on a national average. That includes all stores selling two million dollars worth of groceries. So that figure does include a lot of specialty markets.

Member Cassis asked if a resident living at Nine Mile and Novi Road could easily get to the Hiller's in Northville just as well as the new Kroger.

Planner Spencer answered that was correct.

Member Cassis said he could say the same thing about the people on the west side that can go to the Kroger store there or to Meijer's.

Planner Spencer explained that one of the statistics that was provided in the supplemental material last week helped bring that to light a bit more. Novi has more retail space percentage-wise or about 66% percent more percentage-wise than the average in the region.

Member Cassis asked if the population of Novi was increasing, decreasing or stable.

Planner Spencer answered Member Cassis in saying that it was increasing and based on the housing starts, it is not increasing as quickly as it was once forecast, but it is still increasing.

Member Cassis asked by how much was it increasing.

Planner Spencer stated that around 65-70 permits so far this year.

Member Cassis then asked how many homes are for sale in Novi.

Planner Spencer stated that he did not have that statistic.

Member Cassis asked how many subdivisions have come before the Commission only to not be built?

Planner Spencer replied that the demand for housing is down because job supplies are down.

Member Cassis asked Mr. Rick Ragsdale from Kroger to come to the podium. Member Cassis and asked Mr. Ragsdale what his position was with Kroger.

Mr. Ragsdale answered he was Senior Real Estate Manager for Kroger for the entire State of Michigan.

Member Cassis asked Mr. Ragsdale if he had approval from the national Kroger office to speak for them about location.

Mr. Ragsdale answered by saying that he could give his opinions.

Member Cassis then asked Mr. Ragsdale if he could determine a location of a Kroger store without telling the national CEO of Kroger.

Mr. Ragsdale answered the corporate office has to be aware of any project.

Member Cassis asked Mr. Ragsdale if he had a letter from Kroger regarding this site.

Mr. Ragsdale said he did not have a letter, but the site was part of the overall national plan for Kroger.

Mr. Cassis asked Mr. Ragsdale if the City had a copy of this plan.

Mr. Ragsdale explained that this has the support of the President of the Division of Kroger and of the Senior Vice President of Kroger with his support and recommendation. In fact, the retiring President of the entire corporation was the President who brought Mr. Ragsdale to Michigan. The national office is enthusiastic about this site. Kroger does need population growth for this site and that makes it very appealing.

Member Cassis noted Mr. Ragsdale said that this would be an additional store. Kroger would not close the store at Beck Road and Grand River Avenue?

Mr. Ragsdale confirmed that and noted the reason is because of the distance between the stores.

Member Cassis said that Kroger closed the store in West Oaks because one opened in Commerce.

Mr. Ragsdale answered Kroger relocated that store to Commerce.

Member Cassis asked Mr. Ragsdale how far away Commerce is from Novi.

Mr. Ragsdale said there was a reason for the relocation. That store was on the north side of I-96 and I-

96 is a barrier to the trade areas. People, who live on the north side of I-96, shop north of I-96.

Member Cassis asked Mr. Ragsdale what the distance was between the two Kroger stores in the area.

Mr. Ragsdale answered the distance was four miles. Mr. Ragsdale stated that there is 2.7 miles between our Commerce store and our Grand River and Beck store.

Mr. Cassis asked about population and how would Kroger draw sales.

Mr. Ragsdale said Kroger will be drawing from the east side, west side and hopefully from some people in Farmington Hills. The store in West Oaks was a 30,000 square foot store and was relocated to a 60,000 square foot store.

Member Cassis then asked if sales at the present Kroger store at Beck and Grand River were increasing, decreasing or stabilizing.

Mr. Ragsdale answered sales are stabilizing and slightly increasing.

Member Cassis then asked if another Kroger store opens here, will that be taking away from the other store or will both sales increase.

Mr. Ragsdale stated that there would be some impacts at the sister store at Beck Road and Grand River Avenue.

Member Cassis stated that based on these statistics and what we have collected at several Master Plan and Zoning Committee meetings, if we put another Kroger store in that area, we are going to be cannibalizing other stores. The Busch's market was just remodeled and modernized two years ago. It was intended to serve the east side of the community but they have sales brochures coming to him on the west side. Mr. Cassis wondered what would happen to Busch's if Kroger does come in.

Member Cassis asked what is the use of increasing the tax base with a new Kroger and then have other businesses go out of business, and possibly a shopping center in its entirety on the east side which is having problems. We appreciate Mr. Weiss giving all these nice things to the city as a benefit to the PRO, but we don't want to shut down an entire Ten Mile and Meadowbrook Road shopping center. Member Cassis noted that the numbers of residents aren't increasing due to the number of homes for sale. We have more industrial vacancies - Mr. Quinn announced many of them - and wondered if this is a healthy community that has so many vacancies. Mr. Cassis asked, what is the use of opening another supermarket in an unhealthy community?

Member Cassis said his belief is this issue is not about adding some junipers or sidewalks to a plan. Member Cassis said we have been studying for 8 months to a year how to create a Master Plan for this community; a plan that will stand the test of time. Member Cassis asked the Commission members to consider what we are doing. Member Cassis wonders if he has assurance if they open this Kroger store, will they then close the other one in a year or two. Member Cassis asked the members whether this site has to have a supermarket or is there another alternative. Member Cassis cannot agree to this request.

Member Baratta asked Mr. Ragsdale if he could come back up to the podium. Member Baratta asked Mr. Ragsdale that when Kroger does a site review for a market, is a sales forecast done.

Mr. Ragsdale answered; yes we do a sales forecast.

Member Baratta asked if the sales forecast looks at other stores in the market to see what the cannibalization of the sales would be.

Mr. Ragsdale answered in the affirmative.

Member Baratta said that the study would anticipate if you would have two successful stores or if you would anticipate closing one of the two. Today, Mr. Ragsdale indicated that this is a net-incremental store and apparently there are enough sales for two Kroger stores in these two locations. Member Baratta asked Mr. Ragsdale if Kroger looks at other competition in the area when you do your sales forecast. Member Baratta asked if Kroger determines what the grocery sales potential is in a regional trade area. Member Baratta suspects that the trade area is more than just Novi and it would also include surrounding areas.

Mr. Ragsdale stated that in this particular trade area we would have to estimate some of the volumes that the competition is doing because we are not privy to their numbers. Kroger management knows what our numbers are, but we do not know what the competitor's numbers are. We do take those factors into consideration.

Member Baratta asked Mr. Ragsdale, in his experience, does he find that different stores have different customers. For example, is there a Kroger customer? Is there a Busch's customer? Member Baratta said, maybe sometimes there is a blend, or do you think there is a distinct customer.

Mr. Ragsdale stated that he tries to make all our customers Kroger customers. But there is a certain demographic that is more likely to shop at a certain type of store, like a Hiller store or Busch store, because we do not operate the same type of stores.

Member Baratta asked when Kroger decides on a location, you get your sales forecast and you put a budget together to see if you're going to make a return on your investment - because obviously it is a significant investment. Member Baratta inquired, what is Kroger's process for approvals of your locations - obviously you have to like it.

Mr. Ragsdale answered, yes, he does have to like the location. Kroger does a study and collects data on projected sales and then we present it to the Division President. Based upon the sales, we have operated enough stores with the sales projections that we have, we know whether the store is going to be successful or not. There is certainly the investment part of the equation because you could over-invest. If the costs get too prohibitively expensive, then you will not get return on investment. Sometimes you can get a better return in some other areas.

Member Baratta then said that it sounds like you find your location, do your demographic work, sales forecast, and your financial analysis and you present it to the Vice President of the division. If he or she likes it, then it goes into your regional plan at that point.

Mr. Ragsdale answered yes.

Member Baratta asked if once the location gets on a regional plan, is that submitted to corporate.

Mr. Ragsdale said, we call it the progress report. We have the location in a regional plan.

Member Baratta said that the original plan goes to the head office. There is a budget for x amount of stores at that point, a capital allocation for x amount of stores, now you have a general budget for the number of stores you are going to do in your region. If you have this specific project, does this project go to a Budget Committee for specific approval at corporate?

Mr. Ragsdale answered by saying the entire economics portion of it is what we call capital appropriation approval.

Member Baratta asked Mr. Ragsdale if it was fair to say that this project, right now, is probably approved at the divisional level because you do not have all your costs when you go to corporate.

Mr. Ragsdale answered by saying yes, it is approved at divisional level. It will go to corporate once we know what all of our costs are going to be. That changes too, because we might have some other unusual items that we have to have to comply with - a specific site or certain communities have different requirements and sometimes it does cause the cost to go up.

Member Baratta said, so basically it is the traditional method, from what I have seen other retailers do on capital acquisitions, capital budgets and those things. Member Baratta asked if there is a drive-thru pharmacy on the right side of the building and the overall size of Kroger.

Mr. Ragsdale said the pharmacy is a department in the store. Our Grand River Avenue and Beck Road store is 54,000 square feet and this new Kroger will be 64,000 square feet.

Member Baratta asked Mr. Quinn about the phasing of construction and timing of the sidewalk and landscape improvements.

Mr. Quinn described phase I as shown on the plans. The entire frontage, the sidewalk, the berming, and the landscaping all along Ten Mile is part of Phase I, as is all of the retention and all the utilities.

Member Baratta asked Mr. Quinn about the driveway out to Novi Road.

Mr. Quinn stated that the driveway out to Novi Road is in Phase I also.

Member Baratta asked about the traffic signal. Will the traffic light off of Ten Mile be constructed in Phase I?

Mr. Quinn answered Member Baratta saying if the county and the city say yes, then the answer is yes.

Member Baratta explained that the issue he had on the plan is that it is a general concept plan. There are several questions that have been brought up today that relate to the concept plan, but there are not a lot of the details needed to answer these questions, whether it be landscaping or drainage or traffic issues. The second question he has is that this is really a change from a Master Plan that we would be recommending to the City Council. The Master Plan has gone through significant study by the Department and Commissioners.

Member Baratta believes this location would be a very good Kroger location. He knows some of the Commissioners may differ from that opinion. As for the discussion of other competitors in the market, Member Baratta thinks Kroger has a very good business model and they do a good job. Member Baratta thinks if a Kroger were built here, it would impact of the owners of the other centers to redevelop and remodel to remain competitive. Member Baratta said he appreciates the applicant bringing the project forward; it sounds like a very attractive project. Member Baratta would like to see more details on this concept plan before he could render an opinion on how it impacts the community and the changes to the Master Plan.

Mr. Quinn stated that we have been consistent all along in participating in the Master Plan process and believes this project started before the changes in the Master Plan began. The plan goes back to

2004 and it has been the same plan all along. We've always been operating it as a special development area or special study area until just recently. Mr. Quinn said they will be here on the 13th putting the same pitch forward and objecting like we always have that this area should not remain industrial. This area begs to become OS-1 and B-2. As far as your inquiry on additional items for the concept plan, Mr. Quinn stated that he thinks one of the biggest problems is going to be addressed on the site plan. Certainly the drainage information is all site plan related, traffic is site plan related and there have been traffic studies that have been done. Mr. Quinn thinks these are really site plan issues and that is why we think the concept plan needs to move forward.

Member Baratta asked Planner Spencer to come to the podium. Member Baratta asked Planner Spencer that when the Commission did the study on the Master Plan, we looked at this site and concluded that it was appropriate for industrial as opposed to retail or other uses. Member Baratta asked why did we consider industrial was important here?

Planner Spencer stated that this location has had a long history of being in the Master Plan for industrial land uses. Only for a short period of time was this property was designated for commercial uses. Just as a point of correction, and included in the supplemental packet material for tonight's meeting, was a copy of the 1993 Master Plan that showed this property for industrial land uses. In 1999, the designation was changed to commercial and in 2004 it went to Special Planning Project Area 1. This site is typical of a lot of the sites located along the rail lines in the City of Novi, which have been Master Planned industrial for years. There is a revamp of industrial activity, this could be potentially a prime location. As transportation costs increase throughout the United States, rail lines are going to become more and more vital to warehousing operations and industrial operations and not just heavy industrial operations either, light industrial operation for years relied on rail to save costs on transit. Currently people complain about the cost of gasoline, but we still have some of the relatively lowest transportation costs that we've ever had in our society. Those trends may not exist forever.

Planner Spencer stated that we looked at retail needs, which are primarily driven by the population, and there could be more opportunities for gathering facilities beyond the borders or demand beyond the borders. In our forecast, even though it goes out 20-48 years on supply of both office and industrial land, if a couple of big users came in, those numbers could change dramatically. If we could get a very large corporate office or another Providence complex coming to Novi, that could change those numbers in the supply-side very quickly. Retail, beyond looking at just what our growth could generate, and the growth projections that we did in our retail floor space demand, these were based on basically having adequate retail supply already. As you can see in the statistics provided in the packet for tonight, we have more square footage for this community in local serving retail than other communities in southeast Michigan. If you look at southeast Michigan, there is less border issues and were looking at a bigger pie so were not going Northville to Novi to Commerce Township, we are kind of assuming there is more of an equilibrium in that bigger region more so than there is in just one municipality. When we get into the total amount of retail, we are 600-700% of the amount of total retail compared to the region per household. We also provided a citizen's questionnaire; the responses indicated opposition to having any retail in this area. Responses also indicated that development on the east side of Novi Road that matched the west side of Novi Road would be appropriate, in order to match the existing office development. There were multi-faceted reasons why industrial land uses were recommended.

Member Baratta asked whether the railroad really plays an important role in the establishment of industrial at this location?

Planner Spencer answered in saying that in the earlier Master Plans and over the years, the big transportation corridors in Novi are where industrial land uses were planned for the future. Industrial has historically been planned along the railroad tracks in Novi and along Grand River Avenue.

Member Baratta stated that for whatever this is worth, he just opened a large warehouse in California and has a similar role as Mr. Ragsdale, but on a national level. Member Baratta said, we looked at the railroad as being close to an intermodal. That was very important because we have everything in containers that we truck to local facilities and nationally. Having a spur wasn't a value to us in our calculations. The economics of being adjacent to a railroad has changed over the years as we concluded in our transportation studies. Member Baratta asked Planner Spencer about the retail calculation: was the Mall a significant portion of that calculation in Novi.

Planner Spencer stated for the total calculation the regional malls were included. However, we broke down the categories for our forecasts and by regional-, local- and community-serving retail.

Member Baratta asked about the community retail: the mall is considered regional, but did that inflate the calculation for the community-serving retail.

Planner Spencer answered no, that regional numbers did not inflate the community numbers. The only comments made in the study about the mall and our regional facilities is that with such a larger percentage of the market in those categories, there is always a potential that some of that regional-serving retail could covert to community- and local-serving retail. In the Committee discussions and on-going reports we discussed seeing a trend in this part of Oakland County of additional regional serving retail centers popping up recently. We are seeing a reduction in space in Fountain Walk and Novi Town Center. There is the possibility that some of that space could convert to local-serving or community-serving retail. We had a supermarket proposed in Fountain Walk for a while.

Member Gutman stated that he was interested to hear Member Baratta's statements and questions. Member Gutman said he did play a part in the Master Plan and moving the recommendation forward for that particular area. The thought was to leave it as it was because there was no other use that made sense. An important part of the process - especially a Master Plan process - is being open to the fact that it is a living, breathing document. Just because we pushed it down a path, there is no reason for not making modification to that recommendation if a persuasive argument can be made. A lot of hard word went into the Master Plan, and involved some great people. In total, Member Gutman is not opposed to Kroger or this development. He thought the Kroger would be a nice fit to the area when it was first presented a while ago, and he still thinks it's a nice fit for the area. Member Gutman has some of the same concerns as his fellow Commissioners regarding the woodland and wetland impact and receiving assurances that the impact would be minimal. There are traffic concerns as well, but as far as the overall project goes, Member Gutman is in favor of it.

Member Prince stated that he had a couple of questions regarding a strip mall in the City of Wixom on Grand River Avenue which was started but it has never been opened.

Mr. Quinn spoke up and said that is still under construction.

Member Prince asked how long they have been working on that site.

Mr. Quinn said he did not know the answer to that and he did not know if it was preleased or not. Mr. Quinn acknowledged that it is not finished yet.

Member Prince appreciated the comments Member Baratta made and stated that the comments helped him with an understanding of the project. Member Prince stated that when he saw the renderings and blueprints he was quite impressed and it would be something that he would like to see in the city. Member Prince said that he is also concerned by the other surrounding stores that might be impacted by this and the concerns that have been expressed in that regard. Member Prince stated

that while he would like to see a project like this, his concern for the other businesses in the area kind of outweighs his desire to have a mall or Kroger in that area.

Chair Pehrson asked if storm water management expert come forward. Chair Pehrson asked relative to a size of scope of a project like this and based on your calculations, is there a formula that says what the impact will be, and whether this site will be able to accept what is required for storm water retention. What are the possibilities so we do not have excessive run-off.

Engineer Ivezaj stated that the calculation itself was done by the Consulting Engineer. The concern isn't so much that the site would not be able to provide the storm water volume itself, but there is a possibility if additional volume is required, the design is already very tight. The southwest corner of the site, adjacent to the creek, provides two, possibly three basins. The design is so tight it's basically filling up that entire upland area. If additional storm water volume would be required there is concern that there would not be enough room provided.

Chair Pehrson said, so the presumptive change to this particular site plan would be make the buildings smaller.

Engineer Ivezaj said that would result in a decrease in pervious area and possibly provide more area for the volume needed. The calculation that was done originally used a smaller co-efficient for the calculation. Using our new ordinance would automatically increase the volume required. The basins already take up the majority of the area that would be considered prime area for the detention basins themselves. Engineering cannot support discharge into wetland or woodland areas. There are concerns that no buffer has been provided. Other sites have provided adjacent undeveloped space or adjacent green space. These sites could possibly enlarge the detention basin area without issues. This site is so tight and this is where the concern comes in.

Chair Pehrson asked if there was a percentage that a building of this size would have to shrink in order to meet city ordinance and standards.

City Engineer Ivezaj answered saying he was not sure what that percentage would be, but the calculation would also include any impervious areas and paved areas, in addition to buildings.

Chair Pehrson asked Mr. Quinn if Kroger was willing to accept a smaller building than what has been proposed.

Mr. Quinn answered Chair Pehrson in saying it would not be required to be Kroger, since there are four building pads up front and the neighborhood center. In our opinion there are plenty of places to work with city engineering to expand basins if necessary. The basins can go deeper and wider and there are many options that are site plan related. Mr. Quinn stated, that we commit that the storm water will be handled within our site as required by the City's ordinance. We will comply with the ordinance.

Chair Pehrson asked Mr. Ragsdale to come forward. Chair Pehrson asked relative to the sales data that is accumulated and put together by Kroger, is that information proprietary and intended as internal documentation or is that something that can be shared with the Commission.

Mr. Ragsdale answered Chair Pehrson in saying that Kroger does not share our existing sales, nor do we share our projected sales.

Chair Pehrson asked if there were examples of situations like this that could be drawn on. Is there a similar business area to Novi that could be shared.

Mr. Ragsdale answered Chair Pehrson if he was referring to other Kroger stores.

Chair Pehrson answered yes.

Mr. Ragsdale stated that this will be the biggest and the best store so far. There is a signed contract with the developer to purchase this property. The contract has to have corporate approval.

Chair Pehrson stated that if we asked Dr. Freeland and Mr. Arroyo, but not so much the façade consultant, what they would like to see relative to this plan, we see a number of concerns. Chair Pehrson referred back to the concept and phasing plan that the City went through with Providence Park Hospital. There were many meetings and hurdles. However, at the end, the City was provided with all the data that we needed to make an accurate assessment on what that particular site needed. Chair Pehrson said that he does not see that here; he sees concerns being raised by Dr. Freeland and Mr. Arroyo.

Chair Pehrson also stated that hears what Mr. Quinn is saying and does not doubt him. Member Pehrson is not ready to approve a concept plan where we still have open and significant issues that could have large impacts, even if you were able to come back with the preliminary site plan. Member Pehrson is still not sure still that this is the right spot for a Kroger, based on the comments that Member Cassis brought up. Chair Pehrson believes we need to take a step back and look at the impact on the rest of the community. When a Home Depot or Lowes goes in, you see the small businesses go away. Chair Pehrson is not comfortable at this time to make a recommendation to City Council. Chair Pehrson said, we need and want all of the questions answered. Our Consultants and Planning Staff want this information and we also have the comments from the Planning Commission.

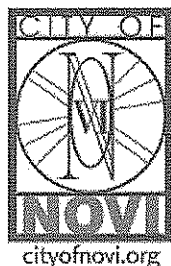
Chair Pehrson asked if there were any other comments from the Commissioners.

Moved by Member Baratta and seconded by Member Cassis:

ROLL CALL VOTE ON THE POSTPONEMENT MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER CASSIS.

In the matter of Weiss Mixed Use Development, SP09-26A with Zoning Map Amendment 18.690, motion to postpone decision on a recommendation to the City Council to rezone the subject property from I-1 (Light Industrial) and OS-1 (Office Service) to B-2 (Community Business) and OS-1 (Office Service) with a Planned Rezoning Overlay for the following reasons: The applicant has not clearly demonstrated how storm water detention and wetland mitigation areas will be contained on the site; The applicant has not clearly demonstrated how existing wetlands will not be impacted by storm water run-off and/or woodland mitigation; Woodland impacts have not been properly identified and are likely to be substantially greater than those indicated by the applicant; The public hearing on the Master Plan is scheduled for July 14, 2010 and postponement of this request would allow an additional opportunity for public comment on the subject property, which has been a study area in the Master Plan update; and The Commission would like to review additional information on the impact the proposed Kroger store would have on other retail stores in the area. *Motion carried 4-2. (Nays – Gutman, Lynch)*

**MASTER PLAN AND ZONING COMMITTEE
MEETING MINUTES EXCERPT
DECEMBER 2, 2008**



MASTER PLAN & ZONING COMMITTEE
City of Novi Planning Commission
 December 2, 2008 at 7:00 p.m.
 Novi Civic Center – Council Chambers
 45175 W. Ten Mile, Novi, MI 48375
 248.347.0475

ROLL CALL

Present: Members Brian Burke, Andy Gutman, Michael Meyer, Wayne Wrobel

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Kristen Kapelanski, Planner; Kristin Kolb, City Attorney

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Burke:

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

Motion to approve the Agenda. Motion carried 4-0.

MATTERS FOR DISCUSSION**1. Weiss Mixed Use Project**

Request for discussion to provide comments, suggestions and questions on rezoning a portion of a parcel from OS-1 and I-1 to B-2 with a PRO with the balance of the property remaining OS-1 and I-1.

Planner Kristen Kapelanski said the Applicant is proposing a 41,000 square-foot retail center, a 64,000 square foot Kroger store and other associated outlots for three medical buildings, two restaurants, a bank and a retail store. The site is the southeast corner of Ten Mile and Novi Road and the proposal is for just a portion of the property. The surrounding zoning includes various Residential, Industrial, Office and Commercial zones. The subject land is mainly along the Ten Mile frontage; the property outside of this development area will remain zoned OS-1 and I-1. The far west property will remain OS-1.

There are regulated woodlands and wetlands. The boundary lines shown on the maps are guidelines, and these boundaries will be adjusted as necessary after field review.

The majority of this property is classified as a Special Planning Project Area, with the balance to the west master planned for Office. Considering the Master Plan offers little guidance in this area, Ms. Kapelanski said it may be wise for the Planning Commission to commence a study similar to those done for other areas of the City earlier this year. This could be done early next year and could be completed hopefully mostly by Staff, and it could be rolled into the Master Plan examination for 2009. The Applicant would have the option of waiting for the study to be complete, or proceed without the benefit of any updated study or additional guidance from the Master Plan.

The Applicant has not identified a public benefit, as required with all PROs. The variances are summarized in the Plan Review Chart. The plan is set up to be a site condo, and many of the variances could be eliminated with a general condo instead.

A similar project was proposed about four years ago. The minutes regarding that project were provided to the Committee in their packet.

Deputy Director of Community Development Barbara McBeth agreed with Ms. Kapelanski's suggestion that the Master Plan and Zoning Committee's recommendation could be to perform a study on the Special Project Planning Area. She preferred that this be accomplished prior to the project going forward. This would be a sound basis for the recommendations that will be made.

Matt Quinn addressed the Committee on behalf of the Applicant. He said that the last proposal came before the Committee twice; once it was unanimously accepted and once the review was a bit mixed. There was a bit more commercial when the plan went before the Planning Commission. The plan then went on hiatus. Kroger is the anchor that will make this project go. Now they are ready to go, and their contracts are in place.

Mr. Quinn said the market study shows the need for this project. He said it made sense to bring this project forward as a PRO. He described the various buildings and their relationship (distance) to the Walgreen's on the corner. The Chapman Creek natural features may be proposed as a nature area for one of the project's public benefits. The Applicant is also considering offering a Ten Mile center turn lane that connects to the improvements made at Novi Road.

This project has been on the table since 2001. The City told them at one point that it couldn't handle the project until the Novi: Ten Mile intersection was improved. Mr. Weiss said he would wait. The improvements have now been made.

Mr. Quinn said that the overall regional detention for the area could also be part of the community benefit offered.

A boardwalk from the south side of the development to Arena Drive is also under consideration. This would allow people from River Oaks Apartments to walk to the commercial center. A bridge of some sort would have to be built across the gorge.

Mr. Weiss and Mr. Quinn have been working with Parks and Recreation on naming the ice arena park after Mr. Weiss. He donated that land in the 1990s. A park design and one or two soccer fields would be a nice fit in the area. Mr. Weiss may donate some fill and seed to facilitate that purpose.

Mr. Weiss has owned this land for over 35 years; he leased it back to Erwin's Apple Orchard when it was in business.

Mr. Leonard Siegel addressed the Committee. He said the easterly section is zoned I-1 and the westerly section is zoned OS-1. The dividing line is about half-way between Novi Road and the CSX railroad – about 1,000 feet in each direction. Chapman Creek seemed like a rational boundary line for a zoning line, and it never occurred to him that the Office zoning should continue along the other side of the creek.

This request is for about twenty acres along Ten Mile. This is 39,000 square feet smaller than the request from 2004. There is a wetland near the credit union that is proposed for mitigation. This is a pond area that collects the runoff from the west side of Novi Road. Many of the outlot features are conceptual only, though there is one bank interested in the project. 8.5 acres of this site will remain zoned OS-1.

Mr. Quinn concluded by acknowledging the irony in ultra-conservative Dan Weiss coming forward in this economy with a proposal for a new development. He said that Mr. Weiss will continue to move forward on this project regardless of whether the City chooses to study this Special Area as designated on the Master Plan. He said that the City has had ample opportunity to review this location, and his client will not wait for the City to complete a study. He expected the plans to be submitted in January.

Member Burke asked about the original submittal's concept plan and parallel plan. Mr. Quinn said that the parallel plan was provided to demonstrate what could be built on the site under its current zoning. The concept plan had another retail building with four units, and the retail attached to the Kroger was larger. Mr. Siegel added that the wetland previously discussed is new and has formed over the last four years.

Member Burke compared the old and new plans and noted that the curb cuts have been reduced by one. He was concerned whether the roads could accommodate the increase in traffic. Ms. Kapelanski said the Traffic Consultant didn't conclusively determine whether an additional Novi Road traffic light would be

needed. They did recommend one west of Kroger, and they also recommended that the drives be relocated.

Member Burke felt that the important aspect of this review is to determine how to mitigate the traffic increase. He thought that a longer center lane would help. It is difficult to leave Walgreens via Novi Road with the hopes of turning west onto Ten Mile at the light. Though he felt the traffic has improved since the work on the intersection, he still felt that there were traffic issues in this area. Mr. Quinn felt that the previous traffic study didn't warrant additional traffic lights and he didn't think this new plan would either, though perhaps the County reviewers will have since changed their minds. Mr. Siegel added that the existing zoning would have a more negative impact to the peak morning drive time. Overall, there wouldn't be a big difference.

Member Meyer agreed that the improvement of the intersection allows for the possibility of additional traffic at this corner. Member Meyer did not think that the increase in the taxbase was a significant enough community benefit to move this project through the PRO process, which may have been the sticking point with the 2004 submittal. Mr. Siegel said that with this new proposal they are exploring what roadwork may be proposed as an additional community benefit. They may propose a conservation easement along Chapman Creek. They may improve the park behind the ice arena. Member Meyer thought these were nice amenities. He asked for additional comment on the land itself.

Mr. Siegel said the land slopes from Ten Mile south to the creek. The proposal would provide a landscaped area near Ten Mile with a steep drop down to a parking area that would still slope to the south. The south end of the property would be built up and a retaining wall would be added just north of the creek outside of the wetland area.

Member Meyer asked about the trees from the orchard. Mr. Siegel responded that the trees would be maintained near the creek, but once the site is balanced, a majority of the site's trees would be removed. The trees are junkers. Deputy Director of Community Development Barbara McBeth said the trees were discussed at the pre-application meeting. They discussed whether the woodland extended into the interior of the site, and she noted that the new woodland map would be presented soon to the Planning Commission. Mr. Siegel said there were two landmark trees measuring greater than 36 inches. He did not think that they could be saved. The rest are six-to-eight inch apple trees.

Member Burke recommended that additional information be provided on the orchard trees, soil testing for potential arsenic contamination from the orchard, and the elevation drop near Ten Mile. Mr. Siegel said if the soil is contaminated it would be relocated to a secluded area. Member Wrobel asked if it had to be hauled off site. Ms. McBeth said she thought the standards were different for a commercial development, and that this issue wasn't necessarily the purview of the Planning Commission, unless they wished the Applicant to make the removal of the soil a community benefit.

Member Gutman encouraged the Applicant to give a clear definition of the public benefit when the proposal comes forward. He asked Ms. McBeth how quickly the study of this site could be completed. She responded that the previous Master Plan study covered three study areas. She spoke with her Staff regarding this issue and decided that if this Committee feels that a study is the appropriate thing to do, a resolution could go before the Planning Commission recommending that the subject area be opened for study. If the work was done in-house, it wouldn't have to go out for a bid. That would save a few weeks. The Staff could begin the study, and hold weekly, bi-weekly or monthly meetings with the Master Plan and Zoning Committee to seek input. They could also host public input sessions. This would take a couple of months – perhaps three. The notification process required by State Law to notify the surrounding communities and public utilities would increase the timeframe to about nine or ten months. Mr. Spencer added that the study portion is the short part of it; the Master Plan Amendment process would take the nine months or so to complete. 2009 is the year that marks the five-year increment in the Master Plan Review process.

Member Gutman thought that the City's review of the site was important for the Committee to consider.

Member Wrobel said that food shopping is inconvenient for the east side of Novi. However, he and his neighbors would not be happy with another neighborhood center or strip mall. Residents complain about the existing vacancies and ask why more buildings are being constructed.

Member Wrobel was concerned about the Ten Mile westbound afternoon and evening traffic. He said that it can take thirty minutes to travel this Ten Mile segment on a busy day. A big development will create a mess. A turning lane would not benefit the intersection since the development of the City has gone west. The turning lane would only benefit this Applicant.

Member Wrobel would like the Applicant to explain the public benefit of this proposal. The outlots are speculative and there is no firm timeline.

Member Wrobel noted that a previous planner suggested that the buildings be moved closer to the road to give it a different look – something distinctive other than looking like a shopping center. This is a focal corner. He understood that Kroger had issues with moving the store because of the loading docks, and this is not a major concern to Member Wrobel because the trucks are not parked there all day long.

Member Wrobel asked about the size of the Kroger, which was determined to be slightly larger than the Kroger on Beck Road.

Member Meyer asked whether the Applicant should move forward in light of the current economic indicators. A representative from Kroger said that when he looked for a new home in Novi, he realized that a store should be located in this area of the City for the sake of convenience. Mr. Siegel said that the City's consultant, the Chesapeake Group, indicated that this section of the City does need neighborhood shopping. He said that securing financing for the project may become the issue. He added that there is enough interest in the area to support this amount of retail. Member Wrobel asked the Applicant to provide documentation of residents who say they support the proposal, because the general comments he hears are contrary to that statement.

Mr. Siegel suggested that this project could actually reduce the level of traffic in the area by giving the local residents a nearby shopping venue.

Member Wrobel asked about an additional Ten Mile signal. Mr. Spencer said that the traffic study will shed light on whether a light is warranted. The developer is typically responsible, though sometimes the City or adjoining property owners cooperate in these additions when the light provides services outside of the subject proposal's needs. The turn lanes may be a requirement of the site plan anyway -- this will be determined during the site plan review. Mr. Siegel said their concept may exceed what will be required.

The Committee encouraged the Applicant to provide a façade that is attractive and does not appear to be a standard shopping center design.

The Committee discussed whether a study is necessary. Member Meyer said that he routinely hears that Novi sets up all these hurdles which keep businesses from wanting to develop here. If this study is a necessary hurdle, then so be it; otherwise, the City should forego the effort. Making the City easier to develop in is one of the forces that drives Member Meyer. Member Wrobel added that the Committee just wants to be sure that the City is doing the right thing. Ms. McBeth said that the Staff would perform would hopefully complete the study within a couple of months. It could be started sooner or along with the Master Plan review. She said it comes down to whether it is worthwhile to take a closer look at this proposal and do a study similar to those done on the three areas reviewed earlier this year. This study could be done with smaller detail, less time, probably fewer meetings, less public input opportunities, but still the City could get the value out of it, which would be some public input, more in-depth study of what is in the vicinity, an update to the retail analysis and traffic studies - all of these Master Plan kinds of things that are of benefit when the City needs to make a decision on a zoning issue. For these reasons, Ms. McBeth said they would recommend that the study be conducted – maybe concurrently with the submittal – and it could be done for everyone's benefit. The study would take in the Applicant's perspective and the residents' perspective. The City found that these items were valuable and helpful during the last

review. It also makes the public aware of the proposal before it comes before the Planning Commission for a Public Hearing.

Mr. Spencer said that Novi has, over the years, tried to rezone property in accordance with the Master Plan. As a backbone for those rezonings, the Master Plan is a very valuable tool. He agreed with Ms. McBeth that the study could be completed for this purpose long before the Master Plan update is complete.

Member Burke asked how many Staff hours would be needed to complete a survey on this area. Ms. McBeth said she didn't think a survey would be accomplished. She said they found that the open house was effective and stakeholder meetings provided valuable information. She felt with the slowdown in work the Staff would be able to work on this project, and it is less complicated than the other study areas.

Ms. McBeth said the Staff could start the review within a couple of weeks. They could meet with the Committee in early January. She hoped that the Staff could be through with the project by the end of February. Member Burke asked whether previously there was criticism of the City for performing the Master Plan review when there were site plans on the table. Mr. Quinn said that it was he who criticized the timing.

Ms. McBeth agreed with Mr. Spencer that it is good to make zoning changes based on the Master Plan designations. This subject land in this proposal has no Master Plan designation. With this request to rezone, it would be good to have an enhanced planning study. Mr. Spencer added that the study could be beneficial to many, as it may also apply to other sites in the area.

City Attorney Kristin Kolb said it made sense that the study happen concurrently with the review of this proposal.

Moved by Member Burke, seconded by Member Gutman:

VOICE VOTE ON TEN MILE: NOVI ROAD STUDY RESOLUTION MOTION MADE BY MEMBER BURKE AND SECONDED BY MEMBER GUTMAN:

A motion of recommendation to the Planning Commission for a resolution to commence a study of the Special Planning Project Area at Ten Mile and Novi roads that will be completed concurrently with the Applicant's site plan submittal. *Motion carried 4-0.*

Mr. Spencer said that the Applicant might wish to consider a site design with the buildings closer to the road. This is a concept that encourages pedestrian activity. Because this is a PRO, the Committee can also engage in a dialogue with the Applicant to discuss the public benefits associated with aesthetic design elements such as building location. The Applicant responded that the "closer to the road" concept will not happen. He said it is not a practical idea, and it squeezes the small store owners out of parking.