

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 (ECT) 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 0.33 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

LAW OFFICES
GABE, QUINN & SEYMOUR
1026 WEST ELEVEN MILE ROAD -- ROYAL OAK -- MICHIGAN 48067-2451

CHARLES H. GABE
MATTHEW C. QUINN
PHILIP H. SEYMOUR
KELLI A. ELDRED
SCOTT R. BAKER

TELEPHONE (248) 399-9703 -- FACSIMILE (248) 399-1711

EMAIL: quinn@coopershilkman.com

NOVI OFFICE
26200 TOWN CENTER DRIVE
SUITE 145
NOVI, MICHIGAN 48375
TELEPHONE (248) 349-8050

REPLY TO ROYAL OAK OFFICE

OF COUNSEL:
CHARLES Y. COOPER
ARNOLD J. SHIFMAN

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

LAW OFFICES
GABE, QUINN & SEYMOUR
1026 WEST ELEVEN MILE ROAD -- ROYAL OAK -- MICHIGAN 48067-2451

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EMAIL: quinn@gabequinnseymour.com

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NOVI, MICHIGAN 48375
TELEPHONE (248) 349-8050

OF COUNSEL:
CHARLES Y. COOPER
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 Ragsdale 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 Hillers in Northville (16%), Farmer Jack (now Busch) at Ten

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,

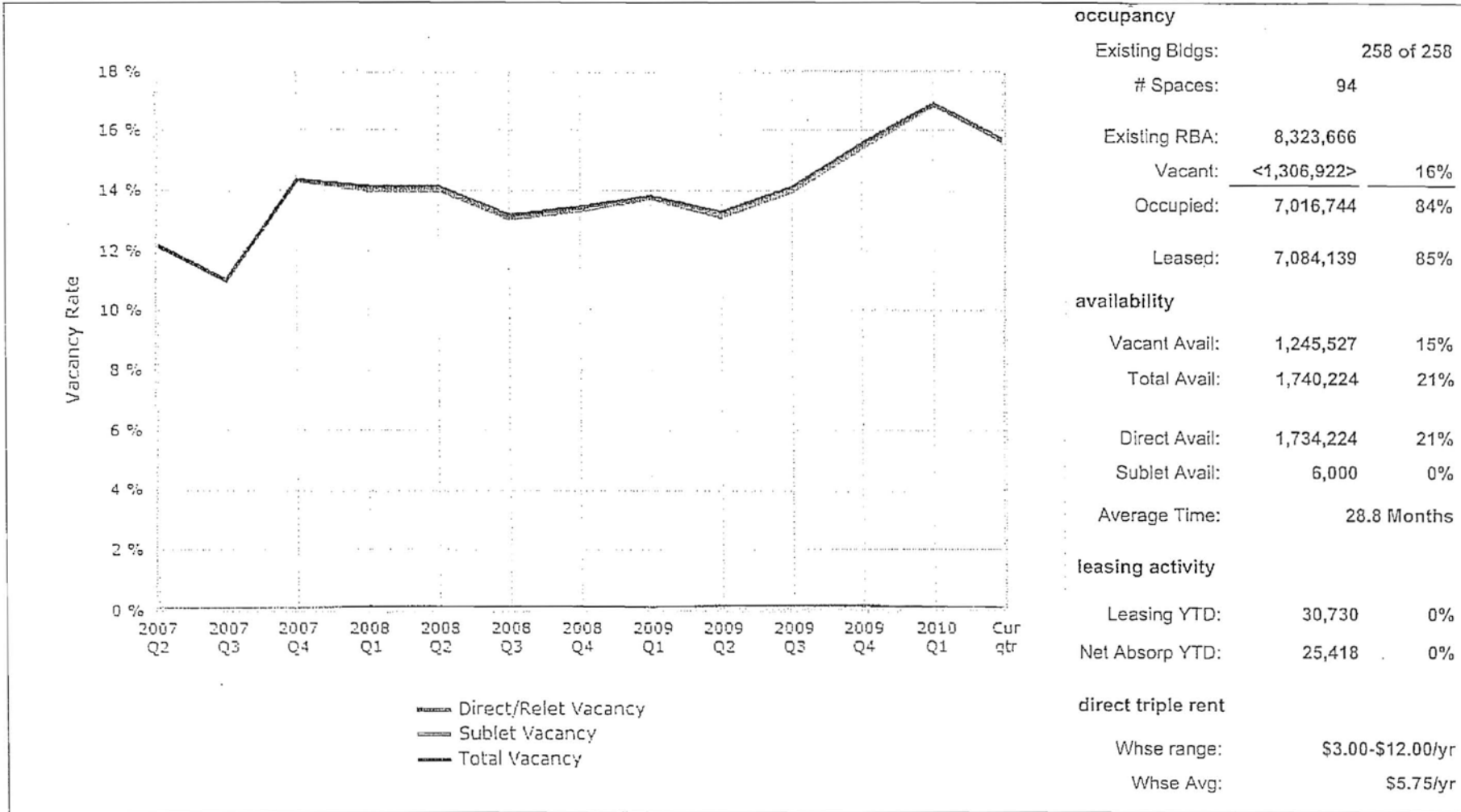
GABE, QUINN & SEYMOUR)



Matthew C. Quinn
Attorney for Novi Ten Associates

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
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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
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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.

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

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
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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
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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/combinatiion 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
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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

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.

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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.

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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

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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.

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- 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.

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.

Wetland Review – J. Freeland, 5/10/10

As previously stated in our March 29, 2010 response, we agree with the assessments and comments from the wetland review letter. We fully intend to comply with wetland 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.

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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