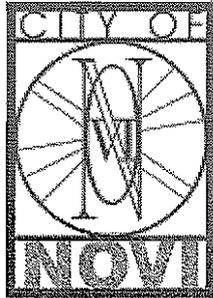


MEMORANDUM



cityofnovi.org

TO: PLANNING COMMISSION

THROUGH: BARBARA MCBETH, ^{By} AICP, DEPUTY DIRECTOR
COMMUNITY DEVELOPMENT

FROM: MARK SPENCER, AICP, PLANNER *Mark Spencer*

SUBJECT: SP 05-21 PINEBROOK

DATE: JUNE 10, 2008

The applicant is proposing to build two 3,850 sq. ft. one-story office buildings (7,850 sq. ft. total), and associated parking and drainage facilities on property located at the southeast corner of Grand River Avenue and Joseph Drive in the Non-Center Commercial, NCC, District. On March 22, 2006, the Planning Commission approved the revised Preliminary Site Plan subject to conditions. The applicant received a one-year extension of Preliminary Site Plan approval on February 14, 2007 and the Final Site Plan was stamped approved on June 25, 2007.

The applicant has now requested an extension of the Final Site plan approval. The Zoning Ordinance allows for three one-year extensions of Preliminary and Final Site Plan approval. This extension will be the applicant's second extension.

The Planning Department is not aware of any changes to the ordinances, or surrounding land uses, which would affect the approval of the requested extension for one year. The applicant has scheduled a pre-construction meeting and is putting the final items together to begin construction. **Approval of the extension of Final Site Plan approval is recommended.**

Please refer to the attached letter dated June 10, 2008, which requests the extension of the Final Site Plan approval. Also attached are minutes from the Planning Commission meetings where the Preliminary Site Plan was approved, and a reduced copy of the approved Preliminary Site Plan.

LETTER FROM APPLICANT REQUESTING EXTENSION

SOAVE CORP

BUILDERS - DEVELOPERS

37785 Pembroke Road Livonia, Michigan 48152
Phone: (734) 462-1469 Fax: (734) 462-1401

To: Honorable City of Novi Planning Commission/ Planning Department

From: Rino Soave-Soave Corp

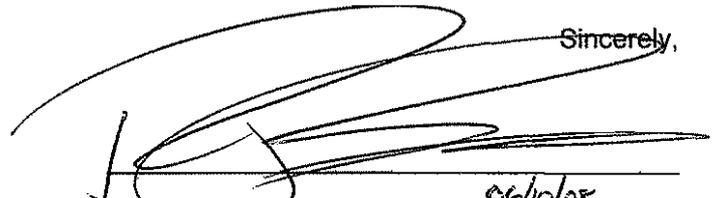
Re: Pinebrook Professional Plaza- Site Plan Approval Extension Request

Site Plan #: SP-0521C

It has been brought to our attention by the staff members of the planning department that our preliminary site plan approval for the above development will soon be expiring. Please accept our request to have the preliminary site plan approval for the Pinebrook Professional Plaza be extended for another year. Currently, we are scheduled to break ground on the project within the next two-four weeks. Due to our site plan expiring towards the end of the month, we wanted to submit this request in the event that any unforeseen delays or items beyond our control would cause our site plan to lapse.

Thank you for your cooperation regarding this matter and please do not hesitate to contact us at the above information should you have any additional questions.

Sincerely,



Rino Soave-Soave Corp 06/10/08

**PLANNING COMMISSION MINUTES
PRELIMINARY SITE PLAN APPROVAL
MARCH 22, 2006**



PLANNING COMMISSION
 REGULAR MEETING
 EXCERPTS
 WEDNESDAY, MARCH 22, 2006 7:30 P.M.
 COUNCIL CHAMBERS - NOVI CIVIC CENTER
 45175 W. TEN MILE, NOVI, MI 48375
 (248) 347-0475

ROLL CALL

Present: Members John Avdoulos, Victor Cassis, Andrew Gutman, Lynn Kocan, Michael Lynch, Michael Meyer (arrived 7:36 p.m.), Mark Pehrson

Absent: David Lipski (excused), Wayne Wrobel (excused)

MATTERS FOR CONSIDERATION**1. PINEBROOK PROFESSIONAL BUILDING, SP05-21B**

Consideration of the request of Rino J. Soave for a revised Preliminary Site Plan, Storm Water Management Plan, and a Section 9 Façade Waiver approval. The subject property is located in Section 24 at the southeast corner of Grand River Avenue and Joseph Drive, in the NCC, Non-Center Commercial District. The subject property is on 1.2 acres and the Applicant is proposing to build two 3,850 sq. ft. one-story office buildings.

Planner Mark Spencer described the project for the Planning Commission. The site is master planned for Community Commercial. It is zoned NCC, Non-center Commercial. The neighboring properties include Glenda's Market to the west (zoned NCC), Novi Commercial Center to the north (zoned I-1 and master planned for Community Commercial), Beech Tree Office complex to the east (zoned I-1 and master planned for Community Commercial), and residential single family homes in Leslie Park to the south (zoned R-4 and master planned for Single Family Residential).

There are no regulated woodlands, wetlands or natural feature areas on this site

On November 9, 2005 the Applicant obtained approval from the Planning Commission for one 7,992 sq. ft. office building on this site subject to obtaining a variance from the Zoning Board of Appeals for the minimum required lot area, and a variance to the required front yard setback for an encroachment of ten feet. Subsequent to the November 9th meeting, the Applicant found out that a deed restriction required any commercial driveway to be located 250 feet from the residential properties to the south. The Applicant elected to wait to go before the ZBA until a redesigned site plan is approved.

The Applicant has now redesigned the site, moving the driveway more than 250 feet from the neighboring residential property, and proposing two buildings instead of one building. Since this is a major redesign of the site it is being returned to the Planning Commission to consider it for Preliminary Site Plan approval. The Applicant also is proposing to repave a portion of Joseph Drive to a point just past their entrance drive, though he is not required to do so. Currently the road is chip-sealed.

The Site Plan demonstrates general compliance with the standards of the Zoning Ordinance except for a few items. The parcel does not meet the minimum lot area requirement of two acres for the NCC District. A Zoning Board of Appeals variance is required to build on a non-conforming lot. The Applicant has indicated a desire to pursue this variance. Staff supports this variance since this site is an existing non-conforming lot platted for residential purposes many years ago, and the surrounding properties are currently developed with existing uses.

Mr. Spencer showed the elevation of the building as seen from Grand River. The buildings will have a similar look. The elevations for north and south will be reversed, but east and west elevations are going to remain the same. The covered entryway encroaches 13 feet into the required 40-foot front yard setback - overhangs including porches may encroach up to three feet into a required front yard setback. The proposed covered entryway exceeds this by 10 feet. The Applicant has indicated a desire to pursue a variance from the ZBA to encroach into the setback. Staff does not support this variance since the building could be designed without any encroachment. Previously, the Planning Commission recommended approval of this variance, but now there are two covered areas.

The plan meets the minimum requirements for parking. 35 spaces are required, and 35 are provided. This district permits the use of medical, retail and restaurant uses. The amount of parking required for those uses would not be met by this plan.

770 square feet of loading and unloading area are required per building. Two loading areas with a total area of 1,007 square feet are proposed which results in a shortage of 533 square feet. A Zoning Board of Appeals variance is required to reduce the area below the area required in the Ordinance. Staff supports this variance since the two loading and unloading areas are less than thirty feet from each other and could be used for deliveries to either building. Also, if the buildings fronted Grand River Avenue instead of Joseph Drive only 500 square feet of loading area would be required per building.

The Landscape Architect does not recommend approval of the plan. The adjacent to residential berm requirement for a six-to-eight foot high berm with a five foot wide flat crest was not provided. The measurement is made ~~between~~ from the finished floor elevation of the adjacent home to the top of the berm. The contours provided indicate grading around the home at 872 and the top of the berm is 879. The finish floor elevation for the home is not provided, and must be provided, along with the adjusted height of the berm. The flat crest of the berm is three feet wide instead of five feet. A profile of the berm was not provided. The sub-canopy trees are within 15 feet of overhead wires and need to be relocated. Also, trees cannot be planted within twenty feet of utility poles. The Applicant has agreed to make these changes.

The Engineering Review recommends approval subject to the Applicant receiving a Design and Construction Standards Variance from the City Council to eliminate the curb requirement along Joseph Drive. Other minor issues can be corrected on the Final Site Plan.

The Applicant is requesting a Section 9 Waiver to permit facades with up to 61.56% asphalt shingles. The Planning Commission gave a similar waiver for the previous site plan. The Façade Consultant recommends granting the waiver.

The Fire Marshal has not recommended approval of this site plan due to access issues. Several design alternatives are available to satisfy his issues. The Applicant has decided to seek a City Council general appeal Variance from the Fire Marshal's requirements for an access road length without adequate room to turn-around the largest fire truck and all points around the perimeter of the building to be no more than 175 feet of hose laying distance from proposed hydrant. The Applicant has agreed to meet the minimum outside turning radius of fifty feet, another requirement of the Fire Marshal.

Other issues are minor items and can be corrected or included on the final site plan submittal

Approval of the Preliminary Site Plan is not recommended at this time because of the items mentioned. If the requested variances are granted, then the Planning Department will recommend approval.

Rino Soave, 20592 Chestnut, Livonia, addressed the Planning Commission. He reiterated that he received approval from the Planning Commission back in November 2004. This building is about the same in scope. A problem surfaced in December, when the adjacent neighborhood association president called and said there was a deed restriction that required a certain distance for the driveways. Mr. Soave sat down with Leslie Park residents and reviewed his plans with them. Most problems were easily addressed. This driveway was a problem to them.

Mr. Soave explained that the split to building, making it two distinct buildings, was done in such a manner that the overall impression was the new design resembled the old design as much as it could. The old building was 8,000 square feet. This plan has two 3,850 square foot buildings.

Mr. Soave said he knew there were still outstanding issues, i.e., the need for variances and waivers. He felt that the Planning Commission previously gave approval and these variances are the same. There are now a couple of other issues, such as loading, and the big issue is the one with the Fire Marshal. Since the plans were submitted, the most southerly fire hydrant has been moved closer to the south building. They have added a sidewalk to the east building so if there was a fire, the fire truck could pull right up to the hydrant. The truck won't have to go into the parking lot. Mr. Soave's engineer has spoken with the Fire Marshal. He thought the problem was the design resulted in a hose length shortage of 15-20 feet. Chair Cassis said that this was a critical issue. Mr. Soave said he understood that.

Chair Cassis asked whether Leslie Park was notified of this meeting. Mr. Spencer said the only way they would have known is if they contacted City Hall or looked up the agenda on the website. Mr. Spencer said that some of Mr. Soave's comments about meeting with Leslie Park have been verified. Moving the driveway was their big concern.

Member Meyer appreciated that the Applicant met with the neighbors and moved the fire hydrant. Upon his first review, he felt that there were too many issues. But as it unfolded, it seemed to Member Meyer that the Applicant was doing his best to meet the intent of the Ordinance wherever possible. Member Meyer was worried about the loading zone being undersized. He also was concerned about the canopy extension, though he felt the canopy was appropriate for the building. He could not imagine removing the canopy from the building without affecting the aesthetic features of the building.

Mr. Soave and his architect, Brian Forestra, responded. Mr. Soave said the hardship on this property is the fact that it is only 120 feet wide. It is like a bowling alley. It is 475 feet deep. They are trying to maximize the potential of the site. By removing the covered entryways, the character will be removed from the buildings. Without the canopies, the City will be stuck with buildings sans architectural design.

Mr. Forestra said the canopy was discussed at length at the last meeting. They have looked at so many variations of the building that wouldn't have this variance request, but this design makes the buildings sing. It is a difficult site. They have tried to be in compliance. They are close. This request is one they would like to pursue because it provides the character for the buildings. The residents didn't seem to mind this variance. It is important to the architectural integrity. It is a bonus to the City of Novi. He said that the Planning Commission gave its approval at the first meeting, although he conceded that now there are two canopies. That is the product of the building being separated in two.

Member Meyer asked about the loading area shortfall. The Applicant said that if they could have avoided this problem, they would have. If the buildings could face Grand River, the deficiency would not be there. The fact that the site is very long and narrow, the site design is hampered. This design shortfall does not diminish the usefulness of the loading zone. Sometimes numbers just don't speak of the situation. They did not feel as if this design was a detriment to the project as a whole. It is just a numerical deficiency. The site is tight on parking. Whatever is jockeyed will have ramifications elsewhere. These two small office buildings are not going to have big deliveries like a food service company would. Member Meyer said that is exactly what he was hoping to hear.

Member Gutman was concerned about the fire issues – the driveway length and the hose length shortfall. He looked to the City's experts for the explanations on those issues. Member Gutman appreciated that the Applicant has modified the landscaping to improve the site.

Member Kocan was not comfortable sending the Applicant to City Council with the requests needed for this proposal. Member Kocan asked if this building would be sprinklered. Mr. Spencer said this building is not proposed to be sprinklered. Member Kocan asked if the buildings were sprinklered whether it would make a difference. Mr. Spencer said that sprinklering would remove all of the Fire Marshal's concerns. Planner Tim Schmitt clarified that it may remove the Fire Marshal's concerns, but it didn't eliminate the need for the waivers. The numerical requirements still apply. With sprinklering, the Fire Marshal might support the request for waivers.

Member Kocan said that this is a very small lot. She drove up and down Grand River and looked at the sizes of buildings. Everything is one story. Glenda's looks residential. This proposal has a residential look. She was concerned about the protrusion into the Joseph front yard, because all of the houses on the street have a setback requirement of thirty feet. Now, this building should be able to project into that setback? Member Kocan then said that these buildings' setback requirement is forty feet, but they are asking for a 13-foot variance, so the setback would be 27 feet. Mr. Spencer said that there is 13 feet of projection into the setback. The Ordinance permits three feet of overhang. Member Kocan was trying to visualize. If all of the homes are thirty feet back, then the overhang is really only three feet. Mr. Spencer said correct. Some of the houses have overhangs, though typically not three feet. Member Kocan said that the massive size of the porch concerned her. It also concerned her that this site is vacant. She said the site dimensions do make it a difficult site to build upon.

Member Kocan said that it doesn't make sense that the Ordinance bases the loading area on a building fronting something like Grand River, so the most it would be is 100 feet, so the required loading zone would be very small, even if the building was 600 feet long. Because the front is along Joseph Street, additional loading space is being required. Member Kocan could justify in her mind that the combination of the two loading areas [could be considered] but the Applicant has also said that an adjoining sidewalk could be replaced with additional landscape. It also seemed to her that this loading area seems larger than what has been required at other buildings. She understood that most deliveries would come from UPS-type trucks. She said that sometimes the Planning Commission allows the UPS delivery area to be right in front of the building. At least this Applicant is providing a specific location for loading. Member Kocan said that the area provided however, is in the side yard and not the rear yard. She felt the area was on display and she would look for more landscaping on both the east and west sides. This would screen it from the street and the neighbor to the east. That was something she would be looking for, and she thought the City was looking for additional landscaping in general. Mr. Spencer confirmed that the Applicant has agreed to correct all landscape deficiencies, as stated in their response letter. Member Kocan asked if this would be accomplished by removing the sidewalk between the loading zones. Mr. Spencer answered affirmatively, and said that the Planning Department has no objections to the Applicant doing that, because the loading zones are so close together, if someone has to walk around several parking spaces to utilize both areas, that is acceptable. Chances of this property having two deliveries at the same time for the same business is fairly remote, given that each building is only 3,800 square feet.

Member Kocan asked about the emergency exits and the pads of concrete requiring sidewalks. Mr. Spencer said that the Building Code will require those pads to be connected to the sidewalk system or the parking lot system. Member Kocan asked if that would reduce the foundation plantings. Mr. Spencer said that it would. Member Kocan asked if this would affect their meeting the Ordinance requirement. Mr. Spencer said that the calculations would have to be reviewed.

Member Kocan asked about the berm. She looked at the berm and saw the 872 and 879 numbers. She was thinking about the seven-foot berm. She did recall going over the berm Ordinance very carefully to make sure that properties that are either lower or higher, that the actual impact of the berm is real as opposed as perceived. The Planning Commission needs to know what the finished floor elevation of the house is. Once that is determined, then the Member Kocan would be looking for the six-to-eight foot berm with the five-foot crest. If she was asking for that, she wondered if there was enough room between the property line and the building to put that size of a berm in place.

Larry DeBrincat, Landscape Consultant for the City, responded that there is not enough space on the site for that sized berm, unless they incorporate a retaining wall as part of the berm so that the base width could be reduced. Mr. DeBrincat did not have a specific number to share off the top of his head. One of the prime problems is their crest as currently designed is only three feet, and right now guesses are being bantered about since the actual finished floor elevation of the house is unknown. Mr. DeBrincat's colleague, Doris Hill, reviewed this plan and she indicated that the berm is based on an estimation and is very close to the correct height. It just needs to be a little bit higher. Ms. Hill also noted in her review that the Applicant is providing a substantial evergreen planting on that berm. That is certainly going to add to the opacity of the area.

Member Kocan confirmed that the City already knows what the finished grade of these buildings would be. Member Kocan said there were 15 Norway Spruces on the berm and there were White Spruces, Serviceberries, Norway Maples, Dogwoods - all interspersed. She was pleased to see the mix. She just didn't want to shortchange the residents. She didn't want this project dwarfing the neighborhood. She wasn't sure if the size should be reduced so that circulation was better. The Applicant responded that the Leslie Park Homeowners' Association President, John Walk, discussed this with him in depth. This was a concern to them too. Basically, the deed restriction states that the berm must be five-to-six feet tall. What they are looking for is something similar to what was installed from Glenda's to Leslie Park. They obviously provided a lot less trees. Mr. Walk noted that the landscape plan showed "a lot of dots and circles" [trees] and he said that he was satisfied with that. Mr. Soave wanted a letter from him that could have been shared with the Planning Commission, but he was on vacation. Mr. Walk did offer to take calls from any of the Planning Commission members who wished to speak with him. Member Kocan appreciated that the Applicant was working with the neighbors.

Member Kocan said she finds that the "dots" on the plan and the actual plantings are as different as night and day. Where the plan indicates that there is no room between trees, the actual plantings provide fifteen-foot spaces. The difference is significant. She said there were numerous places throughout the City where examples of this could be found. Plans look good on paper, but it takes ten or fifteen years for the landscape to look really good. She said this issue is going to come before the Implementation Committee because it is a real concern. Member Kocan confirmed that the Leslie Park Subdivision has nothing to do with the area that is affected by this design. Mr. Soave also stated that the screening on the east side of the property is adjacent to Beech Tree's loading zone and exit doors. He said that their delivery trucks will indeed be the smaller trucks. He said he tried to have a curb cut off of Grand River, which is prohibited due to the fact that so many are already there.

Member Kocan asked whether the Applicant was saying he didn't want to beef up his landscape along the east property line. Mr. Soave said that he didn't specifically say that. Member Kocan said she wanted landscaping added there.

Member Kocan asked Civil Engineer Ben Croy to comment on the curb and gutter along Joseph Drive. Mr. Croy said that the Applicant is seeking the variance from this standard. The City feels that the curb preserves the edge of the road and also helps with parking alongside the road. The Staff feels the curb should go in and the road would be better, but he said this would be left to the City Council to consider. The curb and gutter would only apply to where this Applicant is paving.

Member Kocan thought there was a discussion regarding water flow at the last meeting on this project. Mr. Croy confirmed that there would not be any curb and gutter requirement south of this site's entrance. He said an earlier concern was expressed regarding water flow, but it is not so much of a problem anymore, in light of some information the Applicant has regarding the favorable soil conditions. The fact that the drive was moved further north also helps alleviate any concern.

Member Pehrson said that the last time the Planning Commission reviewed the plan, he didn't have a problem with the overhang. It does add an aesthetic feature. It provided something to the building. He does get concerned with so many waiver and variance requests. Some are technical. Some are minor. The Fire Marshal issues jump out. Member Pehrson asked if the Applicant has ever sought a cross-access easement with Beech Tree. Mr. Soave responded that he spoke with Cliff Seiber, one of the owners of that site. Mr. Seiber said their building is up for sale, so he was very sensitive to making changes on his site at this time. Mr. Soave said he hasn't followed up with it because he understood that Mr. Seiber was in no position to negotiate this. He agreed that this could alleviate a lot of concerns, but he was leaving it up to Mr. Seiber to re-address the issue.

Member Pehrson said that if there was an access in that area, there was a hydrant near the southwest side of the property, which is probably within 100 feet of the southerly building. He would feel a little more comfortable with that. Moving the fire hydrant was appreciated, but it just barely gets the City to the point of acceptability. Technically the Applicant is doing the right thing, but Member Pehrson didn't think there was much of a safety margin.

Member Pehrson said that other than that, and the access drive length, he was also troubled with the fifty-foot turning radius. Engineer Bill Donnan, Arpee-Donnan, 36937 Schoolcraft, Livonia, addressed the Planning Commission. He said the reason for the fifty-foot turning radius is so the Fire Department can turn into the parking lot and go down to the south end of the building. When the truck gets there, there isn't enough room to turn around because the property is not wide enough. Mr. Donnan spoke with the Fire Marshal about how to eliminate this problem. One of the options was to add an additional hydrant in the Joseph Street right-of-way, south of the sidewalk on the north side of the building. The Fire Marshal said that would be adequate, but the Applicant would still have to provide some other way for the Fire Department, i.e. pavement or sidewalks, to be able to pull the hoses onto the site without having to cross over the berm. Mr. Donnan thought that by adding another hydrant and doing a couple of other things, he felt that he could design something that would satisfy the Fire Marshal.

Member Pehrson approved of the project. He thought there was a hardship relating to the size of the site and its configuration. He hated to place these decisions on the backs of City Council members, but his recommendation

on this plan would not be to support it unless a concrete plan was designed to address the safety issues. The parking lot, landscaping, canopy trees and canopy encroachment issues are all things Member Pehrson could live with, but the safety issues must be addressed.

Member Avdoulos asked about the 250-foot buffer along Joseph Drive. How did that deed restriction come to pass? It almost created a circle around the property that prevents entrance onto the property. Then, that affects the surrounding properties. He understood that 250 feet would not deny the property to the north access into their site, but it would have been nice for them to be able to follow through on the original design. When he first read through the information, he thought the Applicant couldn't take the road all the way down. He now understands it is actually the driveway location.

City Attorney David Gillam responded that he didn't know the specifics. He guessed that this property was originally part of that subdivision. When the subdivision was laid out, the condition was put in place. He didn't know if it was specific to these two lots or whether it was a more general condition all along Grand River Avenue. With the transfer of the property comes the deed restriction. That's the best way to describe it – a reservation of that condition by the person making the transfer of the piece of property sometime in the past. That condition stays in place. The condition could be released by the adjacent property owner, if they so chose. It sounds like they are not willing to release that deed restriction. The restriction is binding. It is not binding upon the City but if the City went ahead and approved a plan contrary to the Deed Restriction, then the adjacent property owner has a quick trip out to the Circuit Court and that's the end of that.

Mr. Spencer said that oftentimes these restrictions are put on a property to restrict the type of use the intensity of use. The people who platted this subdivision said that commercial would be okay, but the residential component must be protected at the same time.

Member Avdoulos said that the original plan went through process and was approved. He wondered how this information came to the surface. Mr. Soave responded that the restriction was put in place in the early 1980s. 13 or 14 property owners signed for this restriction, which limited commercial use to the furthest south section of this property. They knew the entrance would come off of Joseph, so they were protecting themselves for a commercial entry being placed too close to their residential area. Mr. Soave learned about the restriction the day before the ZBA meeting. The association president contacted him with the information. Mr. Soave's attorney told him to meet with the residents or meet the requirements. Fighting the restriction could take a lot of time and money. Mr. Soave has already lost a potential tenant who needed to be in the building by the end of summer. Mr. Soave said that his building company will be housed on this site.

Member Avdoulos asked if the driveway was as close as it could go. Mr. Soave didn't know for sure, but he thought so. Member Avdoulos said the first plan was discussed ad nauseam.

Member Avdoulos said that the southerly building was now 90 feet away from the residences. The peak of the building was almost forty feet high. This massive structure is now closer to the homes. Before, the one building was pushed up closer to Grand River. Now, the two-building design provides a different composition. He was concerned with the 10:12 pitch. Before, he thought this was okay. Now, he thought that this pitch was a bit too much. It is perhaps 1.5 times of what is seen as a brick line. He understood that it sloped back, but it was still a big concern. He would rather see a less dominant pitch.

Member Avdoulos said he was also concerned about the circulation within the site. There is a tight spot near the barrier-free area in the south. He understood the constraints of the site. He just felt that the design was a bit too uncomfortable. From the Fire Department's point of view, plans could be acceptable if the trucks could pull up alongside the property when on-site maneuverability was amiss. He thought that the north building has better access. The south building requires navigational skills. But, the trucks could pull up on Joseph. Also, the neighboring site has a drive that could provide access to the building. He wasn't that worried about those concerns.

Member Avdoulos saw that the plan has a "future access" notation and wondered if that note would remain. Mr. Soave said that he planned to leave the notation, which was located just north of the south building. Mr. Donnan

said it was shown on the north side, opposite the entrance from Joseph. That was one of the requirements, that the area be reserved for this possible future access. Member Avdoulos said he would be more concerned about the southern section, because if something pulls in and needs to get out, that would be the way to get out. Mr. Donnan said that was true. For that reason, the cross-access would be better in the north so that someone could pull straight through. If the reason for cross-access was to create access to the south building, then it could be moved further south.

Member Avdoulos said that comments made about the hydrant being moved and the shortening of the laydown area length were addressed in the response letter. He wondered if the Fire Marshal has had the opportunity to see these responses. Mr. Spencer said that the Fire Marshal's main concern is the safety of the building. Fire suppression is one of the answers. Mr. Spencer did discuss possibilities with the Fire Marshal, but Mr. Evans did not want to give a particular answer because there are many ways to skin a cat in this situation. There is a potential that the hose laying distance could be shrunk by one or more hydrants being installed. It may take two hydrants to address this issue. Another concern is that there is a clear access path to the hydrant. The Fire Department doesn't want to dodge landscaping or climb a berm. Openings could be designed into the berm.

Mr. Spencer said that the Applicant could design an emergency access entrance. That would take the Applicant's attorney reviewing the deed restriction. The City has not seen the Deed Restriction. Mr. Spencer was under the impression that the restriction is 250 feet. That may not be correct. There is a possibility that an emergency access could be placed within the restriction. That would make the Fire Marshal happy because it would shorten his access. Most importantly, the Fire Marshal would say that the buildings should be sprinklered.

Chair Cassis confirmed with Mr. Donnan that the Applicant has offered to add a fire hydrant. Mr. Spencer said that the Engineering Department required a hydrant somewhere in the right-of-way. The location of the Applicant's proposed hydrant does help the Fire Department tremendously. It doesn't address all of his concerns. The Fire Marshal has not seen a revised plan at this time.

Mr. Spencer said that if the Planning Commission desires, an approving motion could be made that is conditional upon the Fire Marshal's approval. Chair Cassis would suggest the same thing.

Chair Cassis confirmed with the Applicant that he was willing to continue to work with the Fire Marshal. Chair Cassis said that safety was the biggest concern at the Planning Commission table. The Applicant said that he would also look into an emergency access gate being placed in the deed restricted area. He knew that the residents were most concerned with vehicles parking up and down Joseph. That is a problem with Glenda's already. He thought that perhaps the residents would agree to the emergency access gate.

Member Meyer added that he was concerned about Joseph becoming partly paved. The City already has sidewalks that lead to nowhere. Now the City is considering the approval of a plan that creates half-paved roads.

Chair Cassis agreed that it was a difficult site. The redeeming feature is the fact that it is a corner lot. This provides agility and enough leeway for access for fire trucks. Delivery people will also have options.

Chair Cassis reiterated that the Applicant has agreed to continue to work with the Fire Department until they are satisfied. That is the only way Chair Cassis would approve of this plan.

A plan for this parcel has already been approved. Many of these questions have already been answered. There are some variances that will have to be taken care of with a different governing body. The Planning Commission has seen the collision of what is practical and feasible, and what is required. This plan is a bit more intense than the other plans that have presented similar situations. The consideration of what is required by the City and what is really feasible and practical for this site is what was driving Chair Cassis to his decision on this request. He noted that the neighbors have been brought into this review.

Chair Cassis was not troubled by the encroachment of the buildings. He thought that these buildings were placed in such a manner that it helped shield the residents from Grand River traffic. Really, these buildings are good looking and dress up the frontage of Grand River for the residents. He thought they should welcome this design,

regardless of the encroachment of the canopies.

Chair Cassis understood that the Applicant had to build something that is workable and addresses the economics of the site. He was comforted in knowing that this site would not remain in its current form. It doesn't look good. It sits all by itself as a lonesome bride. He encouraged the City to allow this site to be dressed up and given a bit of character. This Applicant is proposing just that.

Chair Cassis said that if the safety issues are resolved, he could yield on the others issues. The overwhelming need for this property to be spruced up outweighs the lesser issues.

Moved by Member Meyer, seconded by Member Gutman:

In the matter of Pinebrook Professional Building, SP05-21B, motion to approve the Preliminary Site Plan subject to: 1) A ZBA variance for minimum lot area; 2) A ZBA variance to encroach 13 feet into the required 40-foot front yard setback; 3) A ZBA variance to reduce the required loading/unloading area by 533 square feet; 4) A Planning Commission Waiver of the following landscape requirements, or the Applicant correcting these issues on the Final Site Plan submittal: The adjacent to residential berm requirement, the sub-canopy trees within fifteen feet of the overhead wires, and the planting of trees within twenty feet of the utility poles; 5) A Planning Commission Section 9 Waiver to permit facades with up to 61.56% asphalt shingles; 6) A City Council Variance for the paving of a portion of Joseph Dr. without curb and gutter; 7) A City Council General Appeal Variance of the minimum outside turning radius of fifty feet requirement, or plans being modified at the time of Final Site Plan submittal; 8) An additional fire hydrant being added to the plan, once the issues have been worked out *with* the Fire Marshal; 9) A City Council General Appeal Variance for an access road length without adequate room to turn around the largest fire truck, or plans to being modified at the time of Final Site Plan submittal; 10) A City Council General Appeal Variance of the Fire Marshal's request that the building be no more than 175 feet of hose-laying distance from the proposed hydrant, with the hope that the plans will be modified with another hydrant at the time of Final Site Plan submittal; and 11) All the comments on the attached review letters being addressed on the Final Site Plan; for the reason the plan otherwise meets the Master Plan for Land Use.

DISCUSSION

Member Gutman said that in general he supported the motion. However, he thought that the Applicant had agreed to rectify the landscaping issues listed in the fourth stipulation. Mr. Gillam said that the stipulation did not have to be part of the motion. Member Meyer agreed to remove the stipulation.

Member Gutman thought that the Applicant also agreed to correct the turning radius issue so there was no need for that stipulation either. Mr. Donnan said that they will comply with that requirement. Member Meyer removed that stipulation as well.

Member Kocan confirmed that Staff preferred to have the curb and gutter. Member Kocan would not wish to recommend this variance. Member Kocan could not support the motion unless the motion addressed the Applicant providing a sprinklered building. Member Kocan would also look for the height of the building/pitch of the roof being addressed by the motion.

The Applicant responded that he knew this site had potential. He offered to keep the road as is – chip-sealed. For landlord, tenant, and marketing reasons, he thought paving the road would be an enhancement, even without curb and gutter. He didn't think it made sense to put 1.5 million dollars into the site and leave the road chip-sealed. He said that reducing to roof pitch to 8 or 6 would de-characterize the buildings.

Chair Cassis said that this road sends dust up in the summer. He agreed that paving the road would be an improvement.

Member Lynch said he could support the project. He wanted to ensure the motion stated that two things must be achieved: The satisfaction of the homeowners to the south, and the satisfaction of the Fire Marshal and assurance

that fire safety vehicles can access the site. In other words, the motion states that the Applicant can seek variances and waivers for the other issues, but these two items must be addressed.

Member Meyer responded that he was most impressed with this Applicant that he has already made the effort to satisfy the residents. That is a key factor to him. He is already on the record stating he had original concerns about the number of variances and waivers being requested, but the fact that this Applicant has really attempted to address the bigger issues was important to him.

Member Lynch agreed with Member Meyer. He felt something very attractive would be going on this site, as long as the two issues are properly addressed.

Mr. Spencer said that the motion he provided to the Planning Commission does not totally address the Fire Marshal's requirements. It gives the Applicant the option of going to City Council for general appeal variances to the Fire Marshal's requirements. If it is the Planning Commission's intention that the Applicant meet the requirements of the Fire Marshal, then the motion should be changed to remove the option of going before the City Council. Member Meyer said his intent was that the Applicant will work out the hydrant and whatever other issue the Fire Marshal had with the Staff. Member Meyer understood that if the Applicant sprinklers his building, the Fire Marshal's concerns are allayed. Mr. Spencer agreed; if the buildings were sprinklered, it would meet his requirements for fire suppression and would eliminate his access concerns, even though there may still be a need for a City Council Waiver on the length issue.

Chair Cassis thought that the Applicant was trying to work these issues out here. They have already submitted to the idea that they will satisfy the Fire Marshal. Member Meyer asked the City Attorney what language should be used in the motion.

Mr. Gillam responded that as a practical matter, whether or not the motion contains the language conditioning approval on the variances by City Council, the Applicant still has the right to go to City Council to ask for those variances. The form of the motion before the Planning Commission would indicate that as far as the fire-related safety issues are concerned, the Applicant has the option to go to City Council and get those waivers, or they will resolve the issues on an administrative level. That was his interpretation.

Chair Cassis asked if the Applicant could submit that they would work out the issues and not go to City Council seeking variances. Mr. Gillam responded that Member Meyer could remove the language from the motion conditioning the approval on the City Council Waivers. That would mean the approval is based on the revision of the plan or resolving the issues administratively. Even if the motion doesn't say that the Applicant can go to City Council, they still have the right to do so.

Mr. Soave said he understood.

Member Meyer said he would amend his own motion to indicate that regarding the fire-related issues, the Planning Commission's intent is to approve the plan based on the Applicant and the Planning Department working together to meet the requirements of the Fire Marshal. Mr. Soave said he has already agreed to meet the requirements of the Fire Marshal, in some way or another.

Chair Cassis asked Mr. Gillam if there was enough information provided in this meeting to clarify the Planning Commission's position. Mr. Gillam responded that for clarification, language should be removed from those stipulations that lead up the plans to be modified at the time of Final Site Plan submittal. Therefore, the stipulations would not suggest the Planning Commission's recommendation for City Council variances. In lieu of the stipulations addressing the Fire Department issues, he suggested the language, **"...Review and approval of revised plans by the Fire Marshal."** **Member Meyer and Member Gutman agreed to this replacement.**

Member Kocan confirmed that the Applicant understood that they could go to City Council for an appeal. Chair Cassis said that was within their rights, but he felt the Applicant was comfortable working the issues out. Mr. Soave said they've already been set back three or four months. He confirmed that he could indeed go for a variance. Member Meyer said once the safety issues are cleared up the ZBA would give him his variances. Then,

he would have a smooth ride with City Council on the other issues.

Member Kocan told the Applicant to have his homework done if he plans to go to City Council. The Fire Marshal will probably be required to attend the City Council meeting.

**ROLL CALL VOTE ON PINEBROOK PROFESSIONAL BUILDING, SP05-21B, PRELIMINARY SITE PLAN
MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:**

In the matter of Pinebrook Professional Building, SP05-21B, motion to approve the Preliminary Site Plan subject to: 1) A ZBA variance for minimum lot area; 2) A ZBA variance to encroach 13 feet into the required 40-foot front yard setback; 3) A ZBA variance to reduce the required loading/unloading area by 533 square feet; 4) A Planning Commission Section 9 Waiver to permit facades with up to 61.56% asphalt shingles; 5) A City Council Variance for the paving of a portion of Joseph Dr. without curb and gutter; 6) Review and approval of revised plans by the Fire Marshal; and 7) All the comments on the attached review letters being addressed on the Final Site Plan; for the reason the plan otherwise meets the Master Plan for Land Use. *Motion carried 5-2 (Yes: Cassis, Gutman, Lynch, Meyer, Pehrson; No: Avdoulos, Kocan).*

Moved by Member Meyer, seconded by Member Gutman:

**ROLL CALL VOTE ON PINEBROOK PROFESSIONAL BUILDING, SP05-21B, STORMWATER MANAGEMENT
PLAN MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:**

In the matter of Pinebrook Professional Building, SP05-21B, motion to approve the Stormwater Management Plan subject to the comments on the attached review letters being addressed on the Final Site Plan, for the reason that the plan meets the intent of the Ordinance. *Motion carried 6-1 (Yes: Cassis, Gutman, Kocan, Lynch, Myer, Pehrson; No: Avdoulos).*

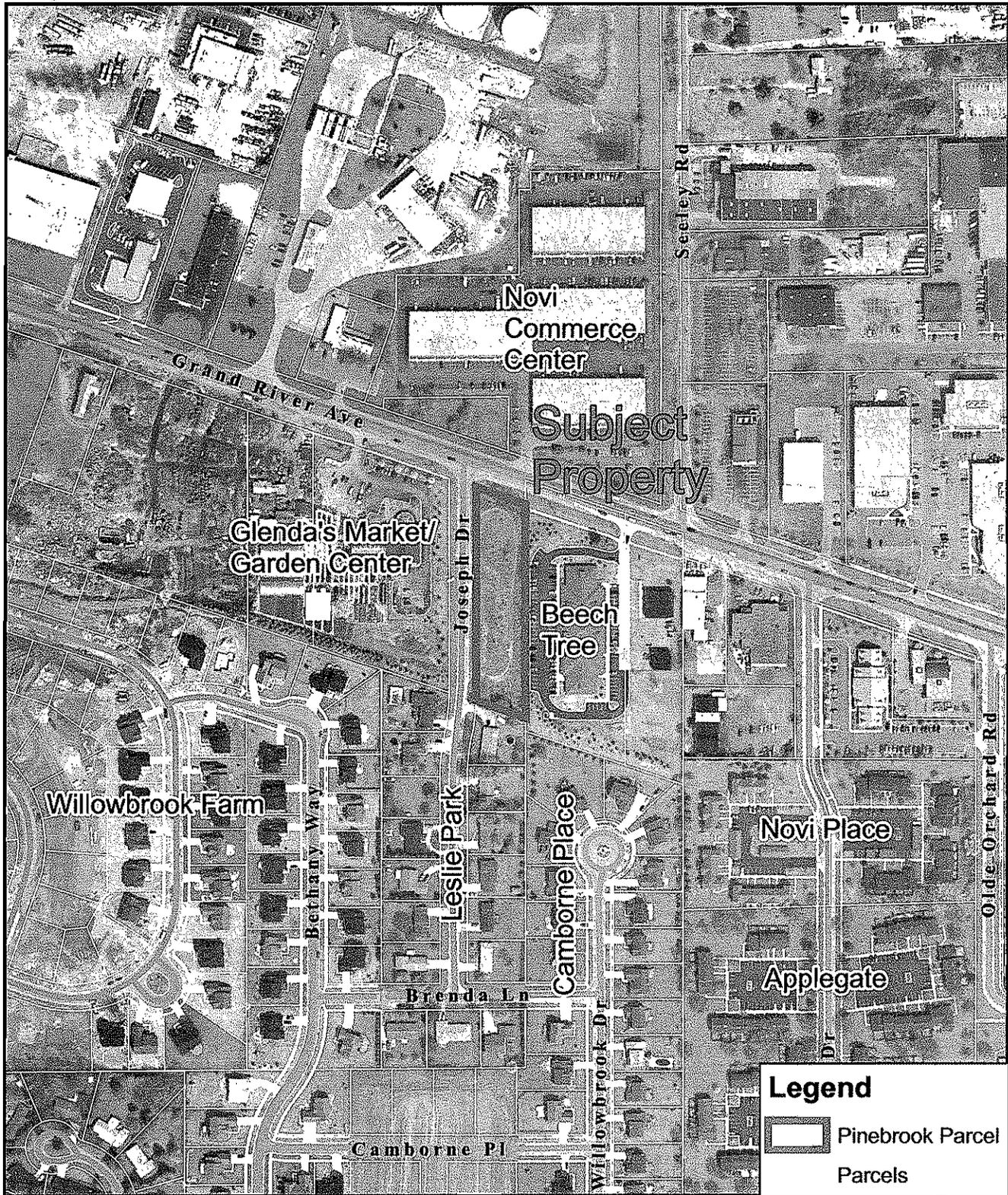
REDUCED COPY OF APPROVED PRELIMINARY SITE PLAN

LOCATION MAP



Pinebrook Professional Building Location Map and Air Photograph

City of Novi, Michigan



Created using the (GIS) Geographic Information System of:
 The City of Novi
 45715 West Ten Mile Road
 Novi, Michigan 48375
 (248) 347-0454

Coordinate System Description -
 Projection Michigan State Plane
 Zone South Zone (8401)
 Horizontal Datum NAD 1983
 Map Units International Feet
 Albers Projection
 Center Meridian 84° 00' 00" W
 False Easting 300,000 Feet
 False Northing 0 Feet
 Scale of Origin 1.0

Date Created:
 October 26, 2005
 Pinebrook



0 37.5 75 150 225 300 Feet

Created by:
 Jason S. Myers
 Planner, Plan Review Center

