

APPLICANT RESPONSE LETTERS

August 18, 2010

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

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

Dear Ms. Kapelanski:

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

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

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

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

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

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

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

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Page 3 – Recommendation

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

Master Plan for Land Use

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

Page 4 – Novi Road Corridor Study

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

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

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

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Page 5 – Compatibility with Surrounding Land Use

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

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

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

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

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

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

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

Page 7 – Shopping Center

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

Page 8 - Kroger

Thank you for acknowledging and supporting our deviation requests.

Items for Further Review

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

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

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

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

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

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

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

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

Land Uses: Understood.

Page 10 – Applicant Burden under PRO Ordinance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

General

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

Utilities

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

Storm Water Management Plan

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

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

Paving and Grading

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

Off-Site Easements

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

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

Utility Demands

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

Water System

Noted.

Sanitary Sewer

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

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Summary

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

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

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

- 3A-G. Acknowledged.

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

- 3I-3L. Acknowledged.

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

- 3N. With a refined signal timing at the outbound delay, the left turn would operate at level of service "C". The westbound through level of service would operate at "B".

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

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

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

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

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

3P. Acknowledged.

3Q. Acknowledged.

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

Trip Generation

4. Acknowledged.

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

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

Vehicular Access Improvements

8. Understood.

9. See Item 3N above.

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

11. The plan will be corrected.

Driveway Design and Control

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

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

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

Pedestrian Access

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

Parking and Circulation

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

Miscellaneous

24. Understood.

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

Residential Adjacent to Non-Residential

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

Adjacent Rights-of-Way

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

Parking Area Landscape Requirements

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

Building Perimeter Landscaping

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

Loading Area

1. Acknowledged.

Plant List

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

Novi Road Corridor Plan

1, 2 & 3.

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

General Requirements

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

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

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

Wetland Review – J. Freeland, August 5, 2010

Proposed Impacts:

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

Required Permits: Understood.

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

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

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

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

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

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

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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



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August 18, 2010

To: Planning Commissioners, City of Novi

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

Dear Commissioners:

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

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

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

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

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

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

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

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

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

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

Sincerely:
Novi Ten Associates

Dan Weiss, Managing Partner

DW/ck

Supplemental Documentation of Support:

1. We are including a more up to date Market Assessment prepared October, 2008 by Chesapeake Group (the very same respected economic development consulting firm retained by the City of Novi). Page six of the document, included as supplement 1 and submitted previously, states the City of Novi has unmet needs for neighborhood commercial at this location.
2. Also attached as supplement 2, is a letter to Darcy Schmitt from Matthew Quinn, dated March 8, 2004 documenting numerous of the items referenced in the above memo, which has been submitted several times previously.

Supplements:

1. Chesapeake Group, Synopsis: Market Assessment for Mixed-use Development of the Weiss Site in Novi, Michigan, Page 6, dated October, 2008
2. Matt Quinn letter to Darcy Schmitt, dated March 8, 2004

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

WEISS MIXED-USE DEVELOPMENT

NOVI, MICHIGAN



October, 2006

Prepared by

**The
Chesapeake Group, Inc.**

Building A Foundation For The Future

25000 E. 15th Street, Suite 1000, Novi, Michigan 48240-3000

Implications for Site Development

The noted proposed development of the site is compatible with and supported by the findings of the previous report to the City of Novi, prepared as part of the City's comprehensive plan update.

As noted, the proposed development includes about 150,000 square feet of space associated with neighborhood or community scale retail, including a supermarket. Ample community and neighborhood shopping demand in the zip code, based only on growth, is sufficient to support the activity. Furthermore, the development is of sufficient scale to provide a variety of convenience shopping and service opportunities.

Furthermore, based on present commercial use patterns, accommodation of the public would be enhanced by the development as many residents now make what should be convenience purchases outside of the areas in which they live. The development should help to mitigate current exportation of resident dollars and associated jobs and revenues from the City to other jurisdictions, resulting in enhanced convenience and less miles traveled by residents.

The proposed site development calls for a limited amount of office space, likely associated with general office, banking, and medical or health care. This space, roughly 18,000 square feet of the total 150,000 square feet, is well within a reasonable level based on the demand forecast and the gaps identified through the comparative assessment analysis methodology.

LAW OFFICES
COOPER, SHIFMAN, GABE, QUINN & SEYMOUR

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March 8, 2004

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

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

Dear Ms. Schmitt:

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

COOPER, SHIFMAN, GABE,
QUINN & SEYMOUR

A handwritten signature in black ink, appearing to read 'M. Quinn', written over the printed name of Matthew C. Quinn.

Matthew C. Quinn

MCQ/kw
Enc.
cc: Dan Weiss
Leonard Siegal