

## Triangle Place JSP13-53

Triangle Place, JSP13-53
Consideration of the request of Trowbridge Companies for Preliminary Site Plan and Stormwater Management Plan approval. The subject property is located in Section 36, on the east side of Haggerty Road, north of Eight Mile Road in the B-3, General Business District (with a Planned Rezoning Overlay). The subject property is 0.48 acres and the applicant is proposing a 2,420 square foot speculative office and retail building.

## REQUIRED ACTION

Approval/denial of the Preliminary Site Plan and Stormwater Management Plan.

| REVIEW | RESULT | DATE | COMMENTS |
| :--- | :--- | :---: | :--- |
| Planning | Approval <br> recommended | $07 / 29 / 13$ | Items to address on the revised Final Site <br> Plan |
| Engineering | Approval <br> recommended | $07 / 29 / 13$ | Items to address on the revised Final Site <br> Plan |
| Traffic | Approval <br> recommended | $07 / 25 / 13$ | -Waiver of Traffic Impact Assessment <br> recommended <br> ltems to address on the revised Final <br> Site Plan <br> Landscaping <br> Façade <br> Approval <br> recommendedApproval <br> recommended |
| Fire | Approval <br> recommended | $07 / 29 / 13$ | Items to address on the revised Final Site <br> Plan submittal |

## Motion sheet

## Approval - Preliminary Site Plan

In the matter of Triangle Place, JSP 13-53, motion to approve the Preliminary Site Plan based on and subject to the following:
a. Waiver of the required Traffic Impact Assessment, which is hereby granted;
b. Section 9 façade waiver for the overage of asphalt shingles, which is hereby granted;
c. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the revised Final Site Plan; and
d. (additional conditions here if any)

This motion is made because the plan is otherwise in compliance with the approved PRO concept plan and PRO Agreement and Article 15, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.)

## -AND-

Approval - Stormwater Management Plan
In the matter of Triangle Place, JSP13-53, motion to approve the Stormwater Management Plan, subject to:
a. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the revised Final Site Plan; and
b. (additional conditions here if any)

This motion is made because the plan is otherwise in compliance the approved PRO concept plan and PRO Agreement and with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.)


#### Abstract

Denial In the matter of Triangle Place, JSP13-53 motion to deny the Preliminary Site Plan, for the following reasons...(because the plan is not in compliance with the approved PRO concept plan and PRO Agreement and the plan is not in compliance with Article 15 , Article 24 and Article 25 of the Zoning Ordinance.)


## -AND-

Denial Stormwater Management Plan
In the matter of Triangle Place, JSP13-53, motion to deny the Stormwater Management Plan, for the following reasons... (because the plan is not in compliance with the approved PRO concept plan and PRO Agreement and the plan is not in compliance with Chapter 11 of the Ordinance.)

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## PLAN REVIEW CENTER REPORT

July 29, 2013
Planning Review
Triangle Place
JSP13-53

## Petitioner

Trowbridge Companies

## Review Type

Preliminary and Final Site Plan

## Property Characteristics

- Site Location:
- Site Zoning:
- Site Use(s):
- Adjoining Uses:
- Proposed Use:
- Site Size:
- Plan Date:
- Adjoining Zoning: North: Haggerty Road, OSC: East: ES (City of Farmington Hills):

East side of Haggerty Road, north of Eight Mile Road B-3, General Business with Planned Rezoning Overlay West: OSC; South: FS

## Vacant

Northwest: Haggerty Road, Pump House, Michigan Heritage Bank; Northeast: Benihana, Coney Island (Farmington Hills); West: Regional detention basin, Sheraton Hotel (further west); South: Detention bosin. Toco Bell (further south); East: Hotel (Farmington Hills)
General Oftice/Retail
0.48 acres

05-23-13

## Project Summary

The parcel in question is located on the east side of Haggerty Road, north of Eight Mile Road in Section 36 of the City of Novi. The property totals 0.48 acres and contains an existing 20' utility easement which runs through the center. The applicant is proposing the construction of an approximately $2,420 \mathrm{sq}$. ft . single story building.

This property was rezoned with a Planned Rezoning Overlay (PRO) from FS to B-3, General Business. The Planning Commission gave a positive recommendation for approval of the concept plan and rezoning to City Council on June 27,2007 . The rezoning with PRO appeared before the City Council on August 13, 2007. At that meeting, City Council granted preliminary approvol of the plan and rezoning. On December 17, 2007, City Council granted final approval of the Rezoning with PRO and PRO Agreement. Several extensions to the PRO Agreement have been gronted by the City Council with an extension for this yeor to be placed on an upcoming City Council agenda.

A site plan (consistent with the PRO Agreement) was previously stamped approved for this site in December of 2008. The plan was never constructed and the site plan approval hos since expired. Planning Commission approval of the Preliminary Site Plan is required.

## Recommendation

Approval of the Preliminary Site Plan only is recommended. The plan is in compliance with most Ordinance requirements and most of the conditions set forth in the Planned Rezoning Overlay Agreement. However, there are several items (in this and other review letters) that need to be addressed on a revised Final Site Plan review prior to the applicant proceeding to Stamping Set submittal.

## Planned Rezoning Overlay

The rezoning with a Planned Rezoning Overlay was granted final approval by City Council on December 17, 2007. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As a part of the PRO, the underlying zoning is changed, in this case to B-3 as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and applicant agree to any deviations to the applicable ordinances and tentative approval of a conceptual plan for development for the site. The following ordinance deviations were included in the PRO Agreement

1. The required rear yard building setback is twenty feet. Four feet has been provided. This ordinance deviation has been included in the PRO Agreement.
2. The required front yard parking setback is twenty feet. Ten feet has been provided. This ordinance deviation has been included in the PRO Agreement.
3. The required rear yard parking setback is ten feet. Four feet has been provided. This ordinance deviation has been included in the PRO Agreement.
4. Loading zones should be located in the rear or interior side yard. The loading zone is located in the front yard. This ordinance deviation has been included in the PRO Agreement.
5. A twenty foot greenbelt is required adjacent to the proposed parking. Ten feet has been provided. This ordinance deviation has been included in the PRO Agreement.

When a PRO is proposed, applicants are required to demonstrate a public benefit above and beyond what would be associated with the normal development of the site. This public benefit is included in the PRO Agreement. The public benefits associated with the subject property are as follows:

1. The list of permissible permitted uses was limited as part of the PRO Agreement. This was included in the PRO Agreement and should be reflected on the plans on Sheet 1.
2. The developer agreed to extend the public sidewalk for 180 linear feet along the adjacent property to the south of the subject property to complete the sidewalk connection. This has not been shown on the plan set. The applicant must add a 6' sidewalk totaling $180^{\prime}$ in length on the adjacent property to the site plan.
3. The developer agreed to provide additional landscaping along the adjacent property to the south. This has not been included on the landscape plan and must be provided with the next plan submittal.
4. The developer agreed to extend the public sidewalk 500 linear feet along the City owned property on the west side of Haggerty road provided an agreement could be reached with the adjacent property owner to allow the stormwater generated by the subject property to discharge into the stormwater retention area on the west side of Haggerty Road. It is our understanding that such an agreement has not been reached and the developer will not provide this additional benefit. It is not shown and is not required to be shown on the site plan.

The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi.

## Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 15 (B-3, General Business District), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Hems in bold below must be addressed by the applicant.

1. PRO Items: The applicant must add the required information to meet the standards of the PRO Agreement as outlined in the section above.
2. Haggerty Road Sidewalk: The City has recently updated its non-motorized standards requiring 6' sidewalks instead of the previously required $5^{\prime}$. The sidewalk on Haggerty Road should be increased to 6 ' in width.
3. Dumpster Details: Dumpster details meeting the requirements outlined in the Zoning Ordinance and City Code (and summarized in the planning review chart) must be included in the plan set.
4. Site Lighting: A photometric plan meeting the requirements of Section 2511 must be provided. A lighting review chart summarizing those requirements has been attached for reference.
5. Miscellaneous Items: There are several minor items that should be addressed by the applicant that are outlined in the planning review summary chart. Additionally, the architectural and engineering plans appear to be inconsistent. For example, the architectural plans show an additional entrance to the building but a sidewalk to that entrance has not been included on the engineering plan. The applicant should review the plans to ensure these small details are consistent and have been addressed throughout the plan set.
6. Traffic Study: The traffic review letter references the need for a Traffic Impact Assessment. Given that the generalized use and layout have already been approved as part of the PRO Agreement, the Planning Division recommends the applicant request and the Planning Commission grant a waiver of the Traffic Impact Assessment.
7. Signage: Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

## Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested to be submitted prior to the Planning Commission meeting and with the next set of plans addressing each of the comments listed above and in other review letters.

## Street and Project Name

This project may need approval from the Street and Project Naming Committee. Please contact Richelle Leskun (248-347-0579) in the Community Development Department for additional information.

## Chapter 26.5

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

## Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be

Preliminary and Final Site Plan Review
scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.

## Planning Review Chart

Triangle Place JSP\#13-53
Preliminary Site Plan
Plan Date: 05-23-13

| Item | Required | Proposed | Meets Requirements? | Comments |
| :---: | :---: | :---: | :---: | :---: |
| Master Plan | Community Commercial | No change |  | This property was rezoned from FS, Freeway Service to B-3, General Business as part of the Haggerty Road Development Planned Rezoning Overlay. |
| Zoning | B-3, General Business | No change |  |  |
| Proposed Use (Sec. 1501 and Sec. 1502) | Uses permitted listed in Section 1501 and 1502 | 2,420 square foot retail/office building | Yes | Tenants should check with Community Development Department prior to leasing space to ensure use is permitted. |
| Building Height (Sec. 2400) | 30 feet | Approximately $28{ }^{\prime}$ | Yes |  |
| Building Setbacks (Sec. 2400) |  |  |  |  |
| Front (west) | 30 feet | 30 feet | Yes |  |
| Side (north) | 15 feet | 15 feet + | Yes |  |
| side (south) | 15 feet | 15 feet + | Yes |  |
| Rear (east) | 20 feet | 4 feet | No | This ordinance deviation was included in the PRO agreement. |
| Parking Setbacks (Sec. 2400, Schedule of Regulations) |  |  |  |  |

Triangle Place JSP\#13-53
Preliminary/Final Site Plan Review
07-29-13

| Ifem | Required | Proposed | Meets <br> Requirements? | Comments |
| :---: | :---: | :---: | :---: | :---: |
| Front (west) | 20 feet | 10 feet | No | This ordinance deviation was included in the PRO agreement. |
| Side (north) | 10 feet | 10 foot + | Yes |  |
| Side (south) | 10 feet | 10 feet | Yes | Applicant should confirm setback is measured to back of curb. |
| Rear (east) | 10 feet | 4 feet | No | This ordinance deviation was included in the PRO agreement. |
| Number of Parking Spaces (Sec. 2505(14)c(1)) | Office :l space per 222 sq. ft. of gross leasable area <br> 2,420 sq. ft. $/ 222=$ <br> 11 spaces required <br> Retail: 1 space per 200 sq. ft. of gross leasable area <br> $2,420 \mathrm{sq} . \mathrm{ft} . / 200=$ 12 soaces required | 13 spaces | Yes |  |
| Parking Space Dimensions (Sec. 2506) | 90 degree parking9 feet by 19 feet 117 feet permitted with a $4^{\prime \prime}$ curb and $2^{\prime}$ overhang) | Spaces sized appropriately throughout the site. | Yes | Applicant should indicate a $4^{\prime \prime}$ curb wherever 17' spaces are proposed. See the traffic review letter for additional information. |
| Maneuvering Lanes (Sec. 2506) | 24 feet required | 24' maneuvering lanes provided. | Yes |  |
| Barrier Free Spaces <br> (ADA standard) | 1 van accessible space required | I van accessible provided | Yes |  |
| Barrier Free Space Dimensions (Barrier Free Code) | 8 feet wide with an 8 foot wide access aisle for van accessible | 8 feet wide with a 8 foot wide access aisle (to the face of curb) | No | The 8' wide access aisle should be measured and provided to the face of the curb. |

Preliminary/Final Site Plan Review
07-29-13

| Item | Required | Proposed | Meets Requirements? | Comments |
| :---: | :---: | :---: | :---: | :---: |
| Barrier Free Signs (Barrier Free Design Graphics Manual. | One barrier free sign is required per space | No signs shown | No | Barrier free signage must be included. See the traffic review letter for additional information. |
| Loading Spaces (Sec. 2507.2) | Loading space must be provided in the rear yard or interior side yard if a double fronted lot. | Loading zone shown in the front yard. | No | The ordinance deviation was included in the PRO agreement. |
| Sidewalks (Sec. 1607.1.1) | A 6' sidewalk is required along Haggerty Road. <br> 6' sidewalk totaling 180' in length required along adjacent property to the south per PRO Agreement | 5' walk shown along Haggerty Road only | No | The sidewalk along Haggerty Road should be changed to 6 '. <br> A 6' sidewalk totaling 180' in length should be provided on the property to the south. |
| Dumpster Requirements (Chapter 21, Section 21-145) | Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Screening should be 1 foot taller than dumpster. | No dumpster details provided. | No | Applicant should provide dumpster details. |
| Dumpster Setbacks (Sec. 2503.1.d) | Accessory structures shall be set back the same as the parking setback and 10 feet from the main building unless structurally attached to the building. | Structurally attached to building. | Yes |  |
| Lighting (Sectio n 2511) | Exterior lighting plan needed at time of Final Site Plan review | Photometric plan not provided. | No | Applicant should provide required photometric plan. |

## Lighting Review Summary Chaŕ

Triangle Place JSP 13-53
Site Plan Review
Plan Date:

| Item | Required | Meets Requirements? | Comments |
| :---: | :---: | :---: | :---: |
| Intent (Section 2511.1) | Establish appropriate minimum levels, prevent unnecessary glare, reduce spillover orito adjacent properties, reduce unnecessary transmission of light into the night sky |  |  |
| Lighting plan (Section 2511.2.a.1) | Site plan showing location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures |  |  |
| Lighting Plan (Section 2511.2.a.2) | Specifications for all proposed and existing lighting fixtures including: <br> - Photometric data <br> - Fixture height <br> - Mounting \& design <br> - Glare control devices <br> - Type and color rendition of lamps <br> - Hours of operation <br> - Photometric plan |  |  |
| Required conditions (Section 2511.3.a) | Height not to exceed maximum height of zoning district ( 30 feet) or 25 feet where adjacent to residential districts or uses. |  |  |
| Required Notes | - Electrical service to |  |  |


| Item | Required | Meets Requirements? | Comments |
| :---: | :---: | :---: | :---: |
| $\begin{aligned} & \text { (Section } \\ & 2511.3 . b) \end{aligned}$ | light fixtures shall be placed underground - No flashing light shall be permitted <br> - Only necessary lighting for security purposes and limited operations shall be permitted after a site's hours of operation. |  |  |
| Required conditions (Section 2511.3.e) | Average light level of the surface being lit to the lowest light of the surface being lit shall not exceed 4:1. |  |  |
| Required conditions (Section $2511.3 . f$ ) | Use of true color rendering lamps such as metal halide is preferred over high and low pressure sodium lamps. |  |  |
| Minimum <br> Illumination <br> (Section 2511.3.k) | - Parking areas- 0.2 min <br> - Loading and unloading areas- 0.4 min <br> - Walkways- 0.2 min <br> - Building entrances, frequent use- 1.0 min <br> - Building entrances, infrequent use- 0.2 min |  |  |
| Maximum <br> Illumination <br> adjacent to Non- <br> Residential <br> (Section 2511.3.k) | When site abuts a nonresidential district, maximum illumination at the property line shall not exceed 1 foot candle |  |  |
| Cut off Angles (Section 2511.3.1(2)) | All cut off angles of fixtures must be 90 degrees when adjacent to residential districts |  |  |

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ENGINEERING REVIEW

cityofnovi.org

# PLAN REVIEW CENTER REPORT 

July 29, 2013

## Engineering Review

Triangle Place
JSP13-0053

## Petitioner

ACR Investments LLC, property owner

## Review Type

Preliminary/Final Site Plan

## Property Characteristics

- Site Location:
- Site Size:
- Plan Date:

E of Haggerty Rd. and N of Eight Mile Rd
0.48 acres

May 23, 2013

## Project Summary

- Construction of a 2,420 square foot retail/office building and associated parking. Site access would be provided by a single access on Haggerty Road.
- Water service would be provided by extending a 2-inch lead from the existing 12 -inch water main along the west side of Haggerty Rd. No new hydrants are proposed at this time.
- Sanitary sewer service would be provided by extending a 6-inch lead from the existing 10inch sanitary sewer along the west side of Haggerty Road.
- Storm water would be collected by an on-site storm sewer system and routed through a subsurface treatment structure and then to an underground detention system sized for the 100 -year storm. This system would discharge at controlled rates to the Orchard Hill Place basin immediately south of the site.


## Recommendation

Approval of the Preliminary Site Plan is recommended.
Approval of the Final Site Plan is NOT recommended.

## Comments:

The Preliminary Site Plan meets the general requirements of Chapter 11 of the Code of Ordinances, the Storm Water Management Ordinance and/or the Engineering Design Manual.

The Final Site Plan does not meet the general requirements of Chapter 11 of the Code of Ordinances, the Storm Water Management Ordinance and/or the Engineering Design Manual. The following must be addressed prior to resubmittal:

## General

1. Provide the City's standard detail sheets for water main (2 sheets-6/15/98), sanitary sewer (Sheet 1-6/15/98 and Sheet 2-4/24/06), storm sewer (1 Sheet6/15/98) and paving ( 1 Sheet-12/15/00) at the time of the Stamping Set submittal.
2. Provide a minimum of two ties to established section or quarter section corners.
3. Verify the proposed site activity, specifically the utility crossings, do not violate conditions in the easements for the liquid petroleum pipelines.
4. Provide horizontal and vertical scales for each of the utility profiles.
5. Provide a utility crossing table indicating that at least 18 -inch vertical clearance will be provided.

## Water Main

6. Revise the Domestic Service Lead Stop Box location to the Right-of-Way or public water main easement versus on private property as currently provided.

## Sanitary Sewer

7. Provide an access easement for the sanitary monitoring manhole on the plan set.
8. Revise the sanitary sewer lead material to $6^{\prime \prime}$ SDR 23.5 versus 6" SDR 35 as provided.

## Storm Sewer

9. Label the 10 -year HGL on the storm sewer profiles, and ensure the HGL remains at least 1 -foot below the rim of each structure.
10. Use a pattern on the storm sewer profiles to highlight where compacted sand backfill is required under the influence of pavement. CSB is currently not labeled in a couple required locations.
11. Revise the storm sewer alignment to discharge into the four (4) diameter storm sewer structure within the Right-of-Way versus the two separate outlets on the south side of the property.
12. Revise the plan set to indicate that all storm sewer shall be constructed of ASTM C76 Class IV reinforced concrete pipe versus portions of the storm sewer constructed of $C 76$ plastic pipe as provided.
13. Provide a two (2) foot deep sump wherever the difference in pipe invert elevations exceeds two (2) feet.
Storm Water Management Plan
14. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
15. Remove the $6^{\prime \prime}$ San Lead and 2" W.M. callouts from the Storm Water Management Plan.
16. Revise the drainage coefficient for all impervious and turf lawn areas to 0.95 and 0.35 , respectively, versus 0.9 and 0.2 as provided.
17. Revise the underground detention system to provide open chambers or runs of pipe to accommodate a 100-year storm event. Modular cell systems are not an approved means of providing underground detention.
18. Denote an overland route for storm water that would occur in the event that the underground system cannot accept flow. This route shall be directed to a recognized drainage course or drainage system. Verify that any structures accepting overland flow are capable of handling the 100 -year flood capacity.
19. Provide a soil boring in the vicinity of the proposed underground detention system to determine the bearing capacity and high water elevation of the groundwater table.
20. Provide critical elevations (bankfull and 100 -year storm hydraulic grade lines) on the underground detention system cross-section and storm sewer profile demonstrating that the detention system is 3 feet above ground water and has the required 1 foot of freeboard between the high water elevation and the subgrade below the pavement.
21. Provide the calculation used for determining the Allowable Discharge Rate. The stormwater discharge rate shall not exceed 0.15 cfs per contributing acre.
22. Revise the storm water detention calculations to demonstrate that bankfull volumes shall be retained in the detention facility for a minimum of 24 hours and no more than 40 hours.

## Paving \& Grading

23. Revise sheet 1 to reference the correct location of the " $M$ " curb detail versus referencing sheet 9 (not included in plan set) as provided.
24. Differentiate between concrete and hot-mixed asphalt pavement areas on the grading plan by use of shading, notation, etc.
25. Revise the plan set to provide a continuous sidewalk through the driveway approach versus breaking the
26. Provide a minimum of 6 spot elevations where the pathway crosses each driveway (one at each corner and two in the center of the driveway on each side of the pathway). Spot elevations shall also be provided to demonstrate a level landing adjacent to each side of the pathway crossing.
27. No more than $1 / 4$ " vertical obstacle shall be allowed at each transition between the pathway and the drive approach.
28. Revise the pathway cross-section to indicate a maximum cross-slope of $2 \%$.
29. Provide spot elevations at the intersection of the proposed pathway with the existing pathway.
30. Provide a ROW side walk cross-section indicating 4" thick of 4000 psi concrete ( $8^{\prime \prime}$ thick through commercial/industrial drives) over $6^{\prime \prime}$ thick of 21 AA crushed limestone meeting MDOT gradation specifications. The stone base shall extend a minimum of $6^{\prime \prime}$ beyond the forms. Sand is not an allowed sub base within the right-of-way.
31. Remove the detectable warning surfaces from the plan. These are not required based on the anticipated driveway traffic volumes.
32. Revise the pedestrian safety path width along Haggerty Rd six (6) feet versus five (5) feet as provided.

## The foliowing must be submitted with the Revised Final Site Plan:

33. A letter from either the applicant or the applicant's engineer must be submitted with the Stamping Set highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved. Additionally, a statement must be provided stating that all changes to the plan have been discussed in the applicant's response lefter.
34. An itemized construction cost estimate must be submitted to the Community Development Department for the determination of plan review and construction inspection fees. This estimate should only include the civil site work and not any costs associated with construction of the building or any demolition work. The estimate must be itemized for each utility (water, sanitary, storm sewer), on-sife paving (square foolage), right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pretreatment structure and restoration).

## The following must be submifted with the Stamping Set:

(Please note that all documents must be submitted together as a package with the Stamping Set submittal. Partial submittals will not be accepted).
35. A draft copy of the Storm Drainage Facility Maintenance Easement Agreement, as outlined in the Storm Water Management Ordinance, must be submitted to the Community Development Department. Once the form of the agreement is approved, this agreement must be approved by City Council and shall be recorded in the office of the Oakland County Register of Deeds. This document is available on our website.
36. A draft copy of the 20 -foot wide access easement for the sanitary sewer monitoring manhole to be constructed on the site must be submitted to the Community Development Department. This document is available on our website.

## The following must be addressed prior to construction:

37. A pre-construction meeting shall be required prior to any site work being started. Please contact Sarah Marchioni in the Community Deveiopment Department to setup a meeting (248-347-0430).
38. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting (no application
required). A grading permit fee in the amount of $\$ 125.00$ must be paid to the City Treasurer's Office.
39. Material certifications must be submitted to Spalding DeDecker for review prior to the construction of any utilities on the site. Contact Ted Meadows at 248-844-5400 for more information.
40. Construction inspection fees in the amount of $\$ 20,882.64$ must be paid to the City Treasurer's Office. Note, this amount may change based upon changes in the revised set submittal.
41. A storm water performance guarantee in the amount of $\$ 135,000.00$ (equal to $150 \%$ of the cost required to complete the storm water management facilities) as specified in the Storm Water Management Ordinance must be posted at the Treasurer's Office. Note, this amount may change based upon revisions to the submitted plan set.
42. Water and Sanitary Sewer Fees must be paid prior to the pre-construction meeting. Contact the Water \& Sewer Department at 248-735-5642 to determine the amount of these fees.
43. A street sign financial guarantee in the amount of $\$ 400.00$ ( $\$ 400$ per traffic control sign proposed) must be posted at the Treasurer's Office. Signs must be installed in accordance with MMUTCD standards. Note, this amount may change based upon revisions to the submitted plan set.
44. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department, Building Division (248-347-0430) for forms and information. The financial guarantee and inspection fees will be determined during the SESC review.
45. A permit for work within the right-of-way of Haggerty Rd must be obtained from the City of Novi. The application is available from the City Engineering Department and should be filed at the time of Final Site Plan submittal. Please contact the Engineering Department at 248-347-0454 for further information.
46. A permit for work within the right-of-way of Haggerty Rd must be obtained from the Road Commission for Oakland County. Please contact the RCOC (248-858-4835) directly with any questions. The applicant must forward a copy of this permit to the City. Provide a note on the plans indicating all work within the right-of-way will be constructed in accordance with the Road Commission for Oakland County standards.
47. An inspection permit for the sanitary sewer tap must be obtained from the Oakland County Water Resource Commissioner.
48. Permits for the construction of each retaining wall must be obtained from the Commurity Development Department (248-347-04.15).

## The following must be addressed prior to issuance of a Temporary Certificate of Occupancy approval for the development:

49. The amount of the incomplete site work performance guarontee for this oevelopment at this time is $\$ 223,962.50$ (equal to 1.5 times the amount required to complete the site improvements, excluding the storm water facilities) as specified in the Performance Guarantee Ordinance. This guarantee will be posted prior to TCO, at which time it may be reduced based on percentage of construction completed. Note, this amount may change based upon revisions to the submitted plan set.
50. All easements and agreements referenced above must be executed, notarized and appraved by the City Attorney and City Engineer.
51. Spalding DeDecker will prepare the record drawings for this development. The recard drawings will be prepared in accordance with Article XII, Design and Construction Standards, Chapter 11 of the Novi Code of Ordinances.
52. A letter of credit ar cash in an amount of $\$ 9,000.00$ ( $10 \%$ of the cost of storm water facilifies for projects of less than $\$ 100,000$, or $5 \%$ for the cost of projects over $\$ 100,000$ ) must be posted for the storm water facilities. This deposit will be held for one year after the date af completion of construction and final inspection of the storm water facilities. Note, this amount may change based upon revisions to the submitted plan set.
53. Submit an up-to-date Title Policy (dated within 90 days of City Cauncil consideration of acceptance) for the purpose of verifying that the parties signing the Easement documents have the legal authority to do so. Please be sure that all parties of interest shown on the title policy (including mortgage holders) either sign the easement documents themselves or a Subordination Agreement. Please be aware that the titie policy may indicate that additional documentation is necessary to complete the acceptance process.

Prior to preparing stamping sets, the Applicant is advised to provide any revised sheets directly to the Engineering Department for an informal review and approval.

Please contact Adam Wayne at (248) 735-5648 with any questions.


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Barbara McBeth, AICP
Deputy Director of Community Development
City of Novi
45175 W. Ten Mile Rd.
Novi, MI 48375
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SUBJECT: Triangle Place / Haggerty Retail Development, JSP13-0053, Traffic Review of Preliminary Site Plan, PSP13-0122, and Final Site Plan, PSP13-0123

Dear Ms. McBeth:

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

## Recommendation

We recommend approval of only the preliminary site plan, subject to the items shown below in bold being satisfactorily addressed on a revised final site plan.

## Special Comment

It should be noted for the record that the P.R.O. concept plan for this site (copy attached) underwent significant improvements as it worked its way in 2008 to a final stamping set that has since expired (copy also attached). The plan now under review, however, largely deletes those improvements, and for this reason alone, should not be approved as a final site plan.

## Site Description

What is the applicant proposing, and what are the surrounding land uses and road network?

1. The applicant is proposing to construct a $2,420-$ s.f. retail building with no specific planned use indicated. The site plan shows a total of 13 parking spaces served by a single access drive, but states that 12 spaces are required and 12 are provided. Since the one required and proposed barrier-free space should be included in the total parking count, the plan should list 13 spaces as being provided.
2. Immediately east of the subject site, in the City of Farmington Hills, there is a large mixed-use commercial site served by a single access drive on Haggerty Road (see attached photos). That site features a Holiday Inn Express, gas station, car wash, and fast-food restaurant.
3. Haggerty Road is a five-lane, 45-mph arterial under the jurisdiction of the Road Commission for Oakland County. There is a traffic signal serving other commercial drives roughly 300 ft to the south, a wide gravel shoulder along most of the site frontage, and a short deceleration lane for the neighboring commercial property to the east and north.

## Trip Generation and Traffic Impact Study

How much new traffic would be generated? Was a traffic study completed and was it acceptable?
4. The P.R.O. concept plan for this site apparently was approved in the 2008-2008 timeframe (when we were not the City's traffic consultant) without the benefit of either a trip generation forecast or traffic study. We have therefore developed the following table to show the wide range of potential trip generation.

Potential Driveway Trips for 2,420-s.f. Retail Building ${ }^{1}$

| Land Use | ITE <br> Use | Weekday | AM Peak Hour |  |  | PM Peak Hour |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | In | Out | Total | In | Out | Total |
| Specialty Retail | 826 | 107 | 1 | 1 | 2 | 3 | 4 | 7 |
| Convenience Market | 851 | 1,786 | 81 | 81 | 162 | 65 | 62 | 127 |
| Coffee/Donut Shop w/o Drive-Through Window | 936 | Unknown | 134 | 128 | 262 | 49 | 50 | 99 |

${ }^{1}$ A trip is a one-directional movement into or out of the site. Forecasted trips based on the latest ITE data and methodology, but do not reflect credit for pass-by trips not new to Haggerty Road. ITE's average Shopping Center rate assumed for Specialty Retail in the AM peak hour.
5. As can be seen above, the site's potential trip generation varies widely, depending on the specific use. The Planning Commission should discuss the building's potential use with the applicant, and based on the above trip forecasts, decide to either require or waive the City's ordinary requirement for a traffic impact study (by published City policy, the numbers for a convenience market require an impact assessment, and the AM numbers for a coffee/donut shop require a full traffic impact statement).

## Vehicular Access Locations

Do the proposed driveway locations meet City spacing standards?
6. Yes. As now designed, the proposed access drive would be about 284 ft south of the nearest existing drive to the north and 318 ft north of the nearest existing drive to the south (near-curb to near-curb, versus a minimum required spacing of 230 ft for the $45-\mathrm{mph}$ speed limit). There are no opposite-side drives within the City's minimum spacing of 200 ft to the right (north) or 150 ft to the left (south).

## Vehicular Access Improvements

Will there be any improvements to the abutting road(s) at the proposed access point(s)?
7. No. A left-turn lane already exists on Haggerty, and neither the City nor RCOC has warrants for adding a right-turn lane on a multi-lane road.

## Access Drive Design and Control

Are the proposed design, pavement markings, and signage satisfactory?

> Page
8. No. The following improvements, most already made in the previously approved final site plan, need to be made in the current plan:
a. The driveway width should be increased to the City standard of 30 ft (back-to-back).
b. The entering (south) curb return should transition to the curb return into the first parking space via a straight taper (this is too short a section for a reverse curve).
c. A 24-inch STOP (R1-1) sign should be posted for exiting traffic, 4 ft in advance (east) of the Haggerty sidewalk.

## Pedestrian Access

Are pedestrians safely and reasonably accommodated?
9. No. We offer four comments on this issue, two already accommodated in the previously approved final site plan, one needing to be made in the current plan, and one that we believe should be considered for incorporation in the current plan:
a. As indicated in principle in the still-valid P.R.O. concept plan, there should be a sidewalk connection between the proposed building and the Haggerty Road sidewalk. However, that connection should occur north of the truck turnaround bay, so as to ensure that vehicles using that bay do not block this pedestrian route.
b. Given that the proposed north building elevation shows what appears to be a customer entrance on that end, the sidewalk along the west side of the building needs to be extended to serve that entrance.
c. The City standard width for a conventional right-of-way sidewalk is now 6 ft , so the proposed 5 -ft-wide walk along Haggerty must be widened by 1 ft .
d. We recommend that serious consideration be given to providing a sidewalk stub to at least the east property line, in line with one of the paint stripes between hotel parking spaces. Most businesses occupying the proposed new building would likely benefit from also seeing that stub extended another 27 ft to the hotel parking lot proper.

## Circulation and Parking

Can vehicles safely and conveniently maneuver through the site?
10. Per the previously approved final site plan, the sidewalk along the north side of the parking lot should be monolithic and at least 7 ft wide (not 6 ft as now proposed). Both a plan note and the needed elevation data should show this walk as rising only 4 inches above the adjacent pavement, so as to maximize vehicle overhang and allow the use of 17-ft-long abutting parking spaces (not 19.5 ft as now proposed).
11. The proposed 23.5 -ft-wide parking aisle must be widened to the $24-\mathrm{ft}$ standard.

Clearzoning * 28021 Southfield Road, Lathrup Village, Michigan 48076 • 248.423.1776
Planning - Zoning * Transportation
12. The curb along the south side of the parking lot should be limited to a 4 -inch height, and the abutting parking spaces shortened to 17 ft (to face of curb). On a related note, supporting elevation data should show that the top of the nearby retaining wall either will not rise more than 4 inches above grade, or will be 2 ft or more south of the revised back of curb.
13. The truck turnaround path now illustrated is for a single-unit truck only 26 ft long. At a minimum, the 30 - ft -long AASHTO single-unit truck should be accommodated on-site. Alternatively, if the City Fire Marshal so-requests, the City's largest fire truck should be accommodated (reasonably approximated by an AASHTO template for a full-size bus).
14. Per the previously approved final site plan, the positions of the barrier-free parking space and accompanying access aisle should be transposed (since most wheelchair lifts are on the right side of the vehicle).
15. The type of sidewalk ramp now proposed at the end of the barrier-free access aisle lacks the required 4 -ft-deep landing at the top, and should be replaced by a MDOT Type $P$ ramp, where the sidewalk ramps down to the access aisle from the sides.
16. Only a VAN ACCESSIBLE supplemental sign has been proposed. Both a MMUTCD-standard RESERVED PARKING [wheelchair symbol] ONLY sign (R7-8) and an accompanying VAN ACCESSIBLE sign (now called R7-8P rather than R7-8a) are needed. A detail should be provided for these signs, showing a reasonable facsimile of the two signs and a minimum mounting height (given their proximity to the sidewalk) of 7 ft under the main sign and 6 ft 3 inches under the supplemental sign.
17. The larger of the two turnaround bays, generally west of the building, should be bordered on its south side and crosshatched with 4-inch yellow striping, said hatching 4ft on-center. A NO PARKING LOADING ZONE (R7-8) sign should be proposed at least 2 ft behind the east curb or north sidewalk (applicant's choice of locations).
18. The deeper-than-normal turnaround tail at the east end of the parking lot should be bordered on its west side and crosshatched with 4 -inch yellow striping, said hatching $4-\mathrm{ft}$ on center. A NO PARKING ANY TIME sign (R7-1, with double-ended arrow at its bottom) should be proposed 1 ft inside the east property line (to provide maximum space for possible vehicle overhang).
19. A plan note is required specifying that the barrier-free parking space and accompanying access aisle will be marked in blue; the international Symbol of Accessibility (wheelchair) shown on the pavement marked in white; and undesignated parking spaces marked in white. Also per the MMUTCD, where the relocated access aisle abuts the first undesignated space, there should be abutting blue and white lines.
20. A Signing Quantities Table is required, listing each sign by description, MMUTCD sign code, size (where applicable, such as the requested 24 -inch STOP sign), and quantity.

## Sincerely,

CLEARZONING, INC.


Rodney L. Arroyo, AICP
President

## Wheteran $0.8 t_{i m}$ mon

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

## Attachments





Site Aerial for Proposed Triangle Place Retail Development


Looking South at Site Proposed for Triangle Place

LANDSCAPE REVIEW


## PLAN REVIEW CENTER REPORT

July 29, 2013
Preliminary \& Final Landscape Review
Triangle Development - JSP13-53
cibyotnoviorg

## Petitioner

Trowbridge Companies

## Review Type

Preliminary and Final Site Plan

## Property Characteristics

Site Location: East side of Haggerty Road, north of Eight Mile Road
Site Zoning: B-3, General Business with Planned Rezoning Overlay
Adjoining Zoning: North: Haggerty Road, OSC; East: ES (City of Formington Hills); West:
OSC: South: FS
Site Use(s): Vacant
Adjoining Uses: Northwest: Haggerty Road, Pump House, Michigan Heritage Bank; Northeast: Benihana, Coney Island (Farmington Hills); West: Regional detention basin, Sheraton Hotel (further west); South: Detention basin, Taco Bell (further south); East: Hotel (Farmington Hills)
Proposed Use: General Office/Retail
Site Size: $\quad 0.48$ acres
Plan Date: 05-23-13

## Recommendation

Approval of the Preliminary Site Plan for Triangle Place JSP13-53 is recommended.
Approval of the Final Site cannot be recommended until the Applicant can address the concerns listed below.

Please note that this project was previously approved. The plan was approved under a PRO agreement and included significant landscape. That approved site plan lapsed due to the extended period under which no site work commenced. The currently approved plan proposes $50 \%$ of the plantings originally proposed and approved.

Please address the concerns noted below upon subsequent submittal. Please respond in writing to document any site plan revisions made in regard to the concerns listed below.

## Ordinance Considerations

Adiacent to Residential - Buffer (Sec. 2509.3.a.)

1. The project site is not adjacent to residential property.

## Adjacent to Public Rights-of-Way - Berm (Wall) \& Buffer (Sec. 2509.3.b.)

1. A $3^{\prime}$ tall landscape buffer berm is required along the Haggerty Road frontage. Please depict the berm on the landscape plan.
2. The Landscape Design Manual requires shrub plantings on buffer berms to be staggered in a minimum two rows. Please adjust the plantings and add plants as necessary.
3. One canopy tree per 40 I.f. is required along the berm orea. This requirement has been met.
4. One subcanopy tree per 35 I.f. is required along the frontage of Meadowbrook Road. These have been provided.

Street Tree Requirements (Sec. $2509.3 . \mathrm{b}$.)

1. One street tree is required per 45 I.f. of road frontage. This requirement has been met directly an the project site. However, a stipulation in the PRO agreement called for the extension of the sidewalk and street tree plantings fram the southern baundary of the site to the next intersection. This extenuation has not been shown. Please include the extended sidewalk and street tree plantings on the landscape plan.

## Parking Landscape (Sec. 2509.3.c.)

1. Calculations have been provided for the required Parking Lot Landscape Area per Ordinance requirement. The Applicant is required to install a total of 438 square feet of Interior Parking Lot Landscape Area. This requirement has been met.
2. Perimeter Parking Lot Canapy Trees are required at one per 35 LF . Existing healthy trees and trees counted taward interior parking lot landscape may be counted toward this requirement. By virtue of the existing and praposed trees, the Applicant meets the perimeter planting requirement.
3. Existing canapy trees adjacent to the east baundary of the site must be protected with tree pratection fencing.

Building Foundation Landscape (Sec. 2509.3.d.)

1. Building foundation landscape should be continued along the west and north foundations at a minimum. A minimum 4, wide landscape bed is required.

## Plant List (LDM)

1. The Plant List meets the requirements of the Ordinance and Landscape Design Manual.

## Planting Details \& Notations (LDM)

1. Planting Details and Notations meet the requirements of the Ordinance and Landscape Design Manual.

## Irrigation (Sec. 2509 3.f.(6)(b))

1. All landscape areas are required to be irrigated. A note has been provided stating that the existing irrigation system will be appropriately modified in the area of the addition.

## General

1. Please see woodland and wetland reviews for additional comments.

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

Reviewed by: David R. Beschke, RLA

FAÇADE REVIEW

July 29, 2013
City of Novi Planning Department
45175 W. 10 Mile Rd.
Novi, MI 48375-3024
Attn: Ms. Barb McBeth - Director of Community Development

## Re: FACADE ORDINANCE - Preliminary \& Final Site Plan Review Triangle Place, PSP13-0122

Façade Region: 1, Zoning District: FS, Building Size: 2,420 S.F.

## Dear Ms. McBeth:

The following is the Facade Review for Preliminary and Final Site Plan Approval of the above referenced project based on the drawings prepared by MGA Architects, dated June 28, 2013. The percentages of materials proposed for each façade are as shown on the table below. The maximum percentages allowed by the Schedule Regulating Facade Materials of Ordinance Section 2520 are shown in the right hand column. Materials in non-compliance with the Facade Schedule, if any, are highlighted in bold.

| Façade Region | West <br> (Front) | South | East | North | Ordmance <br> Maximum <br> (Minimum) |
| :--- | :---: | :---: | :---: | :---: | :---: |
| Brick | $30 \%$ | $66 \%$ | $47 \%$ | $66 \%$ | $100 \%(30 \%$ Min) |$|$| $25 \%$ |  |  |  |
| :--- | :---: | :---: | :---: |
| Asphalt Shingles | $48 \%$ | $7 \%$ | $46 \%$ |
| Stone | $6 \%$ | $0 \%$ | $0 \%$ |
| EIFS | $2 \%$ | $1 \%$ | $0 \%$ |
| Painted Trim | $3 \%$ | $15 \%$ | $2 \%$ |
| Split Faced CMU | $4 \%$ | $6 \%$ | $5 \%$ |
| Amings (Standing Seam Metal?) | $7 \%$ | $5 \%$ | $0 \%$ |

As shown above the percentage of Asphalt Shingles exceeds the maximum percentage allowed by the Façade Ordinance on the west and east façades. A Section 9 Waiver is required for this deviation from the Façade Chart.

No sample board was provided for this project. The material used for the awnings is not specified; it is assumed to be Standing Seam Metal for this review. The material used on the upper wall of the north elevation is not specified; it is assumed to be Brick. This project falls under the PRO Agreement, recorded in Oakland County, liber 40345 , page 245, on $5 / 30 / 2008$. The PRO states that "The building design, façade, and elevations shall be substantially similar (as determined by the City) to that submitted as part of the Owner's final approval request, as depicted in Exhibit B."

Recommendation - The percentage of Asphalt Shingles is consistent with the Section 9 Waiver previously granted by the Planning Commission during their April 30, 2008 meeting. A condition of that approval was that all wood siding be replaced with brick. It is our recommendation that the overall architectural design is consistent with the intent and purpose of the Façade Ordinance. A Section 9 Waiver is recommended for the overage of Asphalt Shingles. This is contingent upon the applicant providing the following prior to the Planning Commission Meeting;

1. A sample board indicating carefully coordinated earth tone colors for all façade materials.
2. Clarification that the awnings are in fact standing seam metal.
3. Clarification that the upper wall of the north elevation is in fact brick (the use of wood siding or similar material would be inconsistent with the original Section 9 Waiver).

With respect to the PRO Agreement, while the proposed façade represents a different style of architecture and utilizes materials other than those depicted in Exhibit B of the PRO Agreement, we believe that the overall aesthetic quality of the proposed design is generally consistent to the PRO façade.

# Notes to the Applicant: Façade Ordinance requires inspections) for all projects. Materials displayed on the approved sample board will be compared to materials delivered to the site. It is the applicant's responsibility to request the inspection of each façade material at the appropriate time. Inspections may be requested using the Novi Building Department's Online Inspection Portal with the following link. Please click on "Click here to Request an Inspection" under "Contractors", then click "Façade". 

## http://www.cityofnovi.org/Services/CommDev/OnlineInspectionPortal.asp.

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

## Sincerely,

DRN\& Associates, Architects PC


Douglas R. Necci, AIA

FIRE REVIEW


July 10, 2013,

TO: Barbara McBeth, Deputy Director of Community Development
RE: Triangle Place, (f.k.a. Haggerty Road Development) Final Site Plan

CITY COUNCIL

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Bob Gatt
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Victor C.M. Lauri
Assistant Chief of Police Jerrod S. Hart

SP\#: SP07-22B
PSP13-0122

## Project Description:

This project was previously reviewed on $5 / 31 / 2007,4 / 3 / 2008$, and $9 / 18 / 2008$. All reviews were approved at that time.

## Comments:

No changes have been made since last review.

## Recommendation:

The above plan has been re-reviewed and is recommended for APPROVAL.

Sincerely,


Andrew Copeland - FPO/Inspector II - CFPE City of Novi - Fire Dept.
cc: file

# ACR INVESTMENTS, LLC 

2617 Beacon Hill Drive Auburn Hills, Michigan 48326

August 19, 2013
Ms. Kristen Kapelanski, AICP
Planner
City of Novi
45175 West Ten Mile Road
Novi, Michigan 48375
Subject: Triangle Place
Review comments
Dear Kristen:
We are in receipt of the Novi review letters received from your office via emai on July 31, 2013.
We intend to comply with the notations and requests contained in these review letters.
Sincerely
ACR Investments, LLC

Anthony Randazzo, Member

PLANNED REZONING OVERLAY AGREEMENT


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## PLANNED RTZONTVE OVERLAY (PRO) AGREEMENT FAGGERTYROAD DEVELOPMENT

AGRMEMENT, by and among ACR investments, ILC, a Michigan limited liability - company whose address is 2617 Eescon Hill, Album Hills, MI 48326 (referred to as "Developer"); and Jeffrey Rotherg, whose address is 2640 Heathfield Road, Bloomfield Fills, MI 48301 ("Fee Owner"); and the City of Noyi, 45175 West Ten Mile Rod, Novi, MI 48375-3024 ("City").

## RECITATIONS:

I. Fee Owner is the fee owner of the "Land" described on Extubtit A, attached and incorporated herein. Developer lias an option to purchase the Land. Fee Owner and Developer shall be referred to jointly in this Agreement as the. Owner. The representations contained herein and the Uncertalcings set forth shall apply with equal force and effect as to each.
I. For purposes of improving and using the Land for an approximately 2,500 square foot office or retail building, Owner petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from FS, Freeway Service District, to B-3, General Business District. The FS classiacation shall be referred to as the "Existing classification" and B-3 shall be referred to as the "Proposed Classification."

III, The Proposed Classification would provide the Owner with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Owner.
IV. The City has reviewed and approved the Owner's proposed petition to amend the zoning district classinieation of the Ind from the Existing Classincation to the Proposed Classification under the tams of the Planed Rezoning Overlay (FRO) provisions of the City's Zoning Ordinance; has reviewed the Owner's proposed PRO Flan (including building façade, elevations, ard design) attached hereto and incorporated herein as Exhibit B (the 'PRO Plan"), which is a conceptual or illustrative plan for the potential development of the Land under the Proposed Classification, and not an approval to construct the proposed improvements as
shown; and has further reviewed the proposed PRO conditions offers or accepted by the Owner.
V. In proposing the Proposed Classincation to the City, Owner has expressed as a firm and unalterable intent that Owner will develop and use the Land in conformance with the following undertakings by Owner, as well as the following forbearances by the Owner (each and every one of such undertakings and forbeararices shall together be referee to as the "Undertakings"):
A. Owner shall develop and use the Ind solely for an approximately 2,500 square foot office or retail bruiting (with appropriate paring and site improvements), to the extent permitted under the Proposed Classification. Owner shall forbear foo developing and/or wising the Land is any manna: other than as authorized ardor limited by this Agreement.
B. Owner shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable height, area, and bulk requirements of tie Zoning Ordinates as relates to the Proposal Classification, except as expressly authorized herein. The PRO Plan is acknowledged by both the City and Owner to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City's ordinances, males, or regulations are depicted in the PRO Plan are approved by yixue of this Axtement; however, except as to such specific deviations enumerated herein the Owner's right to develop the office or retail building under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, bat not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, facade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement. The building design, facade, and elevations shall be substantially similar (as determined by the City) to that submitted as part of the Owner's final approval request as depicted in Exhibit B.
C. In addition to any other ordinance requirements, Owner shall seek, obtain approval for, and use best management practices and efforts with respect to all stomp water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the daveicpment contemplated in the Proposed Classification.
D. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to \$3402.D.I.c of the City "s zoning ordinance.

## Lecta 40345 PC2 47

1. A 16 -foot rear yari sethacic deviation (20 feet requireit. 4 feet provided).
2. A 10 -foot deviation for front yard pariting setback (20 feet required, 10 feet provided).
3. A 6 -foot deviation for rear yari parding setback ( 10 feet tequired, 4 feet providef).
4. Placement of the loading aone on the west side of the building in the front yard (rear yard placement reçuired under $\$ 2507$ of the zoning crdinarce.
5. At the Owner's ontiog but subject to approval by the City, either ह screening wall in lien of the required berm (wall to be 6 feet high and constacted of fecorative masonry or brick matching the building façade mateinals) or lanoscapitg to provide an testictically approptiate sereening or separation.
6. Placement of a 10 -Foot wide greenbelt along the rorthern most side of the parling !ot, rather than the 20 -foot greenbelt (with 3-foot high bem with 2 -foot wide orest) along the Haggerty Road frontage of the parking let.
E. The following PRO Conditions shall apply to the Land andior be undertaken by Owner:
7. The following principal permited oses andor special uses listed in the B-3 zoning district regulations are not penotitad on the property:

- Off-stret parkigg lots
- Restanants having the character of a drive in or having a dive-through window
* Theaters, assembly halls, concert halls, museums or similar places of assembly whan conducted completely within enclosed buildings
- Business schools and colleges or private scinools cperatec for profit
- Day Care Centers and Adult Day Cara Centers
- Private clubs, fratemal organizations, and locge lialls
- Hotels and motels
- Moruary estabishments
- Auto wasin
- Bus passenger stations
- New and used car salesroom, showroom, or ofifce
- Tattoo pariors
- Outdoor space for exclusive sale of new or used automobiles, campers, recreation velicles, mobile homes, or rental of tailers or automobiles
- Businesses in the thamacter of a drive-in or open front store


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- Plant materials mursery for the retail sale of plant materials and sates of lawn furmiturs, playground equipment and garden supplies
- Public or private indicor recreational facilities
- Mini-luze or quick cil change establishnent
- Gasoline service station and autornobile repair
- Motels, hotels, and transient lodging facilities

2. Owner shail extend public sidewall for approximately 180 linear feet along the acjacent property to the south of the sabject property to complete the sidewalk connection, as shown on the PRO plan.
3. Owaer shall provide additionat landscaping along the adjacent property (if permitted by the adjacent property owner) as shown on the PRO plan, If the adjacent properiy owner coes not allow such landscaping, Owner stall provide an equivalent amount of landscaping along City-owned property on the west side of Haggerty Road, as shown on the attacbed alternate plan, Exhioit C. After the maintanance and gluarantee period for such landscaping: Owner shall not be responsible for its maintenance or upkeep.
4. If Owner is able to secure approval to fischarge stomwater from the Iand to the stommater retention area on the west siee of Haggerty Road (as opposed to dealing with it through typical onsite retention), Ownee shall entend the public sidewalic approximately 500 linear feet along the City-owned property on the west side of Haggenty Road, as shown on the PRO plan.

NOW, IHEREFORE, IT IS AGREEDAS FOLLOFS:

1. Upon the Froposed Classification becoming final following entry into this Agreement:
a. The Undertakings shall be caried out by Owner on and for the Land;
b. Oynar stall act in conformance with the Undertatings;
c. The Owner sball forbear from acting in a manner inconsistent with the Undertalingss and
d. The Owner shatl commence and complete all actions necessary to carry out all of the PRO Conditions.
2. In the eyent Owner attempts to or proceeds with achons to complete improyement of the Land in any manner other than as an approximataly 2,500 square foot office or commercial building as shown on Exhibit B, the Clity shall be authonized to

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$$

fevole all outstanding building penntis and certincates of occupancy issned for such building and use.
3. Owner ackewnedges and agrees that the City has not required the Undertaingas, The Undertakings have been voluntarily offered by Owner in order to provide an enhanced use end value of the Land, to protect the public safety and welfare, and to induce the City to razone the Land to the Proposed Classincation so as to provice material advantages and development options for the Owner.
4. All of the Undertakings represent actions, inprovements, andor forbearances that are directly beneficial to the Land and/or to the develooment of andor matketing of the office or retail buitaing on the Land. The burden of the Undertalings on the Owner is roughly proporionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Uridertalings.
5. In addition to te provisions in Faragraph 2, :bove, in the event the Onfar, or its respective successors, assigns, andor transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertalings, the City shall, Following notice and a reasonable opportunity to curs, have the right and option to taice action using the procedure prescribed by law for the amendrnent of the Master Plan and Zoning Ordinanca applicable to the Land to ameud the Master Plan and zoning classifications of the Land to a reasonable classification determined approviate by the City, and neither the Owner nor its respective successcrs, assigns, and/or transferees, sian have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Owner shall be estopped fromobjecting to the rezoning and raclassification to such reasonable classifications based upon the argument that such action represents a "downzoning" or based mon any other argument relating to the approval of the Eroposed Classinication and use of the Land; provided, this provision shall not preclude Owner from oitrenwise challenging the reasorableness of such rezoning as applied to the Land.
6. By execntion of this Agrement, Owner ackacwledges that it has acter in consideration of the City approving the Proposed Clusification on the Land, and Owner agrees to be bound by the provisions of this Agrement.
7. After consulting with an attorney, the Owner understands and agrses that this Arreenent is muftorized by and consistent with all applicable state and federal laws and Constitutions, that the terms of this Agreement are reasomble, that it shall be estopped from taking a contrary position in the futire, and, that the City shall be entitled to iujunctive relief to prokibit any actions by the Owner inconsistent with the terms of this Acreement.
8. This Agrement shall be binding upon and inure to the benafit of the parties to this Agreenent and their respective heirs, successors, assigns and transferees, and

## $46 C R 40345 \mathrm{FP} 250$

m affilavit providing notice of this Agrement may be recorded by either party with the ofice of the Oaknan County Register of Deeds mover
9. The Zoning Board of Appeals (CBA) Shall Iave no jurisdiction over the Property or the application of this Agreement until after site plan approval and construction of the development as approved fherein.
10. No waiver of any breacin of this Agrement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and constried as cumulative, that is, in addition to every other remedy provided by law.
11. This Agreament stali be moverned ty the laws of the Stete of Mchigan, both as to interprtation and performance. Any and all suits for any and every breach of this Agreemani may be instinted and maintained in any court of competent jurisdiction in the Counly of Oaldand, State of Michigan.
12. This Agreamant may be signed in conterpats.

## WITNESSES:



Print Name:
EEE OWNER


STATE OF MICHGGAN ) COUNTYOFOAIELAND )
 who stales that an hes signed fris document of his own free will duly authorized on bebalf of the company,

WHTVESES:


## EELS 045 Fe 25



## STATE OF MOHEGAN

 ) ) ss.COUNTY OE OAKLAND )
On this $2^{\text {no }}$ day of May 2008 , before me appeared Anthony Randazzo of Managing Member of ACR Investments, ILC, a Michigan limited liability company, who states that he has signed this document of bis own free will duly authorized on behalf of the company.

> FACE MARSH
> Nolarg Putific, State of Nichigain
> county or Oakfanc
> Wy Commission Expires Fast. 11, 2013
> Acting in the County at ceseroun



Pit Name:


Print Name:

## STATE OFMCHIGAN )

COUNTY OF OAKLAND
On this G 6 th day of May 2008, before me appeared David B. Landry Major and Maryann Cornelius who stated that they had signed this document of her own fee will on behalf of the City of Nova in their respective official capacities, as stated above of O Vet

## Mowt A Jontma Notarymblicy

## Duafed by:

Thomas R. Schultz 30903 Northwestern Highway Farmington Eills, MI 4833荌

When resorueciretun to:
Maryanne Cormelus, Clerls
Cily of Novi
45175 Weat Ten Mile Road Novi, M48575-3024

## 1055962

SECTION 36, T. 1 S., R. 8 E.
CITY OF NOVI
OAKLAND COUNTY, MICHIGAN

## EXHIBIT A

SURVEY / LEGAL DESCRIPTION


A PARCEL OF LANO IN THE SOUTHEAST $1 / 4$ OF SECTION 36 , TOWN 1 NORTH, RANGE a EAST. IN THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN BEGINNING AT THE POINT DISTANT NORTH 01 DEGREES 52 MINUTES 04 SECONDS WEST 1175.00 FEET FROM THE SOUTHEAST SECTION CORNER, THENCE NORTH 86 DEGREES 04 MINUTES 35 SECONDS WEST 129.87 FEET, THENCE SOUTH 31 DEGREES 07 MINUTES 56 SECONOS WEST 94.67 FEET TO EASTERLY RIGHT OF WAY LINE. HAGGERTY ROAD. THENCE NORTH 27 DEGREES 22 MINUTES 11 SECONDS EAST 195.67 FEET, THiENCE NORTH 18 DEGREES 36 MINUTES 25 SECCNDS EAST 243.28 FEET TO THE EAST SECTION LINE. THENCE SOUTH O1 DEGREEES S2 MINUTES O4 SECONDS EAST 332.54 FEET TO THE PCINT CF BEGINNING.

|  |  | $\stackrel{25}{2}$ |  |
| :---: | :---: | :---: | :---: |
| - - Found Survey Corner Sheel I ol 1 |  | SURVEY EXHIBIT |  |
|  |  | HAGGERTY OFFICE |  |
| ( DIFFIN Development Consu |  | CITY OF NOVI. OAKLAND COUNTY, MICHIGAN |  |
|  |  | Dote: | 2-16-07 |
| CIVIL ENGINEERING - SURVEYING - CONSTRUCTION SERVICES |  | Drown by: | so |
| 22660 TRILLIUM DRIVE. NOVI MI 48375PH: 248 ) 943 -8244, FAX: $(866)$ ( $690-4307$ |  | Approved 8y: | MD |
|  |  | Project No:: | 060610 |
| WES: dififindevelopment.com |  | Drawing No.: |  |





Location
Zoning
Future Land Use
Natural Features











general landscape notes:

为


 Eveder ond









$\xrightarrow[5]{18}$



plant material list


隹



## landscape requirements:

| street trees | Reaureo | PROMIDED |
| :---: | :---: | :---: |
| R.O.W. (H,AGGERTY ROAD) <br> LARGE CANOPY TREE PER 45' ROAD FRONT,AGE <br> 345' LIN. FT. | - | 8 |
| greenbelt requirements | Requred | provided |
|  | 8 | \% |
|  | 14 | 14 |
| building foundation | eeaured | provid |
|  | 18498 cart. |  |
| parking lot trees (OFFICE-CATEOORY-1) |  |  |
|  | 2398 |  |
| VEHICULARACC2,3 <br> VEHICULAR AREA FORMULA |  |  |
|  |  |  |
|  |  |  |
|  | 4388 sapt | 6T8 Sapt |
|  | ¢ TREES | 6 TREES |

 landscape maintenance notes:




cost estimate summary



and




 $\mid$ mound to torm tree saucer.



 | $\substack{\text { scaritysugrade and llanting pil } \\ \text { sides } 1044 \text { t deppt. }}$ |
| :--- |

$$
\begin{aligned}
& \text { Afocinaning mixture. amend soil per site } \\
& \text { Alondions and roquirements of plants. }
\end{aligned}
$$

shrub planting detail



suggrade. grade.
$\frac{\text { perennial planting detail }}{\text { nos call }}$

FPA





TROWBRIDGE Companies
 mh. 1288 287.5.580

HAGGERTY RETAIL DEVELOPMENT
$\qquad$
Haggerty Road
City of Novi,
Michigan
Shect title:
$\qquad$




Ls-1



SOUTH ELEVATION


$\frac{\text { NORTH ELEVATION }}{\text { SCALE: } 1 / 4^{\prime \prime}=1-\text { On }^{\prime \prime}}$


## 


$\frac{\text { DROP MANHOLE CONNECTION }}{\text { SEE NOTE H6 }}$


BACKFILLING $\mathbb{N}$ THE AREAS OF STREETS, ALLEYS, SIDEWALKS, DRIVES \& PARKING AREA


BEDDING \& TRENCH WIDTH REQUIREMENT


TOP VIEW OF MANHOLE

KOR-N-TEE METHOD C COR CONCRETE PIPE


DETAIL OF SANITARY SEWER CLEANOUT


| STANDARD MANHOLE |
| :---: |
| FOR PIPE SIZES $24^{n}$ \& SMALLER |




SEWER TAP TO EXISTING MANHOLE

section A-A
CONE DETAIL




DETAIL FOR D．I．P．
TAPPING SLEEVE VALVE \＆WELL

DETAIL OF PRECAST CONCRETE GATE WELL


DETAIL OF BRICK GATE WELL


TYPICAL WATER MAIN UTLLITY CROSSING


DITCH AND STREAM CROSSING


DETAIL FOR CONCRETE PIPE TAPPING SLEEVE VALVE \＆WELL


COVER LETTERING DETAIL
CALFOR ALL CAST
TYPE $A$ A COVR

Detanle construvoron notes




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