



CITY of NOVI CITY COUNCIL

Agenda Item G
January 7, 2013

SUBJECT: Approval of a request from Great Oaks Landscape Associates, Inc. for a variance from Section 11-239(b)(1) of the Design and Construction Standards requiring all parking areas, including parking spaces and maneuvering lanes, to be hard-curbed to allow the installation of an uncurbed commercial driveway. The applicant has demonstrated that enforcement of the standard cross-section would result in a substantial hardship in conducting landscape business operations on this site.

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division ^{PK} *BTC*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Great Oaks Landscape Associates Inc. has submitted a site plan to construct a new commercial driveway on West Park Drive. The applicant is requesting a variance from Section 11-239(b)(1) of the Design and Construction Standards to allow construction of a new uncurbed driveway connecting to West Park Drive, rather than a curbed driveway as required by the ordinance. The driveway approach within the right-of-way would be constructed out of asphalt and curbed to match the existing materials of West Park Drive; however, the 150-foot wide connection between the drive approach and the existing gravel parking area is proposed to be uncurbed (see attached drawing for additional detail). The new driveway on West Park Drive would potentially serve as an access point for crew trucks and plant/material deliveries to the existing landscape business.

The applicant contends that requiring a curbed driveway outside of the right-of-way would significantly interfere with daily operations. The attached letter from the applicant dated November 20, 2012 states that the uncurbed driveway is a critical element for maximizing efficiency of the landscape business's operations. In addition, the applicant states that any curbing outside of the right-of-way would be damaged by equipment due to the loading and unloading of materials.

Based upon the proposed design, an uncurbed asphalt driveway would not deviate significantly from the performance of the standard cross-section if constructed to meet minimum asphalt and aggregate thicknesses. Further, the applicant has demonstrated that enforcement of the standard cross-section would result in substantial hardship to the business's operation. For these reasons, the Engineering Division takes no exceptions to the request for variance from the Design and Construction Standards.

The request was also reviewed by the Community Development Department, Landscape Architect, City Attorney, Fire Department, and DPS Field Operations Division. There were no concerns from the other reviewing departments.

RECOMMENDED ACTION: Approval of a request from Great Oaks Landscape Associates, Inc. for a variance from Section 11-239(b)(1) of the Design and Construction Standards requiring all parking areas, including parking spaces and maneuvering lanes, to be hard-curbed to allow the installation of an uncurbed commercial driveway. The applicant has demonstrated that enforcement of the standard cross-section would result in a substantial hardship in conducting landscape business operations on this site.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

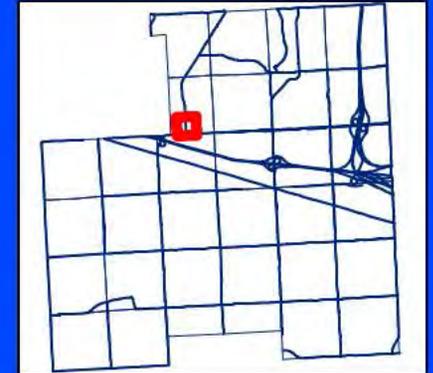
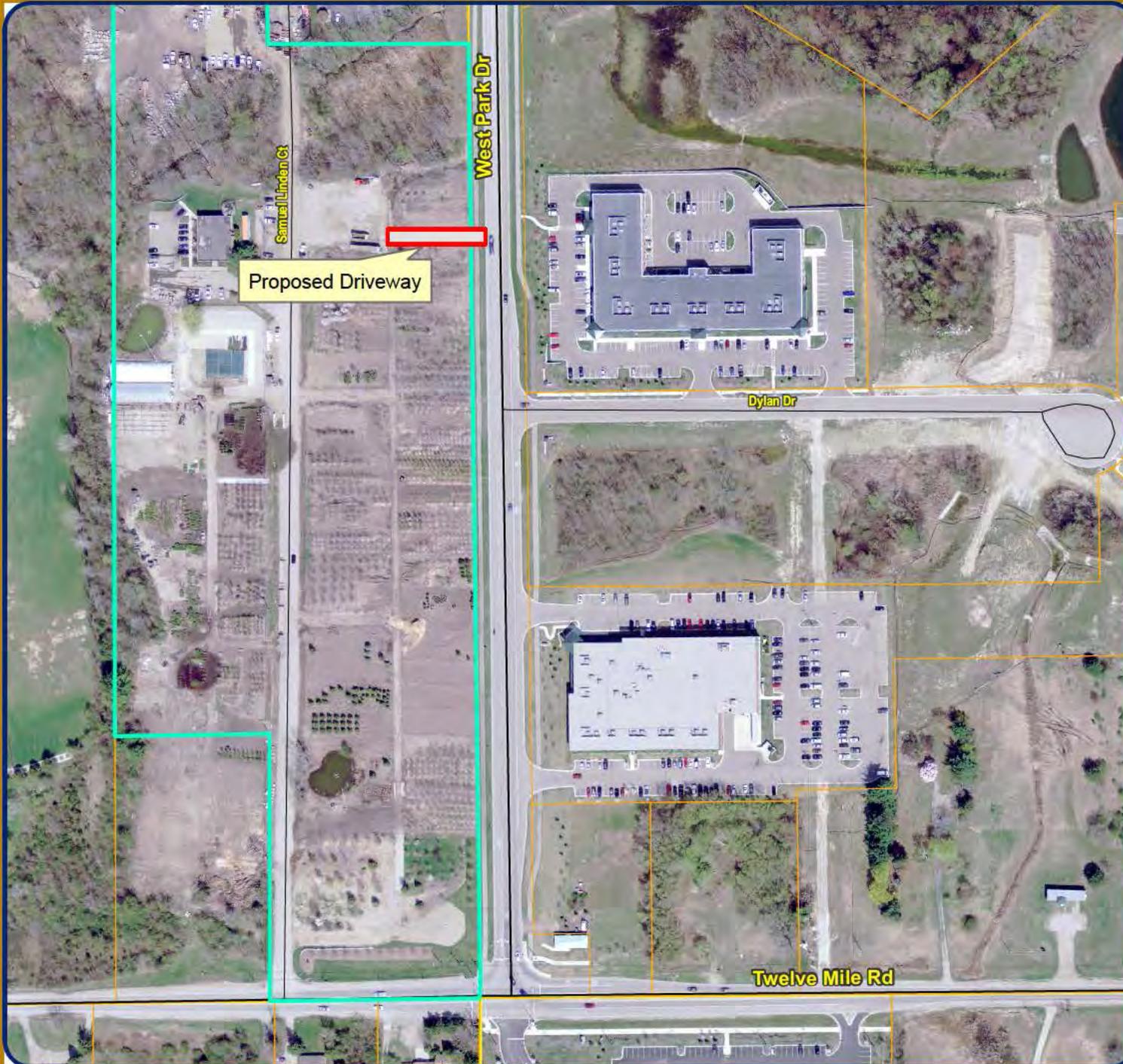
DESIGN AND CONSTRUCTION STANDARDS

Sec. 11-239. - Driveways and parking lots.

(b) *Design standards.*

- (1) *Driveway and parking lot surfacing requirements.* The entire parking area including parking spaces and maneuvering lanes are required to be hard-surfaced and curbed. Exceptions will be made for private utility service driveways for facilities providing an accessory use. Minimum pavement standards include: For asphalt pavement, three (3) inches asphalt over eight (8) inches aggregate base; for concrete pavement, six (6) inches concrete over properly compacted subgrade. Core reports are required to be provided by the contractor for asphalt paving at the direction of the city engineer. All curbing must be concrete; no asphalt curbs will be allowed.

Great Oaks Landscape Proposed Driveway

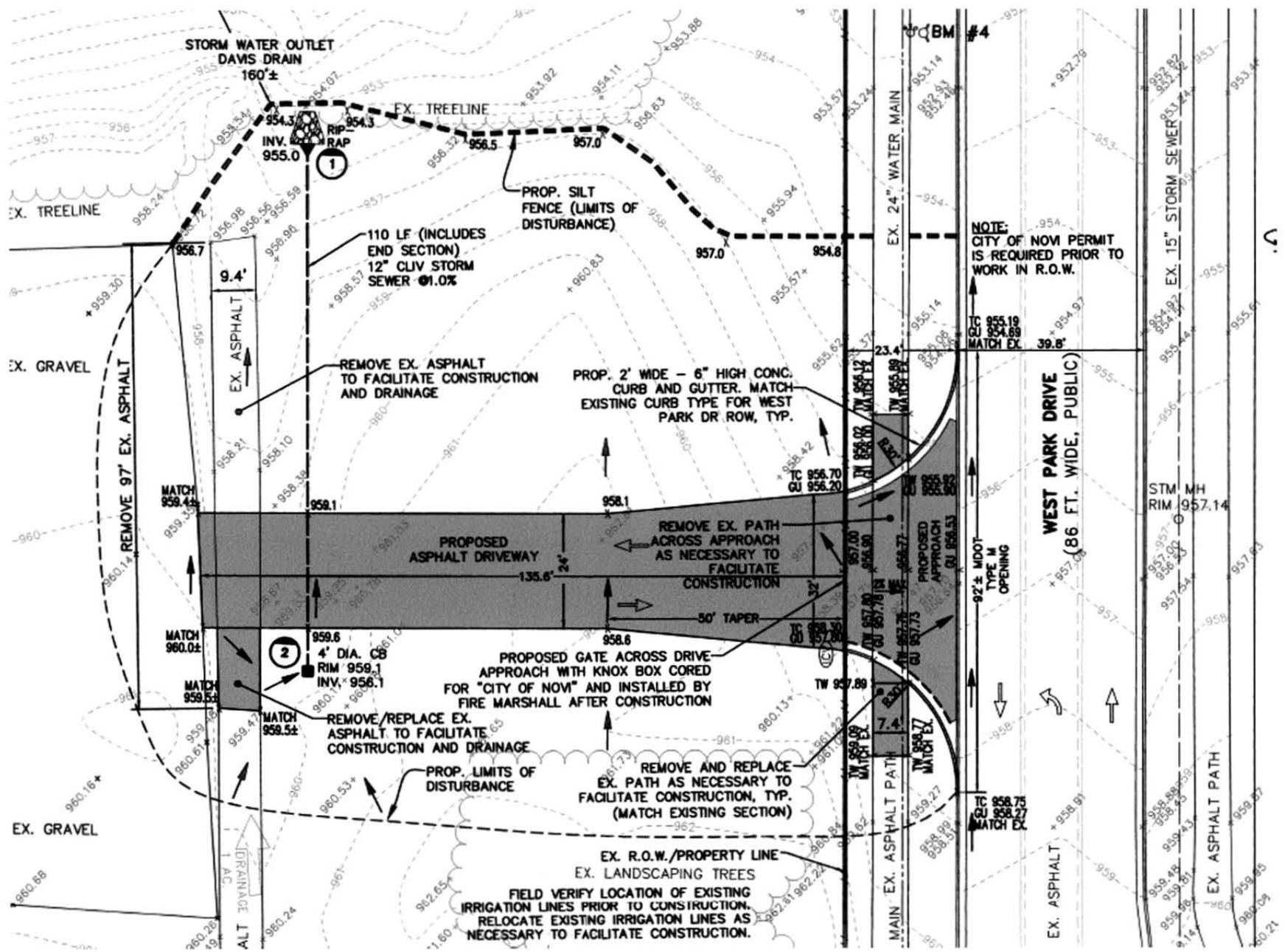


City of Novi
 Engineering Division
 Department of Public Services
 26300 Lee BeGole Drive
 Novi, MI 48375
 cityofnovi.org

Map Author: A. Wayne
 Date: October 15, 2012
 Project:
 Version #:

Amended By:
 Date:
 Department:

MAP INTERPRETATION NOTICE
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



STORM WATER OUTLET
DAVIS DRAIN
160'±

INV. 955.0
RIP
RAP

110 LF (INCLUDES
END SECTION)
12" CLV STORM
SEWER @1.0%

PROP. SILT
FENCE (LIMITS OF
DISTURBANCE)

9.4'

EX. ASPHALT

REMOVE EX. ASPHALT
TO FACILITATE CONSTRUCTION
AND DRAINAGE

PROP. 2' WIDE - 6" HIGH CONC.
CURB AND GUTTER. MATCH
EXISTING CURB TYPE FOR WEST
PARK DR ROW, TYP.

PROPOSED
ASPHALT DRIVEWAY

REMOVE EX. PATH
ACROSS APPROACH
AS NECESSARY TO
FACILITATE
CONSTRUCTION

50' TAPER

PROPOSED GATE ACROSS DRIVE
APPROACH WITH KNOX BOX CORED
FOR "CITY OF NOV" AND INSTALLED BY
FIRE MARSHALL AFTER CONSTRUCTION

REMOVE/REPLACE EX.
ASPHALT TO FACILITATE
CONSTRUCTION AND DRAINAGE

PROP. LIMITS OF
DISTURBANCE

REMOVE AND REPLACE
EX. PATH AS NECESSARY TO
FACILITATE CONSTRUCTION, TYP.
(MATCH EXISTING SECTION)

EX. R.O.W./PROPERTY LINE

EX. LANDSCAPING TREES

FIELD VERIFY LOCATION OF EXISTING
IRRIGATION LINES PRIOR TO CONSTRUCTION.
RELOCATE EXISTING IRRIGATION LINES AS
NECESSARY TO FACILITATE CONSTRUCTION.

NOTE:
CITY OF NOV PERMIT
IS REQUIRED PRIOR TO
WORK IN R.O.W.

WEST PARK DRIVE
(86 FT. WIDE, PUBLIC)

STM MH
RIM 957.14

EX. ASPHALT PATH

EX. 24" WATER MAIN

MAIN EX. ASPHALT PATH

BM #4

EX. 15" STORM SEWER

92'± MDOT
TYPE M
OPENING

TC 958.75
GU 958.27
MATCH EX.

TC 955.19
GU 954.69
MATCH EX.

ALT DRAINAGE
1 AC

EX. GRAVEL

EX. GRAVEL

REMOVE 97' EX. ASPHALT

MATCH 958.4±

MATCH 960.0±

MATCH 959.5±

959.6

4' DIA. CS

RIM 959.1

INV. 956.1

MATCH 959.5±

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Request for Variance Design and Construction Standards

Applicant Information

Name: GREAT OAKS LANDSCAPE

Address: 28025 SAMUEL LINDEN
NOVI, MI 48377

Phone No: 248 349 8585

Engineer Information

Name: ALPINE ENGINEERING INC.

Address: 46892 WEST ROAD, ST. 109
NOVI, MI 48377

Phone No: 248.926.3701

Applicant Status (please check one):

- Property Owner Developer Developer / Owner Representative
 Other _____

Project Name GREAT OAKS LANDSCAPE DRIVEWAY PLAN

Project Address/Location _____

Variance Request GRAVEL DRIVEWAY

Justification (attach additional pages if necessary)

SEE ATTACHED

Great Oaks Landscape Associates, Inc. (Great Oaks) currently has one (1) ingress and egress point at 12 Mile Road via Samuel Linden Court. Great Oaks is proposing an additional driveway connection to West Park Drive to improve site ingress and egress which will also provide an alternate point of ingress and egress for emergency access. The driveway approach within the West Park Drive right-of-way is to be paved per City Design and Construction Standards. The on-site drive lane is proposed as gravel from the West Park Drive right-of-way to an existing on-site gravel parking lot. The proposed gravel drive lane will help prevent mud from being tracked onto public streets from the landscape yard. Great Oaks respectfully requests relief from the City Design and Construction Standards to allow for an on-site gravel drive lane.

We currently have 20-30 Crew trucks leaving the property and returning every week day. We take delivery of plants and other materials at various times during the business day.

LANDSCAPE ARCHITECTURE
CONTRACTORS
HORTICULTURAL SERVICES
NURSERY
ALL SEASON MAINTENANCE



GREAT OAKS
LANDSCAPE

November 20, 2012

Kristen Kaplanski
City of Novi Community Development Department
45175 West 10 Mile Rd.
Novi, MI 48375

RE: PROPOSED DRIVEWAY APPLICATION

Dear Kristen

As you know, we have submitted plans for the construction of an on-site driveway from our property onto West Park Rd. We currently have only 1 existing ingress and egress point from our property at 12 Mile rd. via Samuel Linden Ct. We are proposing the additional driveway connection to West Park Drive to improve our normal site ingress and egress, as well as provide an alternate point of ingress and egress for emergency access.

We are respectfully requesting relief from the City of Novi Design and Construction Standards that require curb and gutter to be installed as a part of the proposed driveway construction. Currently, the existing on-site pavement section of Samuel Linden Ct. does not include a curb and gutter. This is due to our daily landscape operations that require the constant loading and unloading of plant and other landscape materials. We believe our ability to drive on and over the asphalt drive lanes at any point is a critical element for maximizing efficiency within our landscape operations. If a standard curb and gutter was required to be installed, it will become damaged due to the constant equipment traffic.

The portion of the proposed driveway and approach that lies within the West Park Drive R.O.W. will conform to the normal City of Novi Design and Construction standards.

Please review our plans and this request for relief from the conformance to the Design and Construction Standards for this proposed on-site driveway. Feel free to contact me with any questions you may have or if you desire additional information.

Sincerely,

Gary S. Roberts
President

GREAT OAKS LANDSCAPE
ASSOCIATES, INC
28025 SAMUEL LINDEN COURT
NOVI, MICHIGAN 48377
PH 248.349.8555
FAX 248.349.8556
www.greatoakslandscape.com



JOHNSON ROSATI SCHULTZ JOPPICH PC

34405 W. Twelve Mile Road, Suite 200 ~ Farmington Hills, Michigan 48331-5627
Phone: 248.489.4100 | Fax: 248.489.1726

Elizabeth Kudla Saarela
esaarela@jrsjlaw.com

www.johnsonrosati.com

October 9, 2012

Adam Wayne, Engineering
City of Novi
45175 Ten Mile Road
Novi, Michigan 48375

Re: Great Oaks Landscaping – Proposed Gravel Driveway
Variance from Design and Construction Standards

Dear Mr. Wayne:

Our office has reviewed the proposed request for a variance from the City's Design and Construction Standards which would permit the property owner to construct a private gravel drive for ingress and egress to the subject property. In order to complete the construction, the applicant requires a waiver from Section 11-239 (b) of the City of Novi Code, which states in relevant part:

Sec 11-239 Driveways and Parking lots

(b) Design standards

(1) Driveway and parking lot surfacing requirements. The entire parking area including parking spaces and maneuvering lanes are required to be hard-surfaced and curbed. Exceptions will be made for private utility service driveways for facilities providing an accessory use.

The applicant indicates that the need for the waiver results from the need for the road to be constructed of gravel for the purpose of preventing mud from being tracked from the subject landscape business onto the public street (West Park Drive).

Section 11-10 of the Ordinance Code permits the City Council to grant a variance from the Design and Construction Standards when a property owner shows all of the following:

(b) A variance may be granted when all of the following conditions are satisfied:

October 9, 2012

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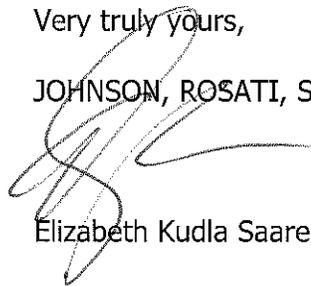
- (1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
- (2) The alternative proposed by the applicant shall be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.

In the event that City Council finds that the standards for a variance or waiver have been met, our office sees no legal impediment to granting the variance, subject to the condition that Community Development and the Department of Public Safety have also reviewed and approved the proposed plan from an access and public safety standpoint.

If you have any questions regarding the above, please call me.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

EKS

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)
Charles Boulard, Community Development Director (w/Enclosures)
Matt Wiktorowski, Field Operations (w/Enclosures)
Brian Coburn, Engineering Manager (w/Enclosures)
David Beschke, Landscape Architect (w/Enclosures)
Jeff Johnson, Fire Department (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

October 9, 2012

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



**SUBJECT: Great Oaks Landscape Driveway Plan, JSP12-0059,
Traffic Review of Preliminary and Final Site Plan**

Dear Ms. McBeth:

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

Recommendation

We recommend approval of both the preliminary and final site plan, subject to the stamping set satisfactorily addressing the concerns shown below in **bold**. Revised plan sheets should be submitted for our informal review and approval prior to preparing plan sets for stamping.

Project Description

What is the applicant proposing?

1. The applicant, Great Oaks Landscape Associates, Inc., is proposing to construct a new driveway approach to its existing site on the northwest corner of West Park Drive and 12 Mile Road. The approach would be 300 ft north of Dylan Drive on the opposite side of West Park, 32 ft wide, gravel surfaced west of the right-of-way line, and gated. Although not indicated on the plan, we understand that the intention is to close the gate only after normal business hours.

Trip Generation

How much traffic would the proposed development generate?

2. We have no basis for estimating the expected amount of usage the new driveway would receive. Given the nature of the site and its existing access on 12 Mile Road, the new driveway's use will probably not be heavy; its primary purpose appears to be to make egress easier for trucks destined for points north and east (the latter via the signal).

Vehicular Access Locations

Do the proposed driveway locations meet City spacing standards?

3. The plan indicates that the new drive would be 300 ft north of Dylan Drive (center-to-center). This spacing exceeds the 200-ft minimum required by the Design and Construction Standards (per Figure IX.12).

4. Although it is clear that the proposed driveway location also satisfies City standards for same-side driveway spacing, the plan incorrectly dimensions the spacing to the north; **that spacing should be shown from back of near (tangent) curb to back of near (tangent) curb; per Google Earth, it appears that the same-side driveway spacing to the north would be about 396 ft, not close to 1,001 ft (as now dimensioned, out of scale, between the points of tangency of the curb returns).**

Vehicular Access Improvements

Will there be any improvements to the abutting road at the proposed driveways?

5. No. A two-way left-turn lane already exists on West Park Drive, and it appears highly unlikely that the new driveway's usage would not meet the City warrant for providing a right-turn deceleration lane or taper (the latter being about 35 vehicles in the peak hour, given West Park Drive's 2010 daily traffic volume at this location of 7,328 vehicles).

Driveway Design and Control

Are the driveways acceptably designed and signed?

6. The proposed 32-ft driveway width equals the City minimum for an industrial drive and is acceptable. The proposed 30-ft curb return radii are 5 ft smaller than the City standard for an industrial driveway but 5 ft larger than the City minimum for such a drive, and are also acceptable.
7. **The City's ADA Compliance Officer should decide whether or not detectable warning surfaces should be added on the re-paved safety path approaches to the new driveway.**
8. If this were simply an emergency access drive, we would have no problem with locating the proposed gate at the right-of-way line as proposed. However, any other type of driveway use, no matter how infrequent, would result in an entering truck obstructing the south-bound travel lane of West Park Drive if the driver had to stop to open the gate; this would not provide a reasonable level of traffic safety. **It is essential that the gate be left open whenever routine (non-emergency) driveway use will occur; if this can not be assured (and indicated on the plan with an appropriate note), the gate should be relocated further into the site, at a distance greater than the longest truck or truck-trailer expected to enter here (preferably 75 ft minimum), and the driveway should be paved from West Park to at least the gate. A City Council waiver of the paving requirement will still be required west of the gate.**
9. **Consistent with the intent of DCS Figure VIII-K, 12-inch x 12-inch red reflectorized diamond panels should be installed back-to-back on the proposed gate. A detail of that gate must be included on the final site plan.**
10. **Sight distance triangles consistent with DCS Figure VIII-E should be added to the plan. Given multilane West Park Drive and its 45-mph speed limit, the long leg of each triangle should be 510 ft long.**

Pedestrian Access

Are pedestrians safely and reasonably accommodated?

11. Not applicable.

Parking and Circulation

Can vehicles safely and conveniently maneuver through the site?

12. Not applicable.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



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

Attachment: Aerial photo



Great Oaks Landscape Driveway Plan