

# ZONING BOARD OF APPEALS CITY OF NOVI Community Development Department (248) 347-0415

# Case No. PZ14-0010 Beck North (Lot 56) parcel numbers 5022-04-151-028, 031, 032 and part of 016.

## Location: North side of Cartler Drive at Hudson Drive (Section 4)

## Zoning District: I-1 Light Industrial District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 1905.4(a) to allow 3 truck wells and overhead loading door facing residential district and Section 1905.4(c) to allow a height variance of 10.6 feet to allow construction of a {1} story building {29 ft. 4in. plus 6 ft. to top of RTU screen}. The property is located at the north side of Cartier Drive at Hudson Drive.

## Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 1905.4(a) requires loading/unloading docks and truck wells shall be placed on or in the wall of the building that is opposite the boundary of the residential district. Section 1905.4(c) the maximum heights of any building constructed on a lot or site adjacent to a residential district shall be twenty-five (25) feet.

#### City of Novi Statt Comments:

Please see the attached Plan Review Center Report from the Site Plan review process for the redevelopment.

## Standards for Granting Dimensional Variances:

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because\_\_\_\_\_\_.
- The need is not self-created because
- Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome because
- The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district because\_\_\_\_\_\_.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district because\_\_\_\_\_\_.

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NOVI			Fo	r Official Us	e Only			
cityofnovi.org ZBA Case No.	14-00	Ol	<del></del>		ting date		Ma	<u>vy</u>
Check# <u>/0037</u> Include	TO B	E COMPLETE	D BY APPLI	CANT - PLEA	SE PRINT	oddillanal co	mpiele sels.	
	- embs Developm					Date	3/26/2014	
Company (if applicable)		nbs Developme	ent. Inc.				<b></b>	
Address* 46855 Magellan Dr. Suite		·····		City	Novi			
State MI. Zip.code			*Where c			e is to be m	ailed	
Applicant's E-mail address	properties of the second	ondembs.net	nin)ceam			0.010.001.1		
Phone number 248-380-7				Fax numt	<u></u>	248-560-303	30	
Request is for:					201			
C Residential	atta a	Vacant p	property	X	Commer	cial	States of	Signage
Address of subject ZBA case	To be assign	néd				Zip code	48377	
Cross roads of property	Hudson Dr.	& Cartier Dr.						
Sidwell number 50-2	2- 22-04-151-0	031, <b>32, 28 pa</b> r	t of 016	Moy be ob	toined from A	ssessing Depo	ortment (248)	347-0485
Is the property within a Homeo	wner's Assoc	iation jurlsdi	iction?			Yes		No
Zoning (Please circle one)	Смн	¯] R-A  ⊠[I-1	□R-1  2	∏R-2 ∏RC	∏R-3 □ <b>⊺</b> C	∏R-4 ∏TC-I	<b>RM-1</b>	Ciher
Properly owner name (if other	thon applice	ant)		Nadlan 56 L	LC			
Does your appeal result from a	Notice of Vi	olation or C	Sitation Issue	əd?	Ľ	Yes	X	No
Indicate Ordinance section(s)	and variance	es requeste	d:					
1. Section 1905.4.c		Variance	requested		Extend the	allowable bulidii	ng height 11'-i	8" to 36'-8"
2. Section 1905.4.a		Variance	requested		Place the tr	uck well and ov	erhead dooro	n the N side of the
3. Section			requested		vasung	+27786/Art/1874/		2000, C#A
4. Section		Variance	requested					
Please submit an accurate, sco	aled drawing	, of the prop	oerty showl	ng:				
a. All property lines and d			-					
b. The lacotion and dimer c. Any roads, easements,						tores and rol	lbock	
c. Any rodas, easements, d. Dimensions necessary t		,			,	1 9104 919 901 1	በቁጥራቸው <b>የ</b> አ	

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

Building Height Restriction:

Restricting the building height to 25' reduces the possible uses for the building, does not allow for a building to be constructed to the current standards or within the standards of the park. A building in the Beck North Corporate Park with a limited height of 25' would not be leasable or usable to the potential high tech users which greatly reduces the value of the property.

Truck Well Location:

Based on the property's efficiency tayout the location of the truck well on the north side of the building that faces the residential property is the best location. This location eliminates the truck well from view of the main street and has been found to be the safest location to minimize truck and car traffic interaction.

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

The two variances as requested for this property are due to the unique circumstances regarding this property. It abuts residentially zoned property although there is a 50° wide section of property owned by the City of Novi that is a natural buffer zone area. Further, any structure on this property will contain an additional 50° of buffer from the property line. In addition, the closest residential building is located over 700° away and is again buffered by existing regulated woodlands and welfands. The Planning Department supports both of the requested variances as set forth in their enclosed site plan review letters.

There is a five (5) day hold period before work/action can be taken on variance approvals.

#### SIGN CASES ONLY:

Your signature on this application indicates that you agree to install a **Mock-Up Sign** ten (10) days before the scheduled ZBA meeting. Follure to install a mack-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or concelled. A mack-up sign is **NOT** to be the octual sign. Upon approval, the mack-up sign must be removed within tive (5) days of the meeting. If the case is denied, the applicant is responsible for all casts involved in the removal of the mack-up or actual sign (if erected under violation) within five (5) days of the meeting.

#### City of Novi Ordinance, Section 3107. - Miscellaneous

No order of the Board permitting the erection of a building shall be valid for a period longer than one [1] year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is storted and proceeds to completion in accordance with the terms of such permit.

No araer of the boord permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty (160) days unless such use is established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one (1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

#### PLEASE TAKE NOTICE:

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

X	Construct new home/building		(Constanting of the second sec	Addition	to existing ho	me/buildi	ng	
[	Accessory building	Sector Sector	Use		Signage		Other	
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	Applicants Signatur	$n \sim 10^{-1}$				, c	Date	
	ANNY				3/26	114		
	Property Owners Signa	ture				/ / c	)ate	
		DE	CISION ON	APPEAL		3		
	Granted				Denled			

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:



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## Pelilioner

**Amson Dembs Development** 

#### **Review Type**

Preliminary Site Plan and Special Land Use

#### **Property Characteristics**

- Site Location: North side of Cartier Drive at Hudson Drive (Section 4)
- Site School District: Walled Lake Consolidated Schools e

Vacant

- Site Zoning: 1-1, Light Industrial
- Adjoining Zoning: North: RM-1: Low-Density Multiple Family; East, West, and South: I-1 ۰
- Site Use(s): ø
- Adjoining Uses: North: Multiple-family apartments; East, West and South: Vacant; Various office/industrial
- Site Size:
- 5.5 acres Building Size: 88.904 savare feet
- Plan Date: 02/21/14

#### **Project Summary**

The applicant is proposing to construct an 88,904 square foot speculative industrial building in the Beck North Corporate Park. The proposed building will be approximately 26,886 sq. ft, of office space on two floors, with the remainder to be used as industrial/research space depending on the eventual tenant. Associated parking, landscaping and other site work would also be done. Industrial/research uses when abutting a residential district requires special land use approval.

#### Recommendation

Approval of the Preliminary Site Plan and Special Land Use is recommended. The plan conforms to the requirements of the Zoning Ordingnce for the I-1 district as indicated in this review letter and attached chart. There are minor Planning related items that need to be addressed at the time of Final Site Plan review in addition to two variance requests that must be heard by the Zoning Board of Appeals for the location of the loading docks to face a residential district and to exceed the building height adjacent to a residential district. Planning Commission approval of the Preliminary Site Plan is required.

#### **Ordinance Requirements**

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 19 (I-1, Light Industrial District), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance, Please see the attached charts for information pertaining to ordinance requirements. Items in **bold** below must be addressed and incorporated as part of the final site plan submittal.

# PLAN REVIEW CENTER REPORT

Revised March 20, 2014 **Planning Review** Beck North Lot 56 JSP14-07

- 1. Loading Docks: Wherever a permitted I-1 use abuts a residential district, the fruck wells, loading docks and doors are not permitted on the wall facing a residential district. The proposed site plan has the loading zone located on the north wall facing the residential district to the north; therefore the applicant will need to seek a Zoning Board of Appeals variance for the location of the loading dock as depicted. Because the site is heavily buffered by existing regulated woodlands and wellands both on and off the site, the closest residential building is located over 700 feet away, and the loading zone is recessed from the northernmost wall, staff supports the requested variance.
- 2. <u>Building Height</u>: Wherever a permitted I-I use abuts a residential district, the maximum building height shall be 25 feet. Rooftop equipment can exceed the maximum height up to five feet, by providing a five foot setback from all building faces for every one foot of additional height. The proposed site plan depicts a 29 ft. 4in. tall building with an additional 6 ft. of rooftop screening; therefore the applicant will need to seek a Zoning Board of Appeals variance for the building height as depicted. Because the site is heavily buffered by existing regulated woodlands and wetlands both on and off the site, and because the closest residential building is located over 700 feet away, staff supports the requested variance.
- Noise Impact Statement: Industrial/research uses when abutting a residential district in the I-1 District require the submission of a noise impact statement. The applicant shall submit the required noise Impact statement. Refer to Section 2519.10.c of the Zoning Ordinance for noise impact statement requirements. Alternately, a waiver of this requirement from the Planning Commission could be requested.
- 4. <u>Speculative Industrial/research Use:</u> The applicant has designed the building as a speculative building with the Intent that is be used for industrial and/or research uses, and as such is a Special Land Use because it is adjacent to residential zoning. Once a tenant is identified and more details on the exact use of the building and the proposed floor plan have been provided, a modification to the Special Land Use Permit may be required if it does not align with the site plan as proposed. The applicant should follow-up with the Planning Division before applying for building permits for the interior build-out.
- 5. <u>Master Deed Amendment</u>: It appears a lot split and combination is required in order to assemble the proposed lot for development purposes. This will require a change to the exhibit B of the existing Master Deed for the property to reflect the new unit numbers and boundaries. Plans cannot be stamped approved until the master deed changes are submitted for review by City staff and the City attorney's office.
- 6. Economic Information: The applicant has the estimated amount of construction workers needed to complete the building shell alone is approximately 120 with another 200 workers needed to complete the interior building improvements once a tenant is identified. The building is sized to house a company employing over 120 people. The applicant should indicate in their response letter the expected approximate construction cost of the project.
- 7. <u>Site History:</u> As part of the original approval of the Beck North Corporate Park in 1999, there was much discussion regarding whether or not these parcels were adjacent to a residential district, as they relate to the 50 foot City owned, industrially zoned parcel that is located between these parcels and the residential district to the north. It was determined by the Planning Commission, and reinforced by the Zoning Board of Appeals (minutes attached), that for planning purposes these parcels are to be considered adjacent to a residential district because zoning regulations cannot be circumvented by separating the parcel from the adjacent district by an undevelopable strip of land. Therefore the industrial/research uses shall be treated as special land uses and have additional regulations in terms of building setbacks, building height, and orientation of loading docks.

#### Special Land Use Considerations

Industrial/research uses when abutting a residential district in the I-1 District falls under the Special Land Use requirements of Section 1902. The main planning related requirement with respect to Special Land Use is the submittal of a noise impact statement to ensure compliance with the

factors below. Section 2516.2.c of the Zoning Ordinance outlines specific factors the Planning Commission shall consider in the review of any Special Land Use:

- (1) Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, lngress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.
- (2) Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.
- (3) Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- (4) Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
- (5) Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- (6) Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
- (7) Whether, relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

#### <u>Résponse Letter</u>

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested **prior to the Planning Commission meeting and with the Final Site Plan submittal.** 

#### Site Addressing

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at <u>www.cityofnovi.org</u> under the forms page of the Community Development Department. Please contact Jeannie Niland (248.347.0438 or <u>iniland@cityofnovi.org</u>) in with any specific questions regarding addressing of sites.

#### 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 scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni (248.347.0430 or smarchioni@cityofnovi.org).

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or <u>sroediaer@cityofnovi.org</u>.

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Sara Roediger, AICP – Planner

# Planning Review Summary Chart Beck North Lot 56

Beck North Lot 56 Preliminary Site Plan Review Plan Date: 02-21-14

Item	Proposed	Meets Requirements?	Comments
Master Plan Industrial Research Development Technology	No change	Yes	Comments
Zoning I-1 Light Industrial District	No change	Yes	
<b>Use</b> Uses listed in Section 1901 & 1902	Speculative 75,461 sq. ft. light industrial building (40% GFA office, 60% GFA industrial /research)	Yes	Special land use when abutting a Residential District Area, property to the north is zoned RM-1 (Low Density Multiple Family Residential) Tenants should check with Planning Department prior to leasing space to ensure use is consistent with special land use criteria
Special Conditions When Abutting Residential		enn	¥.000.000
a. Truck wells & loading docks not permitted on side facing residential	Truck wells & Ioading dock facing residential	No	The applicant will be requesting a variance from the ZBA
<ul> <li>No outside storage, parking shall not be closer than 100 ft. from boundary of residential district</li> </ul>	Parking 105 ft. from north residential district, note 18 on Sheet 2 prohibits outside storage	Yes	
c. Maximum height is 25 ft.	29 ft, 4in, plus 6 ft. to top of RTU screen	No	The applicant will be requesting a variance from the ZBA
d. No floodlighting on façade facing residential	Note 17 on Sheet 2 prohibits floodlights on façade facing residential	Yes	Lighting plan required at time of Final Site Plan review
e. 10 ft. high berm required	Berm not proposed in order to preserve existing woodlands	No	Berm may be waived by Planning Commission when adjacent to woodland, see the landscape review letter for additional Information
Min. Building Setbacks (Sec. 2400)			

Bene	Proposed	Meets Regultemente?	Commonte
a. Front (south): 40 ft.	40.25 ft.	Requirements? Yes	Comments
	1)8,76 ft.		
b. Rear (north): 20 ft.		Yes	
c. Side (east): 20 ft.	51,8 ft.	Yes	
d. Side (west): 20 ft.	215+ ft.	Yes	
Min. Parking Setbacks (Sec. 2400)			
a. Front (south): 40 ft.	40 ft.	Yes	
b. Rear (north): 10 ft.	50 ft.	Yes	
c. Side (east): 10 ft.	10 ft.	Yes	
d. Side (west): 10 ft.	10 ft.	Yes	
Number of Parking Spaces [Sec. 2505] Office = 23,814 sq. fl. of GLA 1 space per 222 sq. fl. of GLA = 107 spaces Industrial/ Research = 60,238 sq. ft. of UFA 1 space for each 700 sq. ft. of UFA or 5 plus 1 for each 1 ½ employees in the largest working shift, whichever is greater = 86 spaces 107 spaces + 86 spaces = <b>193 spaces</b>	194 spaces	Yes	Parking requirements will be confirmed when a use is proposed & the number of employees in the largest working shift is identified
Parking Space & Maneuvering Lane Dimensions (Sec. 2506) 9 ft, x 19 ft, parking spaces with 24 ft, drives	9 ft. x 19 ft. interior spaces with 24 ft. drives		
9 ft. x 17 ft. parking spaces along 7 ft. Interior sidewalks, provided a 4 in. curb at these locations & along landscaping	9 ft, x 17 ft. perimeter spaces along 7 ft. interior sidewalks & landscaping	Yes	
Barrler Free Spaces (ADA standard) 7 spaces, including 2 van accessible spaces	7 barrier free spaces (2 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code) 8 ft. wide with an 8 ft. wide access alse for van accessible	8 ft. wide with an 8 ft. wide access aisle for van accessible	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual) 1 barrier free sign per space	1 barrier free sign per space	Yes	
Loading Spaces (Sec. 2507.3 & 1905.4.b) Must be in rear yard & not permitted on side facing residential	3 truck wells & 1 14 It. overhead door, located in the rear yard	No	The applicant will be requesting a variance from the ZBA
Accessory Structure Setback- Dumpster (Sec. 2503)	Dumpsters in the rear yard &	Yes	

		Meets	
liem	Proposed	Requirements?	Comments
Located in the rear or interior side yard Min. 10 ft. from any building unless structurally attached & setback the same as parking from all property lines	setback 50 ft. from north property line		
Dumpster Requirements (City Code Sec. 21-145) Screening of not less than 5 ft. on 3 sides of dumpster required, interior bumpers or posts must also be shown Screening should be 1 foot taller than dumpster	Screening per requirements provided	Yes	
Sidewalks and Pathways (Sub. Ord. Sec. 4.05, Bicycle & Pedestrian A 5 to 8 ft. wide sidewalks/pathways shall be constructed along all major thoroughfares & collectors per DCS, but not along industrial service streets per Subdivision Ordinance Building exits must be connected to sidewalk system or parking lot	Consistent with the existing office park, sidewalks are not provided Building entrances connected to parking lot & BF ramps	Yes	
<ul> <li>Bicycle Parking Facilities (Sec. 2526)</li> <li>5% of required auto parking spaces</li> <li>201 x 0.05 =10 bicycle parking spaces</li> <li>Located along the building approach line &amp; easily accessible from the building entrance</li> <li>Max. 120 ft. from entrance being served or the nearest auto parking space to that entrance</li> <li>Be accessible via a paved 6 ft. route &amp; separated from auto facilities</li> <li>4 ft. maneuvering lane with a 6 ft. parking space width &amp; a depth of 2 ft. for single spaces &amp; 2.5 ft. for double spaces</li> </ul>	10 bicycle parking spaces Meets, location, accessibility & dimensional requirements	Yes	
Woodlands (City Code Chpt. 37) Replacement of removed trees	622 replacement tree credits are required, 622 are proposed	Woodland field verification at PSP	61 replacement tree credits & contribute 561 credits into Tree Fund Woodland Permit required, see the environmental comments for additional information

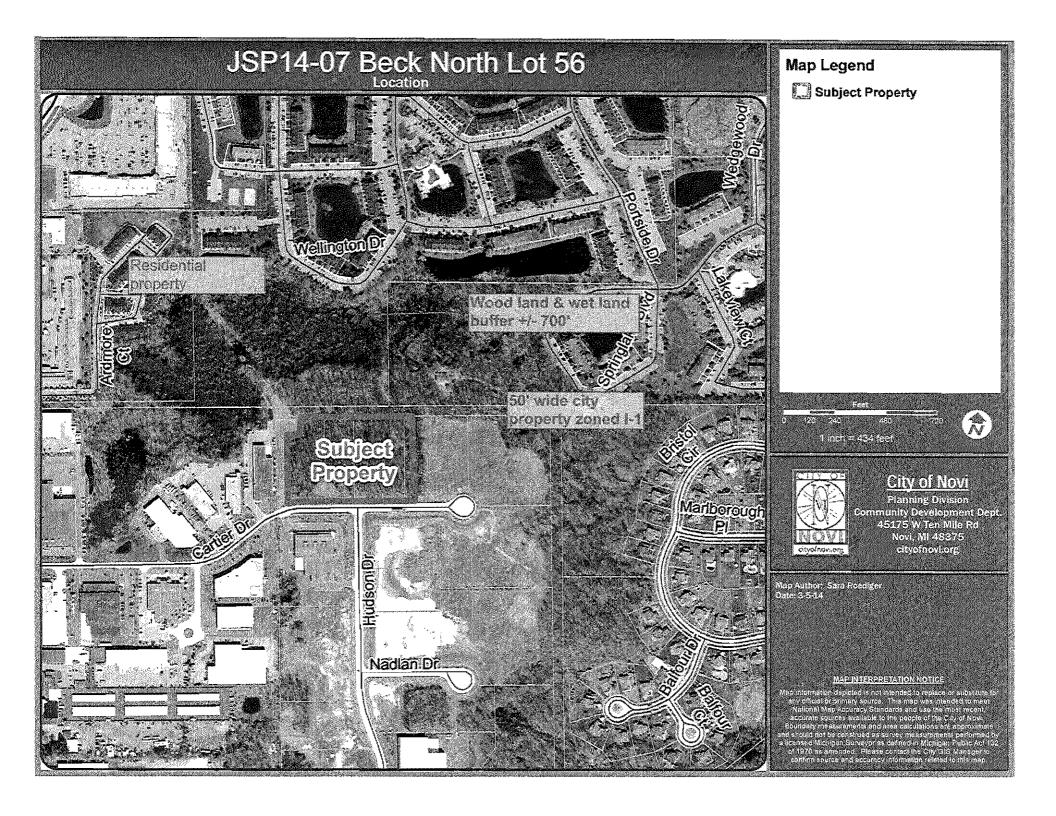
ltem	Proposed	Meets Requirements?	Comments
Master Deed	Not provided	Information to be provided	The Master Deed will need to be amended to reflect the new unit numbers and boundaries
Exterior Lighting (Section 2511) Photometric plan and exterior lighting details needed at preliminary site plan since adjacent to residential	Not provided	Information to be provided	Lighting plan required at time of Final Site Plan review
Economic Impact Total cost of the proposed building & site improvements Number of anticipated jobs created (during construction & after building is occupied, if known)	Estimated 320 construction jobs, the building could contain up to 120 jobs	Additional information to be provided	The expected approximate construction cost of the project should be included
Noise Impact Statement (Sec. 2519.10.c.) Noise impact statement required for all Special Land Use approvals	Not provided	No	A noise Impact statement shall be submitted In accordance with Sec. 2519.10.c
Signs (Chpt, 28) Signs are not regulated by the Planning Division or Planning Commission	None shown	Niland at 248.34 iniland@cityofno	sed, contact Jeannie 7.0438 or <u>vi.ora</u> for information

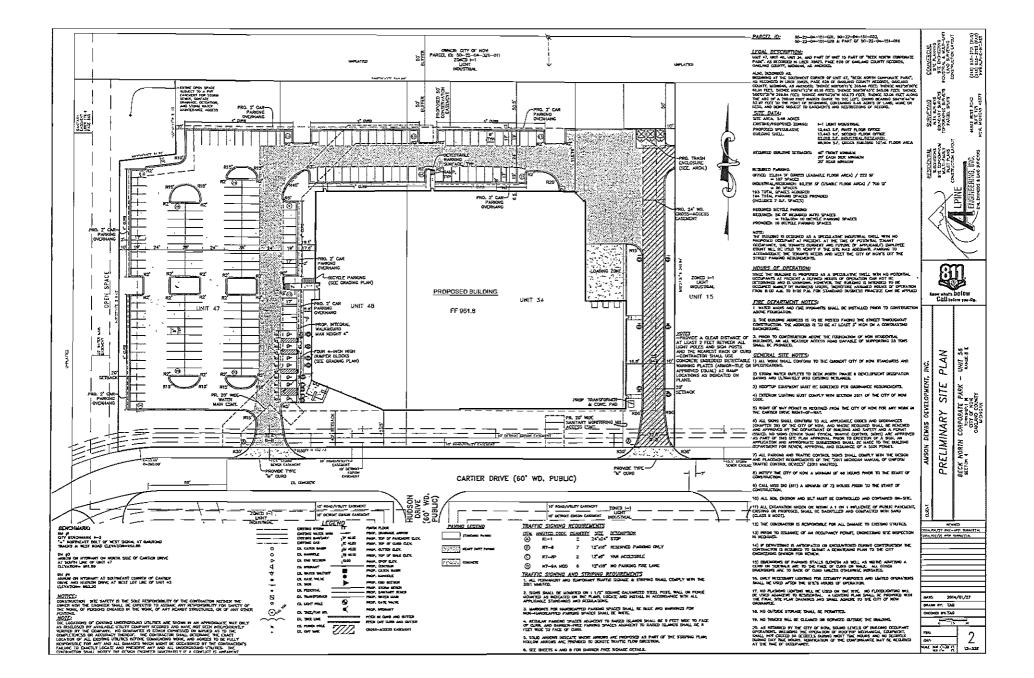
Prepared by Sara Roediger, AICP 248.735.5607 or sroediger@cityofnovi.org



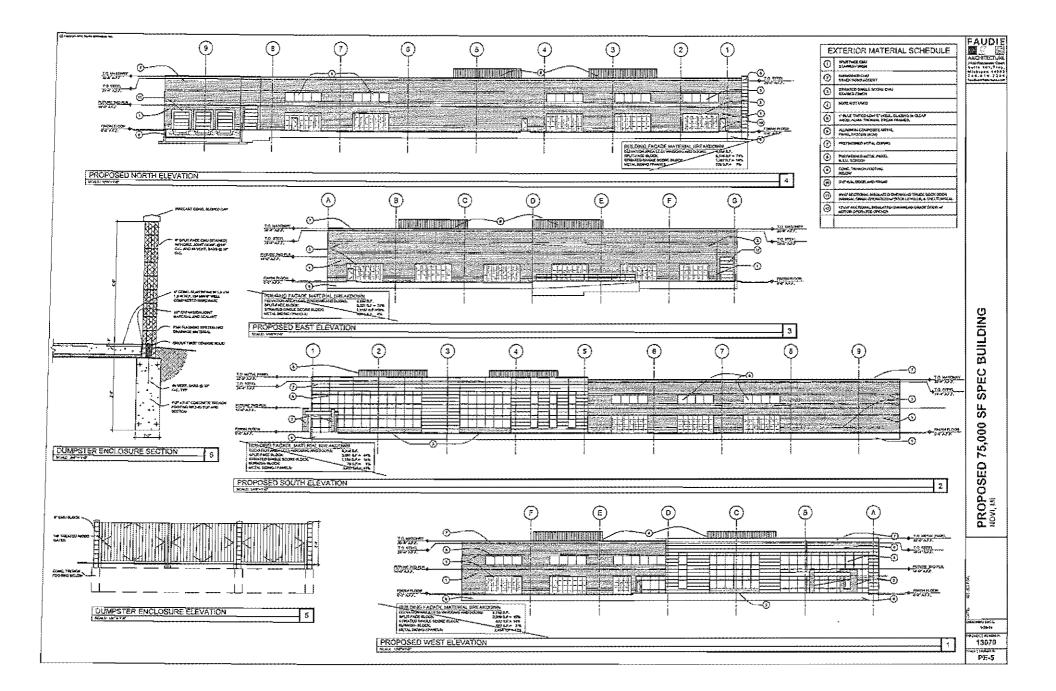
Proposed 75,000 S.F. Spec Building Novi, Michigan



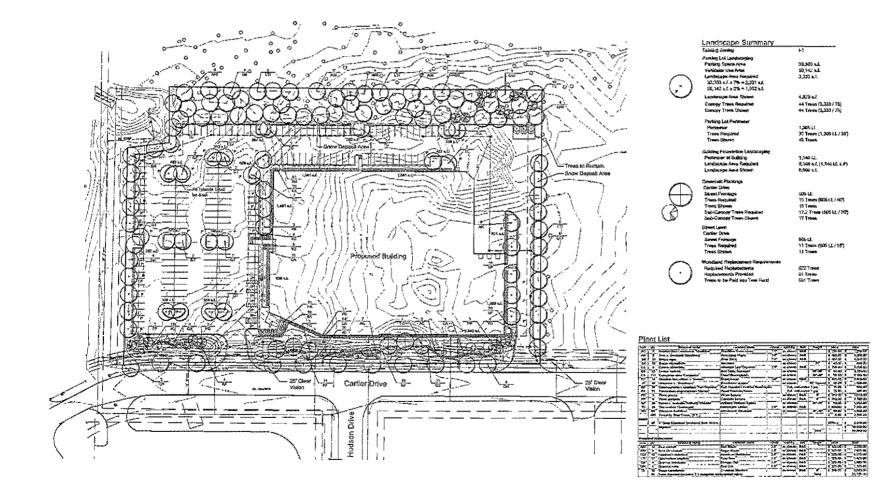




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Project:

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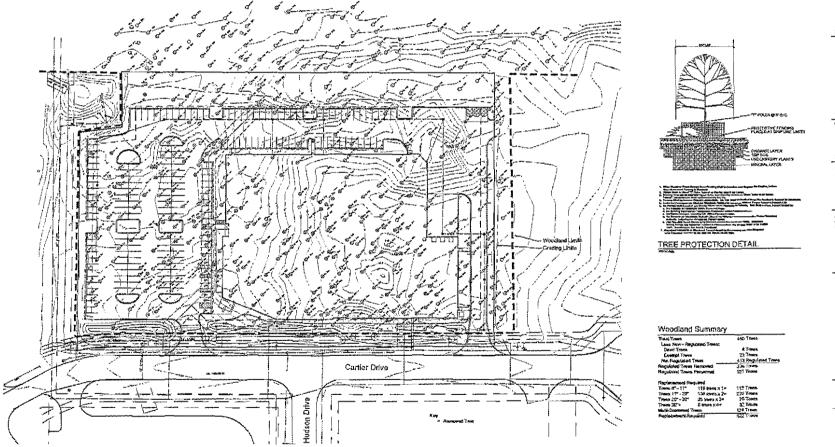






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Woodland Plan

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