



**CITY of NOVI CITY COUNCIL**

**Agenda Item E  
February 17, 2009**

**SUBJECT:** Acceptance of a Conservation Easement from International Transmission Company for the ITC Headquarters, located south of Twelve Mile Road between M-5 and Haggerty Road, in Section 13, covering a total of 35.02 acres.

**SUBMITTING DEPARTMENT:** Community Development <sup>Burb</sup> Department - Planning

**CITY MANAGER APPROVAL:** 

**BACKGROUND INFORMATION:**

The petitioner, International Transmission Company, received Final Site Plan approval from the Planning Department on April 27, 2007, for SP 06-53, ITC Headquarters. The Planning Commission approved the Preliminary Site Plan on December 13, 2006 with proposed conservation easements for wetland, wetland mitigation and woodland conservation. The development is for the ITC headquarter complex containing two six-story office buildings and two multiple-level parking structures along with associated surface parking and drainage facilities.

The attached Exhibit B drawing depicts the seven areas being preserved. The easements cover about 44.2% of the 79.25 acre site, including the two large ponds on the site, as well as wetland and woodland areas on the south and east parts of the site. There are a substantial amount of woodlands, wetlands and wetland mitigation areas that fall within these easements.

The easements have been reviewed by the City's professional staff and consultants and are currently in a form acceptable to the City Attorney's office for acceptance by the City Council.

**RECOMMENDED ACTION:** Acceptance of a Conservation Easement from International Transmission Company for the ITC Headquarters, located south of Twelve Mile Road between M-5 and Haggerty Road, in Section 13, covering a total of 35.02 acres.

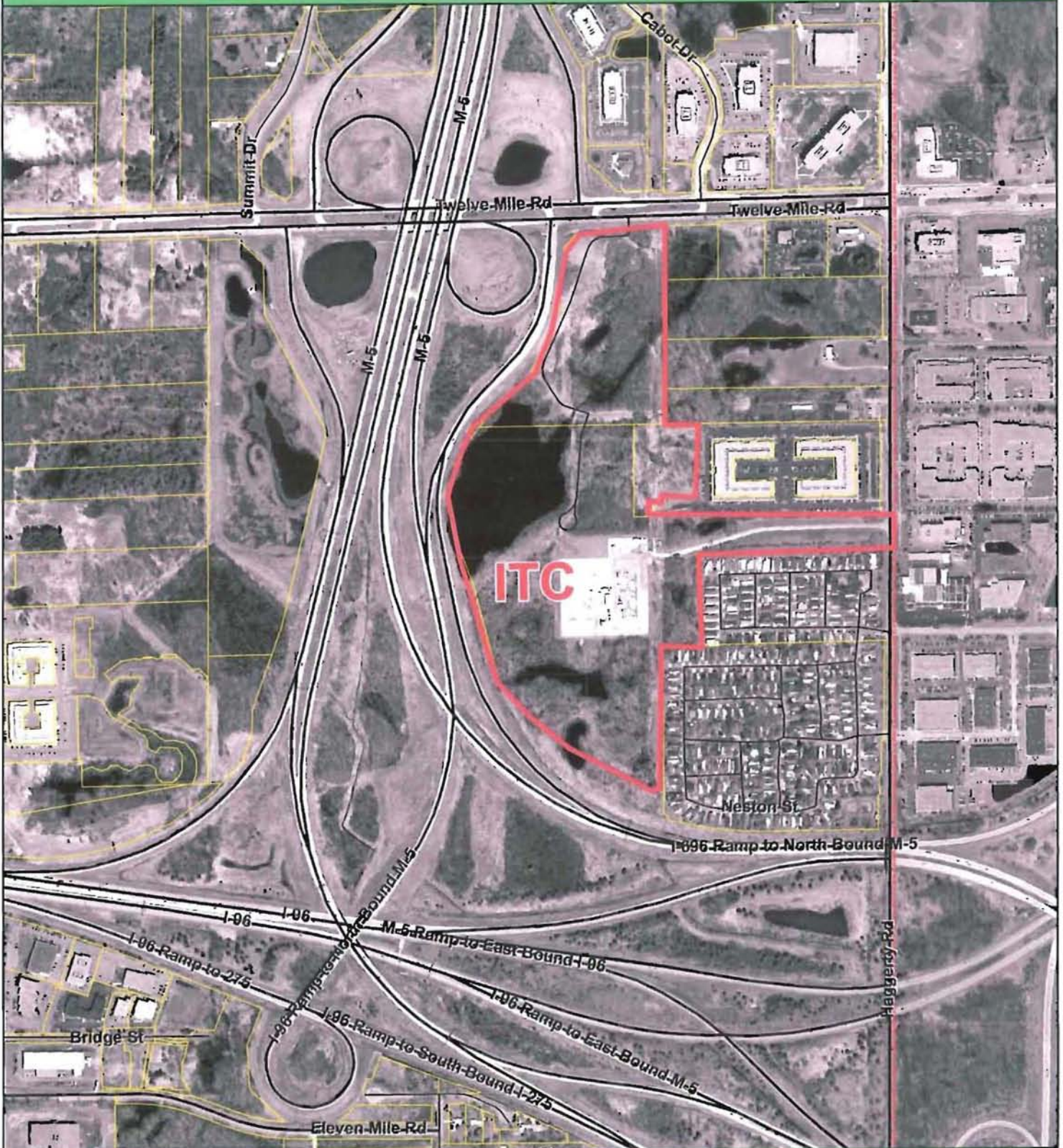
	1	2	Y	N
Mayor Landry				
Mayor Pro-Tem Gatt				
Council Member Burke				
Council Member Crawford				

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

Location Map



# ITC Location Map



## CITY OF NOVI

PLANNING DIVISION

45175 W. TEN MILE ROAD  
NOVI, MI 48375-3024  
(248) 347-0475

MARK SPENCER, AICP, PLANNER

CREATED: 2/9/09

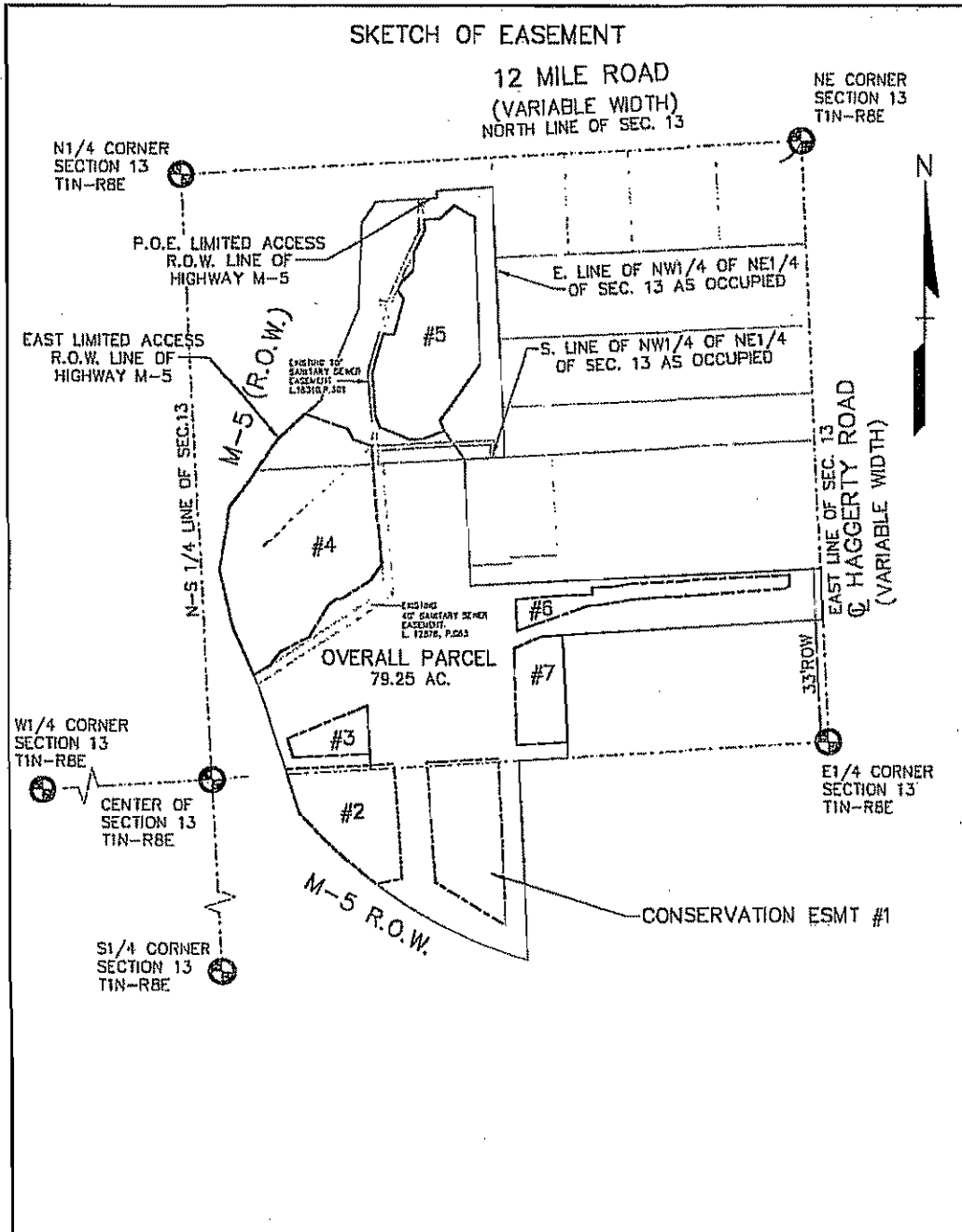


0 225 450 900 1,350  
FEET

### 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 133 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

**LOCATION MAP  
SEVEN EASEMENTS  
ON PROPERTY**



LEGEND: ✕ IRON SET   ● IRON FOUND   ⊕ SECTION CORNER FOUND		
<b>PROFESSIONAL ENGINEERING ASSOCIATES</b>		
CLIENT: <b>GILLETT ASSOCIATES, INC.</b>		
SCALE: 1"=600'	FIELD: MR/JA	DRAWN: JRV
DATE: 05-17-07		
2900 E Grand River Ave. Howell, MI 48843 (517) 548-8583	JOB: 2006-178	06178bnd/dwg/06178 ConsEsmtLdwg REVISED: 4-18-08
DWG. No: 2 of 13		

**Reduced Site Plan**



BY THE ROAD

M-5 Chain Ramp

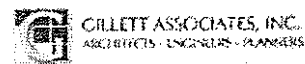
RETRACTABLE  
RESTRICTION  
MARKING

RETRACTABLE  
RESTRICTION  
MARKING  
AREA

10 HIGH VINYL COATED CHAIN  
LINK FENCE 45 ANGLE AND  
3 BANDING STRIPS ON TOP

HAGGERTY ROAD

PRELIMINARY SITE PLAN



**City Attorney Review Letter**



February 2, 2009

30903 Northwestern Highway  
P.O. Box 3040  
Farmington Hills, MI 48333-  
3040  
Tel: 248-851-9500  
Fax: 248-851-2158  
www.secretwardle.com

Elizabeth M. Kudla  
Direct: 248-539-2846  
bkudla@secretwardle.com

Barbara McBeth, Deputy Community Development Director  
CITY OF NOVI  
45175 West Ten Mile Road  
Novi, Michigan 48375

**Re: ITC Headquarters  
Conservation Easement  
Our File No. 660111.NOV1**

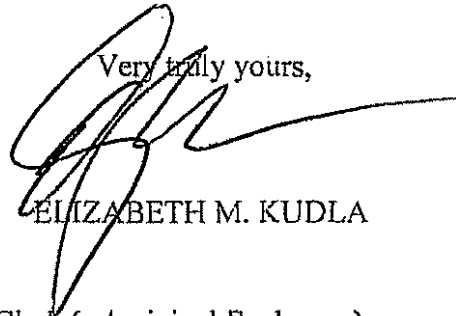
Dear Ms. McBeth:

As you may recall, we previously approved the proposed Conservation Easement for the ITC Property. A copy of the approval letter is enclosed. Since that time, the ITC has agreed to preserve an additional easement area described in the exhibits as "Conservation Easement #7." ITC's in-house counsel has confirmed that the revised exhibits may replace those attached to the previously executed Conservation Easement. Mark Spencer, the City's Planner, has reviewed and approved the revised exhibits.

The terms of the Conservation Easement remain the same. We have no objection to the inclusion of the revised exhibits. The enclosed Conservation Easement should be placed on an upcoming City Council Agenda for acceptance. Once accepted, the fourth page should be signed by the Mayor. The City Clerk's Office should then record the Conservation Easement in the usual manner.

Should you have any questions or concerns in regard to the above issues, please feel free to contact us.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosure

C: Maryanne Cornelius, Clerk (w/ original Enclosure)  
Mark Spencer, Planner (w/Enclosure)  
John A. Freeland, ECT Environmental (w/Enclosure)  
Joe Bennett, ITC (w/Enclosure)  
Tom Beagan, ITC(w/Enclosure)  
Thomas R. Schultz, Esquire (w/Enclosure)

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## Conservation Easement and Exhibits

## CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this 21<sup>st</sup> day of February, 2008, by and between International Transmission Company, a Michigan corporation whose address is 39500 Orchard Hill Place, Suite 200, Novi, Michigan 48375 hereinafter the "Grantor"), and the City of Novi, and its successors or assigns, whose address is 45175 W. Ten Mile Road, Novi, MI 48375, (hereinafter the "Grantee").

### RECITATIONS:

A. Grantor owns a certain parcel of land situated in Section 13 of the City of Novi, Oakland County, Michigan, described in Exhibit A, attached hereto and made a part hereof (the "Property"). Grantor has received final site plan approval for construction of an office building, subject to provision of an appropriate easement to permanently protect the wetlands, wetland buffers, wetland mitigation areas and woodlands thereon from destruction or disturbance. Grantor desires to grant such an easement in order to protect the area.

B. The Conservation Easement Areas (the "Easement Areas") situated on the Property are more particularly described on Exhibit B, attached hereto and made a part hereof, the second page of which contains a drawing depicting the protected area.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$ 1.00), in hand paid, the receipt and adequacy of which are hereby acknowledged, Grantor hereby reserves, conveys and grants the following Conservation Easement, which shall be binding upon the Grantor, the City, and their respective heirs, successors, assigns and/or transferees and shall be for the benefit of the City, all Grantors and purchasers of the property and their respective heirs, successors, assigns and/or transferees. This Conservation Easement is dedicated pursuant to Subpart 11 of Part 21 of the Natural Resources and Environmental Protection Act being MCL 324.2140, et. seq., upon the terms and conditions set forth herein as follows:

1. The purpose of this Conservation Easement is to protect the wetlands, wetland buffers, wetland mitigation areas and woodlands as shown on the attached and incorporated Exhibit B. Except as provided in this Conservation Easement, the subject areas shall be perpetually preserved, in their natural and undeveloped condition, unless authorized by permit from the City, and, if applicable, the Michigan Department of Environmental Quality and the appropriate federal agency.

2. Except for overhanging electric transmission facilities and except for and subject to the activities which have been expressly authorized by permit, there shall be no disturbance of the wetlands, wetland buffers, wetland mitigation areas and woodlands and/or vegetation within the Easement Areas, including altering the topography of; placing fill material in; dredging, removing or excavating soil, minerals, or trees, and from constructing or placing any structures on; draining surface water from; or plowing, tilling, cultivating, or otherwise altering or developing, and/or constructing, operating, or maintaining any use or development in the Easement Areas.

3. No grass or other vegetation shall be planted in the Easement Areas with the exception of plantings approved, in advance, by the City in accordance with all applicable laws and ordinances.

5. This Conservation Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession or use of the Easement Areas, except that, upon reasonable written notice to Grantor, Grantee and its authorized employees and agents (collectively, "Grantee's Representatives") may enter upon and inspect the Easement Areas to determine whether the Easement Area is being preserved in compliance with the terms of the Conservation Easement.

6. In the event of a failure to preserve the wetland areas and/or protected woodlands in reasonable order and condition, the City may serve written notice upon the Grantor, setting forth the deficiencies in preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place of the hearing before the City Council, or such other Council, body or official delegated by the City Council for the purpose of allowing the Grantor to be heard as to why the City should not proceed with the restoration of any wetlands, wetland buffers, wetland mitigation areas or woodlands that Grantor has destroyed. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official designated to conduct the hearing, shall determine that Grantor has destroyed any wetlands, wetland buffers, wetland mitigation areas or woodlands protected by this Conservation Easement and that preservation has not been undertaken within the time specified in the notice, the City shall thereupon have the power and authority, but not the obligation, to enter upon the property, or cause its agents or contractors to enter upon the property and perform such preservation or restoration as reasonably found by the City to be appropriate. The cost and expense of making and financing such wetlands, wetland buffers, wetland mitigation areas or woodlands, including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the Grantor, and such amount shall constitute a lien on an equal pro rata basis as to all of the lots on the property. The City may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within 30 days of a billing to the Grantor, all unpaid amounts may be placed on the delinquent tax roll of the City, pro rata, as to each lot, and shall accrue interest and penalties, and be collected as and deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be



collected by suit initiated against the Grantor and, in such event, the Grantor shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

7. Within 90 days after the Conservation Easement shall have been recorded, Grantor, at its sole expense, shall place such signs defining the boundaries of the Easement Area and describing its protected purpose, as indicated herein.

8. This Conservation Easement has been made and given for a consideration of a value less than One Hundred (\$ 100.00) Dollars and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MSA 7.45 6(5)(a).

9. Grantor shall state, acknowledge and/or disclose the existence of this Conservation Easement on legal instruments used to convey an interest in the property.

IN WITNESS WHEREOF, Grantor and Grantee have executed the Conservation Easement as of the day and year first above set forth.

Grantor:

INTERNATIONAL TRANSMISSION COMPANY



By: Christine Mason Soneral

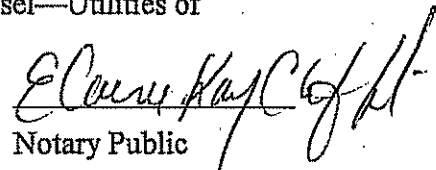
Its: Vice President and General Counsel—Utilities

STATE OF MICHIGAN )

) ss

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this 21st day of February 2008, by Christine Mason Soneral, the Vice President and General Counsel—Utilities of International Transmission Company on behalf of the company.



Notary Public

Acting in Oakland County, Michigan

My Commission Expires: \_\_\_\_\_



ELAINE KAY CLIFFORD  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires Oct. 14, 2014  
Acting in the County of Oakland

Grantee:

CITY OF NOVI, A Municipal Corporation

\_\_\_\_\_  
By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN     )  
  ) ss  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_  
2008, by \_\_\_\_\_ on behalf of the City of Novi, a Municipal  
Corporation.

\_\_\_\_\_  
Notary Public  
Acting in Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_

Drafted by:  
Elizabeth M. Kudla  
30903 Northwestern Highway  
P.O. Box 3040  
Farmington Hills, MI 48333-3040

When recorded return to:  
Maryanne Cornelius, Clerk  
City of Novi  
45175W. Ten Mile  
Novi, MI 48375

## EXHIBIT A

### SKETCH OF CONSERVATION EASEMENT LEGAL DESCRIPTIONS

#### LEGAL DESCRIPTION OVERALL PARCEL:

Part of the East 1/2 of Section 13, TIN—R8E, City of Novi, Oakland County, Michigan, more particularly described as follows:

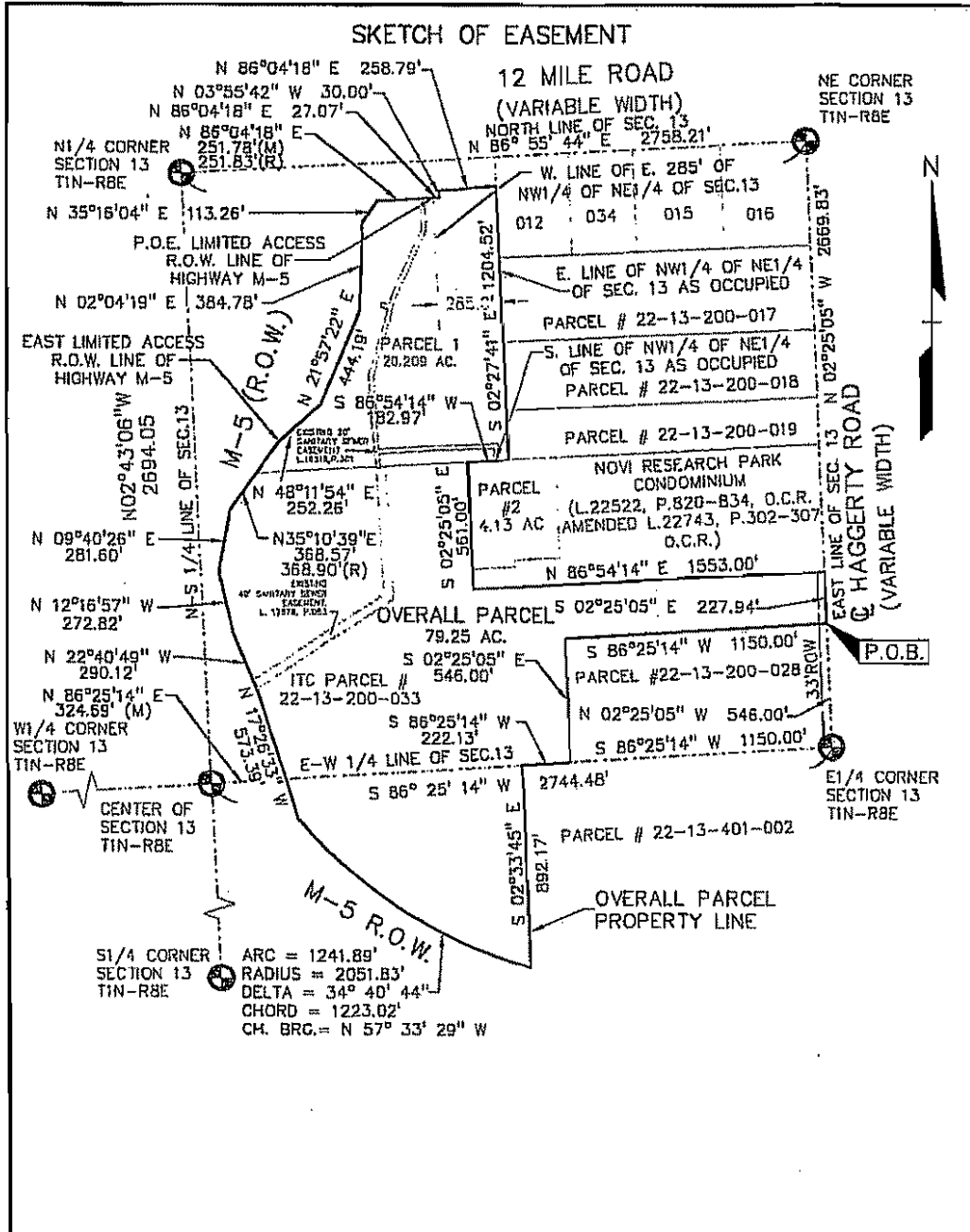
COMMENCING at the East 1/4 corner of said Section 13; thence along the East line of said Section 13 and the centerline of Haggerty Road (variable width), N 02°25'05" W, 546.00 feet to the POINT OF BEGINNING; thence S 86°25' W, 1150.00 feet; thence S 02°25'05" E, 546.00 feet to a point on the East—West 1/4 line of Section 13; thence along said East—West 1/4 line, S 86°25'14" W, 222.13 feet; thence S 02°33'45" E, 892.17 feet to a point on the Easterly Right—of—Way line of Limited Access State Highway M—5; thence along said Easterly Right—of—Way line the following eleven (11) courses:

- 1) 1241.89 feet along a curve to the right, said curve having a radius of 2051.83 feet, a central angle of 34°40'44", and a chord which bears N 57°33'29" W, 1223.02 feet,
- 2) N 17°26'33" W, 573.39 feet,
- 3) N 22°40'49" W, 290.12 feet,
- 4) N 12°16'57" W, 272.82 feet,
- 5) N 09°40'26" E, 281.60 feet,
- 6) N 35°10'39" E, 368.57 feet (recorded as 368.90 feet),
- 7) N 48°11'54" E, 252.26 feet,
- 8) N 21°57'22" E, 444.19 feet, 9) N 02°04'18" E, 384.78 feet,
- 10) N 35°16'04" E, 113.26 feet, and
- 11) N 86°04' E, 251.78 feet (recorded as 251.83 feet) to a point on the West line of the Easterly 285 feet of the Northwest 1/4 of the Northeast 1/4 of Section 13, and the Point of Ending of said Limited Access Right—of—Way line; thence N 86°04'18" E, 27.07 feet; thence N 03°55'42" W, 30.00 feet; thence N 86°04'18" E, 258.79 feet to a point on the East line of Northwest 1/4 of the Northeast 1/4 of Section 13 as occupied; thence along said East line of the Northwest 1/4 of the Northeast 1/4 S 02°27'41" E, 1204.52 feet to a point on the South line of the Northwest 1/4 of the Northeast 1/4 as occupied, point also being on the North line of Novi Research Park Condominium (L.22522, P.820—834, O.C.R. amended L.22743, P.302—307, O.C.R.); thence along said line, S 86°54'14" W, 182.97 feet; thence along the West line of said Novi Research Park Condominium, S 02°25'05" E, 561.00 feet; thence along the south line of said Novi Research Park Condominium, N 86°54'14" E, 1553.00 feet to a point on the East line of said Section 13 and the centerline of said Haggerty Road; thence along said East line, S 02°25'05" E, 227.94 feet to the POINT OF BEGINNING. Containing 79.25 acres of land and subject to any easements or restrictions of record.

**EXHIBIT B**  
**EASEMENT AREAS**

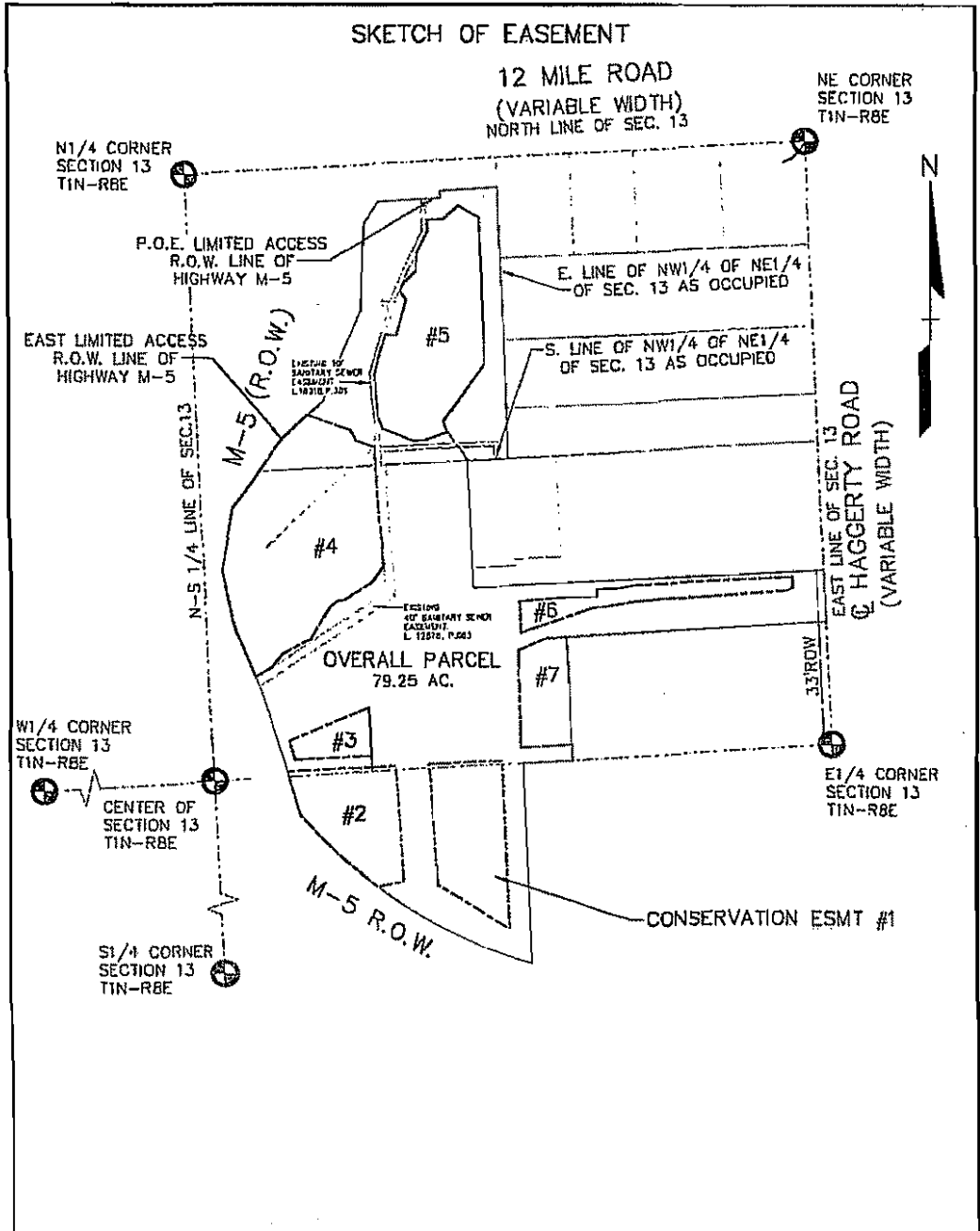


SKETCH OF EASEMENT



LEGEND: ✕ IRON SET   ● IRON FOUND   ⊙ SECTION CORNER FOUND	
PROFESSIONAL ENGINEERING ASSOCIATES	
CLIENT: <b>GILLETT ASSOCIATES, INC.</b>	
SCALE: 1"=600'	FIELD: MR/JA   DRAWN: JRV
DATE: 05-17-07	
JOB: 2006-178	
DWG. No: 1 of 13	06178bnu/dwy/06178 ConsEmt.dwg REVISED: 4-18-08

**PEA**  
 2900 E Grand River Ave.  
 Howell, MI 48843  
 (517) 546-8583

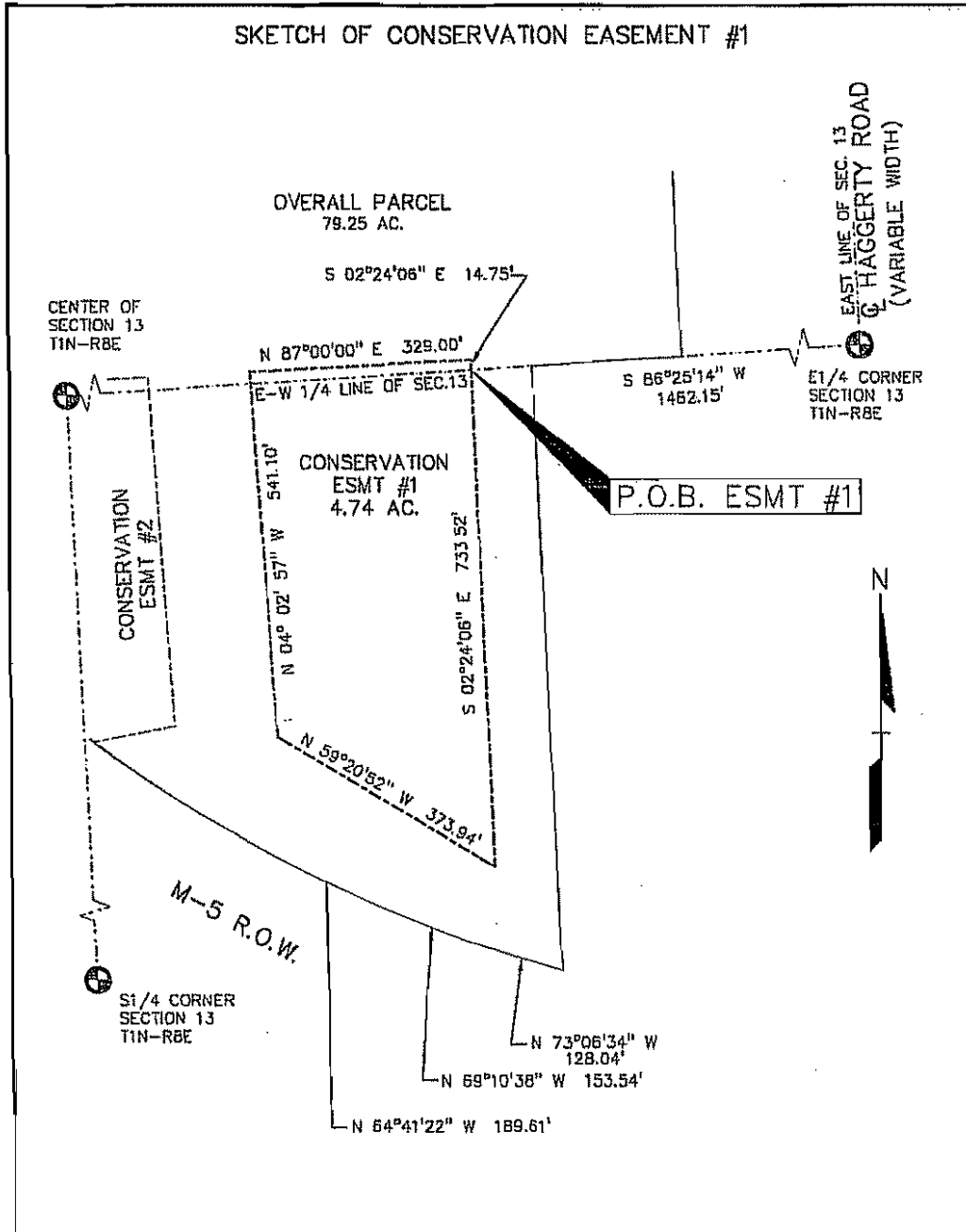


LEGEND: <span style="font-size: 0.8em;">⊗</span> IRON SET <span style="font-size: 0.8em;">●</span> IRON FOUND <span style="font-size: 0.8em;">⊙</span> SECTION CORNER FOUND			
<b>PROFESSIONAL ENGINEERING ASSOCIATES</b>			
CLIENT: <b>GILLETT ASSOCIATES, INC.</b>			
SCALE: 1"=600'	FIELD: MR/JA	DRAWN: JRV	
DATE: 05-17-07			
JOB: 2006-178	05178bnd/dwg/05178 ConsEsmL.dwg		
DWG. No: 2 of 13	REVISED: 4-16-08		

PEA

2900 E Grand River Ave.  
Howell, MI 48843  
(517) 546-8583

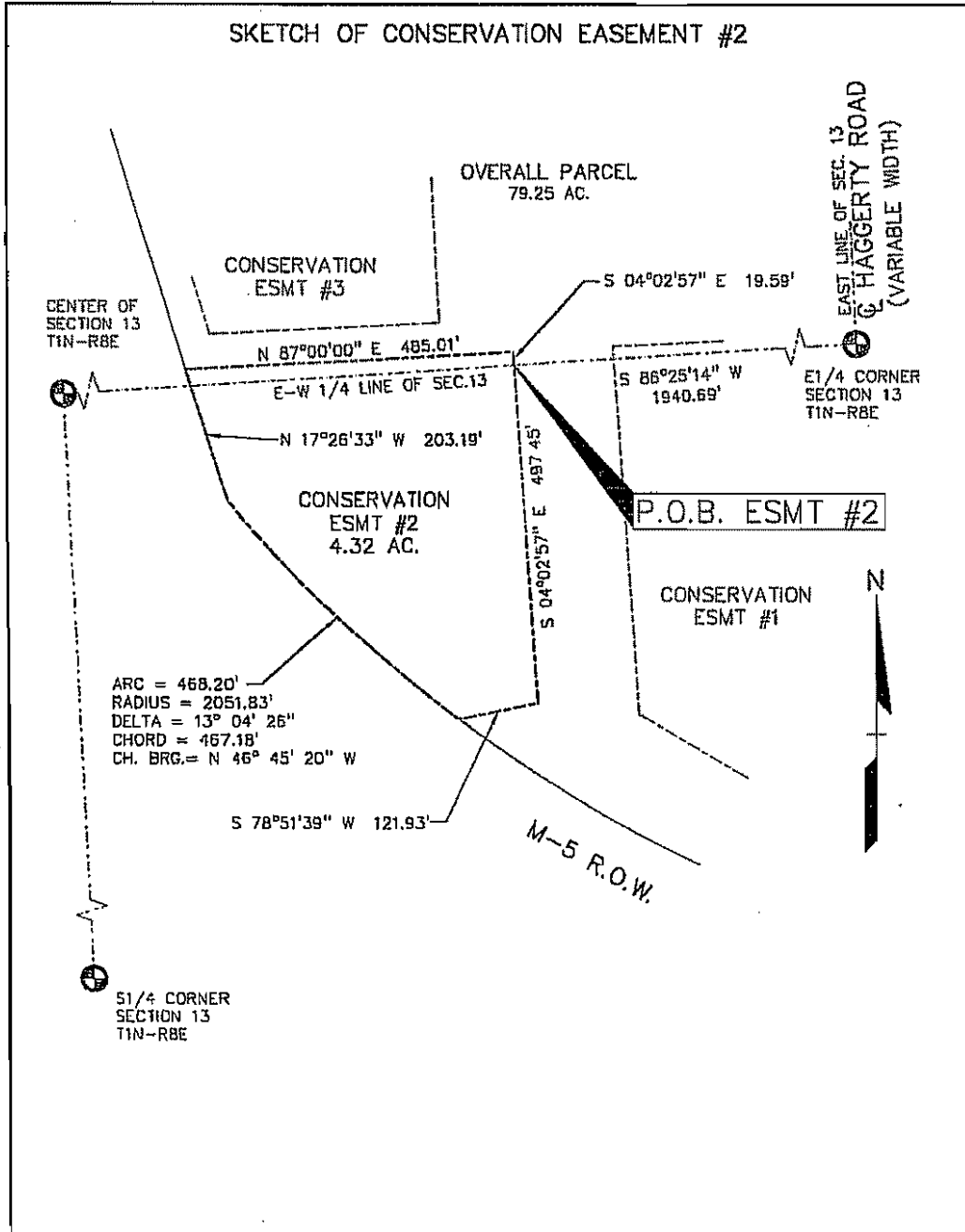
SKETCH OF CONSERVATION EASEMENT #1



LEGEND: $\times$ IRON SET $\bullet$ IRON FOUND $\odot$ SECTION CORNER FOUND		
PROFESSIONAL ENGINEERING ASSOCIATES		
CLIENT: GILLETT ASSOCIATES, INC.		
SCALE: 1"=200'	FIELD: MR/JA	DRAWN: JRV
DATE: 05-17-07	0   100   200   400	
JOB: 2006-17B	0817Bnu/dwg/0617B ConsEsm1.dwg	
DWG. No: 3 of 13	REVISED: 4-12-08	

**PEA**  
 2900 E Grand River Ave.  
 Howell, MI 48843  
 (517) 546-8583

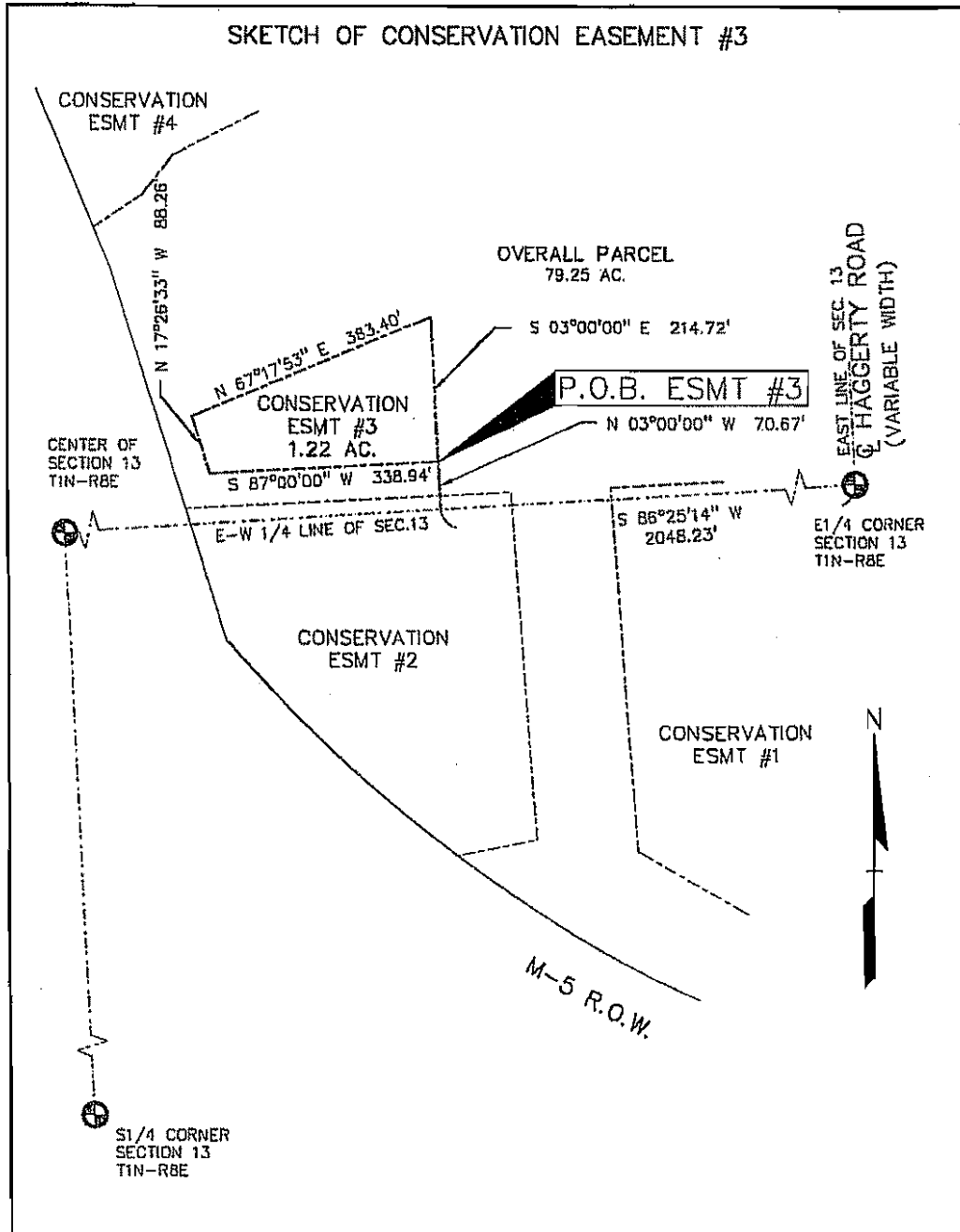
SKETCH OF CONSERVATION EASEMENT #2



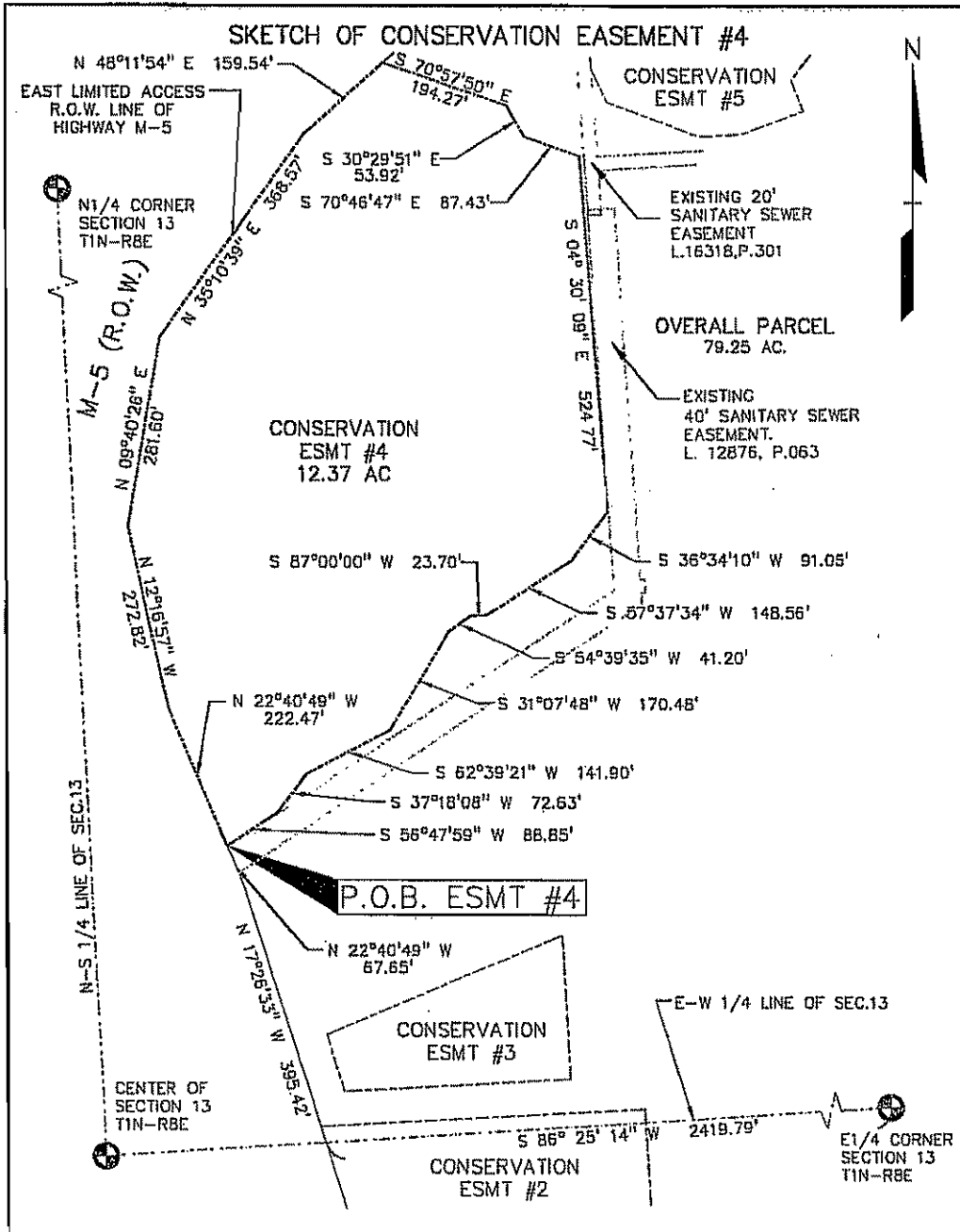
LEGEND: $\otimes$ IRON SET $\bullet$ IRON FOUND $\odot$ SECTION CORNER FOUND	
PROFESSIONAL ENGINEERING ASSOCIATES	
CLIENT: GILLETT ASSOCIATES, INC.	
SCALE: 1"=200'	FIELD: MR/JA   DRAWN: JRV
DATE: 05-17-07	
JOB: 2006-178	
2900 E Grand River Ave. Howell, MI 48843 (517) 646-8583	DWG. No: 4 of 13
06178bird/dwg/06178 ConsEsm1.dwg REVISED: 4-18-08	



SKETCH OF CONSERVATION EASEMENT #3



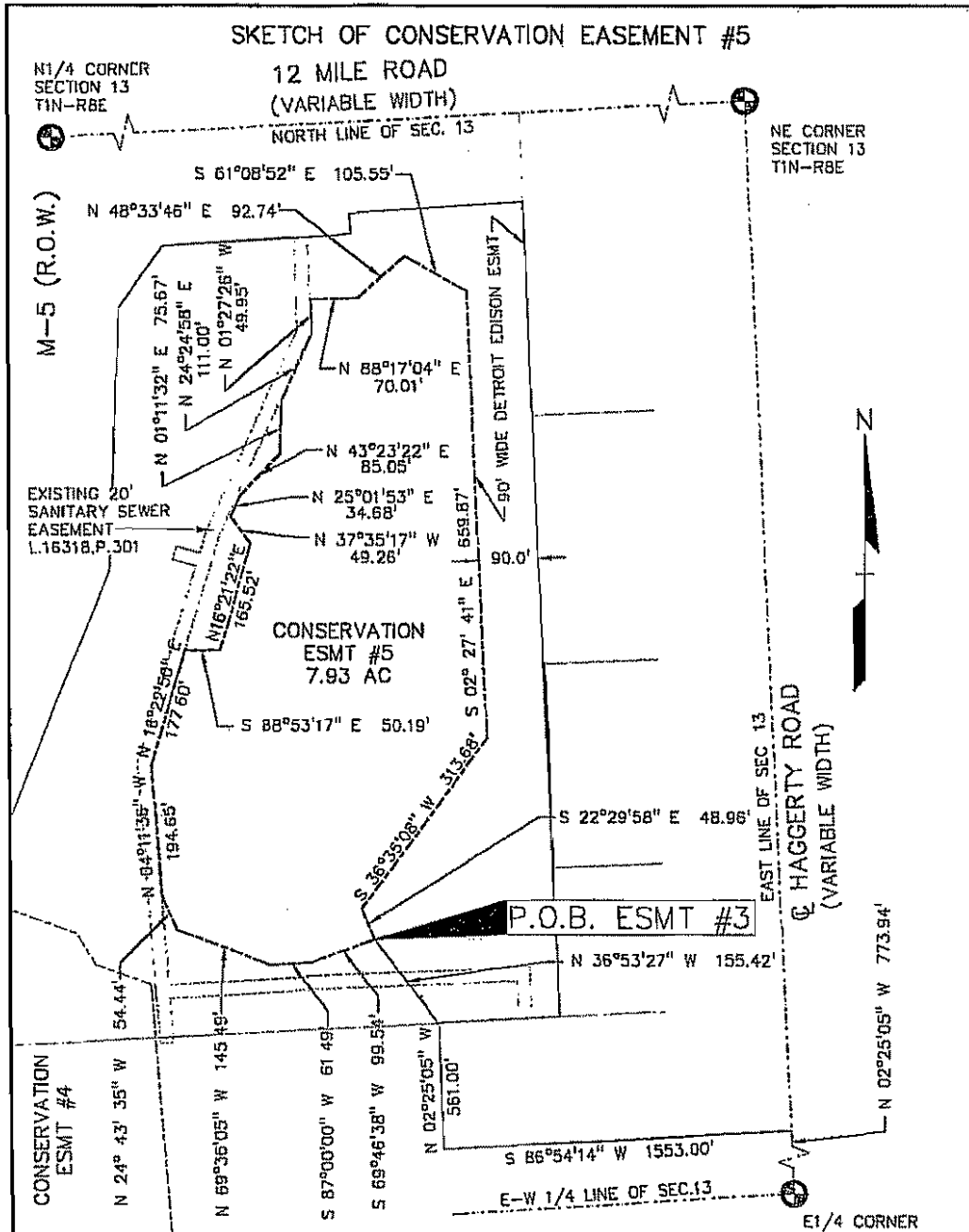
LEGEND:  IRON SET  IRON FOUND  SECTION CORNER FOUND			
<b>PROFESSIONAL ENGINEERING ASSOCIATES</b>			
CLIENT: <b>GILLETT ASSOCIATES, INC.</b>			
 2900 E Grand River Ave. Howell, MI 48843 (517) 546-8588	SCALE: 1"=200'	FIELD: MR/JA	DRAWN: JRV
	DATE: 05-17-07		
	JOB: 2006-178	DWG. No: 5 of 13 06178bnd/dwg/06178 ConsEasmt.dwg REVISED: 4-18-08	



LEGEND: $\times$ IRON SET $\bullet$ IRON FOUND $\oplus$ SECTION CORNER FOUND	
<b>PROFESSIONAL ENGINEERING ASSOCIATES</b>	
CLIENT: <b>GILLETT ASSOCIATES, INC.</b>	
SCALE: 1"=200'	FIELD: MR/JA    DRAWN: JRV
DATE: 05-17-07	
JOB: 2005-178	
DWG. No: 6 of 13	06178bnd/dwg/06178 ConsEsmt.dwg REVISED: 4-18-08

**PEA**

2900 E Grand River Ave.  
Howell, MI 48843  
(517) 546-8589



LEGEND:  $\times$  IRON SET     $\bullet$  IRON FOUND     $\odot$  SECTION CORNER FOUND

**PROFESSIONAL ENGINEERING ASSOCIATES**

CLIENT:  
**GILLETT ASSOCIATES, INC.**

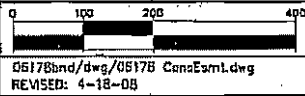
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DATE: 05-17-07

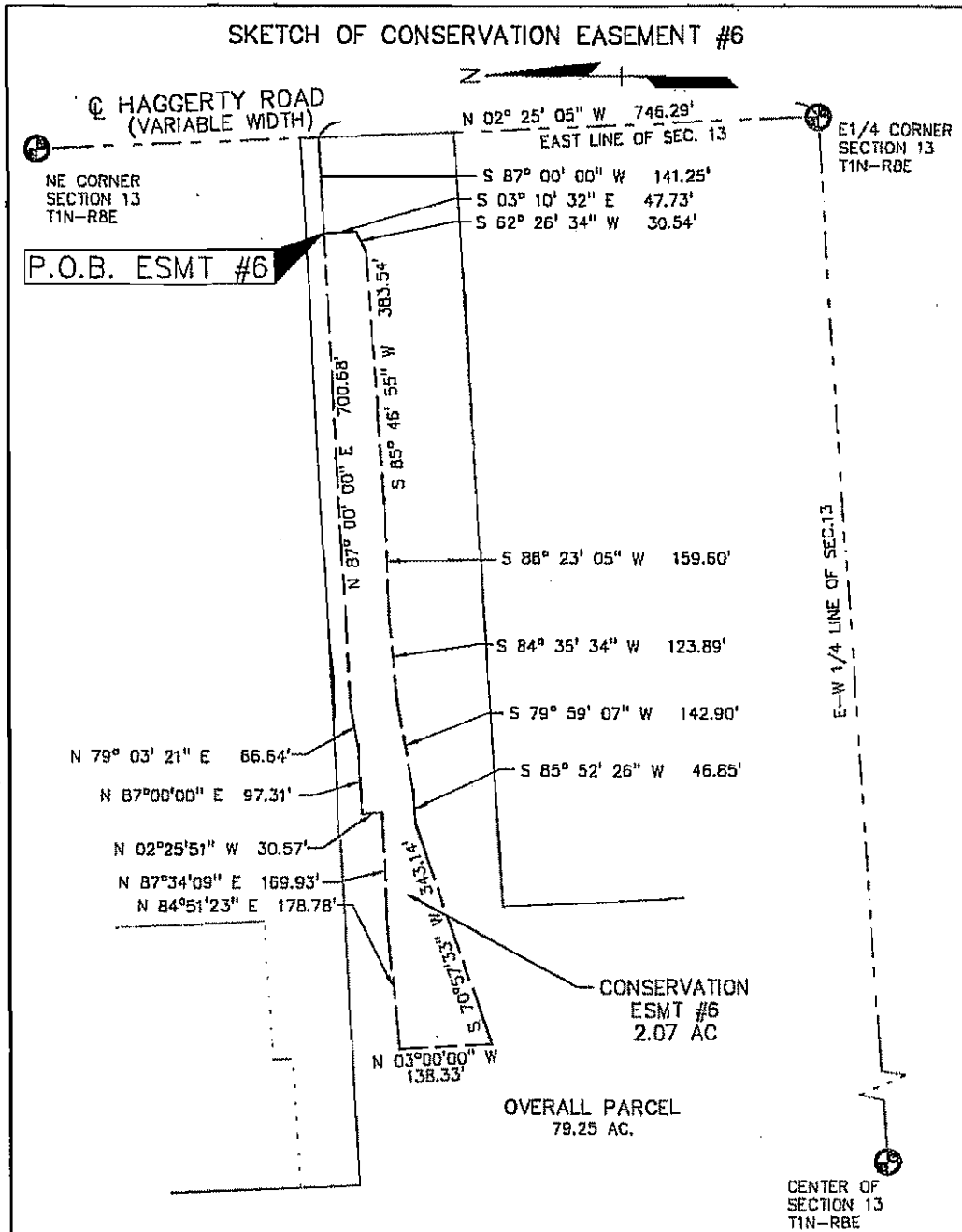
JOB: 2006-17B

DWG. No: 7 of 13

**PEA**  
2000 E Grand River Ave.  
Howell, MI 48843  
(517) 546-8583



SKETCH OF CONSERVATION EASEMENT #6



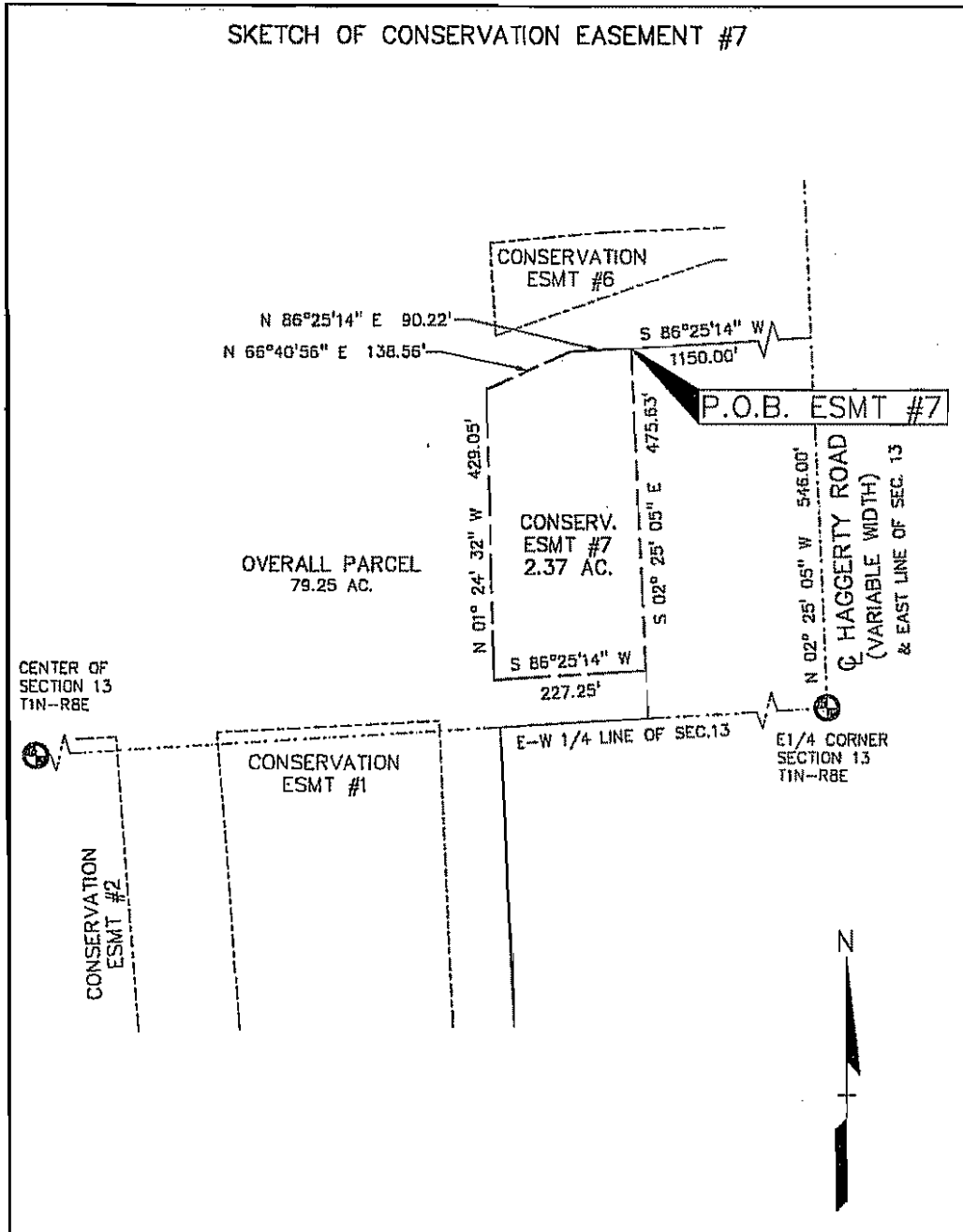
LEGEND: X IRON SET   ● IRON FOUND   ⊕ SECTION CORNER FOUND	
PROFESSIONAL ENGINEERING ASSOCIATES	
CLIENT: <b>GILLETT ASSOCIATES, INC.</b>	
SCALE: 1"=200'	FIELD: MR/JA   DRAWN: JRV
DATE: 05-17-07	
JOB: 2006-17B	
DWG. No: 8 of 13	0617Band/dwg/0617B ConeEsmt.dwg REVISED: 4-18-08

**PEA**

2800 E Grand River Ave.  
Howell, MI 48843  
(517) 546-8583



SKETCH OF CONSERVATION EASEMENT #7



LEGEND: $\times$ IRON SET $\odot$ IRON FOUND $\oplus$ SECTION CORNER FOUND			
<b>PROFESSIONAL ENGINEERING ASSOCIATES</b>			
CLIENT: <b>GILLETT ASSOCIATES, INC.</b>			
SCALE: 1"=200'	FIELD: MR/JA	DRAWN: JRV	
DATE: 05-17-07			
JOB: 2006-178	05178bnd/dwg/05178 ConsEsmt.dwg		
DWG. No: 9 of 13	REVISED: 4-18-08		

**PEA**  
 2900 E Grand River Ave.  
 Howell, MI 48843  
 (517) 546-8583



## SKETCH OF EASEMENT

### LEGAL DESCRIPTIONS:

#### OVERALL PARCEL

Part of the East 1/2 of Section 13, T1N-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows:

COMMENCING at the East 1/4 corner of said Section 13; thence along the East line of said Section 13 and the centerline of Haggerty Road (variable width), N 02°25'05" W, 546.00 feet to the POINT OF BEGINNING; thence S 86°25'14" W, 1150.00 feet; thence S 02°25'05" E, 546.00 feet to a point on the East-West 1/4 line of Section 13; thence along said East-West 1/4 line, S 86°25'14" W, 222.13 feet; thence S 02°33'45" E, 892.17 feet to a point on the Easterly Right-of-Way line of Limited Access State Highway M-5; thence along said Easterly Right-of-Way line the following eleven (11) courses: 1) 1241.89 feet along a curve to the right, said curve having a radius of 2051.83 feet, a central angle of 34°40'44", and a chord which bears N 57°33'29" W, 1223.02 feet, 2) N 17°26'33" W, 573.39 feet, 3) N 22°40'49" W, 290.12 feet, 4) N 12°16'57" W, 272.82 feet, 5) N 09°40'26" E, 281.60 feet 6) N 35°10'39" E, 368.57 feet (recorded as 368.90 feet), 7) N 48°11'54" E, 252.26 feet, 8) N 21°57'22" E, 444.19 feet, 9) N 02°04'19" E, 384.78 feet, 10) N 35°16'04" E, 113.26 feet, and 11) N 86°04'18" E, 251.78 feet (recorded as 251.83 feet) to a point on the West line of the Easterly 285 feet of the Northwest 1/4 of the Northeast 1/4 of Section 13, and the Point of Ending of said Limited Access Right-of-Way line; thence N 86°04'18" E, 27.07 feet; thence N 03°55'42" W, 30.00 feet; thence N 86°04'18" E, 258.79 feet to a point on the East line of Northwest 1/4 of the Northeast 1/4 of Section 13 as occupied; thence along said East line of the Northwest 1/4 of the Northeast 1/4, S 02°27'41" E, 1204.52 feet to a point on the South line of the Northwest 1/4 of the Northeast 1/4 as occupied, point also being on the North line of Novi Research Park Condominium (L.22522, P.820-834, O.C.R. amended L.22743, P.302-307, O.C.R.); thence along said line, S 86°54'14" W, 182.97 feet; thence along the West line of said Novi Research Park Condominium, S 02°25'05" E, 561.00 feet; thence along the south line of said Novi Research Park Condominium, N 86°54'14" E, 1553.00 feet to a point on the East line of said Section 13 and the centerline of said Haggerty Road; thence along said East line, S 02°25'05" E, 227.94 feet to the POINT OF BEGINNING. Containing 79.25 acres of land and subject to any easements or restrictions of record.

	PROFESSIONAL ENGINEERING ASSOCIATES		
	CLIENT: GILLETT ASSOCIATES, INC.		
	SCALE: NO SCALE	FIELD: MR/JA	DRAWN: JRV
	DATE: 05-17-07		
2900 E Grand River Ave. Howell, MI 48843 (517) 548-8583	JOB: 2006-178	06178end/dwg/06178 ConsEasmt.dwg REVISED: 4-18-08	
DWG. No: 10 of 13			

**SKETCH OF EASEMENT**

**LEGAL DESCRIPTIONS:**

**CONSERVATION EASEMENT #1**

Part of the Northeast 1/4 of Section 13, T1N-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows:

COMMENCING at the East 1/4 corner of said Section 13; thence along the East-West 1/4 line of said Section 13, S 86°25'14" W, 1462.15 feet to the POINT OF BEGINNING, thence S 02°24'06" E, 733.52 feet; thence N 59°20'52" W, 373.94 feet; thence N 04°02'57" W, 541.10 feet; thence N 87°00'00" E, 329.00 feet; thence S 02°24'06" E, 14.75 feet to the POINT OF BEGINNING. Containing 4 74 acres.

**CONSERVATION EASEMENT #2**


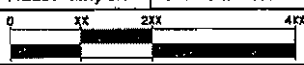
Part of the Northeast 1/4 of Section 13, T1N-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows:

COMMENCING at the East 1/4 corner of said Section 13; thence along the East-West 1/4 line of said Section 13, S 86°25'14" W, 1940.69 feet to the POINT OF BEGINNING; thence S 04°02'57" E, 497.45 feet; thence S 78°51'39" W, 121.93 feet to a point on the easterly line of limited access highway M-5 (variable width); thence along said easterly line the following two (2) course: 1) 468.20 feet along a curve to the right, said curve having a radius of 2051.83 feet, a central angle of 13°04'26", and a chord which bears N 46°45'20" W, 467.18 feet, and 2) N 17°26'33" W, 202.19 feet; thence N 87°00'00" E, 485.01 feet; thence S 04°02'57" E, 19.59 feet to the POINT OF BEGINNING. Containing 4.32 acres.

**CONSERVATION EASEMENT #3**

Part of the Northeast 1/4 of Section 13, T1N-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows:

COMMENCING at the East 1/4 corner of said Section 13; thence along the East-West 1/4 line of said Section 13, S 86°25'14" W, 2048.23 feet; thence N 03°00'00" W, 70.67 feet to the POINT OF BEGINNING, thence S 87°00'00" W, 338.94 feet; thence N 17°26'33" W, 88.26 feet; thence N 67°17'53" E, 383.40 feet; thence S 03°00'00" E, 214.72 feet to the POINT OF BEGINNING. Containing 1.22 acres.

	<b>PROFESSIONAL ENGINEERING ASSOCIATES</b>		
	CLIENT: <b>GILLETT ASSOCIATES, INC.</b>		
	SCALE: NO SCALE	FIELD: MR/JA	DRAWN: JRV
	DATE: 05-17-07		
2900 E Grand River Ave. Howell, MI 48843 (517) 546-8583	JOB: 2006-178	DWG. No: 11 of 13	
	06178bnd/dwg/06178 ConsEsmt.dwg REVISED: 4-18-08		

## SKETCH OF EASEMENT

**LEGAL DESCRIPTIONS:**

**CONSERVATION EASEMENT #4**


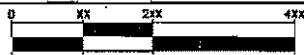
Part of the Northeast 1/4 of Section 13, T1N-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows:

COMMENCING at the East 1/4 corner of said Section 13; thence along the East-West 1/4 line of said Section 13, S 86°25'14" W, 2419.79 feet to a point on the Easterly Right-of-Way line of Limited Access State Highway M-5; thence along said Easterly Right-of-Way line, N 17°26'33" W, 395.42 feet to the POINT OF BEGINNING; thence continuing along said Easterly Right-of-Way line the following five (5) courses: 1) N 22°40'49" W, 222.47 feet, 2) N 12°16'57" W, 272.82 feet, 3) N 09°40'26" E, 281.60 feet, 4) N 35°10'39" E, 368.57 feet, 5) N 48°11'54" E, 159.54 feet; thence S 70°57'50" E, 194.27 feet; thence S 30°29'51" E, 53.92 feet; thence S 70°46'47" E, 87.43 feet; thence S 04°30'09" E, 524.77 feet; thence S 36°34'10" W, 91.05 feet; thence S 57°37'34" W, 148.56 feet, thence S 87°00'00" W, 23.70 feet; thence S 54°39'35" W, 41.20 feet; thence S 31°07'48" W, 170.48 feet; thence S 62°39'21" W, 141.90 feet; thence S 37°18'08" W, 72.63 feet; thence S 56°47'59" W, 88.85 feet to the POINT OF BEGINNING. Containing 12.37 acres.

**CONSERVATION EASEMENT #5**

Part of the Northeast 1/4 of Section 13, T1N-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows:

COMMENCING at the East 1/4 corner of said Section 13; thence along the East line of said Section 13 and the centerline of Haggerty Road (variable width), N 02°25'05" W, 773.94 feet; thence . thence along the South line of Novi Research Park Condominium (L.22522, P.820-834, O.C.R. amended L.22743, P.302-307, O.C.R.), S 86°54'14" W, 1553.00 feet; thence along the West line of Novi Research Park Condominium, N 02°25'05" W, 561.00 feet; thence N 36°53'27" W, 155.42 feet to the POINT OF BEGINNING, thence S 69°46'38" W, 99.54 feet; thence S 87°00'00" W, 61.49 feet; thence N 69°36'05" W, 145.49 feet; thence N 24°43'35" W, 54.44 feet, thence N 04°11'36" W, 194.65 feet; thence N 16°22'50" E, 177.60 feet; thence S 88°53'17" E, 50.19 feet; thence N 16°21'22" E, 165.52 feet; thence N 37°35'17" W, 49.26 feet; thence N 25°01'53" E, 34.68 feet; thence N 43°23'22" E, 85.05 feet; thence N 01°11'32" E, 75.67 feet; thence N 24°24'58" E, 111.00 feet; thence N 01°27'26" W, 49.95 feet; thence N 88°17'04" E, 70.01 feet; thence N 48°33'46" E, 92.74 feet; thence S 61°08'52" E, 105.55 feet; thence S 02°27'41" E, 659.87 feet; thence S 36°35'08" W, 313.68 feet; thence S 22°29'58" E, 48.96 feet to the POINT OF BEGINNING. Containing 7.93 acres.

	<b>PROFESSIONAL ENGINEERING ASSOCIATES</b>		
	CLIENT: <b>GILLETT ASSOCIATES, INC.</b>		
	SCALE: NO SCALE	FIELD: MR/JA	DRAWN: JRV
	DATE: 05-17-07		
2900 E Grand River Ave. Howell, MI 48843 (517) 546-8583	JOB: 2006-178	06178bnd/dwg/06178 ConsEas1.dwg REVISED: 4-18-08	
	DWG. No: 12 of 13		

## SKETCH OF EASEMENT

**LEGAL DESCRIPTION:**

**CONSERVATION EASEMENT #6**


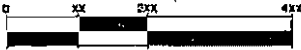
Part of the Northeast 1/4 of Section 13, T1N-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows:

COMMENCING at the East 1/4 corner of said Section 13; thence along the East line of said Section 13 and the centerline of Haggerty Road (variable width), N 02°25'05" W, 746.29 feet; thence S 87°00'00" W, 141.25 feet to the POINT OF BEGINNING; thence S 03°10'32" E, 47.73 feet; thence S 62°26'34" W, 30.54 feet; thence S 85°46'55" W, 383.54 feet; thence S 88°23'05" W, 159.60 feet; thence S84°35'34"W, 123.89 feet; thence S79°59'07"W, 142.90 feet; thence S85°52'26"W, 46.85 feet; thence S 70°57'33" W, 343.14 feet; thence N 03°00'00" W, 138.33 feet; thence N 84°51'23" E, 178.78 feet; thence N 87°34'09" E, 169.93 feet; thence N 02°25'51" W, 30.57 feet; thence N 87°00'00" E, 97.31 feet; thence N 79°03'21" E, 66.64 feet; thence N 87°00'00" E, 700.68 feet to the POINT OF BEGINNING. Containing 2.07 acres.

**CONSERVATION EASEMENT #7**

Part of the East 1/2 of Section 13, T1N-R8E, City of Novi, Oakland County, Michigan, more particularly described as follows:

COMMENCING at the East 1/4 corner of said Section 13; thence along the East line of said Section 13 and the centerline of Haggerty Road (variable width), N 02°25'05" W, 546.00 feet; thence S 86°25'14" W, 1150.00 feet to the POINT OF BEGINNING; thence S 02°25'05" E, 475.63 feet; thence S 86°25'14" W, 227.25 feet; N 01°24'32" W, 429.05 feet; thence N 66°40'56" E, 138.56 feet; thence N 86°25'14" E, 90.22 feet to the POINT OF BEGINNING. Containing 2.37 acres.

	<b>PROFESSIONAL ENGINEERING ASSOCIATES</b>		
	CLIENT: <b>GILLETT ASSOCIATES, INC.</b>		
	SCALE: NO SCALE	FIELD: MR/JA	DRAWN: JRV
	DATE: 05-17-07		
2900 E Grand River Ave. Howell, MI 48843 (517) 546-8583	JOB: 2006-178	08178bnd/dwg/08178 ConsEsrmt.dwg REVISED: 4-18-08	
DWG. No: 13 of 13			

**Planning Commission Minutes**

**Excerpts**

**December 13, 2006**



**PLANNING COMMISSION**  
 REGULAR MEETING EXCERPTS  
 WEDNESDAY, DECEMBER 13, 2006 7:30 PM  
 COUNCIL CHAMBERS - NOVI CIVIC CENTER  
 45175 W. TEN MILE, NOVI, MI 48375  
 (248) 347-0475

**CALL TO ORDER**

The meeting was called to order at or about 7:30 PM.

**ROLL CALL**

**Present:** Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, David Lipski, Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

**Also Present:** Barbara McBeth, Director of Planning; Mark Spencer, Planner; Kristen Kapelanski, Planner; Ben Croy, Engineer; David Beschke, Landscape Consultant; John Freeland, Wetland Consultant; Sara Merrill, Traffic Consultant; Tom Schultz, City Attorney

**PUBLIC HEARINGS**

**1. ITC TRANSMISSION COMPANY, SP06-53**

The Public Hearing was opened on the request of Joe Bennett of ITC Transmission Company for Preliminary Site Plan, Wetland Permit, Woodland Permit, and Stormwater Management Plan approval. The subject property is located in Section 13, south of Twelve Mile, between Haggerty Road and the M-5 Connector, in the OST, Planned Office Service Technology District. The subject property is approximately 83.63 acres and the Applicant is proposing to construct two six-story office buildings and two multiple level parking structures.

**2. ITC TRANSMISSION COMPANY HELISTOP, SP06-61**

The Public Hearing was opened on the request of Joe Bennett of ITC Transmission Company, for Planning Commission's recommendation to City Council for the proposed helistop location. The subject property is located in Section 13, south of Twelve Mile between Haggerty Road and the M-5 Connector, in the OST, Planned Office Service Technology District. The Applicant is proposing a location for the helistop in conjunction with the ITC Transmission Company Headquarters.

Director of Planning Barbara McBeth presented both the ITC Plan and the Helistop plans together. She described the OST-zoned property for the Planning Commission. The site is irregularly shaped. The Quaker Sub-Station is also located on this site. There are also overhead electrical transmission lines that run north and south throughout the site. There is a DTE building on the site. The north twenty acres are vacant. There is a thirteen-acre pond on the north side. There is a ten-acre pond on the west side. The property to the north is developed with the Haggerty Corridor Corporate Park, zoned OST and master planned for Office. To the east are Country Cousins Mobile Home Park (zoned MH), the Novi Research Park and a landscape company (both zoned OST). To the west is the M-5 connector, and the property in that area is zoned OST. To the south is a freeway connector ramp. The zonings are consistent with the Master Plan, though the suggested use for the subject property was for utility uses. There are regulated woodlands on the site. There are wetlands on the site.

The Applicant is proposing to construct offices for the ITC. The office buildings are near the center of the site. Building One is 187,913 square feet. Part of the building is six stories; part of it is two stories. Building Two is 154,000 square feet. Parking Structure One is three levels and 33 feet high and Parking Structure Two is four levels and 45 feet high. The office buildings are just under 115 feet tall.

The existing Quaker Sub-Station will remain on the site. It will be slightly reconfigured. It will be screened by a new 16-foot wall. The existing DTE structure will also remain. The main access to the site will be from Twelve Mile. The main entrance will be east of the M-5 ramp. The existing Haggerty drive will remain, but that is for emergencies and is not intended for common use.

Earlier this year, a Preliminary Site Plan was approved by the Planning Commission for the Great Lakes Corporate Campus, for four buildings on the north portion of this site. The design included a bank, a hotel and offices totaling 139,000 square feet. ITC has now acquired this property, and they will be using it for the driveway configuration as shown on the plans. The wetland impacts will be about the same for either of these plans.

Ms. McBeth discussed the issues raised in the reviews. ZBA Variances are required regarding Section 2514, the road design standards. The Ordinance requires that buildings be accessed from a major drive that meets certain

requirements. The Planning Department has determined that the best location for this major drive would be the access from Twelve Mile, continuing down through the property past the first parking structure. There are parking spaces located off the major drive, and the Ordinance does not anticipate such a design. The Ordinance also states that there must be a minimum of a 100-foot radius, but there are sharp corners around the wetlands. The Planning and Engineering staffs support these variances, because the Applicant has met the intent of the Ordinance throughout the rest of the site. The preservation of the natural features makes the designing rather difficult.

A ZBA Variance is required for the location of the dumpster. It has been proposed to be located between Building One and Parking Structure One. This location is technically considered a side yard. The Planning Department supports this location. It is adequately screened.

A ZBA Variance is required for the east yard setback. The property line is irregular. The building setback has been met in all other areas but the one, where only 77 feet of setback has been provided. They require 188 feet of setback. This area is adjacent to an undeveloped portion of an office condominium project. The Planning Department supports this variance request because the site is undeveloped woodland and wetland and there is a detention basin as well. There is a great distance between the building and the residential area - about 500 feet. The building at this area is the two-story section - the control center of the Office Building One.

A ZBA Variance is required to allow the guard booth. Technically the placement of this booth is proposed for the front yard. City Council will need to consider a Waiver of the Fire Prevention Code to allow the access control gates in three locations.

A Planning Commission Waiver is required to allow the building to be 115 feet. The building design elements mitigate the mass, there is a variation to the lighting, and there are building stepbacks. The Planning Commission can consider these items to determine whether the additional building height should be permitted. Ms. McBeth showed the building elevations.

A Planning Commission Waiver is required for the driveway encroaching into the required twenty foot side yard setback. The Planning Commission can modify these requirements in cases where additional setback is provided elsewhere.

Ms. McBeth said that the square footage of the one building is accurately listed as 187,913, and that number changed based on the decision to finish the second floor of the control tower area. Fifty additional parking spaces will be added to the site.

The Woodland and Wetland Reviews both indicate that permits are required. For the north twenty acres, the impact is similar to that proposed by the Great Lake Corporate Campus plan. There will be small amounts of impact to the various ponds on the site.

The Landscape Review recommends approval subject to the granting of some Planning Commission Waivers. The required berms along M-5 would disturb the pond; the Applicant is also asking for a Waiver of the Twelve Mile berm. The Applicant is seeking a waiver of the M-5, Twelve Mile and Haggerty street tree requirements. That request could be considered by the Planning Commission, subject to the Applicant providing written verification from the agency with jurisdiction of those roads, that these trees would not be allowed.

Technically, a berm along the eastern wooded wetland would be required, but the Landscape Architect stated that he would support a waiver of that berm in order to maintain the natural area.

The Traffic Review did not recommend approval of the plan.

The Engineering Review and the Fire Department Review both recommend approval of the plan, with minor items to be addressed at the time of Final Site Plan submittal.

The Façade Review recommends approval, with comments that the gold windows improve the look of the building,



and the use of cast stone is consistent with the look and quality of limestone.

Ms. McBeth said that the helistop is proposed on the ground near Building Two. There will be no fuel service, maintenance or overhaul of helicopters permitted in this area. It is just for pickup and dropoff purposes. The helistop will remain on the ground until the second building is constructed, and then the Applicant would need to come back for consideration of moving the helistop elsewhere.

There is a fence proposed for the helistop area. The area is proposed to be concrete, thereby minimizing dust being blown around. The Applicant intends to meet the building, fire and health codes associated with the helistop. They will meet the federal guidelines. There will be a provision for offstreet parking.

The Planning Commission is asked to approve the plan and make a recommendation to City Council regarding the helistop.

Joe Bennett of ITC addressed the Planning Commission. Currently ITC is located off of Orchard Hill Place near Haggerty and Eight Mile. They are a rapidly growing utility company. They have outgrown their current facility, in part due to their acquisition of the Michigan Electric Transmission Company on the west side of the state. ITC owns and maintains a vast majority of the high voltage transmission system in Michigan's lower peninsula. This system is used to transport large quantities of electricity over long distances – from generation to distribution. They do not own the generation or the distribution – that is traditionally Consumers Energy or Detroit Energy. They are ITC's largest customers. ITC owns the transmission lines and sub-stations.

With their recent growth, some of the ITC employees have been relocated out of Novi. In less than four years, ITC has gone from 38 employees to about 300 employees and contractors. ITC anticipates some additional growth in the years to come. The second building will be built at a later date. For efficiency and cohesiveness, ITC would like their employees in one location. There will be space for 450 employees in the first building. There are currently 200 employees in Novi. Another 100-plus employees will be moved to Novi. Engineers will be brought in to maintain and design the lines. An operation group will monitor and control the transmission assets, on a 24/7 basis. Corporate support staff will be onsite. This includes finance, legal, regulatory and IT employees.

Mr. Bennett said that their intent is to keep Twelve Mile as the main entrance. They have no intentions of allowing employees to use the Haggerty entrance. This Haggerty entrance will be used for access to the sub-station and for emergencies. ITC has plenty of land and they have no intentions of acquiring the mobile home park. The outdoor lighting will comply with the Ordinance. They plan to use cutoff lights that point downward.

The helistop is meant for the CEO and his guests to tour the facilities and lines. It will not be a major part of the business. The helicopter company is located out of Ann Arbor and the maintenance of the helicopters will be done at their site.

Mr. Bennett said that it has been a pleasure working with the City on this project.

Jim Butler from PEA represented the Applicant's landscape architect and civil engineering consultant. He added that there is a significant amount of natural features and a sub-station that the project had to be designed around. They will encroach the wetlands by about six-tenths of an acre. They met first with the Michigan Department of Environmental Quality to get an initial read from them regarding this plan. They are now in process of procuring the permit. He felt that all of the Staff and Consultant comments could be addressed.

Chair Cassis opened the floor for public comment:

- Dean Klein, Country Cousins: Complained about the expressway helicopters. He thought more helicopters should not be added to the mix. He said the wetlands were going to be destroyed.
- James Burnett, Country Cousins: Noted the nice ecosystem on this subject property and he didn't want it upset. He encouraged the City to consider finish building in already developed areas before building on virgin land.
- Karen Schrock, Country Cousins: Opposed to the monstrosity of this plan. She was not happy about the noise. She did not want walking paths along the property line as it would invade her privacy.

- William Ray, Country Cousins: Lives near the woods and he said that the lights are always on near the woods. He did not think two six story buildings were necessary near his home.
- Steve Pellegata, 27409 Haggerty: Concerned about the change and how it will kill off the natural features. He showed pictures of trees that are dying from diverted water. He asked the Applicant to look out for his neighbors.
- Stan Mickolaj, Country Cousins: He wondered what the size of the catch basin would be to accommodate this amount of impervious surface. Civil Engineer Ben Croy responded to this audience member, stating that there are numerous sedimentation basins planned that will temporarily hold the water, releasing it at controlled rates. The wetland system will store the water, releasing it down the channel to the south.
- Christine Gilchrist, Country Cousins: Concerned about the noise levels. Additional traffic will make the noise worse.
- Scott Wood, Country Cousins: Stated that noise and lights have increased over the years. Lately he has heard low frequency rumbles coming for the sub-station.

Chair Cassis asked Member Pehrson to read the Public Hearing correspondence into the record:

- S. Sasaki, 37840 Interchange Drive: Stated that his company is no longer in the area; they moved to Farmington Hills.
- Matthew Russell, 39594 Ronayton: Objected for traffic and noise reasons. It will be unsafe for children.
- Joan Simonson, 26827 O'Jaustin: Objected because of the loss of wildlife. Traffic will be bad. The six-story buildings are unacceptable.
- Susan Kozlowski, 26857 Gornada: Objected because of other vacant office buildings in area. It will disrupt the wetlands and wildlife.
- Yutaka Matsubara, 27260 Haggerty Road: Approved of plan.
- Susan Abramovich, 27147 Larose: Objected for traffic reasons.
- Cele Tipton, 39578 Ardell: Objected because her family plays in the woods.
- Marlene Nuppanau, 26821 Gornada: Objected because of the destruction to the wetland and woodlands. There is enough office space in Novi already.
- Misako Allen, 26833 O'Jaustin: Objected because he didn't have enough time to research the project.
- Philip Case, 26924 Gornado: Approved as long as it didn't disrupt Country Cousins.
- Darlene Alexander, 26907 Gornada: Objected because of destruction of wetlands and woodlands.
- Edward Stankiewicz, 26834 O'Jaustin: Objected and has not been able to research the project.
- Mark Gross, 39567 Neston: Objected for congestion reasons. He didn't want the wetland disturbed.
- Steven Pellegata, 27409 Haggerty: Concerned about water management.

Chair Cassis asked Member Pehrson to read the Helistop Public Hearing correspondence into the record:

- Chrystal Russell, 39594 Ronayton: Objected because she didn't want her peace disturbed.
- Joan Simonson, 26827 O'Jaustin: Objected for noise reasons and the displacement of wildlife.
- Christine Gambino, 26915 Gornado: Objected because she didn't want helicopters flying over her home.
- Brian Droz, 03524 Gornada: Objected because too many buildings are already in the area and the wetlands should be left alone.
- Yutaka Matsubara, 27260 Haggerty: Approved of plan [though misstated as an objection at the meeting].
- Susan Abramovich, 27147 Larose: Objected because she didn't want helicopters disrupting her peace.
- Cele Tipton, 39578 Ardell: Objected because her family plays on this land.
- Susan Gamble, 27022 Branton: Objected because of flooding issues, displacement of the wildlife, and there's too much building going on.
- Misako Allen, 26833 O'Jaustin: Objected because of the noise.
- Lorraine Nelson, 268924 Gornada: Approved of the plan.
- Darlene Alexander, 26907 Gornada: Objected to the helistop.
- Edward Stankiewicz, 26834 O'Jaustin: Objected because of the noise.
- Louise Hayes, 26802 Rosaron: Objected to plan because she thought it meant that Country Cousins would be torn down [contacted on December 12, 2006 by a member of staff and told otherwise].
- Christine Gambino, 26915 Gornado: Objected to the helicopters.

Chair Cassis closed the Public Hearing. City Attorney Tom Schultz asked the Chair to ensure that the people understood that this was the time to speak up regarding both the ITC plan and the ITC Helipad plan. Chair Cassis again asked for comments.

- Murray Sweetwine, Country Cousins: Asked what the construction timeframe is, and Chair Cassis told Mr. Sweetwine that this would be discussed.

Again, Chair Cassis closed the Public Hearing.

Member Wrobel asked how far Building One and Building Two are from Country Cousins. Ms. McBeth responded that Building One's corner is a bit further than 500 feet. Building Two is a greater distance. Member Wrobel asked how often the helistop would be used. At what time of day? On the weekends? Would it be used at night? Would it be used on holidays? Would the flight pattern take the helicopter over Country Cousins?

Mr. Bennett responded that the helistop would not be used daily. The flight path cannot come over Country Cousins due to the sub-station's location. The pattern would come in from the west or northwest. He did not foresee nighttime flights. The helistop has to be lit, per the FAA, but it isn't expected to be used at night. He estimated that the helicopter would be used once per month, but it is hard to judge as it is currently not something they have available – but he reiterated the use would be minimal.

Member Wrobel asked what could be done with the stormwater management to ensure that the water drainage problem is not compounded. Dr. John Freeland of ECT could not comment on the Cooker's plan, but he too, was concerned about the water budget of the existing wetlands. They have asked for the current water balance and the anticipated water balance post-development. He understood that most of the stormwater discharge would go to the wetland west of the proposed development. There are two large wetlands on the site – Dr. Freeland used the map to describe the stormwater flow.

Dr. Freeland said there are about thirty acres of wetland and ponds on this site. He has met with ITC to discuss the more sensitive areas. They identified an area near the mobile home park where there is a forested wetland. It consists of wetlands and upland areas. ITC has been asked to avoid the area entirely. There is a high quality wetland and woodland to the south that is adjacent to the mobile home park. Dr. Freeland has asked the Applicant to place that area into a conservation easement. There is a jogging trail proposed on the south side of the existing sub-station – but the Applicant has been asked to avoid the trees to the east and south of the sub-station.

Most of the impacts are on the north end – the west side of the property. Most of the construction will be north and east of the sub-station. There are some minor impacts along the large wetland, but the Applicant has done a good job of minimizing these impacts. The impacts are more to smaller, isolated wetlands. The larger wetlands are being preserved. The impacts would require mitigation under the Ordinance. The wetlands are all state-regulated too, Dr. Freeland thought, and he noted that the Applicant has initiated the application process with the MDEQ. The City cannot issue a permit until the State issues their permit. The mitigation area is on the south end of the property. Generally, these mitigation areas are also put into a conservation easement. The southern and eastern part of the property should be largely protected.

Member Wrobel asked how much the water level could be expected to rise. Dr. Freeland responded that he did not have the numbers. Civil Engineer Ben Croy responded that the Applicant has indicated there would be a three-inch increase over the entire wetland system – and that is a temporary raise in water surface. Dr. Freeland noted that there would be an outlet so the level should not rise that much. Dr. Freeland did not think it would rise that much.

Chair Cassis asked how Mr. Pellagata's property came to be under so much water. Dr. Freeland responded that he imagined it had something to do with a change in the grade which caused a new drainage pattern. It is possible that this is a result from the highway construction. Dr. Freeland had no experience with that road project. Typically these problems occur when more water than anticipated drains. This could be due to the way the land drains or because of a change in the permeability of the soil. Sometimes natural conditions are the cause –

increased annual precipitation could be the problem.

Member Wrobel asked when the second building would be built. Mr. Bennett responded that the first building is designed for 450 employees and they currently have about 300 employees. They are growing rapidly. The second building will be built once their employee base exceeds 450. The first building would begin as soon as the permits are granted.

Member Avdoulos asked for the route of the construction traffic. Mr. Bennett said that most likely, Haggerty Road would be used. Mr. Bennett thought that the construction would take ten months for the parking garage, the office structure and the control room. They would like to be in the building by April 2008. In the worst case scenario, they would be looking at twelve months. Member Avdoulos said that ten months would be difficult to achieve. Member Avdoulos said taking the construction traffic from Haggerty would make the most sense. Twelve Mile would bring too much construction traffic too close to the ramp. That would be dangerous. The Haggerty entrance could be used for Phase Two as well, and then the area could return to a natural condition. He hoped that was the Applicant's intent. Mr. Bennett said that it was.

Member Lynch said that there was a familial relationship between the Pellagatas and him. He hoped that would not be a problem – City Attorney Tom Schultz said that it was acceptable for Member Lynch to continue hearing the request.

Member Lynch confirmed that the site has long since been zoned OST. Ms. McBeth said that the rezoning occurred in the late 1990s.

Member Lynch thought that ITC had done a good job in avoiding the wetlands. He wished to confirm how the conservation easement near the mobile home park would read. He thought the language included that the Applicant could not cut, mow or disturb the area. Mr. Butler said the easement would be designed as such – the dimensions will vary. Member Lynch confirmed that the natural features adjacent to the mobile home park would be protected.

Member Lynch asked about the maintenance program for the detention basins. Mr. Croy said that the basins would be privately maintained. The Applicant and the City will enter into an agreement wherein the City can maintain the basin if the Applicant fails to do so, and the Applicant would be charged for this service.

Member Lynch said that the homeowners in the area do not want more water draining on their land. He hoped this project could be a benefit to the stormwater management system. Mr. Butler thought that might be the case.

Member Lynch noted that the Providence hospital site would be over six stories and would also have a Helistop. He thought that the traffic pattern would be foolishly designed to enter the site from the southeast because of the high tension wires. Therefore he did not think the mobile home park should be worried about fly-overs.

Member Lynch also noted that the City has a Noise Ordinance. Ms. McBeth responded that motor vehicles are excluded from the Ordinance. She felt that the FAA would regulate the helicopter noise.

Member Lynch felt that the 25-foot buffer would provide some sound mitigation. It would help maintain the natural setting. He felt that ITC should be applauded for their design. He hoped the water would be better managed with this design.

Member Lynch thought that the main entrance from Twelve Mile made sense. Haggerty is too busy. The overall plan meets the zoning and is an appropriate use of the property. The neighbors have been isolated through the natural buffer. Member Lynch supported the project.

Member Avdoulos determined that the mobile home park has been around since the 1960s. The sub-station was erected in the mid-1990s. Ms. McBeth said that a lot of this area's land was zoned residential prior to the OST zoning of the 1990s, and she guessed that that was the previous zoning on this property.

Member Avdoulos asked about the adjacency factor between a mobile home park and an OST property – were the requirements different from a Single Family Residential zoning? Ms. McBeth said that they would be treated the same. Setbacks and landscaping requirements would be the same.

Member Avdoulos said that the natural features would be in place because a berm would disturb and disrupt them. A conservation easement would be placed in the area south and area of the sub-station.

Member Avdoulos said that he has heard Mr. Pellagata discuss his water problems once before, when the Great Lakes plan came forward. Member Avdoulos was more comfortable with added this project to the area because the building will be south of that area. The Great Lakes plan squeezed components close to the wetland. This project stays west of the sub-station and hugs the area, providing minimal disturbance. The residents will be protected with the natural features. The building is no closer than the Tower buildings. He said that there were also five- or six-story buildings near Haggerty and Eight Mile.

Member Avdoulos thought the construction timeframe had been adequately addressed.

Member Avdoulos said that lighting is required to be cut off. The parking lot and the garages will have lighting that does not face the residential areas. All cities require this standard. This prevents light pollution in general.

Member Avdoulos thought that the helicopter issue had been addressed. The helicopter's use would not be daily. He hoped there wouldn't be nighttime fly-ins.

Member Avdoulos said that the environmental concerns were being addressed between the Applicant and the City's consultant. Member Avdoulos asked if the woodland issues had been addressed by the Applicant. Dr. Freeland responded that there will be woodland impacts, and the Applicant will have to put the replacement trees on site. Dr. Freeland had some questions about protecting the existing woodlands, and the Applicant has been asked to fence some additional areas. By and large, the issues are minor. The Applicant has been amenable to addressing all of the items.

Landscape Architect David Beschke said that he reviews the replacement trees along with the Woodland Consultant. The replacement trees are shown throughout the site. Dr. Freeland said between 600-700 trees will be removed. Under the Ordinance, they must replace trees greater than eight inches. Their replacements number about 500. That is an Ordinance standard.

Member Avdoulos discussed the traffic noise. He thought the bigger problem would be the construction traffic. Traffic coming in off of Twelve Mile will not create a noise issue. Traffic Consultant Sara Merrill stated that the Applicant does not believe their traffic will significantly impact the area; her company agrees. They are proposing decel lanes along Twelve Mile, which is appropriate. She was concerned about the traffic impact study. They have asked the Applicant to correct the figures used therein, because other incoming businesses in the area will use this information to validate their plan and therefore it should be more accurate. The numbers regarding the northbound offramp from M-5 may be the problem in the study. The Applicant's traffic model is incorrect in their study.

Ms. McBeth told Member Avdoulos said that a Noise Analysis was not required because the plan is not a Special Land Use.

Member Avdoulos said that this building has an occupant – residents don't need to be concerned that this will be another vacant building. Member Avdoulos thought phasing the plan to keep the size proportionate to the company was a good idea. This is a high profile area. This M-5 ramp is a gateway into the City. The building has been sited nicely. It frames the wetland and does not encroach it. The Applicant has been environmentally sensitive. The Applicant is trying to follow the intent of the Ordinance – these newly approved tall buildings are not meant to be giant foreboding structures. The Applicant is also providing expensive parking garages, therefore the plan is environmentally sensitive. The garages are low and the buildings step up. There is a two-story level closest to the mobile home park. Member Avdoulos thought that was designed nicely.

Member Avdoulos said that the security statements were accurate. He understood that the Applicant must iron out the issues with his security agency. The Applicant must meet the needs of the Fire Department. This building and the sub-station require security. This will also add a level of security for the mobile home park.

Member Avdoulos said that the façade had a nice clean look. It is conducive for a headquarters. In the spirit of the Zoning Ordinance, they have designed the building nicely. He asked about the reflective glass. There would not be reflective glass on the back side. There is a strip on the front and on the two sides. The glazing will be most affected by the morning sun. This has to do with the siting of the building as well.

Member Avdoulos commented it is nice when neighbors let the City know when a site requires additional monitoring. The City employees cannot catch everything out on the sites. He did believe that ITC was doing a nice job.

Member Burke tallied up the residents' concerns and found that noise was a big problem for them. Member Burke felt that the helicopter issue was addressed, and that perhaps the neighbors were happier now, to know that this use will not be a regular occurrence.

Mr. Bennett explained that most employees would be on the 9-5 shift, though the operation is a 24/7 job for about a dozen people.

Member Burke did not think that incoming cars would be able to speed in light of the position of the road and the wetland. He didn't think that traffic noise would be heard by the mobile home park.

Member Burke commended the Applicant for not encroaching the wetlands to any great degree. He asked what effect the water level has on the neighboring properties to the east and north. Mr. Croy responded that the two wetland complexes have different anticipated elevations. The north system would elevate about one-half inch and the other wetland would be more like three inches. The systems flow to the southwest before it crosses the expressway. It shouldn't add more water to the properties to the east or north. The north will be impacted very little.

Mr. Bennett told Member Burke that the final helistop would be located atop Building Two.

Member Burke asked about the westbound Twelve Mile traffic that has to make a Michigan Left to enter this site. He wasn't certain where the Michigan Left could be made. Ms. Merrill responded that most vehicles will be going to and from the expressway. There will not be a significant impact. She showed the location of the access drive. She used the map to describe the traffic pattern.

Member Burke thought it was wonderful that this project could move forward on this tricky site. He felt that the plan was very sensitive. He thought the Applicant did a nice job on the project. He supported the project.

Member Meyer asked if the Planning Department would approve of the traffic design, in light of what has been said at this meeting. Ms. McBeth felt that the Traffic Engineer's comments reflected their approval as long as minor items would be addressed at the time of Final Site Plan submittal. The traffic study also has to be updated. Member Meyer felt that the Applicant tried to respond to the traffic items.

Member Meyer asked ITC to keep in mind the comments made by the mobile home park residents. He asked them to be sensitive during the construction phase. He thought the distance from the building to the mobile home park was grand. He thought the Applicant made an effort to design the entry such that traffic would be slowed down. He was pleased with the parking structure. He hoped the Applicant continues to show the neighbors a level of sensitivity.

Member Pehrson spoke with Ms. McBeth about construction traffic. Ms. McBeth said that the posted time for this traffic is 7:00 AM to 7:00 PM. The road is currently paved, so the dust and debris will not be as bad. Ms. McBeth said that the City met with ITC and they are aware of the maintenance items that they will need to keep on top of during construction.

Member Pehrson asked if the Helistop could be limited to any timeframe. Mr. Schultz responded that the Planning Commission is providing a recommendation to City Council; City Council will make the final determination. The Ordinance does not address attaching conditions. This is a permitted use in certain districts, as long as the City Council makes certain findings. If the Planning Commission has thoughts on recommending a restriction, it should be added to the comments or the motion.

Member Pehrson asked about the low frequency hum coming from the sub-station. Mr. Bennett said he was not sure about the hum or the noise study. There is a 16-foot wall that will more than likely be built around the entire sub-station. This will help with the noise. Member Pehrson hoped that ITC would listen to their neighbors, as he felt that ITC has demonstrated that they are good stewards of the land. Mr. Bennett said that they would.

Member Pehrson did not have any concerns about the down-lighting. He asked whether the upper-deck parking had lights. Mr. Bennett said that there would be lighting up there. Tim Melvin, project architect, said that the parking deck uses low pole lights with cutoffs. The light won't spill into the neighboring areas. The Applicant could probably control the lighting, but not to the detriment of security.

Member Pehrson asked the Applicant to consider their neighbors.

Moved by Member Pehrson, seconded by Member Wrobel:

**In the matter of the request of Joe Bennett of ITC Transmission Company, SP06-53, motion to grant approval of the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals Variance for the road design standards of Section 2514, as detailed in the review letter, as recommended, since the Applicant has met the intent of Section 2514 throughout the remainder of the site and the preservation of wetland and woodland areas on the site make the application of the major drive provisions difficult to achieve; 2) A Zoning Board of Appeals Variance for the location of the dumpster enclosure in the side yard adjacent to Building One, given that it is screened and in the best location for screening; 3) A Zoning Board of Appeals Variance for the east yard building setback (188 feet required, 77 feet proposed), given the practical difficulty of the property that exists; 4) A Zoning Board of Appeals Variance to allow accessory structures (guard booths) in the front yard, as a requirement for safety considerations for the structure; 5) A City Council Waiver of Fire Prevention Code to allow access control gates with additional detail provided by the Applicant on the final design; 6) Planning Commission approval to allow taller buildings in certain areas of the City zoned OST, as indicated in the Ordinance, based on the setback of the building and the mitigation of the exterior building lighting; 7) Planning Commission approval for driveway encroaching within the required twenty-foot setback along the east property line, since additional setback area is provided elsewhere on the site; 8) A Planning Commission Waiver of the berm and plantings adjacent to M-5; 9) A Planning Commission Waiver of berm on Twelve Mile; 10) A Planning Commission Waiver for street tree requirements on M-5, 12 Mile and Haggerty Road, subject to Applicant providing written verification from agencies of jurisdiction that trees will not be allowed; 11) A Planning Commission Finding that the screening requirements of the loading zones for the OST District are met by the design of the building; 12) Compliance with all conditions and requirements listed in the Staff and Consultant letters; 13) A Planning Commission Waiver for the berm running along the access road toward Haggerty, such as that the plan does not disturb the natural features; 14) Modification of the traffic study by the Applicant as indicated by the City Consultant; and 15) A Planning Commission recommendation to City Council for limitation of the Helistop hours and potential flight paths be limited; for the reason that the plan meets the Zoning Ordinance and Master Plan for Land Use.**

#### **DISCUSSION**

**Mr. Schultz suggested that the Helistop limitation be stated in the Helistop motion. The maker and the seconder of the motion agreed.**

Chair Cassis allowed an audience member to ask whether there would be a dust abatement plan associated with construction. Chair Cassis said that the road was paved, which will already help. Chair Cassis also stated that

Novi's servicemaster would be on top of this item; this is the toughest community in the area, in terms of monitoring construction sites.

Another audience member was afraid that people would all turn south on Haggerty once they see the traffic on the expressway. Chair Cassis said that the Haggerty drive would be closed. The man stated that the people would drive Twelve Mile to Haggerty. Chair Cassis responded that it was not possible to second-guess this traffic. The resident was sure that Haggerty's traffic would be affected. The resident also said that the creek was very narrow. Chair Cassis said he held the Engineer responsible for ensuring that this plan provides for adequate runoff. The man was also afraid of the helicopter traffic, because the Police fly over the mobile home park all the time. Chair Cassis said that the Police Department's concern was not located in the same place as this Applicant's concern.

James Branigan, another audience member, was afraid of how the footings for the building may affect the stormwater management. The ecosystem runs underground. The footings could cause excess runoff or dry up the wetlands. Chair Cassis said that this will all be monitored, starting at the construction phase. The man was also worried about the road. Chair Cassis appreciated the man's comments. Chair Cassis told the audience that the open forum was closed. Again he said that the City is very stringent in upholding the Ordinance.

Chair Cassis said the current ITC building is very secure. Mr. Bennett said that people are checked into the building, mostly because of the governing body that manages them for the Federal Energy Regulatory Commission and NORC requirements. This is a highly sensitive business. There is a lot of damage that could be done. This business has to be protected.

Chair Cassis asked about the noise and temperature levels for the operation. Mr. Bennett said that the environment inside is very strict and won't generate too much noise.

Chair Cassis asked about the status of ITC. Mr. Bennett said that it is a publicly traded company. It is an independent stand alone transmission company. They do not own generation or distribution. Their purpose is to improve the infrastructure of the transmission grid to prevent things like the 2003 blackout. They will be able to reduce the price of electricity if more generators come into the game and compete. The company has to answer to its shareholders. They must answer to the governing bodies.

Chair Cassis said this company has a great reputation. ITC wants to stay in Novi and bring more employees. They want to pay taxes to Novi. This company wants to invest in Novi. This company is an asset. The project has been thoroughly examined by the Planning Department and the Building Department. Every Ordinance on the books has been looked after and abided by. This site is actually going to improve the wetland and woodland situation. A conservation easement will be placed between this site and the neighbors as a permanent buffer. They are going to take care of the wetlands by managing them. The surrounding sites have nothing to fear. Chair Cassis welcomed them to the City and wished them prosperity.

**ROLL CALL VOTE ON ITC TRANSMISSION COMPANY, SP06-53, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:**

**In the matter of the request of Joe Bennett of ITC Transmission Company, SP06-53, motion to grant approval of the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals Variance for the road design standards of Section 2514, as detailed in the review letter, as recommended, since the Applicant has met the intent of Section 2514 throughout the remainder of the site and the preservation of wetland and woodland areas on the site make the application of the major drive provisions difficult to achieve; 2) A Zoning Board of Appeals Variance for the location of the dumpster enclosure in the side yard adjacent to Building One, given that it is screened and in the best location for screening; 3) A Zoning Board of Appeals Variance for the east yard building setback (188 feet required, 77 feet proposed), given the practical difficulty of the property that exists; 4) A Zoning Board of Appeals Variance to allow accessory structures (guard booths) in the front yard, as a requirement for safety considerations for the structure; 5) A City Council Waiver of Fire Prevention Code to allow access control gates with additional detail provided by the Applicant on the final design; 6) Planning Commission approval to allow taller buildings in certain areas of the City zoned OST, as indicated in**



the Ordinance, based on the stepback of the building and the mitigation of the exterior building lighting; 7) Planning Commission approval for driveway encroaching within the required twenty-foot setback along the east property line, since additional setback area is provided elsewhere on the site; 8) A Planning Commission Waiver of the berm and plantings adjacent to M-5; 9) A Planning Commission Waiver of berm on Twelve Mile; 10) A Planning Commission Waiver for street tree requirements on M-5, 12 Mile and Haggerty Road, subject to Applicant providing written verification from agencies of jurisdiction that trees will not be allowed; 11) A Planning Commission Finding that the screening requirements of the loading zones for the OST District are met by the design of the building; 12) Compliance with all conditions and requirements listed in the Staff and Consultant letters; 13) A Planning Commission Waiver for the berm running along the access road toward Haggerty, such as that the plan does not disturb the natural features; and 14) Modification of the traffic study by the Applicant as indicated by the City Consultant; for the reason that the plan meets the Zoning Ordinance and Master Plan for Land Use. *Motion carried 9-0.*

Moved by Member Pehrson, seconded by Member Gutman:

**ROLL CALL VOTE ON ITC TRANSMISSION COMPANY, SP06-53, WOODLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:**

In the matter of the request of Joe Bennett of ITC Transmission Company, SP06-53, motion to grant approval of the Woodland Permit subject to: 1) The remaining woodlands on site being placed in a conservation easement, as recommended by the City's Environmental Consultant and in keeping with previous approval of a woodland permit for this site; 2) Additional woodland information being provided at the time of Final Site Plan submittal, prior to the Woodland Permit being issued; for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 9-0.*

Moved by Member Pehrson, seconded by Member Wrobel:

**ROLL CALL VOTE ON ITC TRANSMISSION COMPANY, SP06-53, WETLAND PERMIT MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:**

In the matter of the request of Joe Bennett of ITC Transmission Company, SP06-53, motion to grant approval of the non-minor use Wetland Permit, and authorization to encroach in the natural features setback for proposed permanent impacts subject to: 1) A Wetland Use Permit being granted by the MDEQ; 2) Additional wetland information being provided prior to the Wetland Permit being issued; for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 9-0.*

Moved by Member Pehrson, seconded by Member Gutman:

**ROLL CALL VOTE ON ITC TRANSMISSION COMPANY, SP06-53, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:**

In the matter of the request of Joe Bennett of ITC Transmission Company, SP06-53, motion to grant approval of the Stormwater Management Plan subject to additional wetland information being provided at the time of Final Site Plan submittal, for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 9-0.*

Moved by Member Pehrson, seconded by Member Gutman:

**ROLL CALL VOTE ON ITC TRANSMISSION COMPANY, SP06-61, HELISTOP RECOMMENDATION MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:**

In the matter of the request of Joe Bennett of ITC Transmission Company, SP06-61, motion to recommend approval to City Council of the Preliminary Site Plan for the helistop location subject to: 1) The comments in the attached review letters being addressed at the time of Final Site Plan

**submittal; and 2) A Planning Commission recommendation to City Council for limitation of the Helistop hours and potential flight paths be limited; for the reason that the plan is otherwise in compliance with the Zoning Ordinance. *Motion carried 9-0.***