July 16, 2008

Zoning Board of Appeals City of Novi 45175 West 10 Mile Road Novi, Michigan 48375

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Subject: MainStreet Novi Application for Variances

Dear Honorable Board Members,

On behalf of Triangle Main Street, LLC, I respectfully submit to you this request for three variances to the City of Novi's Zoning Ordinance for the exciting proposed mixed-use MainStreet Novi project.

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We are currently in the process of securing preliminary site plan approval for Phase I of the MainStreet Novi development. Based on economic factors that resulted in the removal of the parking deck, we were compelled to make some modifications to the site plan. As a result, we request the following three variances.

Requested Variances.

1. Locational variance for front yard parking on a non-residential collector street (Section 1602).

Consistent with prior variances we received for the MainStreet development, and the overall site plan, we are requesting a variance to the requirement that parking areas not be located in front yards of nonresidential collector streets. Front-yard patking in a new-urbanist development such as this is standard; further, we will be screening the parking area with a 30" height brick wall and piers, ornamental plantings and trees - consistent with the balance of the development.

2. Dimensional variance for loading/unloading space, Building 400 (Section 2507).

Section 2507 of the City of Novi's Zoning Ordinance requires off-street loading and unloading spaces be "provided in the rear yard at a ratio of ten square feet for each front foot of building". Building 400 requires 1,200 square feet of loading / unlading.

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> We are requesting a variance of 919 square feet from this requirement of the Ordinance due to practical difficulty in locating a larger space anywhere in close proximity to the structure, while still accommodating required parking spaces. A large share of the MainStreet Novi required parking spaces are accommodated in this phase of the project, and in close proximity to Building 400. Further, the northeastern property line wraps around many areas of Phase I development. The size of the proposed loading and unloading space is appropriate for most of the types of deliveries associated with the tenant, and is as large as can be accommodated given space constraints at the rear of the building. There is not an opportunity to offer a full semitruck drop off at this location due to spatial constraints.

3. Dimensional and locational variance for setback of Building 400 dumpster.

Section 2503 of the Novi Zoning Ordinance requires that dumpsters be located in rear yards. As such, we are requesting a locational variance for the dumpster associated with Building 400, which is currently proposed at the functional rear of the structure, but is technically in the front yard. As briefly touched upon above, the unique parcel lines in the area surrounding Building 400 make it practically difficult to accommodate all necessary parking and site development requirements in rear yards. We are, as required, providing a high-quality dumpster enclosure and screening, consistent with the Ordinance requirements, to diminish any perceived negative ramifications from a front-yard dumpster location.

The Zoning Ordinance further requires a 20' setback for the dumpster enclosure. We propose a 17' setback, and are therefore requesting a 3' variance from this Ordinance requirement. The proposed location and placement of the dumpster and enclosure is ideal for access by refuse trucks, and - as described above - cannot be avoided due to practical difficulty in site planning vis-à-vis unorthodox lot lines.

Conclusion

We look forward to moving forward with this project and gathering your zoning approvals.

Respectfully submitted,

McKENNA ASSOCIATES

Sarah Liakler

Sarah Traxler Senior Planner

Cc: Dave Nona, Triangle MainStreet, LLC

- Att's: Zoning Board of Appeals Application
 - Site Plan excerpts for review by Zoning Board of Appeals



PLAN REVIEW CENTER REPORT

July 30, 2008 **Planning Review** MainStreet Novi SP #07-44C

Petitioner

Triangle Development (Dave Nona)

Review Type

Phase 1 Final Site Plan

Property Characteristics

- Site Location: South of Grand River Avenue, east of Novi Road, along the north and south sides of Main Street
- Site Zoning: TC-1, Town Center
- North and West: TC-1; South: I-2, General Industrial; East: RM-2, • Adjoining Zoning: High Density, Mid Rise Multiple Family
- North: Retail buildings fronting onto Grand River Avenue, West: • Adjoining Uses: Retail buildings fronting onto Novi Road; South: Industrial buildings along Trans-X Drive; East: Main Street Village apartments
- Novi Community School District School District: 20 acres
- Site Size: •
- 05/30/08 • Plan Date:

Project Summary

The applicant is proposing to construct a mixed-use development on the vacant land to the north and south of the existing Main Street. The development will consist of 401 dwelling units, 70,000 square feet of medical office space, 50,000 square feet of general office space, 88,000 square feet of retail space, and 30,000 square feet of restaurant space. Phase 1 is proposed to include the roads and utilities north of Main Street, the medical office building (which includes a small amount of restaurant and retail space), and a surface parking lot. There is no residential component to Phase 1.

The proposed MainStreet Novi development was approved previously by the City Council after receiving a positive recommendation from the Planning Commission. Additionally, a number of required variances were granted by the Zoning Board of Appeals. Relevant motions are included later in this review letter.

Due to the current economic conditions, the applicant has decided to revise the plans for the proposed development. These changes include substantial alteration of Phase 1 with minor alterations to Phase 2 and some slight adjustments to the proposed phasing plan. The changes are as follows:

- 1. Building 700, the proposed parking garage has been removed and replaced with a surface parking lot. This was previously part of Phase 1.
- 2. Building 600, a proposed 3-story office/retail building has been shifted to the west and is part of Phase 4.
- 3. Building 500, a 5-story office/retail building, has been removed.
- 4. The footprint of Building 400 (Phase 2) has been altered and it has been changed from a 1-story building to a 2-story building. The use has also been changed from strictly retail to retail/nightclub. This coincides with the Phase 2 Final Site Plan currently in for revised Final Site Plan review.

These changes trigger the need for a new round of reviews from staff, the Planning Commission and City Council. The revised Preliminary Site Plan/revised Phasing Plan have been reviewed by City Council after a recommendation from the Planning Commission. The Phase 1 Final Site Plan will be approved administratively by staff.

Recommendation

<u>Provided the applicant can receive the necessary variance from the Zoning Board of Appeals</u>, approval of the Final Site Plan **can be recommended at this time**. The applicant should make the required changes to the plan and apply for a Zoning Board of Appeals variance for the parking setback along Main Street. Once the variance is approved the applicant is free to submit Stamping Sets. The Stamping Sets should include all of the necessary photometric data.

Review Standards

This project was reviewed for compliance with the City of Novi Zoning Ordinance, Article 16 (Town Center), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other areas of the ordinance, as noted. <u>Please see the attached charts for all ordinance</u> requirements and deficiencies.

Planning Commission Review of Preliminary Site Plan

The Planning Commission reviewed the Preliminary Site Plan for the MainStreet Novi site on September 27, 2006 and recommended approval to the City Council with the following motion:

In the matter of the request of Triangle Development for Main Street Novi, SP06-38, motion to recommend approval to the City Council for the Preliminary Site Plan, subject to: 1) A City Council Waiver of specific setback requirements along Main Street, with no more than 15 feet of pavement between curb and building; 2) City Council approval of Paul Bunyan/Sixth Gate road vacation or redesign to accommodate setbacks in this area; 3) A Zoning Board of Appeals Variance to allow pavement within ten feet of walls with openings throughout the site; 4) A Zoning Board of Appeals Variance for reduced size of loading zones throughout the site; 5) A Zoning Board of Appeals Variance for lack of 45 degree building orientation throughout the site; 6) A Zoning Board of Appeals Variance to allow parking for residential buildings greater than 300 feet from building; 7) A Planning Commission Waiver to allow additional height on brick screen walls adjacent to neighboring properties and right-of-way; 8) A Planning Commission Waiver to eliminate parking lot landscaping for parking structures and below ground parking, with no reduction in requirements for above ground parking lots; 9) The Applicant redesigning the Building 800 vicinity to meet building setback requirements and avoid left turn interlocks; 10) The Applicant redesigning the plan to eliminate all parking spaces that back into intersections or pedestrian facilities; 11) A City Council Finding under Section 1602.9 for use of EIFS, Cast Stone, Vinyl Siding, and red colored standing seam metal; 12) A Planning Commission Waiver to allow tree plantings in non-standard locations throughout the site; 13) A Planning Commission Waiver to allow parking spaces in excess of 15 without a landscaped island; 14) A Planning Commission Waiver

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to allow reduced building foundation plantings, with other planting types provided; 15) A Planning Commission Waiver to eliminate the four feet of greenspace adjacent to the building foundations at the locations currently shown on the plans with the Applicant utilizing the alternative landscaping design discussed at the meeting (e.g., aboveground planters, etc.); 16) The Applicant redesigning the plan to eliminate parallel parking spaces along Main Street south of the 800 Building; 17) The Applicant redesigning the plan to incorporate the previously approved Main Street Court plans and maintain access to Trans-X Drive; 18) The Applicant redesigning the plan to meet minimum parking standards from the Shared Parking Study and incorporating the Main Street Court property into the Shared Parking Study; 19) The Applicant working with the City to correct the traffic circle concerns, as the experts deems fit; 20) The Applicant receiving MDEO approval for proposed wetland fill to occur prior to Final Site Plan approval for wetland fill activities on the site; 21) A City Council Variance to allow turf pavers, as indicated in Applicant's response letter; 22) The Applicant continuing to work on their design to eliminate the need for a City Council Design and Construction Standards Variance to eliminate parking lot end islands in parking structure and underground parking; 23) The Coordination of building design with Main Street Court is preferred over Applicant seeking a Zoning Board of Appeals Variance for lack of exterior building setback for Building 1300; and 24) All conditions listed in the Staff and Consultant review letters; for the reason that the plan meets the intent of the Master Plan for Land Use. Motion carried 6-0.

The Planning Commission outlined a number of items that needed to be addressed, shown in **bold** type above. Among these, the applicant has made redesigns to the plans to accommodate numbers 9, 10, 16, 18 (discussed further below), and 19. The only remaining item is number 18, which involves a future phase. When that phase is reviewed, this item will need to be addressed. Until that time, this area is not being approved for any modification.

On November 13, 2006, the City Council reviewed the plans and made the following motion, to approve the Preliminary Site Plan:

Moved by Nagy, seconded by Capello; CARRIED UNANIMOUSLY: To approve the request of Triangle Main Street, LLC. For Main Street Novi SP06-38, subject to 1) City Council waiver to modify building setbacks along Main Street, with no more than 15 feet of pavement between curb and building, 2) City Council finding under Section 1602.9 that proposed facades and materials being used meet the intent of TC zoning district bearing in mind hardy plank, 3) City Council acceptance of Shared Parking Study, incorporating Main Street Court parcel, with the applicant providing cross access and shared parking agreement over the Main Street Novi site at Final Site Plan, 4)City Council acceptance of applicant's proposed off-site mitigation, to be located on the south site of the Twelve Oaks Mall lake, 5) All Zoning Board of Appeals variances being granted or plans being modified to meet ordinance requirements, 6)Vacation of Paul Bunyan Street at the northwest corner of the site, adjacent to Novi Road, **7**) **Applicant redesign of intersections to remove traffic circles, or redesign to meet satisfaction of city's traffic engineer, with details to be reviewed at the time of Final Site Plan review, 8)Resolution of all remaining issues listed in the staff and consultant review letters at the time of Final Site Plan review. 9) To take Depot Street out and continue additional park land and continue Division Street around to the Market Street. The city wholeheartedly supports this as a community amenity.**

As noted above in **boid**, the applicant needed to address one item specifically in a redesign for Phase 1, the traffic circles on the site. They have been removed and standard intersections have been included. Aside from that issue, the applicant still will need to work out wetland mitigation issues in the future, when a permit for the wetland impacts is actually requested.

Both motions referenced vacating the Paul Bunyan right-of-way, which was located along the northern edge of the proposed project, perpendicular to Novi Road and north of the existing Main Street. The applicant petitioned the City Council to vacate the road, a request that was

denied. The applicant then requested the Planning Commission and City Council remove the vacation requirement from their Preliminary Site Plan approval motions, which both boards were willing to do.

On May 1, 2007, the City Council reviewed the plans and made the following motion, for modifications to the Preliminary Site Plan approval:

To approve the request of Triangle Development for Main Street SP06-38 for revision to the Preliminary Site Plan approval granted November 13, 2006 subject to the following recommendations of the Planning Commission: 1) All comments of the City Council's approval of November 13, 2006 approval remaining in effect, with the removal of the condition of to vacate Paul Bunyan, 2) City Council building setback waiver for the 700 and 800 buildings, with respect to the Paul Bunyan right-of-way, 3) Zoning Board of Appeals variance for lack of parking lot setback along the Paul Bunyan right-of-way, 4) Zoning Board of Appeals variance to allow a dumpster enclosure in the front yard, along Paul Bunyan right-of-way, 5) License Agreements being developed for all fixed objects and non-standard parking in the Paul Bunyan right-of-way, 6) Applicant providing additional right-of-way for Paul Bunyan along its southern length and the eastern edge, 7) Applicant providing two curb cuts to the properties to the north, 8) All the conditions and comments in the staff and consultant review letters. Also, shared parking for both the north and the south side property owners.

The applicant has addressed and altered the plans as necessary to conform with all of the conditions of the modified Preliminary Site Plan approval granted on May 1st, 2007. As noted previously in this review letter, the applicant has made substantial changes to the plan on the north side of Main Street triggering the need for revised Preliminary Site Plan approval and revised Phasing Plan approval from the City Council after a recommendation from the Planning Commission.

On July 16th, 2008 the Planning Commission made the following motions:

In the matter of Main Street Novi, SP06-38C, motion to recommend approval the revised Preliminary Site Plan, subject to: 1) City Council reaffirming all previous Waivers associated with the original Preliminary Site Plan approval; 2) A City Council Waiver for a reduction in building separation between Building 400 and the existing Main Street building; 3) The Applicant indicating that future parking deficiencies will be addressed and buildings re-sized if necessary as future phases on the south side of Main Street are brought forward for Final Site Plan approval; 4) Acknowledgement that the 75,000 square feet of residential space Triangle Development intends to move from the north side of Main Street to the south side has not been documented on the plans and would require further reviews and approvals; and 5) The conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; for the reasons that: 1) A reduction in building setback will not impair the health, safety or general welfare of the City as related to the use of the premise or adjacent premise; 2) A Waiver of the building setbacks along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; 3) Adherence to a minimum required building setback would result in the establishment of nonusable land area that could create maintenance problems; and 4) The plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-2*.

In the matter of Main Street Novi, SP06-38C, motion to recommend approval of the revised Phasing Plan subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan, for the reasons that the plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 8-0*.

On July 28th, 2008 reviewed the plans and made the following motions for approval of modifications to the Preliminary Site Plan and the Phasing Plan:

To approve the request of Triangle Development, LLC, for a revised Preliminary Site Plan SP#6-38C to allow the removal of the parking garage, removal of the building as noted in the report, the relocation of the two buildings identified on the plan as Building 4 and Building 2, the approval for in excess of 7500 sq. ft. of retail space being a total of 14,200 sq. ft on two stories. All of the above subject to the comments and conditions of the consultants and staff, and that in Phase 3 a park would be constructed and the parking between Buildings 1 or 4 on the north side of Main Street would be temporary, the one and half rows of parking directly to the west of Building 4, until such time as they moved forward with other parts of the development and could relocate the parking elsewhere not fronting Main or Market Streets. We reaffirm all previous waivers and conditions associated with the original preliminary site plan and phasing plan approval and strongly recommended that the north and south street between the building and the park be eliminated. Also, a waiver for the reduction of the building separation between Building 400 and the existing Main Street building.

There are no additional conditions in the motion above that would impact Phase 1 of the development at this time. A condition that will have to be dealt with in future phases of the development is the removal and relocation of the first one and half rows of parking along Main Street.

Zoning Board of Appeals Variances

There are a number of variances that the applicant needed to request from the Zoning Board of Appeals. Most of these were the result of the denial of the Paul Bunyan vacation. Variances for the MainStreet project were granted on January 9, 2007 and August 7, 2007.

In summary, for Phase I, the following variances were granted by the Zoning Board of Appeals.

- 1. Lack of parking setback along Novi Road
- 2. Lack of loading zone space
- 3. Lack of building setback for medical office building and parking structure along Paul Bunyan right-of-way
- 4. Lack of parking lot setback along Paul Bunyan right-of-way
- 5. Lack of screen wall along Paul Bunyan right-of-way
- 6. Loading zone location in the front yard
- 7. Size of sidewalks adjacent to Main Street and Paul Bunyan

In addition, a Design and Construction Standards waiver for the on-street parking was granted by City Council on August 27, 2007.

Phasing Plan for the Overall Development

The applicant has provided a revised phasing plan to coincide with the changes proposed for Phase 1 of the development. The updated phasing plan is summarized below.

- Phase 1: The roads and utilities north of Main Street, the medical office building, which includes a small amount of restaurant and retail space (Building #800), and an approximately 309 space surface parking lot.
- Phase 2: The two story retail building (Building #400) at the northeast corner of Sixth Gate and Main Street.
- Phase 3: The proposed park at the southeast corner of Depot Street and Division Street.

- Phase 4: The three story office/retail building (Building #600) at the northwest corner of Sixth Gate Road and Main Street.
- Phase 5: The roads and utilities between Main Street and the future Division Street, retail/residential building (Building #900) at the southwest corner of Main Street and Union Street.
- Phase 6: The five story retail/residential building (Building #1000) at the southwest corner of Sixth Gate and Division Street.
- Phase 7: The five story retail/residential building at the southeast corner of Sixth Gate and Division Street, and the portion of Sixth Gate between Main Street and Division Street.
- Phase 8: The roads and utilities south of Division Street, five and one-half story residential building (Building #1200A and Building #1200B) on the southeast corner of Division Street and Sixth Gate.
- Phase 9: The five story residential building (Building #1300) on the southwest corner of Division Street and Sixth Gate.
- Phase 10: The five story residential building (Building #1400A and Building #1400B) on the east side of Sixth Gate.

Photometric Plan Review

No photometric plan has been included. This is required to be submitted for all areas of Phase 1. The photometric plan covers the paved areas of Phase 1 only. Future phases will require additional review by the Planning Division. The applicant should include a photometric plan and all pertinent information with the Stamping Set submittal.

Parking on Site

The applicant is proposing both off-street parking lots and on-street parking as parking solutions for the project. For the first phase, two surface lots are proposed along with on-street parking. Overall, the first phase has slightly more parking than is required by ordinance.

Per the Shared Parking Study, adequate parking appears to be shown for the uses proposed on the north side of Main Street. However, there appears to be an overall parking deficiency for the entire site occurring during the peak hour. There are also additional concerns related to the number of spaces that can be counted.

The applicant indicates that additional parking can be accommodated, if needed, within the phases on the south side of Main Street, but the plans do not reflect any revision to show whether additional parking will be needed, or whether additional parking can be accommodated. As part of the revised Preliminary Site Plan and revised Phasing review, the applicant was asked to indicate that measures will be taken to insure that adequate parking will be provided in future phases or building size will be reduced so that adequate parking is available for all future phases.

As a condition of approval, the City Council noted that the first one and half rows of parking along Main Street are for temporary use only. This parking must be relocated elsewhere on the site as future phases of the project develop. Presently, the applicant has not presented staff with a plan showing the eventual relocation of the parking spaces in question. The applicant will need to present a plan for this relocation as the project progresses.

Parking spaces are sized appropriately throughout the site. However, wherever 17 foot spaces are proposed, a 4 inch curb should be indicated. The applicant should include a note on Sheet G-2 indicating a 4 inch curb wherever 17 foot spaces are shown.

Parking Setbacks

A 2 1/2 foot tall landscape berm or wall is required to screen the proposed surface parking lot from Paul Bunyan on the northern side. No wall or berm is shown. The applicant should revise the plans to include a screen wall or berm along the surface lot fronting onto Paul Bunyan. Supplemental landscape plans submitted after the initial review of the plans do show a landscape wall along Paul Bunyan. This should be included on the Stamping Set as well.

Parking is not permitted in the yard along a non-residential collector. Parking is shown along Main Street, which is a non-residential collector. The applicant will need to adjust the site layout or seek a Zoning Board of Appeals variance for the portions of the surface lot fronting onto Main Street.

Development Amenities

Developments in the TC District shall include development amenities, such as brick sidewalks and benches. Although some amenities are shown, **the applicant should consider adding additional features along the surface parking lot along Paul Bunyan and Main Street.** These may include a small pedestrian plaza, additional benches, bike racks, etc.

Previously Approved Main Street and Main Street Court Plan (Division Street Area)

The originally approved Main Street plans indicated a substantial amount of parking shared between the Main Street Court building and the overall Main Street development. As part of the Preliminary Site Plan review and approval, the applicant was required to modify the plans to show maintained access between the MainStreet and Main Street Court site. Although not shown on this plan, the applicant will, in the future, need to address this issue. The Planning Division strongly encourages the applicant to continue working with the neighboring property owners to resolve this situation, prior to the south half of the project being submitted for review, so as to avoid future delays in construction.

Roadways Throughout the Site

Currently, Paul Bunyan and Main Street are both public roadways. Other roadways are proposed throughout the site with the proposed construction. These additional roadways do not take into account a possible 60-foot right-of-way and therefore are not technically built to public standards. They are 28-feet wide, with parking and sidewalks generally on both sides of the roadway. *These roadways are designed appropriately for traveling and parking, but are not eligible for dedication to the public.*

Open Space Throughout the Site

There are two open space requirements for buildings in the TC-1 district. First, a minimum of 200 square feet of usable open space is required for all residential units in the project, which can include balconies with direct access to specific units. This issue will need to be addressed when the applicant proposes the first residential phase. Secondly, the TC districts require that a minimum of 15% of the site be dedicated to open space in some form. As currently drawn, the plans indicate, 5.9% of the developed portion of the site will be maintained in open space.

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Additionally, the remaining approximately 15 acres will be undeveloped and left as open space. As future phases develop, the applicant will need to maintain the 15% overall for the open space on the site.

Stamping Set Approval

Stamping sets are still required for this project. After having received all of the review letters from City staff, <u>approval of the revised Preliminary Site Plan/revised Phasing Plan from City Council</u> and the necessary variances from the Zoning Board of Appeals, the applicant should make the appropriate changes on the plans and submit <u>12 size 24" x 36" copies with</u> <u>original signature and original seals</u>, to the Community Development Department for final Stamping Set approval. Please contact either Kristen Kapelanski at (248) 347-0586 or Angie Pawlowski at (248) 735-5631 prior to the submittal of the stamping sets.

Response Letter

The applicant is asked to provide a response letter to the Planning Division, responding to all issues raised in each review letter, at the time of the next submittal. Please contact the Planning Division with any questions about this review or any of the other reviews for the project, or if you do not receive a complete package of review letters. (Letters needed: Planning, Engineering, Landscaping, Traffic, Façade, and Fire)

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Planning Review by Kristen Kapelanski (248) 347-0586 or kkapelanski@cityofnovi.org

Attachments: Planning Review Chart



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	DATE: 7.16.2008 SCALE: Not to Scale PROJECT #: L20429A		PROJECT LOCATION: Novi, Michigan	PROJECT CLIENT: Triangle Development 30403 13 Mile Road Farmington Hills, MI 48334			Gentral: Info@moka.com Headquarters: NoRYTHVILLE, MICHIGAN: 235 East Main Street, Suite 105 Northville, Michigan 48167 (Tel; (888) 226-4326 Haa: (248) 596-0;





