CITY of NOVI CITY COUNCIL



Agenda Item 1 June 17, 2019

SUBJECT: Final approval of the request of Orville Properties, LLC for Final Approval of the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan and Agreement, JZ18-24, Adell Center PRO. The subject property is approximately 23 acres and is located on Expo Center Drive (now Adell Center Drive), north of Grand River Avenue and south of I-96 in Section 15. The applicant seeks to revise the PRO Agreement to amend the approved layout for Units 6 and 7, common landscape areas, building signage, and location of accessory units.

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

The applicant has received rezoning approval on October 22, 2018 for a multi-unit commercial development consisting of nine units accessed by a proposed private drive. The development is referred to as Adell Center. The development, as approved, is a mix of two hotels, one fitness center, two restaurants, one indoor recreational facility, an off-street parking lot/permanent open space, and an unlisted use similar to automobile sales facility. The existing water tower on site will remain on a separate unit.

The applicant is seeking to amend the PRO plan and agreement to revise unit lines and parking lot layout changes to the approved layout for the restaurant sites (Unit 6 and 7). The proposed amended plan also includes minor changes to common landscape areas, building signage for Unit 2 and 7, and the permitted locations of accessory units (such as dumpster enclosures and transformers). This request is considered the 'First Amendment' to the approved PRO agreement. The approved PRO Agreement states that an amendment to PRO is required if the applicant proposes "[a]ny material changes to building and parking layout from approved PRO Plan," as well as any new deviations. The current site plan requires an amendment to the approved PRO Agreement for the following reasons:

The following material changes are proposed to the approved PRO Plan

- i. Lot lines are different from approved PRO Concept plan.
- ii. Lot acreage for Unit 7 is proposed to be increased from 1.5 acres to 2.55 acres. Unit 6 is proposed to be smaller.
- iii. Shared parking between Units 6 and 7 is no longer proposed.
- iv. Western entry drive from Adell Drive is relocated to south.
- v. Curb cuts along Adell Drive for Units 6, 7 and 5 are relocated.
- vi. Building footprint is revised for Unit 7.
- vii. Minor changes to parking layout for Unit 5.
- viii. Major changes to parking layout for Units, 6 and 7.
- ix. Additional deviations requested at this time as noted later in this motion sheet.

The applicant submitted a narrative and a Community Impact Statement with the original submittal. For this review, the applicant submitted an initial submittal (dated 01-03-19, a response letter before the planning commission meeting (dated 03-04-19), and a revised submittal (dated 03-29-19) following the Planning Commission meeting. Along with the current response letter, the applicant has provided an updated complete packet on April 29, 2019 that includes all relevant and latest sheets from all the submittals listed above. The Council packet includes the latest set. Please note that staff did not get an opportunity to verify the completeness of the materials submitted Staff will work with the applicant to compile a proper set prior to the return of a proposed First Amendment to the PRO Plan and Agreement should Council grant tentative approval.

Previous Meeting Results

On March 13, 2019, the Planning Commission considered the PRO Concept Plan for the requested First Amendment to the PRO Agreement, and recommended approval to the City Council.

On May 6, 2019, the City Council tentatively approved the Planned Rezoning Overlay Concept plan and directed the City's Attorney's office to prepare the draft PRO agreement for Council consideration subject to additional deviations and conditions.

Ordinance Deviations Requested

Section 7.13.2.D.i.c(2) permits deviations from the strict interpretation of the Zoning Ordinance within a PRO agreement. These deviations must be accompanied by a finding by City Council that "each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas." Such deviations must be considered by City Council, who will make a finding of whether to include those deviations in a proposed PRO agreement. The City Council included various deviations as part of the motion granting tentative approval on May 6, 2019, which are now included in the draft PRO Agreement.

Benefits to the Public under PRO Ordinance

Section 7.13.2.D.ii states that the City Council must determine that the proposed PRO rezoning would be in the public interest and the benefits to public of the proposed PRO rezoning would clearly outweigh the detriments. No additional conditions are offered with this review. The development is subject to conditions of the approved PRO agreement.

PRO Conditions

The Planned Rezoning Overlay process involves a PRO concept plan and specific PRO conditions in conjunction with a rezoning request. The submittal requirements and the process are codified under the PRO ordinance (Section 7.13.2). Within the process, which is completely voluntary by the applicant, the applicant and City Council can agree on a series of conditions to be included as part of the approval.

The applicant is required to submit a conceptual plan and a list of terms that they are willing to include with the PRO agreement. The applicant has submitted a conceptual plan showing the general site layout. **Recommended conditions listed below are included in the draft PRO Agreement.**

- 1. Unit 6 is currently approved on the PRO Plan as a restaurant. The minimum parking requirement for Unit 6 will be calculated on the basis of gross leasable area since the end user is unknown. Owner/Developer hereby acknowledges that the number of seats for the future restaurant will be dependent on the available parking. Owner/Developer shall contact the Community Development Department before formalizing plans for the end user of Unit 6 to confirm that adequate parking is available for proposed user.
- 2. Lighting and Photometric plans for all site plans for units within the development shall conform to the light levels indicated in the overall photometric plan and related deviations included in the PRO Agreement.

City Council Action

The City Council is now being asked to consider the actual text of the Planned Rezoning Overlay Agreement and give final approval of the agreement, the PRO Plan and the rezoning. If Council gives final approval of the PRO Concept Plan and PRO Agreement, the applicant will proceed to finalize its submission of the Preliminary and Final Site Plan approval for the roads and utilities.

RECOMMENDED ACTION:

Final Approval of the request of Orville Properties, LLC for Final Approval of the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Concept Plan and PRO Agreement, associated with a rezoning from Expo (EXPO) to TC (Town Center), JZ18-24, Adell Center PRO. This approval is subject to (1) the related Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, and the findings and PRO Conditions contained therein; and (2) the conditions listed in the staff and consultant review letters. The final form and text of the First Amendment to the PRO Agreement shall be subject to review and approval by the City Manager and City Attorney's office.

This motion is made because:

- a. The proposed amendment fulfills the following objectives of the Master Plan for Land Use by supporting the growth of existing businesses.
 - 1. Retain and support the growth of existing businesses and attract new businesses to the City of Novi.
 - 2. I-96/Novi Road Study Area. Develop the I-96/Novi Road Study Area in a manner that reflects the importance of this important gateway to the City in terms of its location, visibility, and economic generation. Mitigate impacts to the City's infrastructure.
- b. The proposed amendment will have no negative impact on public utilities.
- c. The proposed amendment will not have any additional impacts on existing Traffic conditions than what were identified at the time of original PRO Concept Plan approval.

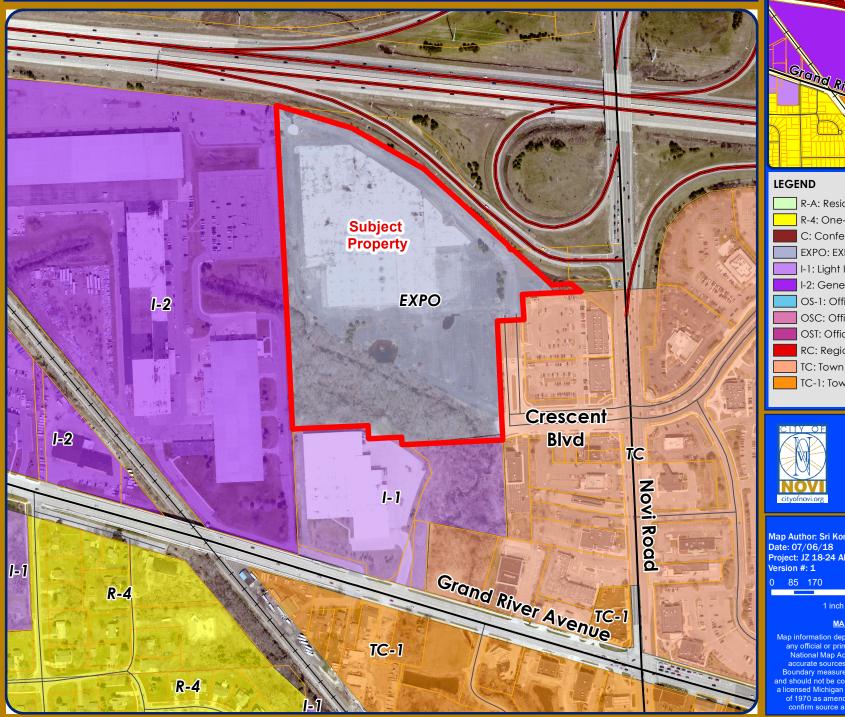
MAPS

Location Zoning Future Landuse Natural Features



JZ 18-24 ADELL CENTER PRO

Zoning





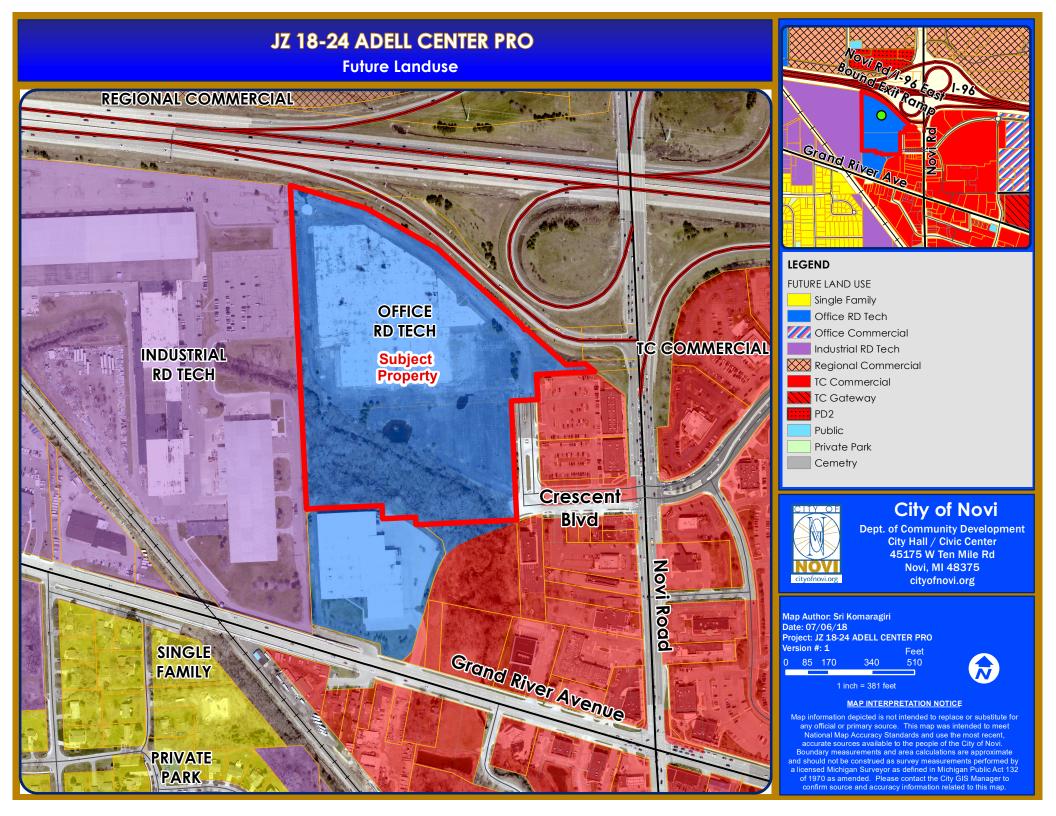
City of Novi

Dept. of Community Development City Hall / Civic Center 45175 W Ten Mile Rd Novi, MI 48375 cityofnovi.org



MAP INTERPRETATION NOTICE

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





FIRST AMENDMENT TO PRO AGREEMENT (DRAFT)

FIRST AMENDMENT TO PLANNED REZONING OVERLAY (PRO) AGREEMENT ADELL CENTER

THIS FIRST AMENDMENT TO PLANNED REZONING OVERLAY (PRO) AGREEMENT, ADELL CENTER (this "Amendment"), is made this _____ day of ______, 2019, by and between ORVILLE PROPERTIES, LLC, a Delaware limited liability company, whose address is 30733 W. Ten Mile, Southfield, MI 48075 (referred to as "Owner/Developer"), and the CITY OF NOVI, a Michigan municipal corporation, whose address is 45175 Ten Mile Road, Novi, MI 48375-3024 ("City")

RECITALS:

A. Owner/Developer and the City are parties to a Planned Rezoning Overlay (PRO) Agreement, Adell Center (the "PRO"), dated October 26, 2018, with respect to certain real property situated in the City of Novi, County of Oakland, State of Michigan, as more particularly described on **Exhibit A** attached hereto (the "Property"). Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the PRO.

B. On October 29, 2018, the PRO was recorded with the Oakland County Register of Deeds at Liber 52308, Page 395.

C. Owner/Developer and the City desire to amend the PRO Agreement in order to, among other things, amend the PRO Plan to change the approved layout for Units 6 and7, address common landscape areas, approve building signage, and the location of accessory units.

NOW, THEREFORE, Owner/Developer and the City agree as follows:

1. The PRO Plan referred to on Page 1, Recitation T, and attached as **Exhibit B** to the PRO Agreement is hereby replaced with the PRO Plan attached hereto as **Exhibit B**. The following material changes are intended to be reflected in the revised PRO Plan:

- (i) Lot lines are different from the original PRO Plan.
- (ii) Lot acreage for Unit 7 is increased from 1.5 acres to 2.55 acres. Unit 6 is correspondingly smaller.
- (iii) Shared parking between Units 6 and 7 is no longer proposed.
- (iv) The western entry drive from Adell Drive is relocated to the south.
- (v) Curb cuts along Adell Drive for Units 6, 7 and 5 are relocated.
- (vi) The building footprint for Unit 7 is revised.
- (vii) Minor changes to the parking layout of Unit 5 are included.

(viii) Major changes to the parking layout for Units 6 and 7 are included.

2. The following additional deviations from ordinance requirements are hereby approved and are added to Paragraph 2, "Ordinance/Regulation Deviations," as a new subsection (y):

- (y) The following deviations as approved by the City on June ___, 2019:
 - (i) Planning deviation from Section 5.12 for not meeting the minimum required parking on Unit 7. (A minimum of 196 spaces are required, a total of 166 spaces are provided).
 - (ii) Planning deviation from Section 4.19.2 to allow a dumpster enclosure within the interior side yard off the building as shown on the PRO Plan for Unit 7.
 - (iii) Planning deviation from Section 5.4.1 to allow the loading area within the interior side yard as shown on the PRO Plan for Unit 7.
 - (iv) Planning deviation form Section 5.4.1 to allow the loading area within the interior side yard and partly in the exterior side yard as shown on the PRO Plan for Unit 6.
 - (v) Planning deviation from Section 5.4.2 to allow for a reduction in the size of the Loading Area for Unit 7 (847 square feet minimum required. 786 square feet provided).
 - (vi) Façade deviation from Section 5.15 to allow exceeding the maximum allowable percentages for standing seam metal for the building on Unit 7 (A maximum of 25% standing seam metal roof is allowed, 35% on east elevation and 29% on west elevation provided).
 - (vii) Landscape deviation from Section 5.5.3 for lack of undulations in the landscape berm with a 3-foot height along the I-96 frontage.
 - (viii) Planning deviation to allow placement of transformers in alternate locations instead of required rear yard, provided proposed locations conform to other code requirements and appropriate screening is provided at the time of Preliminary Site Plan review, subject to review and approval by the Planning Commission. This is applicable for Units 1, 2, 3, 5, 6, and 7.
 - (ix) Planning deviation from Section 3.1.25.D to allow reduction of the minimum required exterior side parking setback of 20 feet as shown on the PRO Plan for Unit 6. (A minimum of 20 feet is required, 13 feet is provided along the northeast property boundary indentation for approximately 50 feet.)
 - (x) Deviations from Chapter 28, Signs, from City Code of Ordinances for the two wall signs and the window sign proposed for Unit 7 (Texas Roadhouse):
 - (a) A variance from Section 28-7(a)(9) for an oversized illuminated window sign 14.6 square feet over the allowable size (3.5 square feet) for illuminated window sign.
 - (b) A variance from Section 28-5(b)(1)b for front and rear building wall signs:

- i. Front elevation sign is oversized by 171 square feet based on the distance of 120 feet from the centerline of the I-96 offramp. A maximum of 60 square feet is permitted.
- ii. Rear elevation sign is oversized by 94.5 square feet based on 273 feet from the centerline of Adell Center Drive; a maximum of 136.5 square feet is permitted.
- (xi) The following deviations from Chapter 28, Signs, from City Code of Ordinances for the two wall signs and the window sign proposed for Unit 2 (Planet Fitness):
 - a. A variance from Section 28.5(a) to allow two wall signs (only one is allowed).
 - b. A variance from Section 28-5(b)(1)b for front and rear building wall signs:
 - i. Front elevation sign of 152.4 square feet (maximum of 86 square feet is permitted).
 - ii. Side elevation sign of 105.8 square feet (maximum of 86 square feet is permitted).

3. The chart on Page 4, Paragraph 4, "PRO Conditions," subsection b, "Uses to be developed; Uses Prohibited at any time," is hereby amended for Unit 7 to strike "End user to be determined" and replace it with "Restaurant."

4. The following shall be added to the PRO Conditions listed in Paragraph 4 as new subsections x and y:

- x. Unit 6 is currently approved on the PRO Plan as a restaurant. The minimum parking requirement for Unit 6 will be calculated on the basis of gross leasable area since the end user is unknown. Owner/Developer hereby acknowledges that the number of seats for the future restaurant will be dependent on the available parking. Owner/Developer shall contact the Community Development Department before formalizing plans for the end user of Unit 6 to confirm that adequate parking is available for proposed user.
- Lighting and Photometric plans for all site plans for units within the development shall conform to the light levels indicated in the overall photometric plan and related deviations included in the PRO Agreement.
- 5. The following sentence on Page 9, Paragraph 4, "PRO Conditions," subsection r:

As-built plans shall also be completed by and at the sole expense of Developer and shall be submitted to and subject to approval by the City in accordance with City ordinance requirements, before issuance of any building permits for any building in the Development.

is hereby amended to read:

As-built plans shall be prepared by the City, upon payment of the required fee by the Owner/Developer, in accordance with City ordinance requirements.

6. Except as expressly modified by this Agreement, the PRO remains in full force and effect.

7. This Amendment shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns. The rights and obligations contained in this Amendment shall run with the Property.

8. This Amendment has been duly authorized by all necessary action of Owner/Developer and the City.

9. This Amendment may be executed by the parties in counterparts.

IN WITNESS WHEREOF, the undersigned have executed this Amendment effective as of the day and year first written above.

	OWNER/DEVELOPER: ORVILLE PROPERTIES, LLC, a Delaware limited liability company
	By: Its:
ACKNO	OWLEDGEMENT
STATE OF MICHIGAN)) ss	
5	, 2019, before me, personally appeared ity as of Orville Properties, LLC, a
	ites that he/she has signed this document of his/her

Notary Public	
	County, Michigan
Acting in	County, Michigan
My Commissio	n Expires:

CITY: CITY OF NOVI, a Michigan municipal corporation

By: Robert J. Gatt

Its: Mayor

By: Cortney Hanson

Its: Clerk

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss
COUNTY OF)

On this _____ day of _____, 2019, before me, personally appeared Robert Gatt, Mayor, and Cortney Hanson, Clerk, who stated that they have signed this document of their own free will on behalf of the City of Novi in their respective official capacities.

Notary Public

Acting in _____ County, Michigan My Commission Expires: ____

AND WHEN RECORDED RETURN TO:

Cortney Hanson, Clerk City of Novi 45175 Ten Mile Road Novi, MI 48375

<u>EXHIBIT A</u>

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT "A"

LEGAL DESCRIPTION (AS SURVEYED):

PART OF THE SOUTHEAST 1/4 OF SECTION 15, T. 1N., R. 8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

BEGINNING AT A POINT BEING DISTANT S00'00'50"E 1217.37 FEET ALONG THE EAST LINE OF SAID SECTION 15, AND S89'29'16"W 174.05 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE ALONG THE SOUTHERLY LINE OF INTERSTATE 96 THE FOLLOWING (8) COURSES;

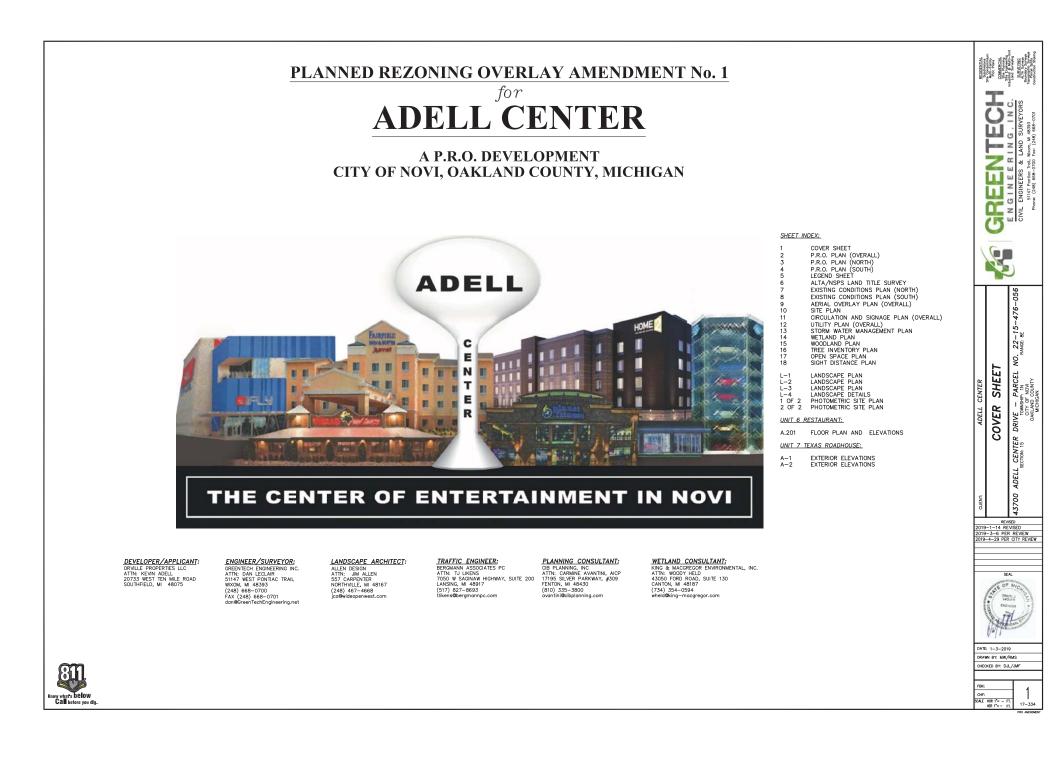
- (1) THENCE N49°21'55"W 49.41 FEET;
- (2) THENCE N89'42'38"W 76.56 FEET;
- (3) THENCE N45'13'48"W 209.02 FEET;
- (4) THENCE S89*56'34"W 8.15 FEET;
- (5) THENCE N31°29'37"W 24.21 FEET;
- (6) THENCE N45°13'48"W 449.77 FEET;
- (7) THENCE N57°40'28"W 326.71 FEET;
- (8) THENCE N70°39'38"W 313.38 FEET;

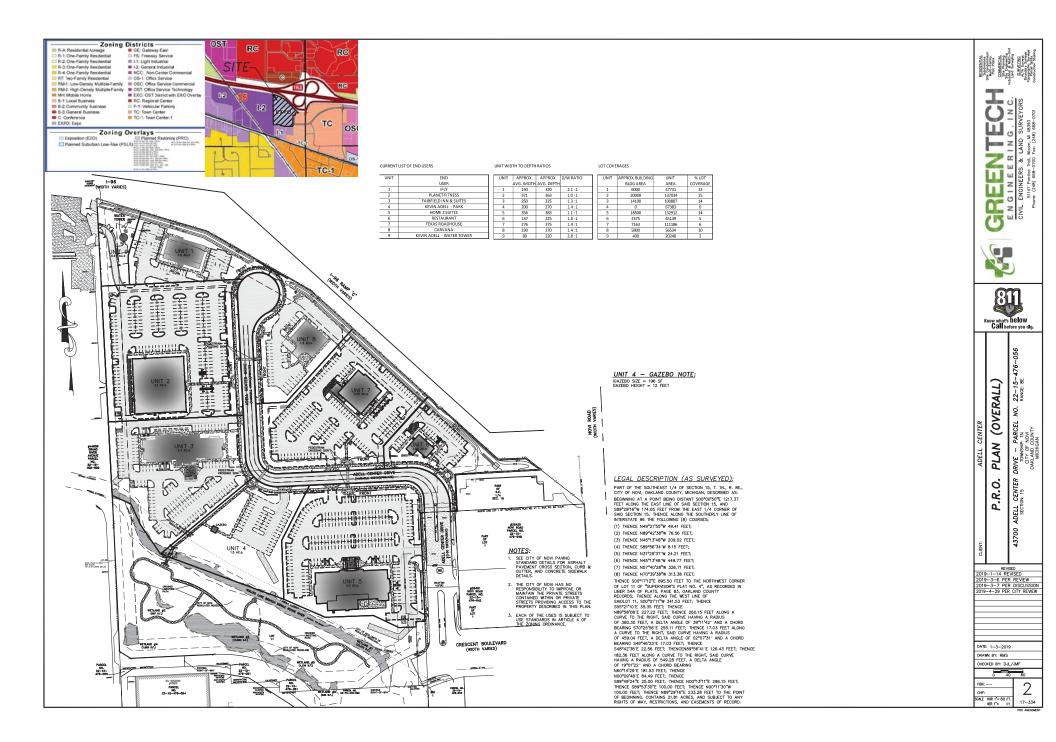
THENCE S00°17'12"E 895.50 FEET TO THE NORTHWEST CORNER OF LOT 11 OF "SUPERVISOR'S PLAT NO. 4", AS RECORDED IN LIBER 54A OF PLATS, PAGE 83, OAKLAND COUNTY RECORDS; THENCE ALONG THE WEST LINE OF SAIDLOT 11, S00°01'11"W 341.53 FEET; THENCE S55°21'10"E 35.35 FEET; THENCE N89°58'08"E 227.22 FEET; THENCE 260.15 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 380.30 FEET, A DELTA ANGLE OF 39°11'42" AND A CHORD BEARING S70°25'56 "E 255.11 FEET; THENCE 17.03 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 459.04 FEET, A DELTA ANGLE OF 02°07'31" AND A CHORD BEARING S49°46'23" T1.03 FEET: THENCE S48°42'38 "E 22.56 FEET; THENCEN89°56'41 "E 126.43 FEET; THENCE 182.36 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 549.28 FEET, A DELTA ANGLE OF 19°01'22" AND A CHORD BEARING N60°14'29"E 181.53 FEET; THENCE N00°09'48" 84.49 FEET; THENCE S89°49'24" 25.00 FEET; THENCE N00°13'11"E 296.15 FEET; THENCE S89°53'30"E 100.00 FEET; THENCE N00°11'30"W 100.00 FEET; THENCE N89°29'16"E 233.28 FEET TO THE POINT OF BEGINNING. CONTAINS 21.81 ACRES, AND SUBJECT TO ANY RIGHTS OF WAY, RESTRICTIONS, AND EASEMENTS OF RECORD.

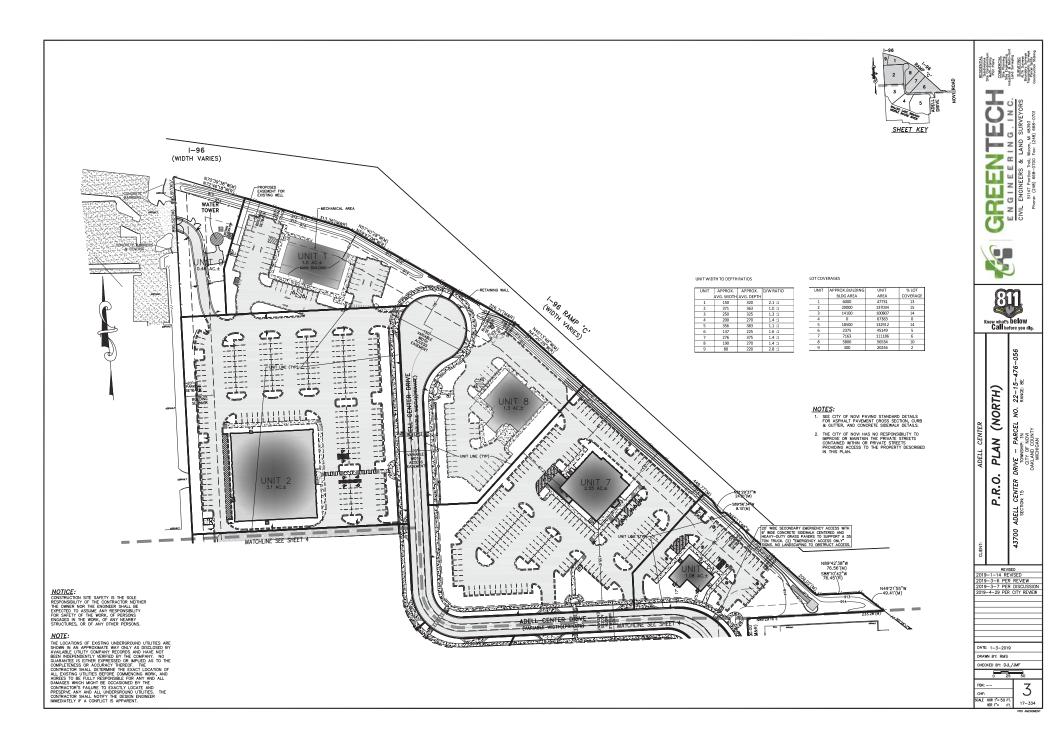


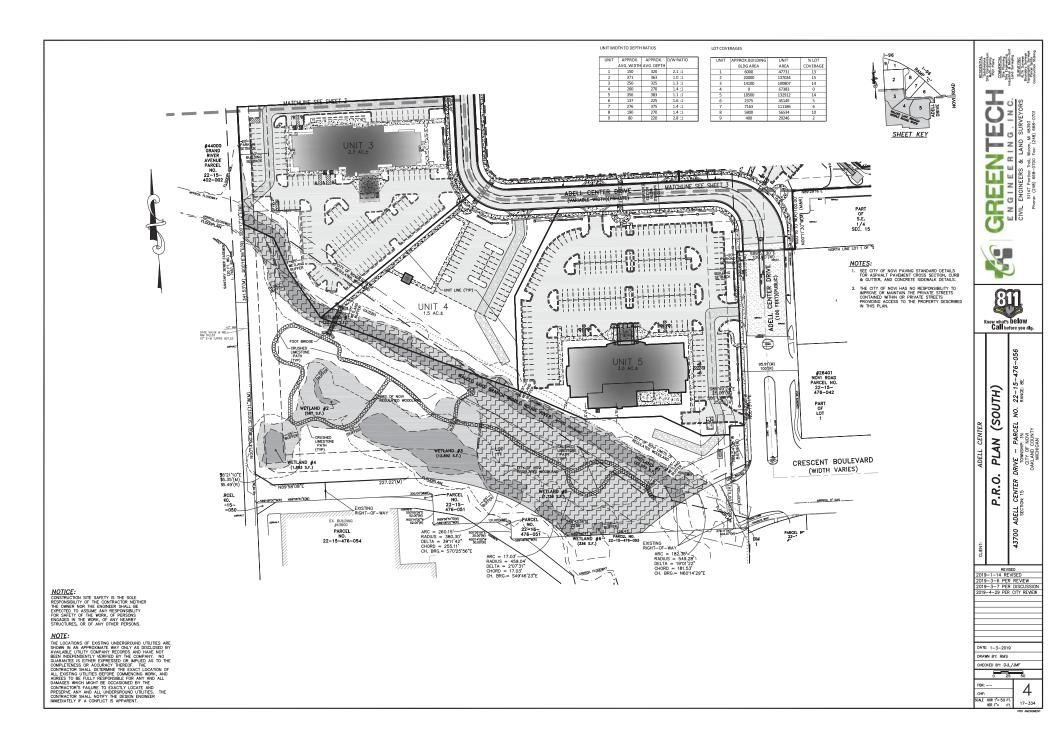
<u>EXHIBIT B</u>

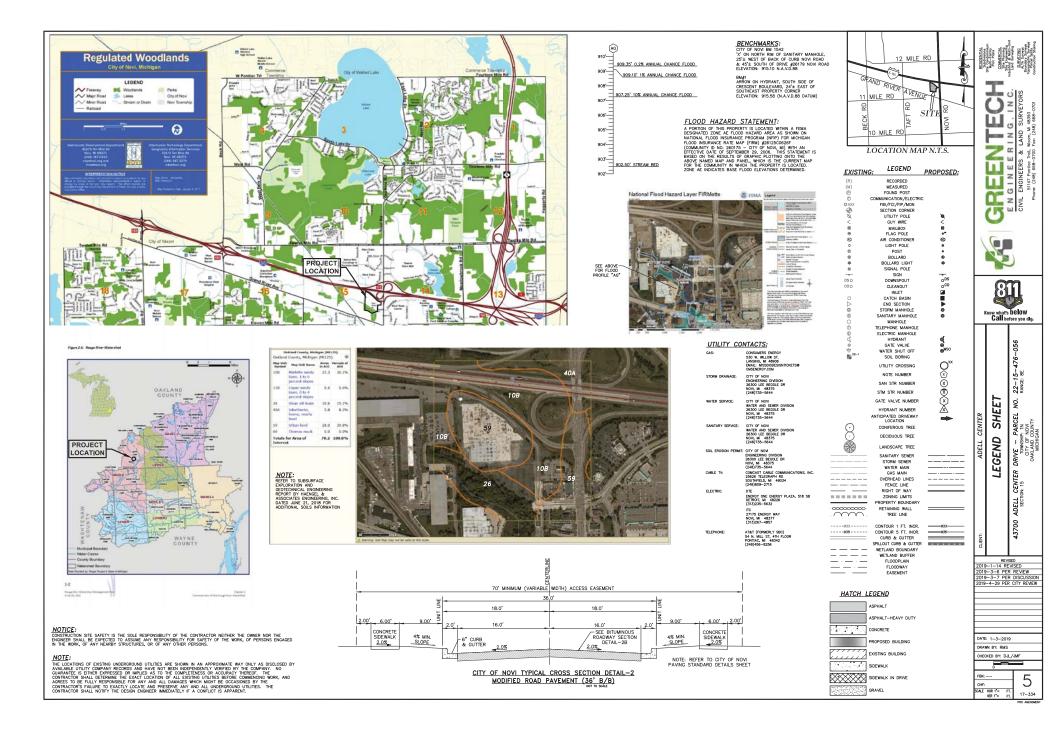
REVISED EXHIBIT B

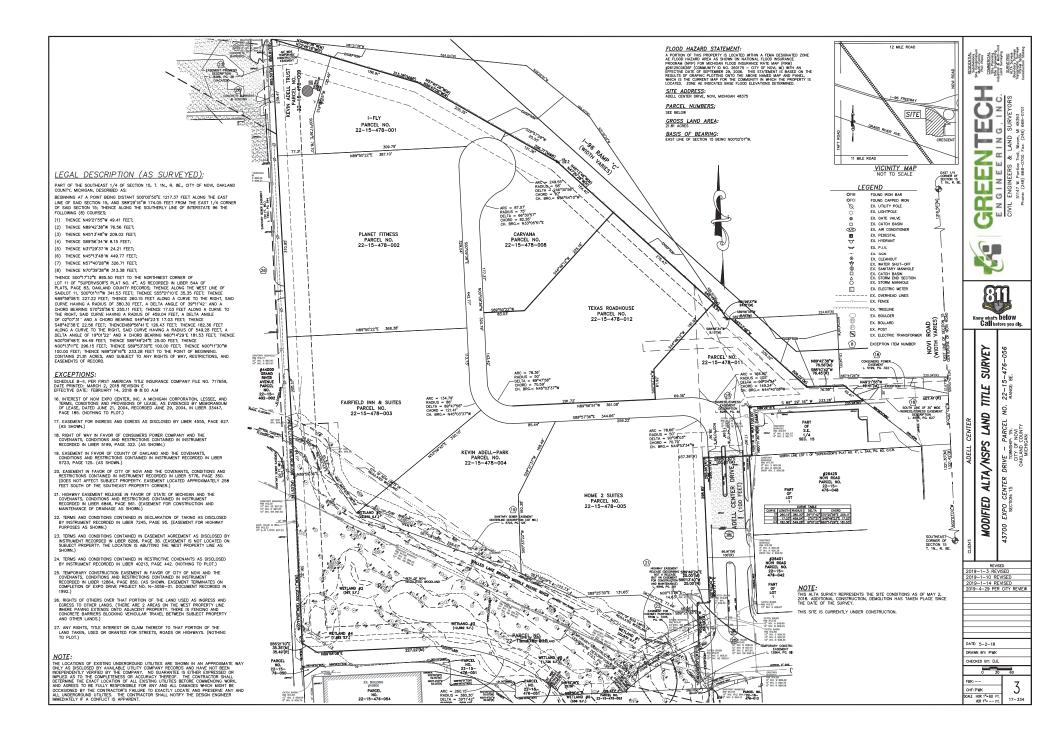


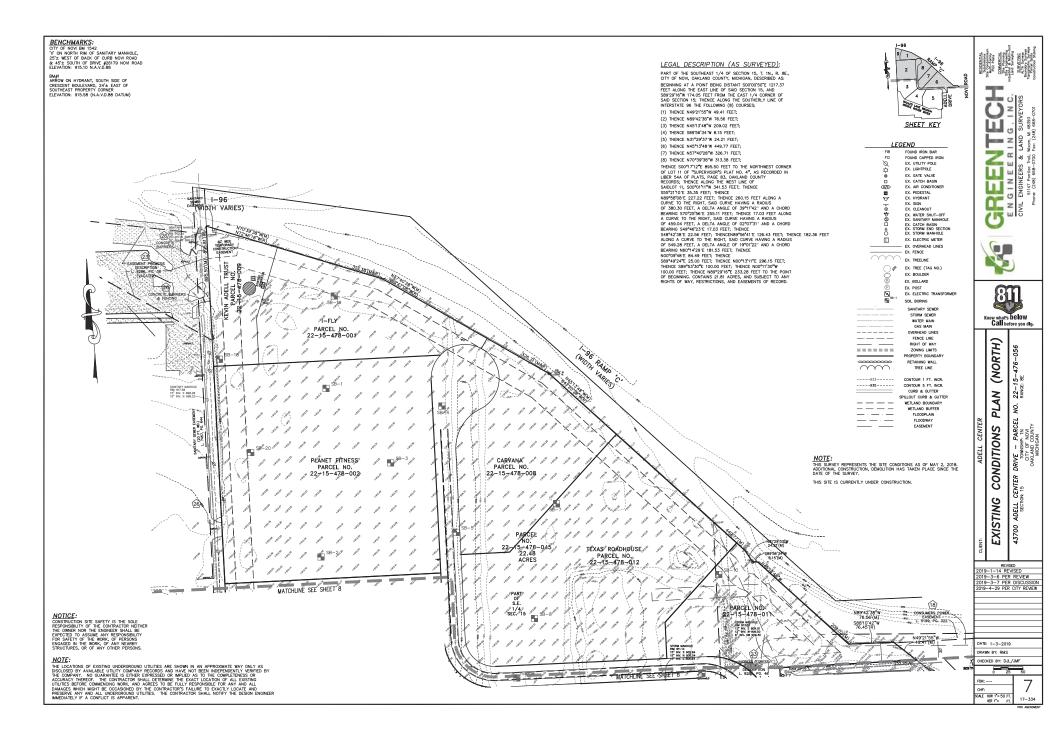


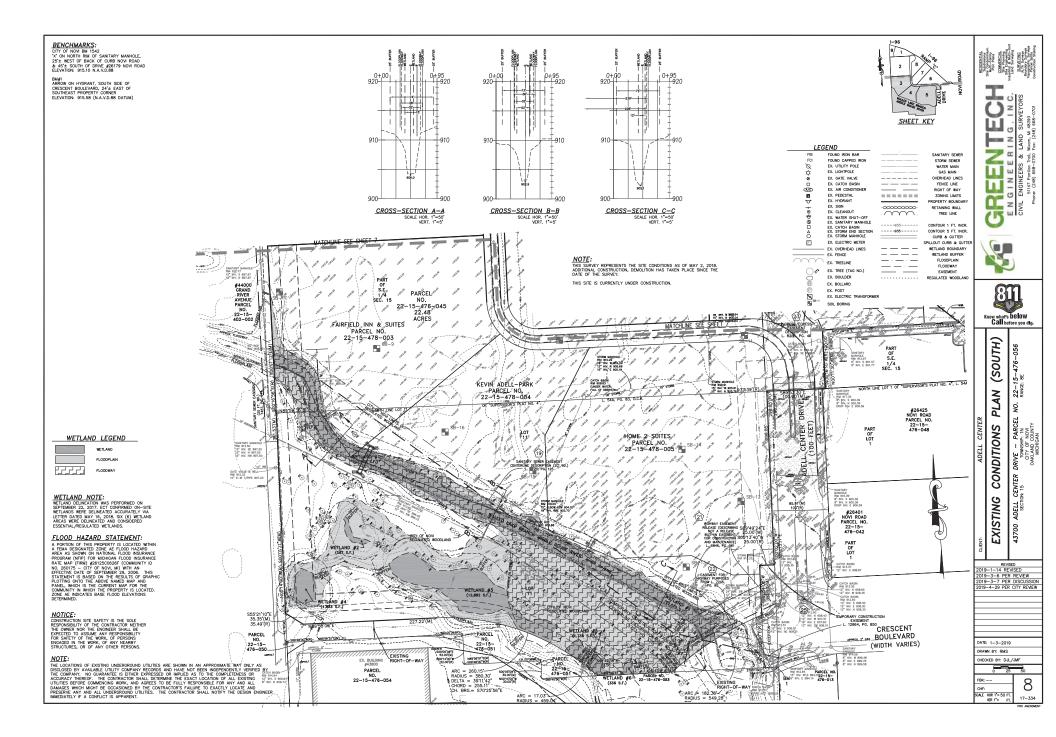


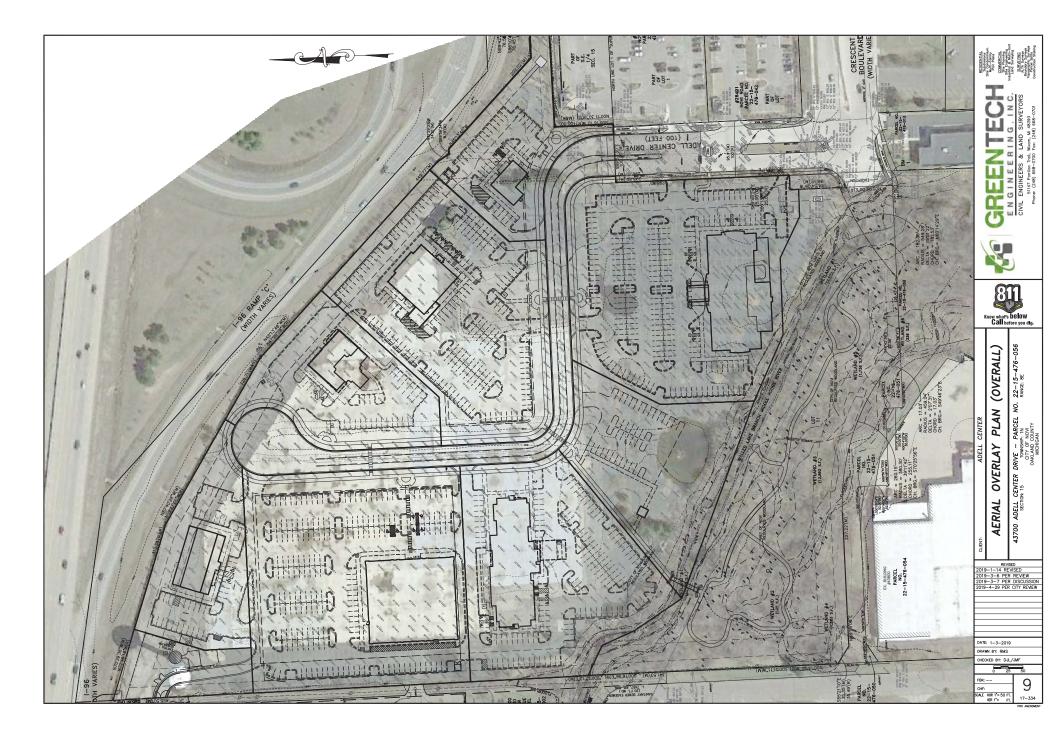


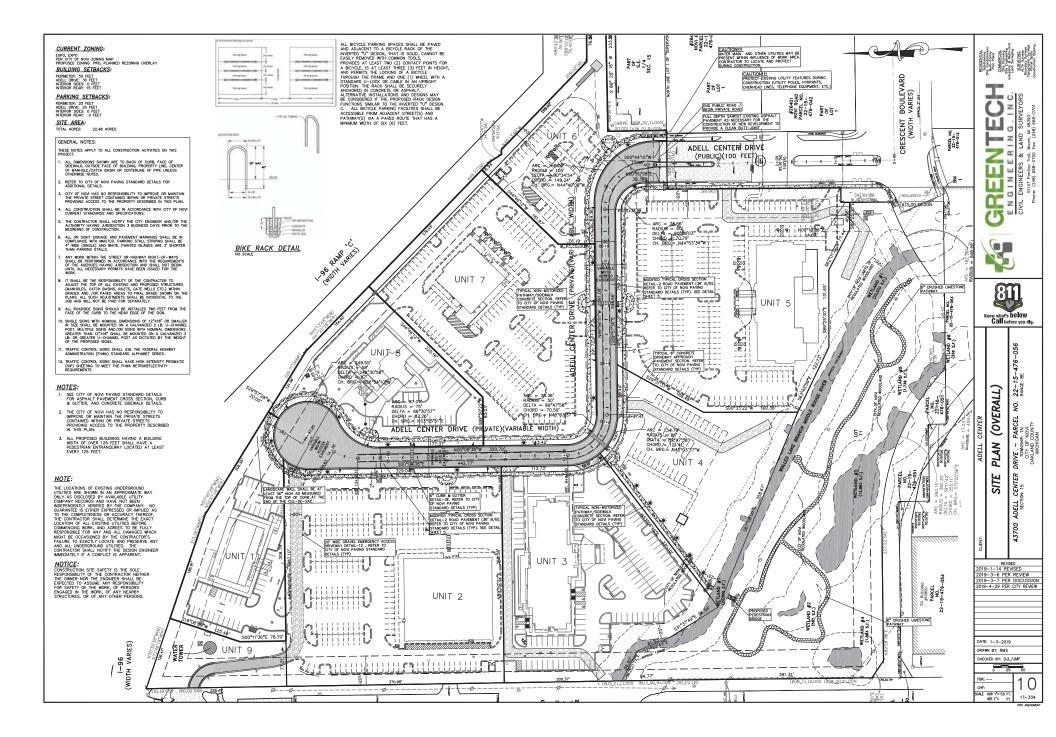


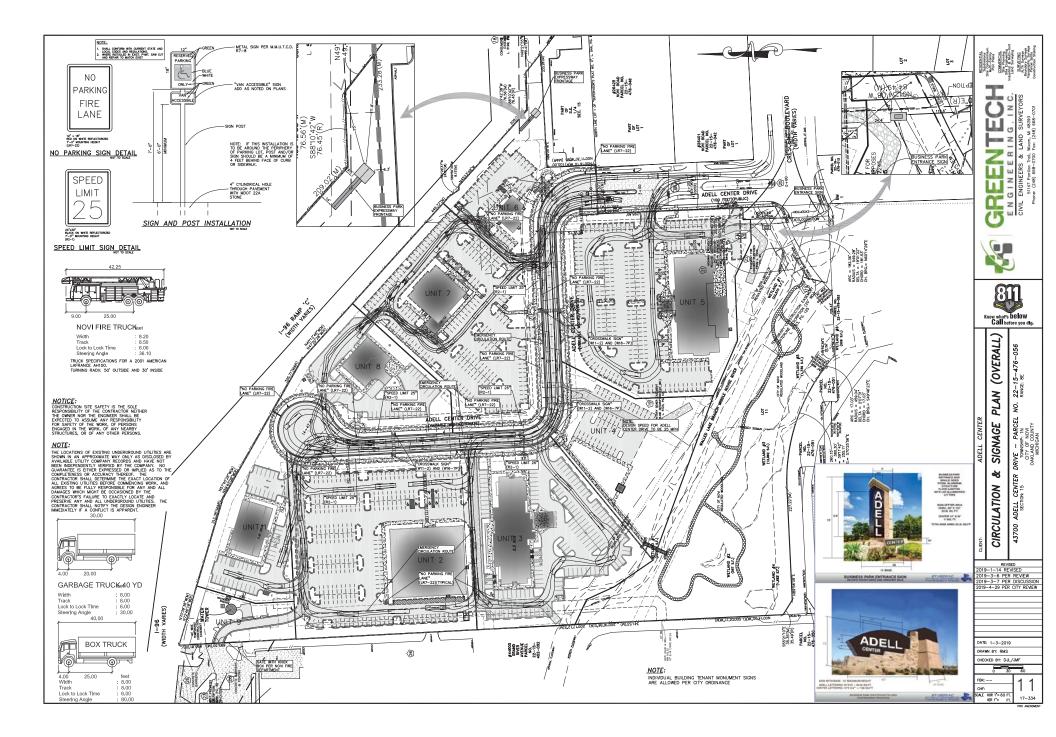


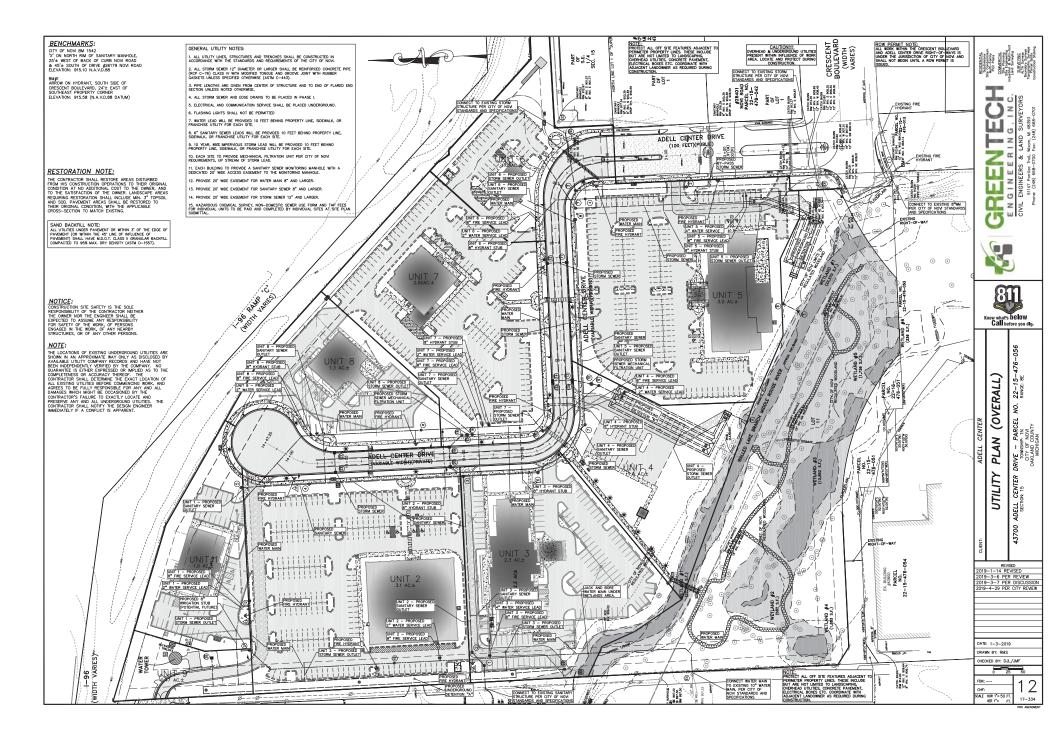


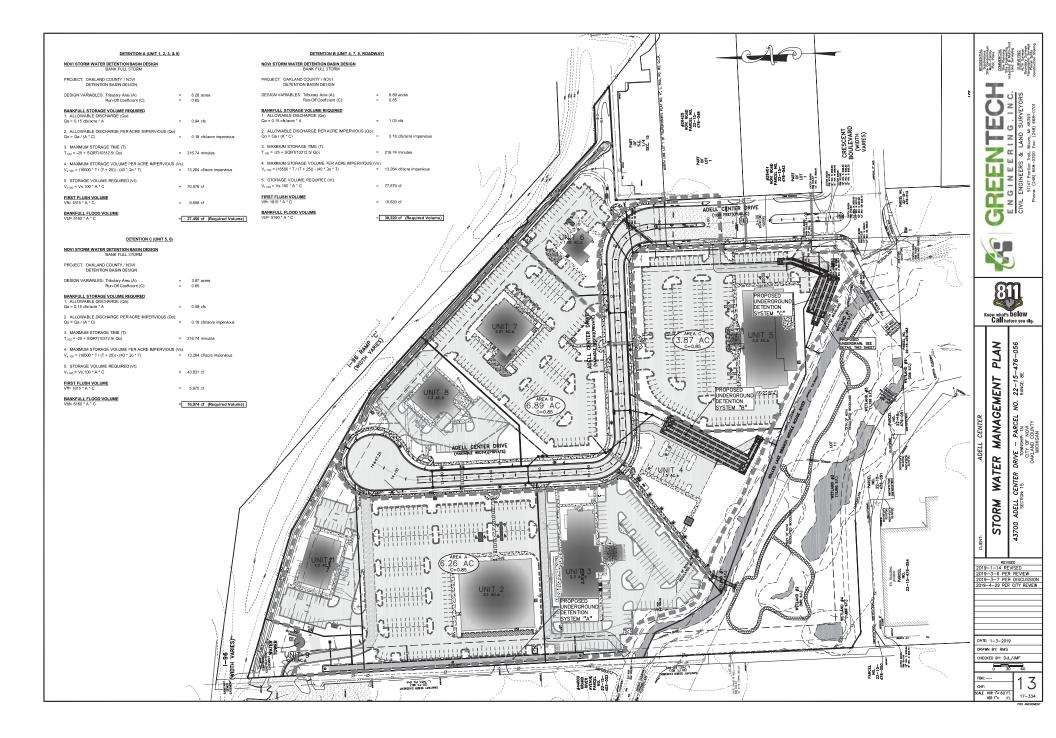


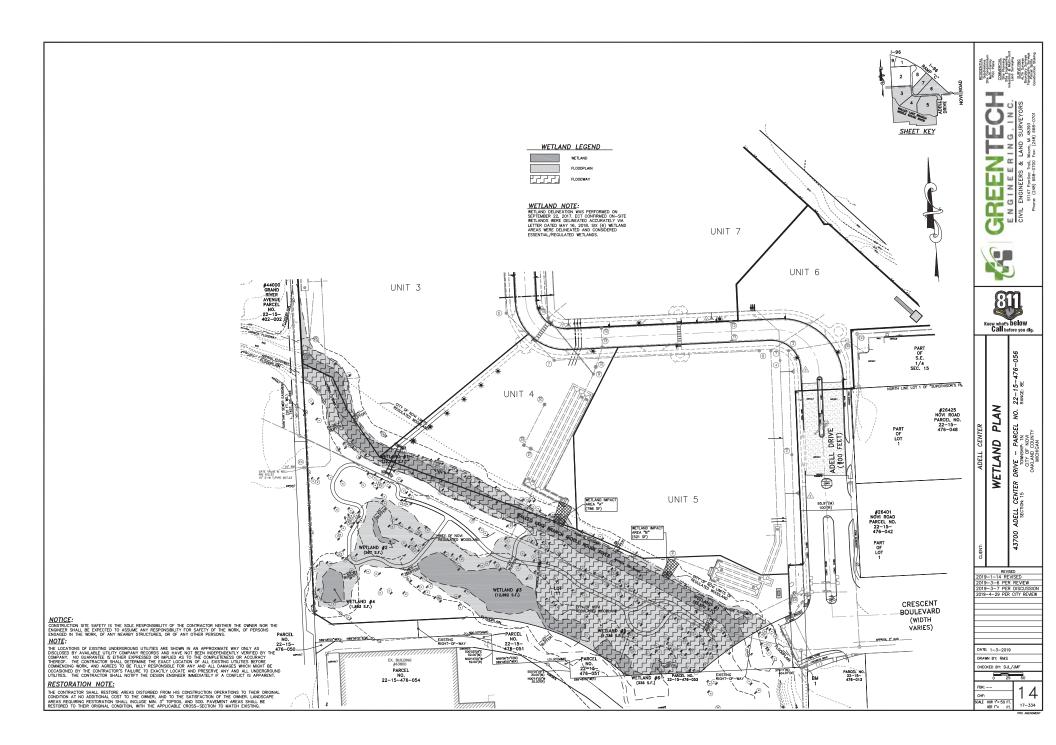


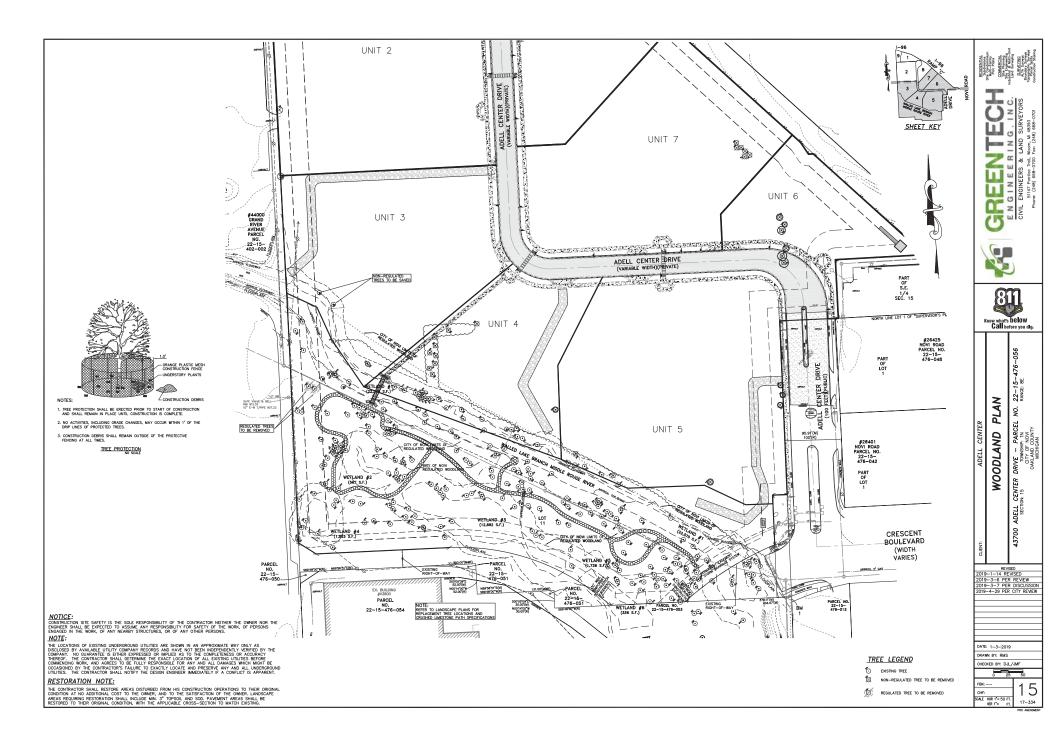




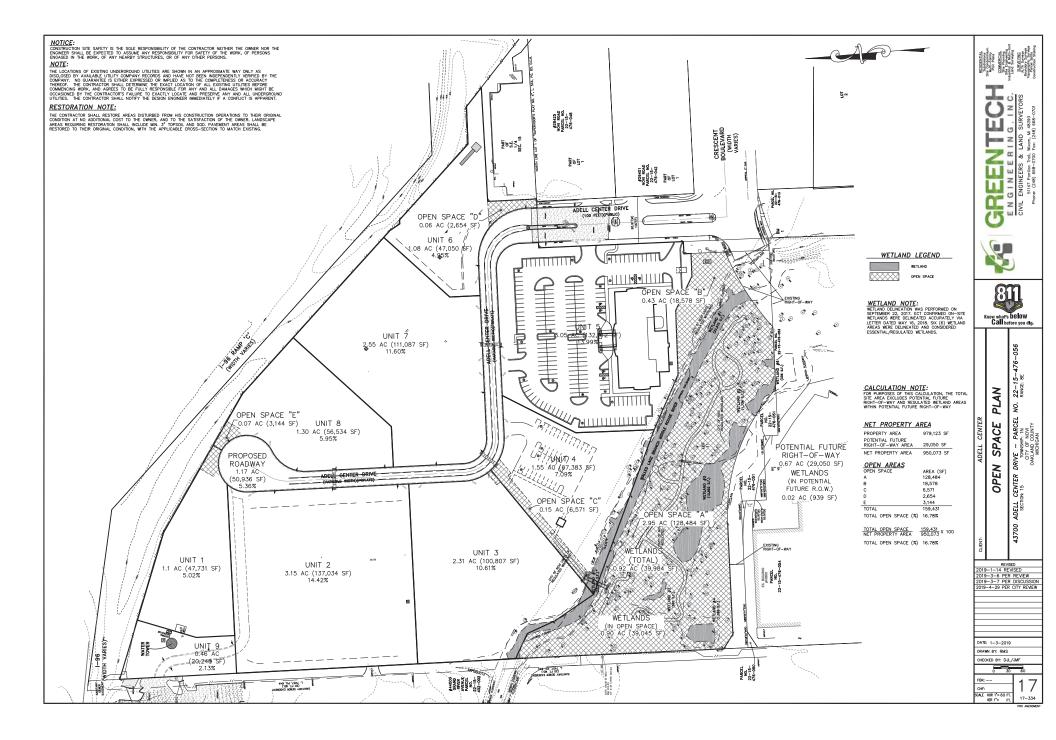


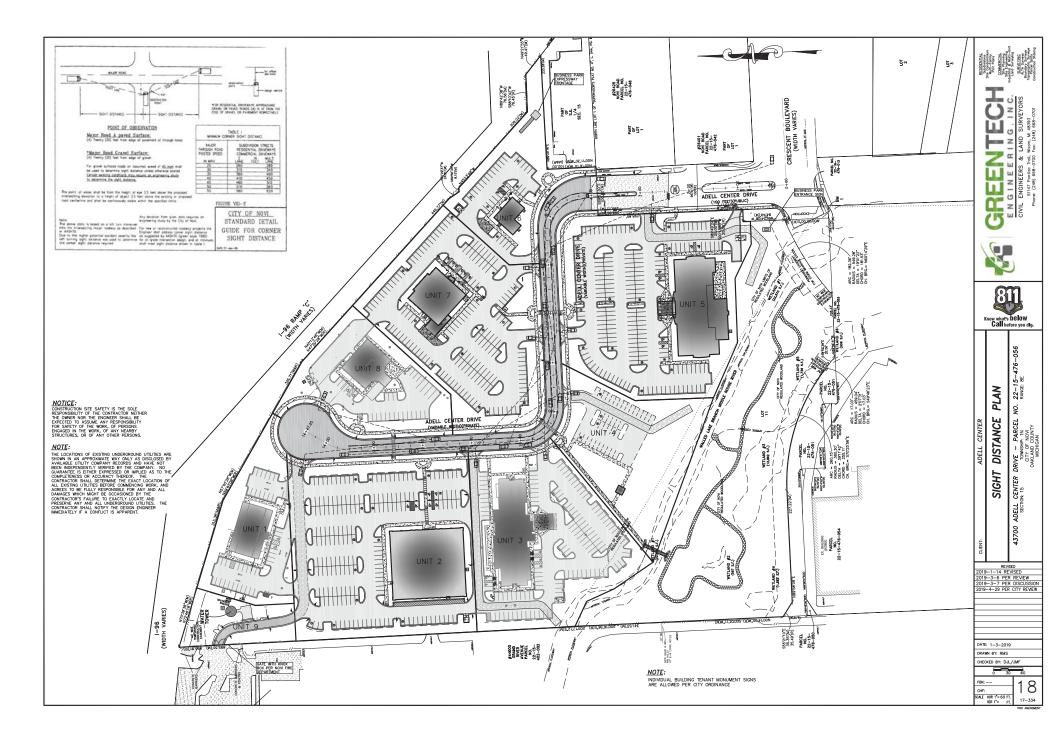


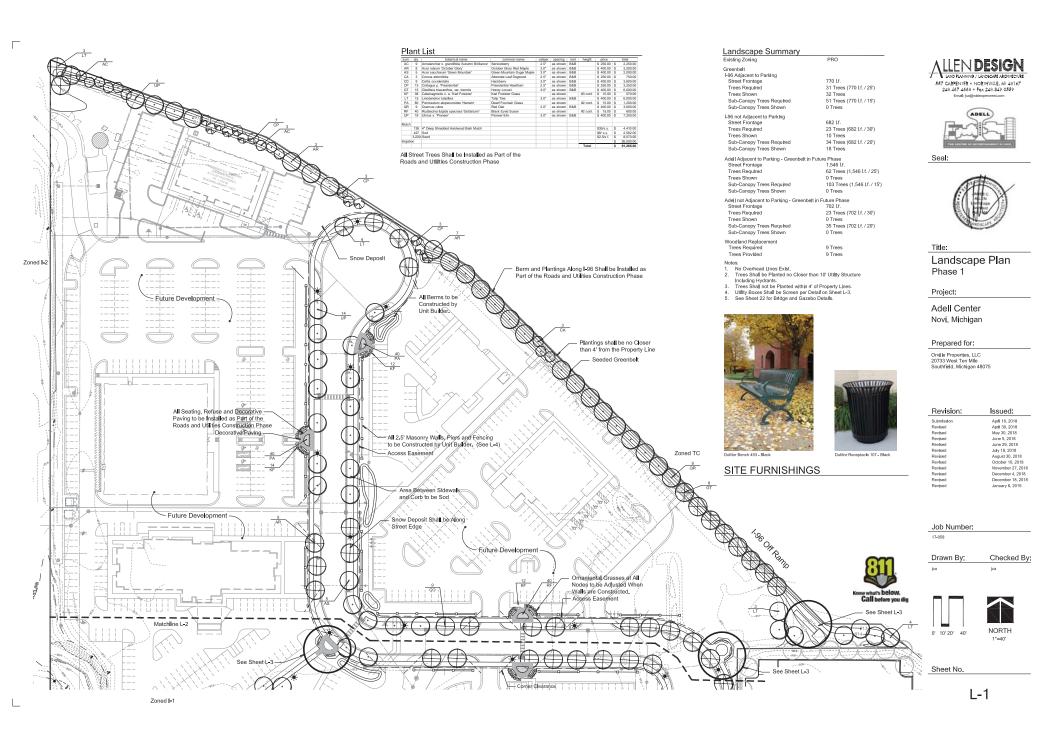


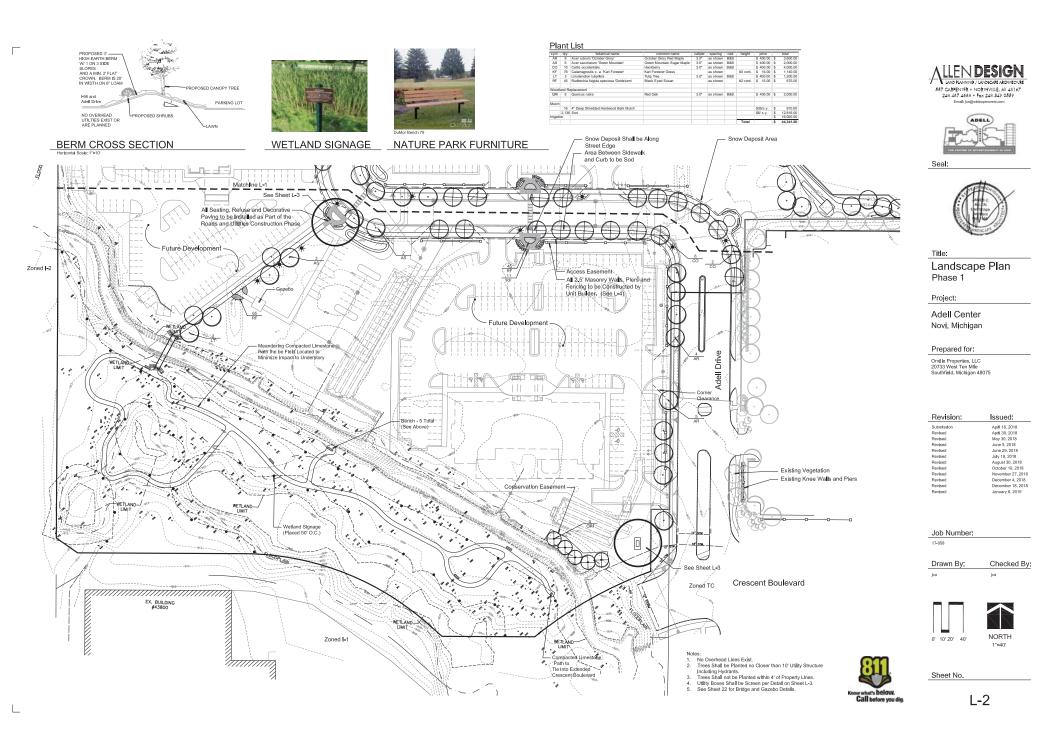


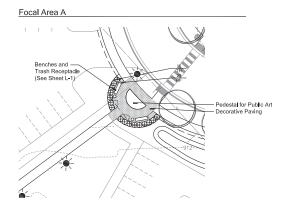
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164 14 Eastern Cottonwood 165 9.9 Box Elder 166 9 Black Clerry 167 8 Box Elder	Acer negundo Prunus serotina	Goor Goor Goor Goor Goor Goor	Save Save Save		291 10 292 8	Box Elder Box Elder Box Elder	Acer negundo Acer negundo Acer negundo	Good Good Good Good Good Good	Save Save Save		417	17	Eastern Cottonwood	Populus deltoides Populus deltoides	Gcod Gcod Gcod	Save - Save -		
167 8 Box Elder 168 12 Box Elder	Acer negundo Acer negundo Acer negundo Acer negundo	Good	Save Save Save	Credit	293 10 294 10	Box Elder Box Elder	Acer negundo Acer negundo Acer negundo Acer negundo	Good	Save Save			16	Eastern Cottonwood	Populus deltoides Ropulus deltoides	Gcod Gcod Gcod	Save - Save -		INGIN 1248
169 9 Box Elder 170 12 Box Elder	Acer negundo	Good	Save	Credit	295 13	Box Elder Box Elder Box Elder Box Elder Box Elder	Acer negundo	Good	Save		420 421 422	16	Eastern Cottonwood	Populus deltoides Populus deltoides	Gcod Gcod			
164 14 Eastern 2010/model 165 99 Box Elder 166 9 Black Clerry 167 3 Box Elder 168 12 Box Elder 169 9 Box Elder 169 9 Box Elder 170 12 Box Elder 171 1014 Box Elder 172 16 Box Elder 173 144 Sugar Majbe 174 16 Box Elder 175 16 Box Elder	Acer negundo Acer negundo Acer saccharum	Good	Save		291 10 292 8 293 10 294 10 295 13 296 17 297 14 299 11 300 17 301 11	Box Elder Box Elder		Good	Save		422 423 424 425 426	8	Eastern Cottonwood	Populus deitoides	Gcod	Save - Save -		
173 14 Sugar Maple	Aker saccharum	Good Poor Good Good Good	Save Save Save		299 11	Box Elder Box Elder Box Elder Box Elder Box Elder	Acer negundo Acer negundo Acer negundo	Good Good Good Good	Save		424 425	16	Eastern Cottonwood Eastern Cottonwood	Populus deltoides Populus deltoides Populus deltoides	Gcod Gcod Gcod	Save -		C ule
172 18 Box Elder 173 14 Sugar Maple 174 16 Box Elder 175 16 Box Elder 175 16 Box Elder	Acer negundo Acer negundo Acer negundo	Good	Save	-	300 17 301 11	Box Elder			Save			8	Box Elder	Acer negundo Acer negundo Jugtans nigra Populus deltoides Ulmus americana	Gcod	Save - Save -		
176 10 Box Elder	Acer negundo	Good Good Good	Save Save		302 17 303 17	Box Elder	Acer negundo	Good	Save		428 429	8	Black Walnut Eastern Cottonwood	Juglans nigra Populus deltoides	Gcod Gcod	Cause .		1
177 3 Box Elder 178 3 Box Elder 179 13 Box Elder 180 3 Box Elder 181 3 Box Elder	Acer negundo Acer negundo	Good	Save Save Save		301 17 302 17 303 17 304 14 305 10 306 32 307 12	Box Elder Box Elder	Acer negundo Acer negundo	Good Poor	Save Save		430 431	8	American Elm Bur Oak	Ulmus americana Quercus macrocarpa Acer negundo	Gcod Gcod Ptor	Save - Save - Save -		
180 3 Box Elder 181 3 Box Elder 182 3 Box Elder	Aver negundo Aver negundo Pisea pungens Pisea pungens	Good Good Good Good	Save		306 32 307 12	Box Eller Box Eller Box Eller Box Eller Box Eller Box Eller Box Eller Box Eller	Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo	Good Good Good Poor Good Good Good Good	Save		427 428 429 430 431 432 433	12 23	Eastern Cottonwood Box Elder Black Walnut Eastern Cottonwood American Elm Bur Oak Box Elder Box Elder Box Elder Box Elder Box Elder Socton Pine Back Willow		Gcod	Save -		NS
182 3 Box Elder 183 10 Box Elder 184 11 Box Elder	Acer negundo Acer negundo	Good	Save		308 14 309 10,14	Box Elder Box Elder		Good Good Good	Save Save			11	Box Elder Box Elder	Acer negundo Acer negundo	Gcod Gcod Gcod	Save - Save - Save -	Woodland Summary	
Ib2 8 EXX Elder 183 10 Box Elder 184 11 Box Elder 185 9 Green Succe 186 10 Green Succe 187 11 Green Succe 188 9 Austrian Pine 189 11 Austrian Pine 199 11 Austrian Pine 190 9 Austrian Pine 190 12 Come Surce	Acer negundo Picea pungens	Good Good Good	Save Save Remove		308 14 309 '0.14 310 9.10 311 13 312 '0.10 313 '4.22 314 15 315 16 316 14 317 12	Box Elder Box Elder Box Elder Box Elder Box Elder	Acer negundo Acer negundo Acer negundo	Good Good	Save		435 436 437	14 15	Box Elder Scotch Pine	Acer negundo Acer negundo Acer negundo Pinus sylverstris	Utility Out	Save -		
185 9 Green Saruce 186 10 Green Saruce 187 11 Green Saruce	Picea pungens Picea pungens	Good	Remove	Exempt Exempt	312 0,10 313 4,22	Box Elder Box Elder		Good Good	Save Save Save		438 439 440 441	10	Black Willow Bur Oak Box Elder American Elm Bur Oak Bur Oak Bur Oak	Salix nigra	Gcod Gcod Gcod	Save - Save -	Total Trees 312 Trees Less Non - Regulated Trees: <u>32 Trees</u>	l m
188 9 Austrian Pine 189 11 Austrian Pine	Picea pungens Pinus nigra Pinus nigra	Good Good Good	Remove	Exempt	314 15	Box Elder Box Elder	Acer negundo	Good	Save		440	11	Box Elder	Acer negundo	Gcod	Save -	Total Regulated Trees 280 Trees	811
188 9 Austrian Pine 189 11 Austrian Pine 190 9 Austrian Pine 191 12 Green Struce		Good	Remove	Exempt	316 14	Box Elder Box Elder Box Elder Box Elder Box Elder Box Elder Box Elder Box Elder Box Elder Box Elder	Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo	Good Good Good Good Good Good Poor Poor	Save		441 442 443 444	12,32	Bur Oak	Quercus macrocarpa Acer negundo Ulmus americana Quercus macrocarpa Quercus macrocarpa	Gcod Gcod Gcod	Save - Save -	Regulated Trees Removed 2 Trees Regulated Trees Preserved 278 Trees (99%)	
190 3 Fusicilar Fine 191 12 Green Szuce 192 3 Austrian Pine 193 12 Pin Oak	Picea pungens Pinus nigra Quercus palustris	Good	Remove	Exempt	318 19	Box Elder Box Elder	Acer negundo	Poor	Save		44-3			Juglans nigra	Gcod	Save - Save -		Know what's below Call before you dig.
	Acer negundo	Good Good Poor Good Poor Fair Good Good Good Good	Save	Exempt	318 19 319 11 320 0,17 321 17	Box Elder	Acer negundo	Good	Save		445 446 447	18	Sugar Maple Box Elder	Juglans nigra Acer saccharum Acer negundo Acer negundo	Gcod Gcod	Save - Save -	Replacement Required Trees 8" - 11" 0 trees x 1= 0 Trees	Gall before you dig.
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197 10 Box Elder 198 13 Box Elder 199 12 Box Elder	Acer negundo Acer negundo	Fair	Save Save Save		323 12 324 12		Acer negundo Acer negundo	Good	Save Save		449 450	10	Common Apple Common Apple	Malus spp. Malus spp.	Gcod Gcod Gcod Gcod	Save -	Trees 30"+ 0 trees x 4= 0 Trees	056
200 11 Box Elder	Acer negundo Acer negundo	Good			325 11 326 8	Box Elder Box Elder	Acer negundo Acer negundo Acer negundo	Poor	Save		450 451 452	10	Black Cherry Common Pear	Prunus serotina Pyrus spp.	Gcod Gcod	Save - Save -	Multi-Stemmed Trees <u>2 Trees</u> Credit for Saved Trees 2 Trees	
201 10 10 Box Elder 202 15 Eastern Cottonwood	Proulus deltoides	Good	Save Save Save		327 14 328 1,13,16	Box Elder Box Elder	Acer negundo Acer negundo	Good Good	Save Save	-							Replacement Required • 7 Trees	476
203 10 Box Elder 204 1616 Box Elder	Acer negundo Acer negundo Acer negundo Acer negundo	Good	Save		321 17 322 9 323 12 324 12 325 11 326 8 327 14 328 1:13:16 329 17 330 11 331 37	Box Elfer Box Elfer Box Elfer Box Elfer Box Elfer Box Elfer Box Elfer Box Elfer	Acer negundo Acer negundo	Good	Save								Note: Tree Survey Work was Conducted In October, 2017	∠ ¹ / ₂ [™]
198 13 Box Elder 199 13 Box Elder 200 11 Box Elder 201 10.10 Box Elder 202 15 Eastern Cottorwood 203 10.0 Box Elder 203 10.0 Box Elder 204 16.16 Box Elder 205 11 Box Elder 206 9 Pin Gak 207 11 Greenspre Linden	Acer negundo Quercus palustris Til a cordata 'Greenspire'	Good Good Good Good / Good Good Good	Save Remove	- Exempt	331 37 332 12		Acer negundo Acer negundo Acer negundo Acer negundo Populus deltoides Acer negundo Acer negundo Acer negundo Desche albaldes	Good Good Good Good Good Good Good Good	Save								 REFER TO LANDSCAPE PLANS FOR REPLACEMENT TREE 	PLAN
208 16 Box Elder	Acer negundo	Good Good	Save		331 37 332 12 333 15 334 8,10 335 11 336 25 337 8	Box Elder Box Elder White Mulberry Eastern Cottorwood	Acer negundo Morus alba	Good Good	Save	-							LCCATIONS (TO BE PROVIDED IN A CONSERVATION EASEMENT)	2 2
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212 11 Box Elder	Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo	Good Good Good Good Poor Good Good	Save		337 8 338 10 339 23 340 18 341 12 342 13 343 17 344 9 345 11 346 20 347 14	Eastern Cottorwood Box Elder Box Elder	Populus dettoides Populus dettoides Acer negundo Acer negundo Populus dettoides Acer negundo Acer negundo	Good Good Poor	Save	-								
213 13 Box Elder 214 18 Box Elder	Acer negundo Acer negundo	Good Poor	Save Save		339 <u>23</u> 340 18	Eastern Cottorwood Box Elder	Populus deltoides Acer negundo	Good Good	Save	-								CENTER VTORY PARCEL PARCEL NOW COUNTY
213 13 Box Elder 214 18 Box Elder 215 14 Box Elder 216 10 Box Elder	Acer negundo Acer negundo	Good	Remove Save	Exempt	341 12 342 13			Good Good Good Good										
210 10 Box Education 217 11 American Elm 218 11 Box Elder 219 11 Box Elder	Acer negundo Ulmus americana Acer negundo	Good Good Good	Save Save		343 17 344 9	Box Elder Box Elder Box Elder	Acer negundo Acer negundo Acer negundo	Good	Save Save Save									
	Acer negundo Acer negundo Acer negundo	Good Good	Save		345 11 346 20		Acer negundo Acer negundo	Good	Save	-								ADELL C ADELL C INVEN DRIVE - I TOWNSHIP CONCLAND C OAKLAND C MICHIG
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221 17 Box Edw 222 11 Box Edw 224 13 Box Edw 224 14 Box Edw 224 15 Box Edw 225 13 Box Edw 226 13 Box Edw 227 21 Box Edw 228 13 Box Edw 229 10 Box Edw 220 7.12 Box Edw 231 14 Box Edw 232 13 Box Edw 233 14 Box Edw 234 12 Commor Appe 235 10 Box Edw 234 12 Commor Appe 233 10 Box Edw 233 10 Box Edw	Acer negundo Acer negundo	Good	Save Save		348 17 349 1,15 350 9 351 14 352 12	Box Elder Box Elder Box Elder	Acer negundo Acer negundo Acer negundo Acer negundo Acer negundo Acer saccharum Prunus serolina Prunus serolina	Good Good Good Good Good Good Good Good	Save Save Save					Regulated W	oodland			
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227 21 Eastern Cottonwood	Populus deltoides	Goor Goor Goor Goor Goor Goor Goor	Save		353 13	Black Cherry Super Maple	Prunus serotina Prunus serotina Acer saccharum	Good	Save				1	LEGEND				
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244 10 11 Box Elder 245 10 Box Elder 246 11 Box Elder	Acer negundo Acer negundo	Poor Good Good	Save Save Save		370 10 371 10,12	Box Elder Box Elder Box Elder	Acer negundo Acer negundo Acer negundo Acer negundo	Good Good	Save				Contracting of		the Partner Line of	144 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		2019-4-29 PER CITY REVIEW
246 11 Box Elder 247 13 Black Willow	Acer negundo Salix nigra	Good	Save		372 11 373 9	Box Elder Box Elder Box Elder	Acer negundo Acer negundo	Good Good	Save									
244 101 Box Elder 245 101 Box Elder 246 10 Box Elder 247 13 Black Willow 248 10 Box Elder 249 11 Box Elder 249 11 Box Elder 250 1113 Box Elder	Acer negundo Acer negundo	Good Good Good Fair	Save Save Save			Box Elder	Acer negundo Acer negundo Acer negundo	Good Good Good Good Good Good Good	Save				1		-	2		
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254 12 Box Elder 255 24 Box Elder	Aker negundo	Good	Save		380 10	Sugar Maple Box Elder	Acer saccharum Acer pegundo	Good	Save Save Save				allu (- M	1			DATE: 1-3-2019
256 11 Box Elder 257 2224 Eastern Cottonwood	Acer negundo Proulus deltoider	Good Good Good	Save Save Save		382 19	Box Elder Box Elder	Acer negundo	Good	Save				SP.	and a second		- mer	PROJECTI LOCATION	DRAWN BY: RMS
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260 11 Box Elder	Aker negundo	Good Good	Save		386 19	Box Elder	Acer negundo	Good	Save				00		-			0 25 50
261 12 Box Elder 262 10 Box Elder 263 9 Box Elder	Acer negundo	Good Good	Save Save Save		387 9 388 18	Eastern Cottorwood	Populus deltoides	Good	Save Save				100	IF IN		1 2 - S		ня: 16
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																		PRO AMENOMENT

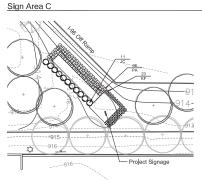


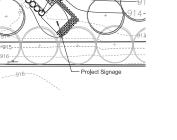


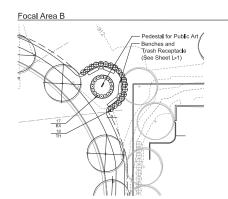








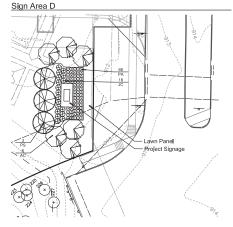


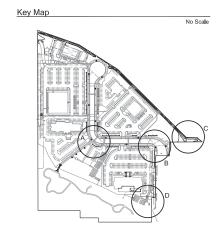


Plant	List

							Total		\$ 21,226,00
Irrigatio	n								\$ 8,000.00
		Sod (s.y.)						\$6/ s.y.	\$ 2,436.00
	68	4" Deep Shredded Hardwood Bark Mulch						\$35/s.y.	\$ 2,380.00
Mulch									
TH	34	Taxus . Media 'Hicksii'	Hicks Juniper		as shown	B&B	36"-40"	\$ 50.00	\$ 1,700.00
RF	25	Rudbeckia fulgida speciosa 'Goldsturm'	Black Eyed Susan		as shown		#2 cont.	\$ 15.00	375.00
PS	3	Pinus strobus	White Pine		as shown	B&B	12'-14'	\$ 400.00	\$ 1,200.00
PA	66	Pennisetum alopecuroides 'Hameln'	Dwarf Fountain Grass		as shown		#2	\$ 15.00	\$ 990.00
KF	23	Calamagrostis x. a. 'Karl Forester'	Karl Forester Grass		as shown		#3	\$ 15.00	\$ 345.00
JC	29	Juniperus ch. "Keteleer"	Keteleer Juniper		as shown	B&B	8'	\$ 50.00	\$ 1,450.00
BX	17	Buxus x. Green Velvet'	Green Velvet Boxwood		as shown		24*	\$ 50.00	\$ 850.00
AC	6	Amelanchier x. grandifolia 'Autumn Brilliance'	Serviceberry	2.5"	as shown	B&B		\$ 250.00	1,500.00
sym.	qty.	botanical name	common name	caliper	spacing	root	height	price	total

Focal Areas and Sign Areas Above Shall be installed as Part of the Roads and Utilities Construction Phase





ALLEN DESIGN 557 CARPENTER + NORTHVILLE, MI 48167 248.467.4668 + Fax 248.349.0559 Emal: ica





Title: Landscape Plan Phase 1

Project: Adell Center Novi, Michigan

Orville Properties, LLC 51147 West Ten Mile Southfield, Michigan 48075

Prepared for:

Wetland Buffer Restoration Seed Mix

Low-profile Prairie Seed	Mix			
		PLS		
Botanical Name	Common Name	Ounces/Acre	Seeds/Oz	Seeds/SQ F
Permanent Grasses:			1	
Carex spp.	Prairie Carex Mix	4.00	33422	3.0
Elymus canadensis	Canada Wild Rye	32.00	4258	3.1
Elymus virginicus	Virginia Wild Rye	10.00	9375	2.1
Koeleria cristata	June Grass	1.00	150000	3.4
Panicum virgatum	Switch Grass	1.00	28356	0.6
Schizachyrium scoparium	Little Bluestern	32.00	8800	6.4
	T	otal 80.00	1	18.9
Temporary Cover:				
Avena sativa	Common Oat	360.00	8125	67.1
Lolium multiflorum	Annual Rye	100.00	14188	32.5
	T	fotal 460.00		99.7
Forbs:				
Forbs: Anemone cylindrica	ThimbleWeed	0.50	20938	0.2
Anemone cylinanca Asclepias tuberosa	Butterfly MilkWeed	2.00	20938	0.2
Asciepias tuberosa Aster ericoides	Heath Aster	2.00	140000	0.1
Aster laevis	Smooth Blue Aster	0.75	48000	0.8
Aster novae-angliae	New England Aster	0.25	76000	0.4
Chamaecrista fasciculata	Partridge Pea			
Coreopsis lanceolata	Sand Coreopsis	5.00	12500	1.4
Coreopsis tripteris	Tall Coreopsis	3.00	13100	0.9
Dalea candida	White Prairie Clover		26250	0.9
Desmodium canadense	Showy Tick Trefoil	1.50	20000	0.6
Euphorbia corollata	Flowering Spurge	8.00	7542	1.3
Euthamia graminifolia	Grass-leaved Goldenrod	2.50	8000	0.4
Lespedeza capitata	Round-Head Bush Clover	2.00	10000	0.4
Liatris aspera	Rough Blazing Star	0.50	13000	0.1
Lupinus perennis	Wild Lupine	2.00	1000	0.0
Monarda fistulosa	Wild Bergamot	0.75	78000	1.3
Parthenium integrifolium	Wild Quinine	1.00	6800	0.1
Penstemon digitalis	Foxglove Beard Tongue	0.50	115000	1.3
Pycnanthemum virginianum		1.00	331250	7.6
Ratibida pinnata	Yellow Coneflower	4.00	25250	2.3
Rudbeckia hirta	Black-Eyed Susan	5.00	110000	12.6
Symphyotrichum ericoides	Heath Aster	3.00	4000	0.2
Silphium terebinthinaceum	Prairie Dock	0.50	1100	0.0
Solidago nemoralis	Old-Field Goldenrod	0.50	240000	2.7
Solidago rigida	Stiff Goldenrod	1.00	46000	1.0
Tradescantia ohiensis	Common Spiderwort	0.75	8000	0.1
Vemonia spp.	Ironweed (Various Mix)	1.75	24000	0.9
Veronicastrum virginianum	Culvers Root	0.25	750000	4.3
	T	otal 63.75]	44.9

Revision: Issued: Submission Revised April 16, 2018 April 30, 2018 May 30, 2018 June 5, 2018 June 5, 2018 July 19, 2018 August 30, 2018 October 10, 2018 November 4, 2018 December 4, 2018 January 8, 2019

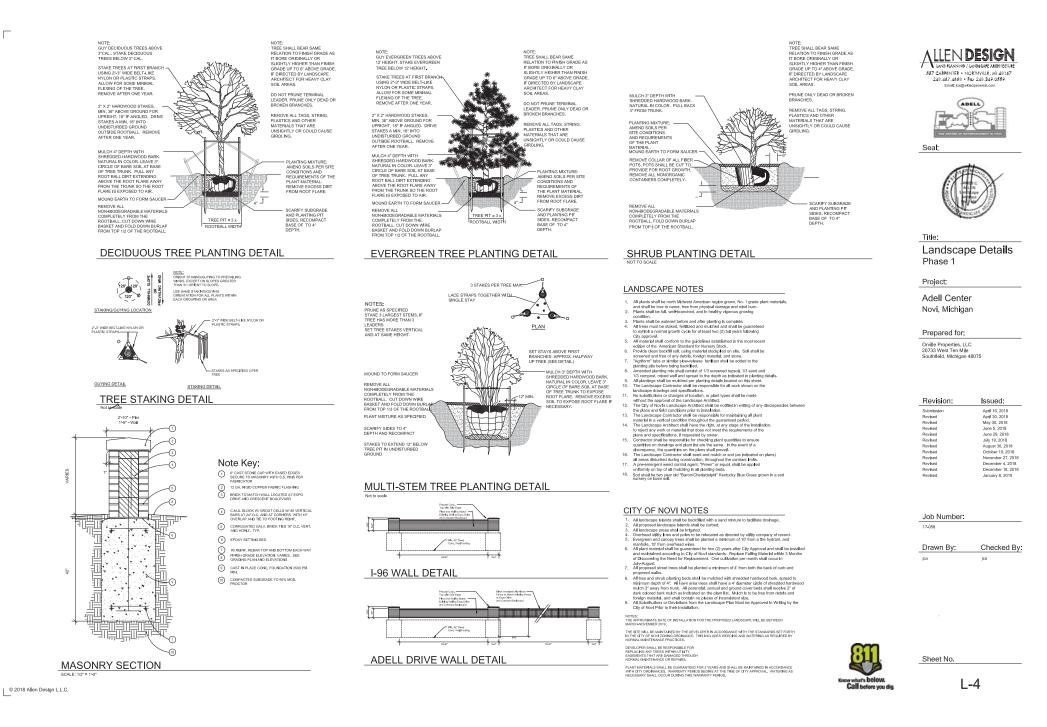
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Drawn By: Checked By: jca jca

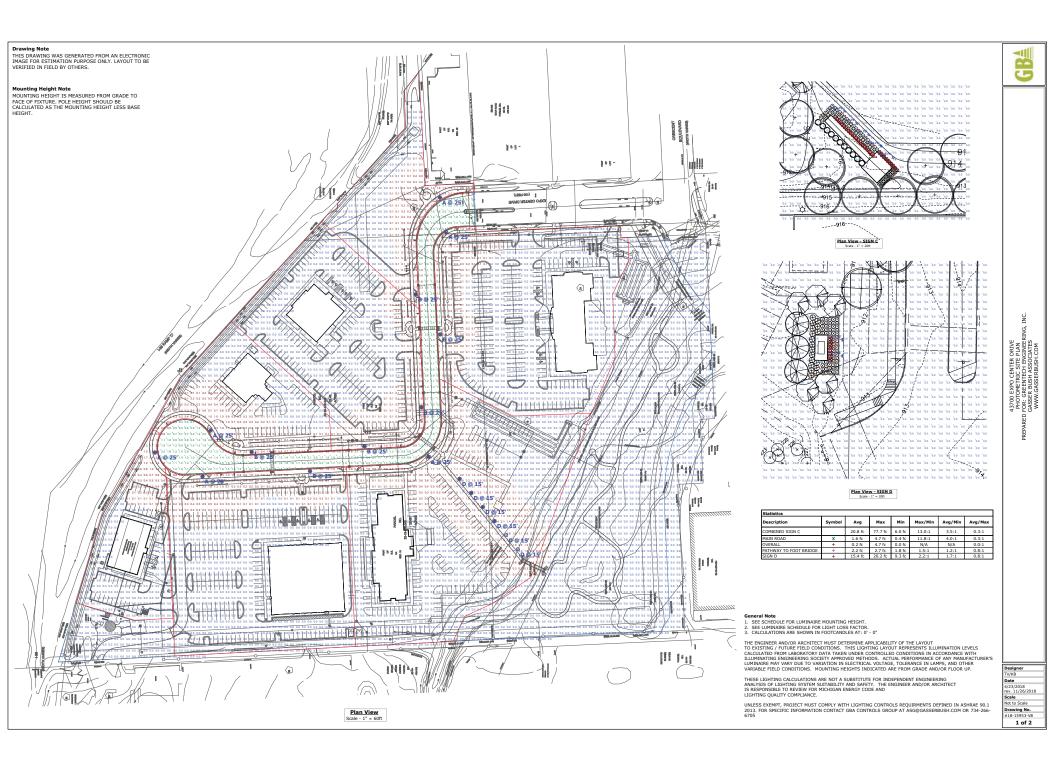


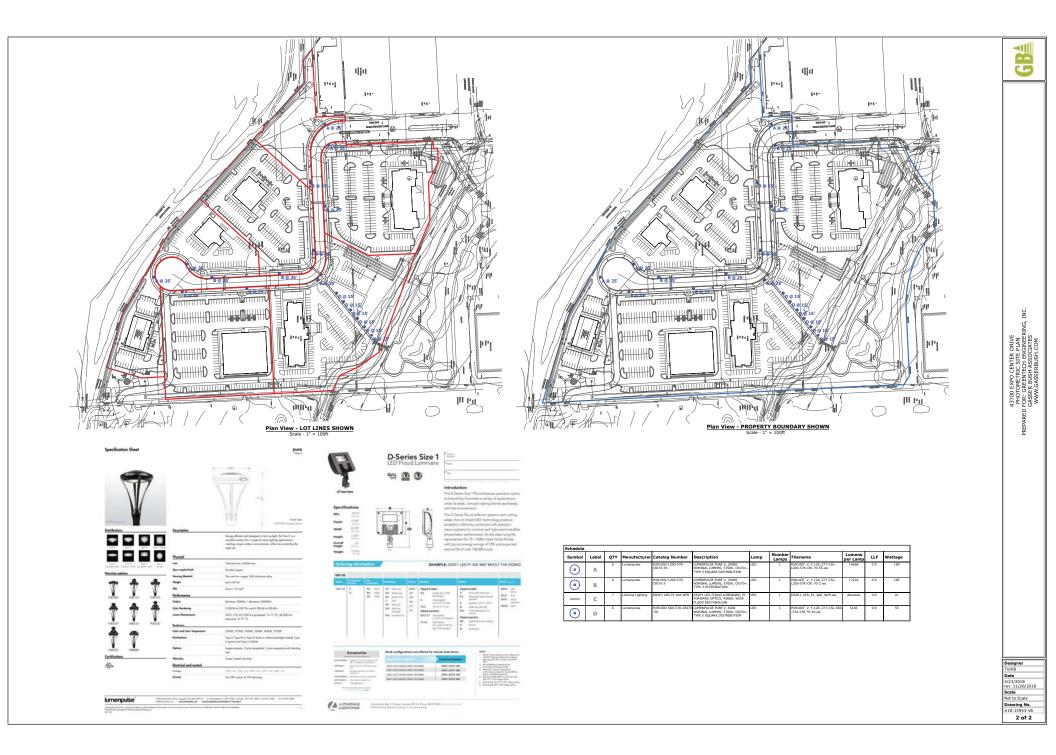
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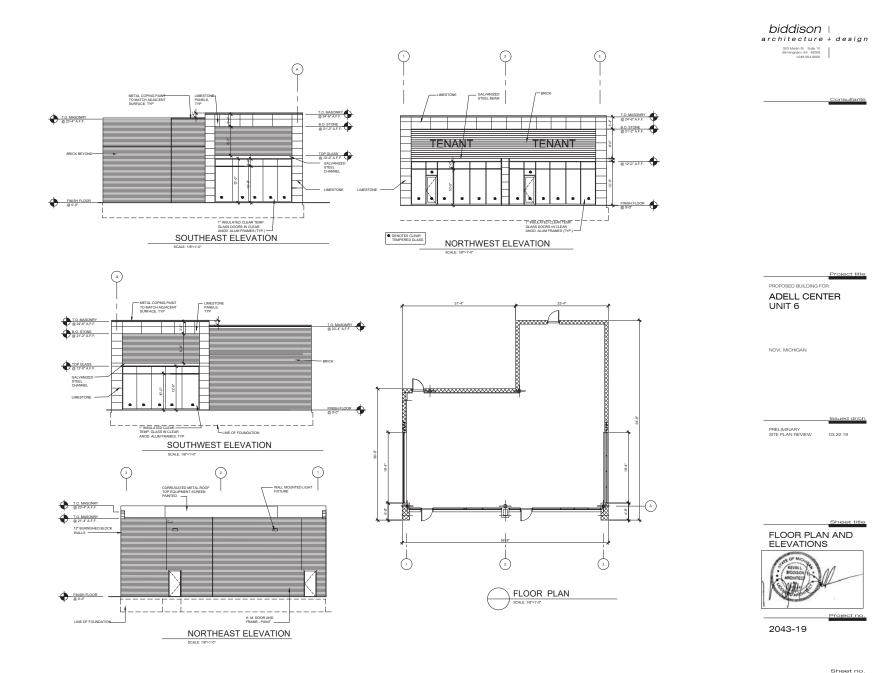
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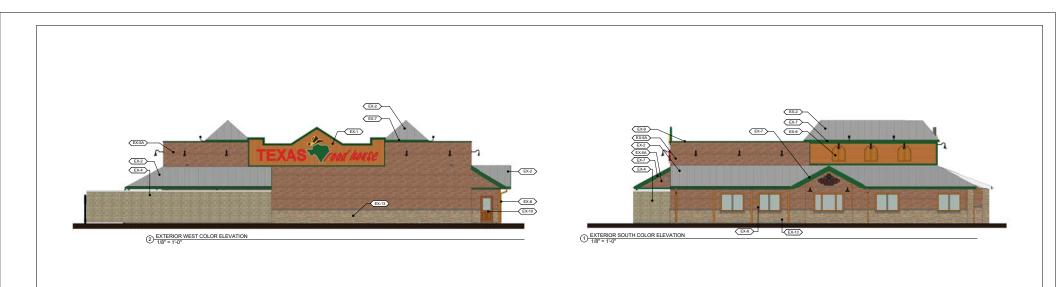
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A.201







EXTERIOR NORTH COLOR ELEVATION
 1/8" = 1'-0"

			FINISH SCHEDULE - EXTERIOR			
MARK	MFR	MODEL/SERIES	DESCRIPTION	COLOR	CONTACT	PHONE
	ALLURA	CEDAR 8" GROOVE	FIBER CEMENT VERTICAL SIDING	MAPLE STAINED - PRODUCT NOT PREFINISHED		
EX-2	METAL SALES	5V-CRIMP	METAL ROOFING	GALVALUME		
EX-4	SHERWIN WILLIAMS	ACRYLIC OR ENAMEL GLOSS BASE (DTM)	8" SPLIT FACE CMU. COLOR TO MATCH PRE-STAINED FIBER CEMENT	*LEATHER BOUND* SW6118 ROADSIDE		
EX-5	GENERAL SHALE BRICK CO	OVERSIZE	BRICK VENEER	*PHOENIX #143		800-277-2700
EX-5A	PALMETTO BRICK	QUEEN SIZE	THING BRICK VENEER (ALTERNATE)	LONDON BALLAST		
EX-6	HENRY POOR LUMBER	TWO COATS- TWP STAIN FORMULA	WESTERN RED CEDAR	AMTECO #1501 CEDARTONE	DOUG MILLER	800-255-7913
EX-7	ALLURA	TRIM	TRIM- PAINTED	GREEN - (R2 MAROON 1/32, N1 RAW UMBER 16/32, W1 WHITE 22/32, B1 BLACK 44/32, Y3 DEEP GOLD 2 OX 85/32, G2 NEW GREEN 4 OZ & 54/32) (DTM UD SEMI)		
EX-8	SHERWIN WILLIAMS	ACRYLIC OR ENAMEL GLOSS BASE (DTM)	DOWNSPOUT & LOUVERS	*LEATHER BOUND* SW6118 ROADSIDE		
EX-9	SHERWIN WILLIAMS	ENAMEL, OIL OR ACRYLIC BASE- TWO FINISH COATS	GUTTERS/ COPING CAP	GREEN - (R2 MAROON 1/32, N1 RAW UMBER 16/32, W1 WHITE 22/32, B1 BLACK 44/32, Y3 DEEP GOLD 2 OX 85/32, G2 NEW GREEN 4 OZ & 54/32) (DTM UD SEMI)		
EX-10	INC.		DOORS	E603 PROVINICAL FINISH	JOSH NOLES	270-441-7171
EX-11	ALLURA	TRIM	TRIM- STAINED	MAPLE STAINED		
EX-12	SHERWIN WILLIAMS	PRIMER WITH TWO ENAMEL FINISH COATS	METAL DOORS & FRAMES	GLOSS BLACK		
EX-13	UPCHURCH KIMBROUGH	CHOPPED	LIMESTONE	*ALAMO GOLD*		

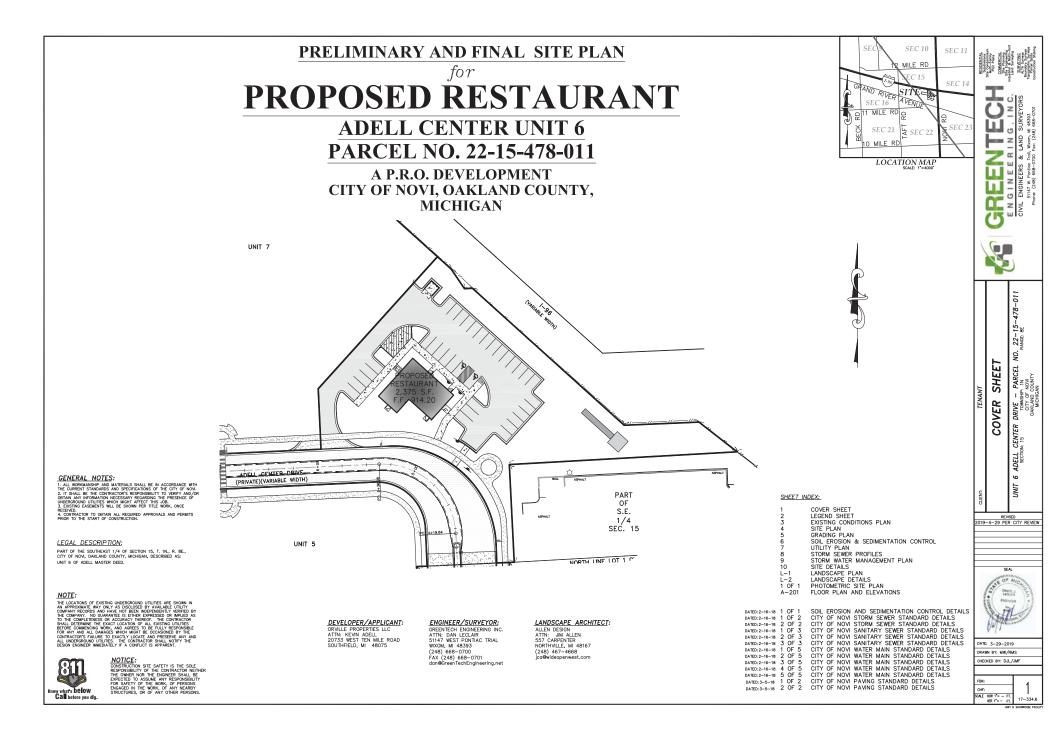


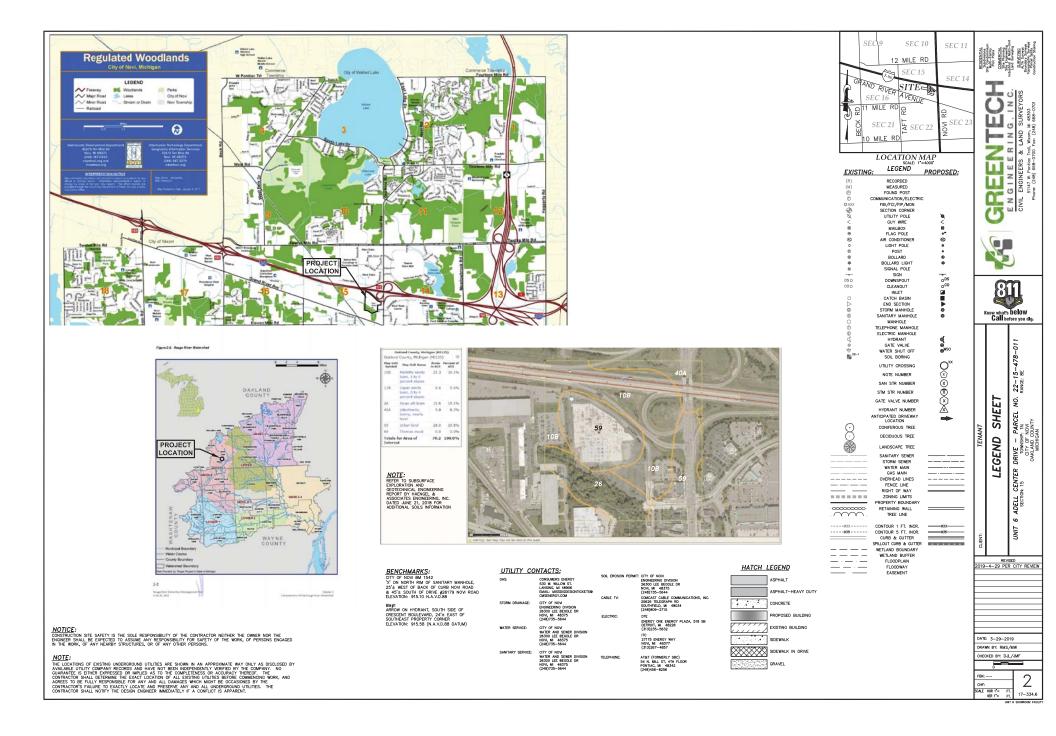
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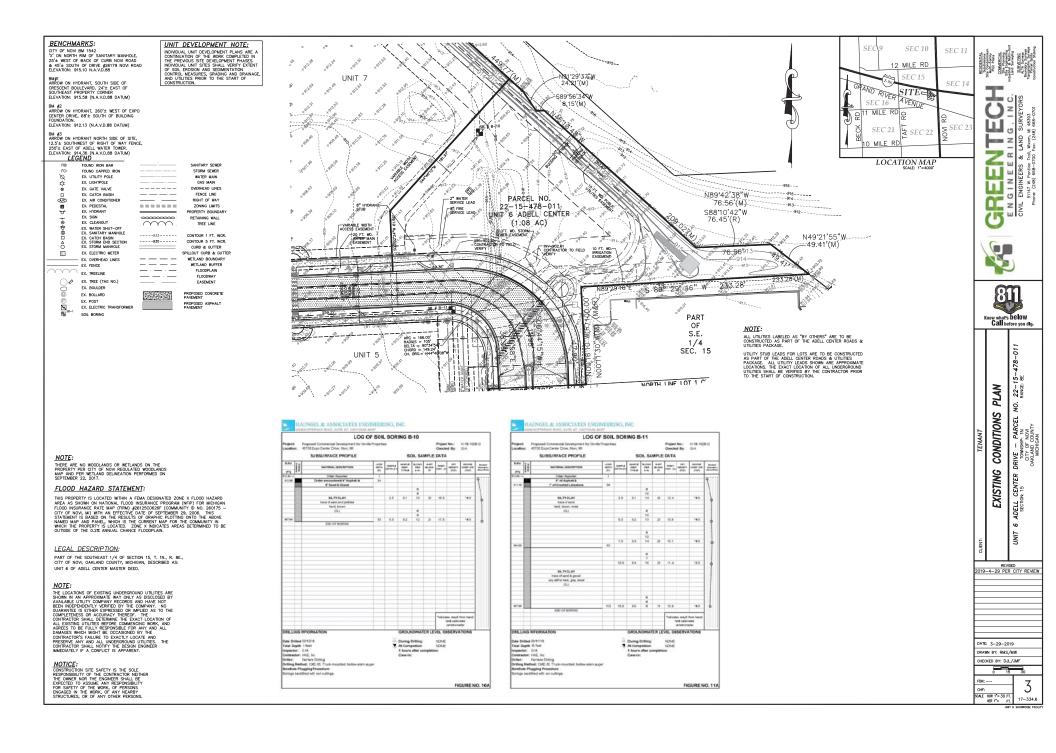
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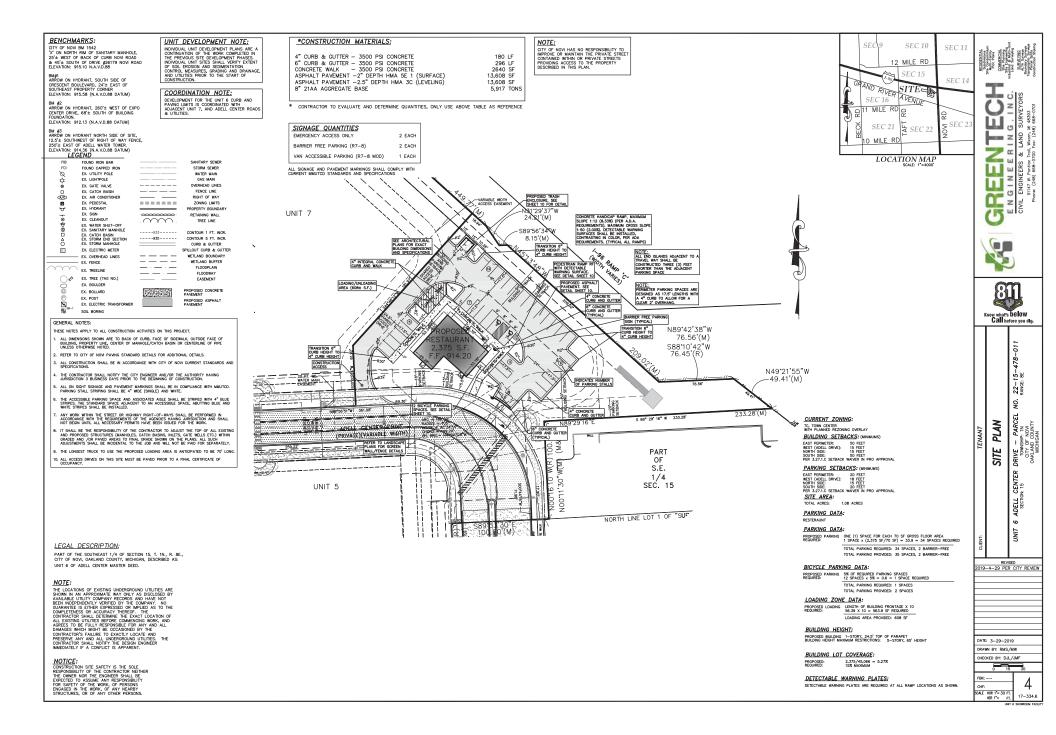


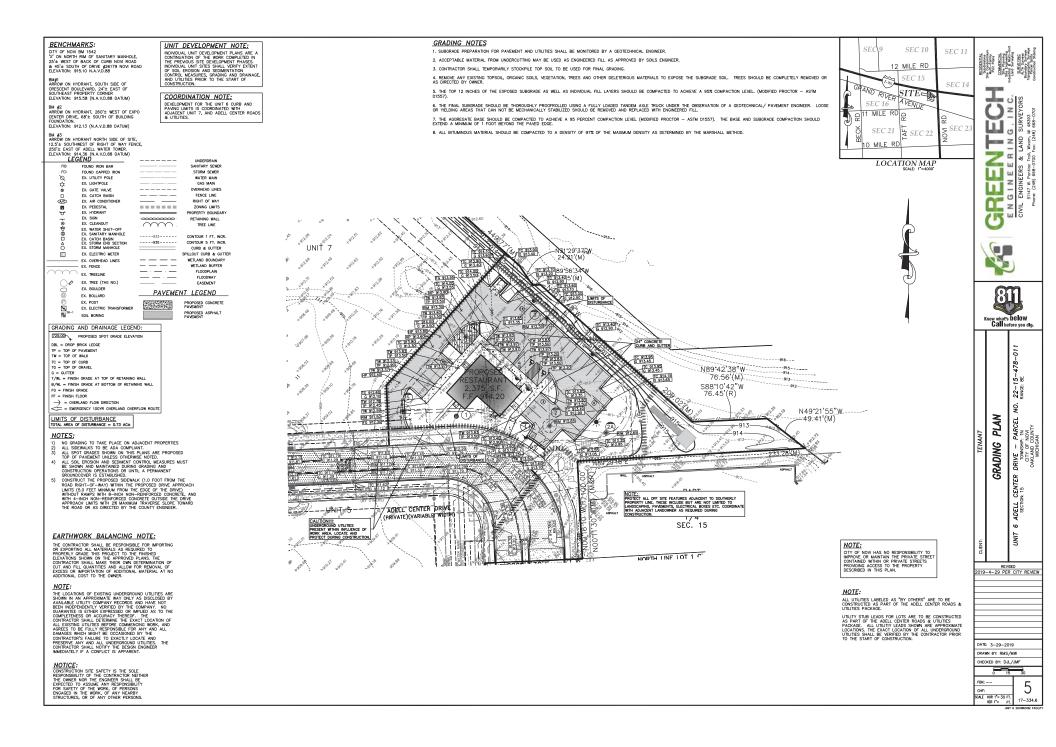


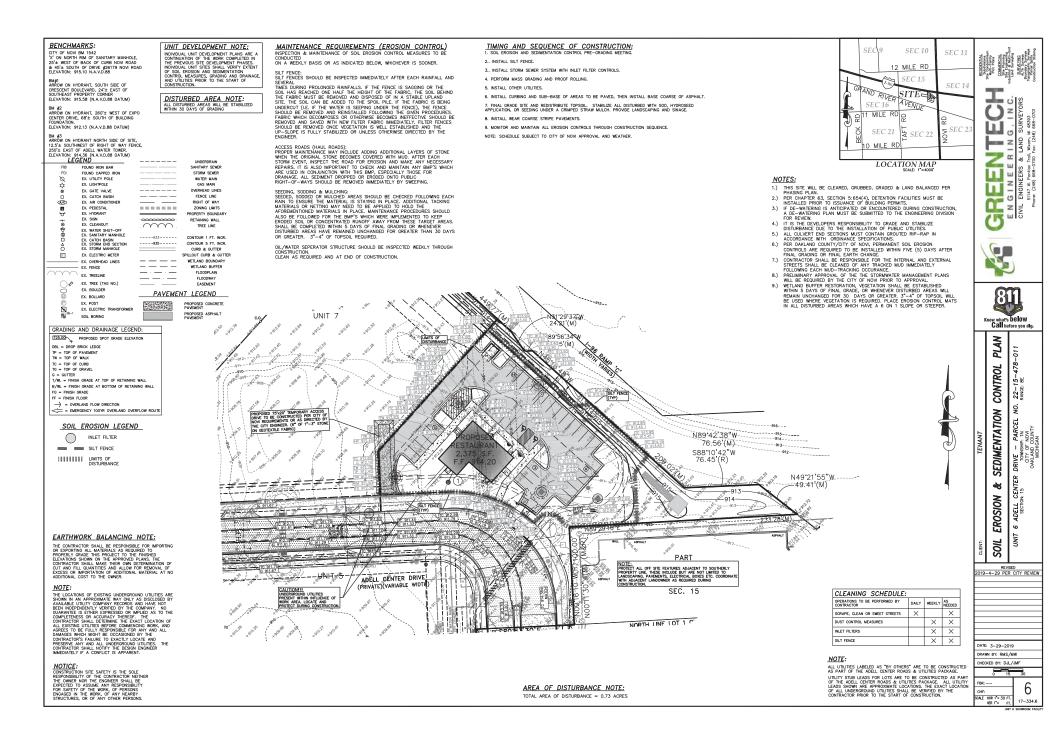




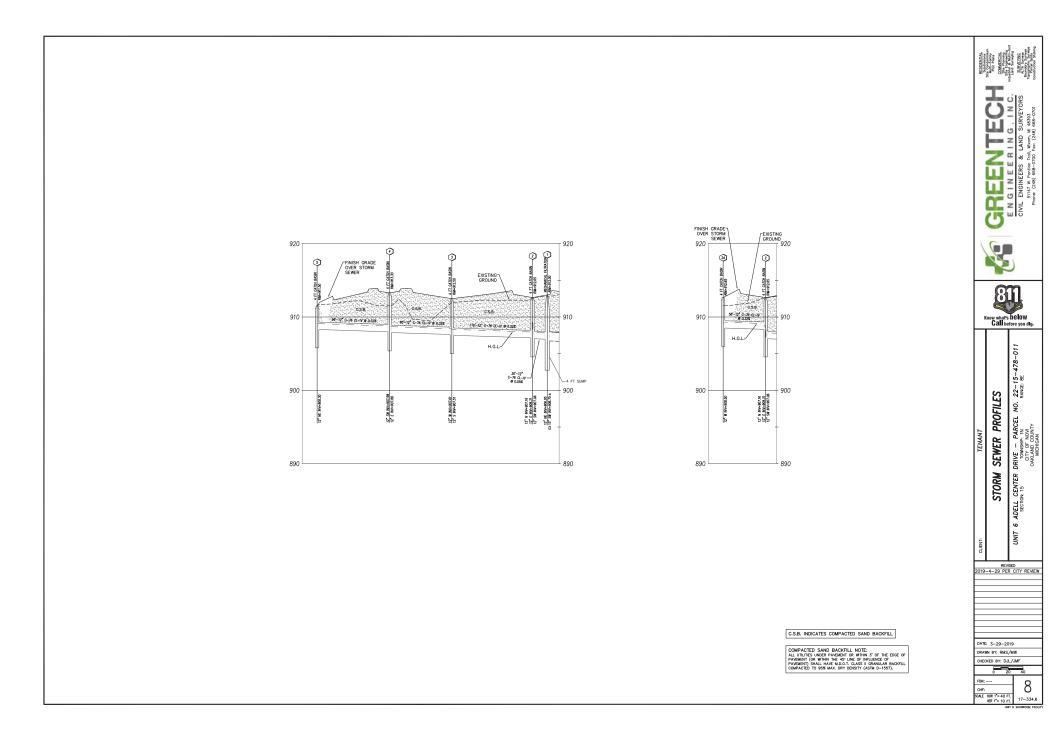


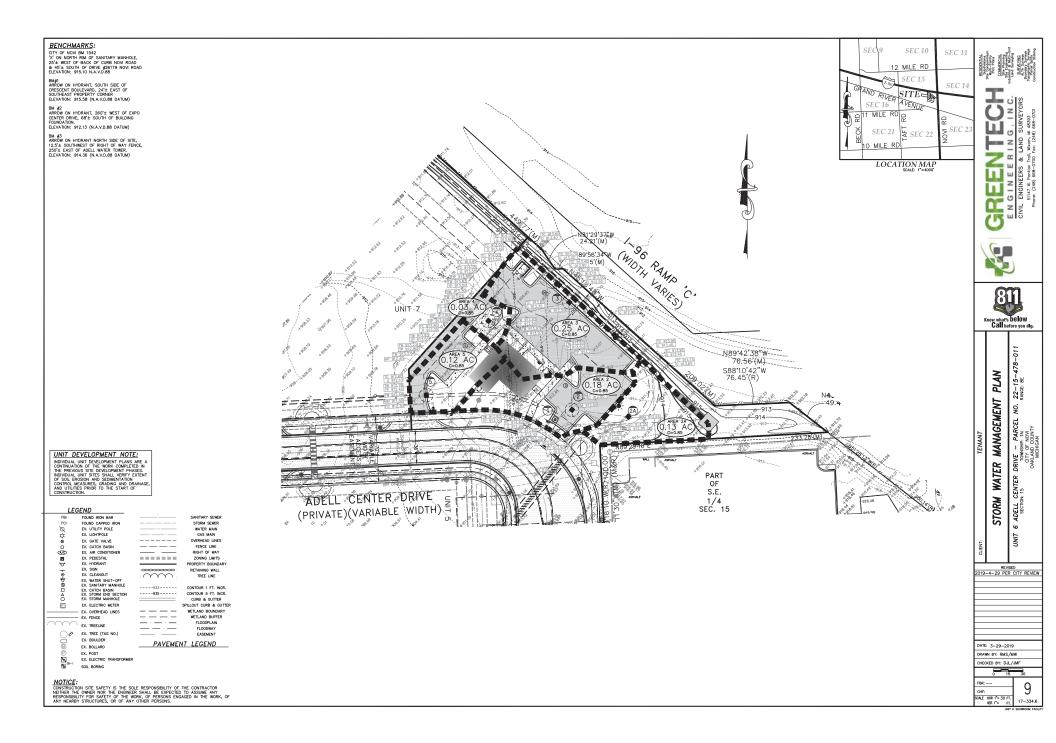


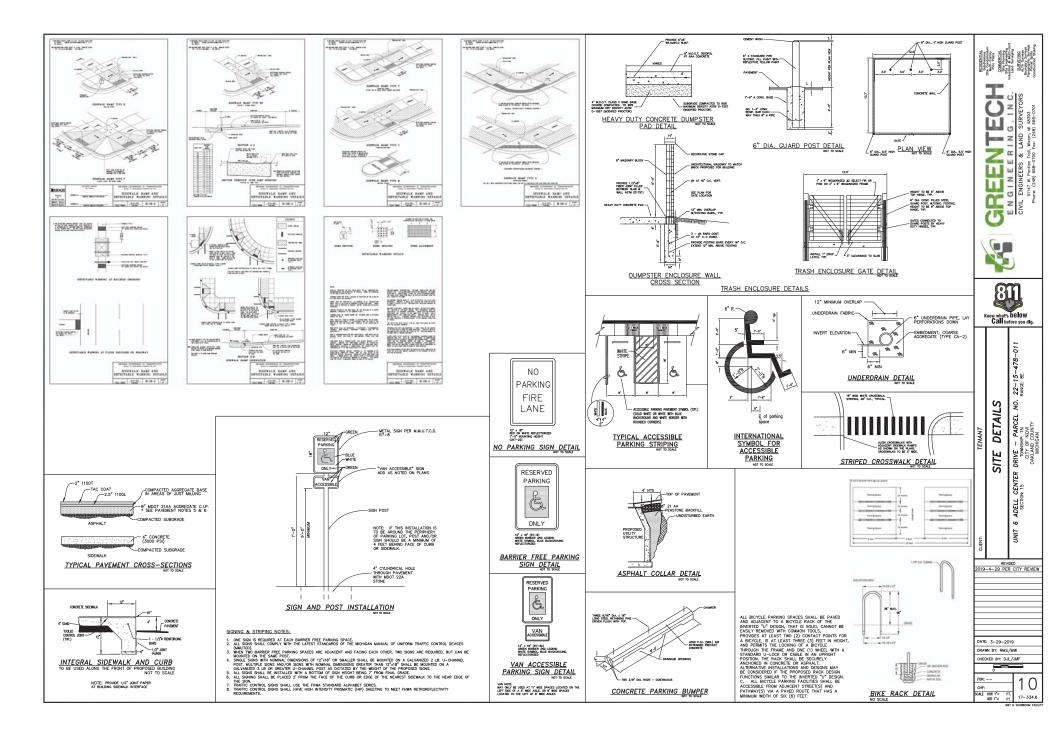




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C. DOST C. LECTRO TRANSFORMER SOL BORNO C. LECTRO TRANSFORMER SOL BORNO CENERAL UTILITY NOTES. 1. ALL UTILITY LINES, STRUCTURES AND TREVNES SHALL BE CA CORORAUE WITH THE STANDARS AND REDURINENTS OF THE C. ALL STORM STRUET OF LARGER SHALL BE CAR ONT WITH RUBBER ASSAULTS SPECIFIED OTHERWISE. (A) 3. PRE LAND GRAVETS UNLESS SPECIFIED OTHERWISE. (A) 4. ALL STORM SPECK AND GRAVETS UNLESS SPECIFIED OTHERWISE. (A) 4. ALL STORM SPECK AND GRAVETS UNLESS SPECIFIED OTHERWISE. (A) 5. ELECTRICAL, AND COMMINICATION SPECKE TO ACTE. LAND IN UNITING SPECIAL BE FLASHING UNLESS AND LI 0. ALL STAND. LIGHTS SHALL BE FLASHING UNLESS AND LI COMPARES SHALL BE FLASHING UNDER COMPARES AND UNDER COMPARES AND LIBER FROMTING UNDER COMPARES AND UNDER COMPARES AND LIBER FROMTING UNDER COMPARES AND LIBER	rescon Na Geologi Na Geologi Se L Adder Ando Adder Ando Martin F. F.F. 6914.20 Martin F. Rest Holkanty Karl Se Rest Holkanty Kar	N89'42'38"W 76.56'(M) S88'10'42"W 76.45'(R) 2 2 2 3 3 4 4 4 3 4 4 4 4 4 4 4 4 4 4 4	4' CATCH BASIN 3 EACH MECHANICAL FILTRATION 1 EACH Kee	PLAN PARCEL NO. 22-15-478-011 PARCEL NO. 22-15-478-011 PARCEL NO. 22-15-478-011 PARCEL NO. 22-15-478-011
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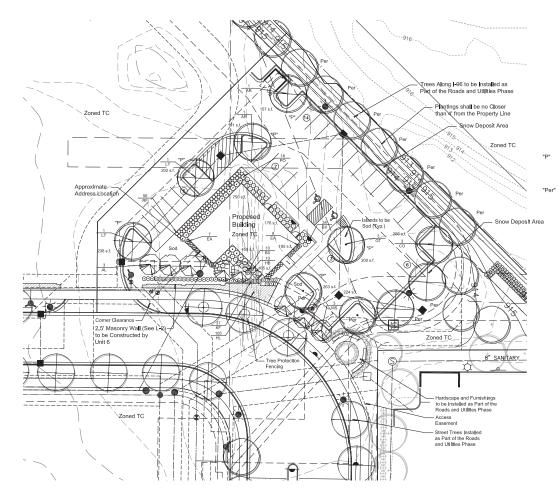
Project:

Unit 6

Novi, Michigan

Prepared for: Greentech Engineering 51147 W. Pontlac Trall Wixom, Michigan 48393

Landscape Plan



Existing Zoning	PRO
Greenbelt Street Frontage Adjacent to Pkg. Trees Required Trees Provided Ornamental Trees Required Ornamental Trees Provided	48' 1.9 Trees (48' / 25') 0 Trees 3.2 Trees (48' / 15') 3 Trees
Street Frontage Not Adjacent to Pkg. Trees Required Trees ProvIded Ornamental Trees Required Ornamental Trees ProvIded	101' 3.3 Trees (101' / 30') 0 Trees 5.1 Trees (101' / 20') 5 Trees
Parking Lot Landscaping Vehicular Use Area VUA up to 50,000 s.f. Landscape Area Required Landscape Island Provided Trees Required Trees Provided	15,183 s.f. 1,139 s.f. (15,183 s.f. x 7.5% 1,139 s.f. 1,393 s.f. 5.6 Trees (1,139 s.f. / 200) 6 Trees
Parking Lot Perimeter Length Trees Required Trees Provided	267 l.f. 7.6 Trees (267' / 35') 11 Trees
	217 l.f. 1,736 s.f. (217' x 8') 1,745 s.f.

Including Hydrants.
 Trees Shall not be Planted within 4' of Property Lines.
 Utility Boxes Shall be Screened per Detail on Sheet L-2.

Plant List

iom.	atr.	Interical name	common nome	caliper	apacing	root	height	Price		Tetal	Percentage	
aym.	qty.	bocanicas hame	common name	casper	spacing	POOR	neight	PICK		100 M	Species	Genus
AL	3	Amelanchier laevis	Shadblow	2.5"	as shown	888		\$ 250.00	\$	750.00	17%	17%
AR	2	Ager rubrum 'October Glory'	October Glory Maple	3.0"	as shown	888		\$ 400.00	\$	800.00	11%	11%
ĆK.	2	Comus kousa	Kousa Dogwood	2.5"	as shown	888		\$ 250.00	\$	500.00	11%	11%
CO	3	Celtis occidentalis	Northern Hackberry	3.0"	as shown	888		\$ 400.00	\$	1,200.00	17%	17%
GT	3	Gleditaia triacanthos Var. Inermis	Honeylocust	3.0*	as shown	888		\$ 400.00	\$	1,200.00	17%	17%
LT	2	Liriodendron tulipifera	Tulp Tree	3.0*	as shown	888		\$ 400.00	15	800.00	11%	11%
MS	3	Malus 'Sentinal'	Sentinal Crab	2.5"	as shown	888		\$ 250.00	\$	750.00	17%	17%
	18	Total Landscape Trees										
		Perannials										
Shrub	and I											
Shrub siym.		Perenniala botanical name	common name	caliper	spacing	root	height	-	1			
	qty.		common name Green Velvet Boxwood	caliper	spacing as shown	root	height 24*	\$ 50.00	\$	2,200.00		
BX EA	qty.	botanical name Buzus x. Green Velver Euonymus alata 'Compacta'	Green Velvet Boxwood Burning Bush	caliper	as shown as shown		24* 24*	\$ 50.00	5 5	800.00		
BX EA HB	qty. 44 16 10	botanical name Buzus x. Green Velver Euonymus alata 'Compacta' Hydrangea paniculate 'livobo'	Green Velvet Boxwood Burning Bush Bobo Hydrangea	caliper	as shown as shown as shown	B&B	24* 24* 36*	\$ 50.00	** **	800.00 500.00		
BX EA HB HL	qty. 44 16 10 105	botanical name Bucus x. Green Velver Euonymus alata 'Compacta' Hydrangea periculate 'tvobo' Hemerocallis 'Fragmant Returna'	Grean Velvet Boxwood Burning Bush Bobo Hydrangea Fragrant Returns Daytilly	calipar	as shown as shown		24* 24*	\$ 50.00		800.00 500.00 1,575.00		
BX EA HB HL KF	qty. 44 16 10	botarical name Buxus x. Green Vehet' Euonymus alata 'Compacta' Hydrangea parioclate 'Wobo' Herneocallis 'Fragant Returns' Calamagroutis x. a. 'Kat Forester'	Green Velvet Boxwood Burning Bush Bobo Hydrangea	calper	as shown as shown as shown	B&B	24* 24* 36*	\$ 50.00		800.00 500.00		
BX EA HB HL KF PO	qty. 44 16 10 105	botarical name Bucus x. Cesen Velver Euonymus alata 'Compacta' Hydrangaa pariiculate 'Yobo' Hermeocallia 'Fragnant Returna' Calarnagoatis x. a. Xarl Forester' Physocampo quilifolia 'Coppetina'	Green Velvet Boswood Burning Bush Bobo Hydrangea Fragrant Returns Dayliby Karl Forester Grass Coppertina Ninebark	calipar	as shown as shown as shown as shown as shown	B&B cont	24* 24* 36* 1 gal	\$ 50.00 \$ 50.00 \$ 15.00 \$ 50.00 \$ 50.00		800.00 500.00 1,575.00 1,850.00 900.00		
BX EA HB HL KF	qty. 44 16 10 105	botarical name Buxus x. Green Vehet' Euonymus alata 'Compacta' Hydrangea parioclate 'Wobo' Herneocallis 'Fragant Returns' Calamagroutis x. a. 'Kat Forester'	Green Velvet Boxwood Burning Bush Bobo Hydrangea Fragnant Returns Daytilly Karl Forester Grass	calper	as shown as shown as shown as shown as shown as shown	B&B cont	24" 24" 36" 1 gal 2 gal	\$ 50.00 \$ 50.00 \$ 15.00 \$ 50.00		800.00 500.00 1,575.00 1,850.00		
BX EA HB HL KF PO	qty. 44 16 10 105 37 18	botarical name Bucus x. Cesen Velver Euonymus alata 'Compacta' Hydrangaa pariiculate 'Yobo' Hermeocallia 'Fragnant Returna' Calarnagoatis x. a. Xarl Forester' Physocampo quilifolia 'Coppetina'	Green Velvet Boswood Burning Bush Bobo Hydrangea Fragrant Returns Dayliby Karl Forester Grass Coppertina Ninebark	caliper	as shown as shown as shown as shown as shown as shown as shown	B&B cont	24" 24" 36" 1 gal 2 gal 36"	\$ 50.00 \$ 50.00 \$ 15.00 \$ 50.00 \$ 50.00	~ ~ ~ ~ ~ ~ ~	800.00 500.00 1,575.00 1,850.00 900.00		
BX EA HB HL KF PO	qty. 44 16 10 105 37 18 56	botanical name Bucca x. Creen Velwer Bucca x. Creen Velwer Hydrangea periculate Twobo' Hemerocalli "Rogant Raturan" Calarnagoatia x. a. Kali Forester' Physocarpus qualifolus "Coppetina" Roubeckin flighta speciosa Colditarm' 4" Deep Stredded Hardeood Bark Mulch	Green Velvet Boswood Burning Bush Bobo Hydrangea Fragrant Returns Dayliby Karl Forester Grass Coppertina Ninebark	caliper	as shown as shown as shown as shown as shown as shown as shown	B&B cont	24" 24" 36" 1 gal 2 gal 36"	\$ 50.00 \$ 50.00 \$ 15.00 \$ 50.00 \$ 50.00 \$ 50.00 \$ 15.00		800.00 500.00 1,575.00 1,850.00 900.00 840.00		
BX EA HB HL KF PO	44 16 10 105 37 18 56 95 910	botanical name Bucca x. Creen Velwer Bucca x. Creen Velwer Hydrangea periculate Twobo' Hemerocalli "Rogant Raturan" Calarnagoatia x. a. Kadi Forester' Physocarpus qualifolus "Coppetina" Roubeckin flighta speciosa Colditarm' 4" Deep Stredded Hardeood Bark Mulch	Green Velvet Boswood Burning Bush Bobo Hydrangea Fragrant Returns Dayliby Karl Forester Grass Coppertina Ninebark	caliper	as shown as shown as shown as shown as shown as shown as shown	B&B cont	24" 24" 36" 1 gal 2 gal 36"	\$ 50.00 \$ 50.00 \$ 15.00 \$ 50.00 \$ 50.00 \$ 50.00 \$ 15.00 \$ 35/s.y.		800.00 500.00 1,575.00 1,850.00 900.00 840.00 3,325.00		

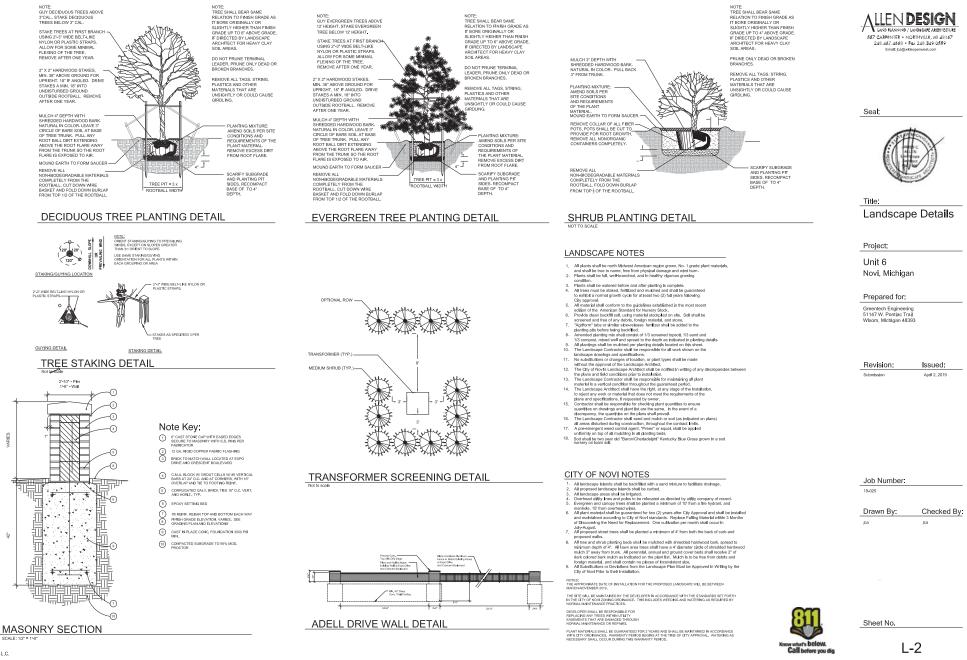
Revision: Issued:

Submission April 2, 2019

Drawn By: Checked By: jca jca

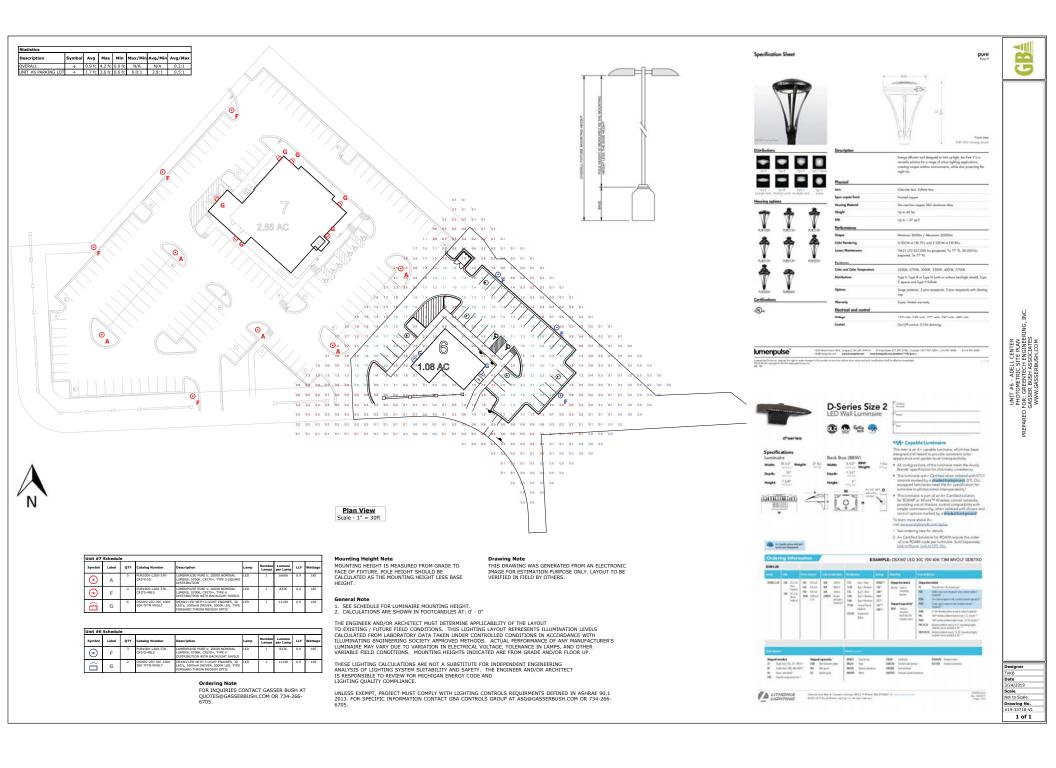


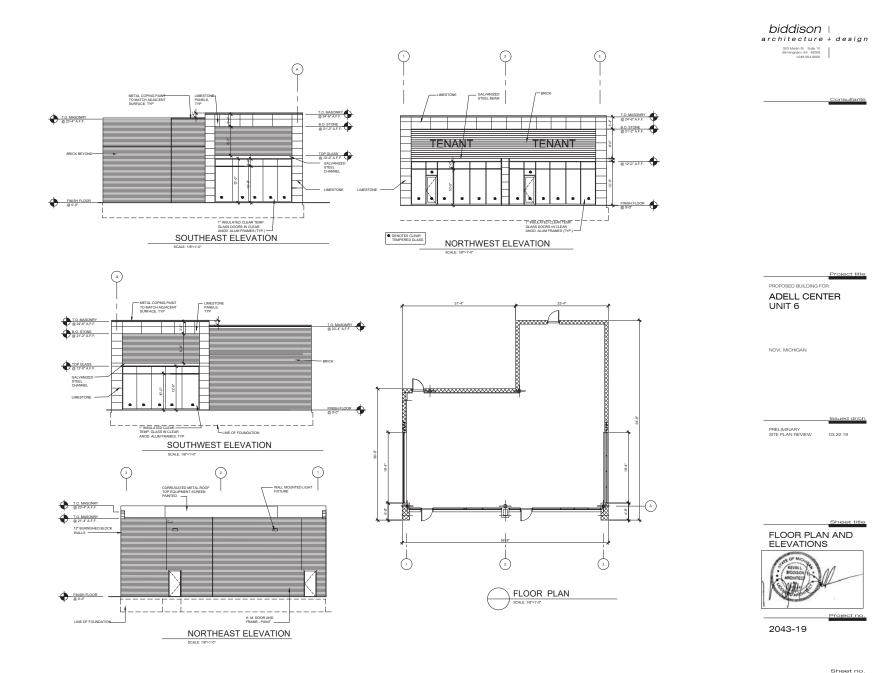




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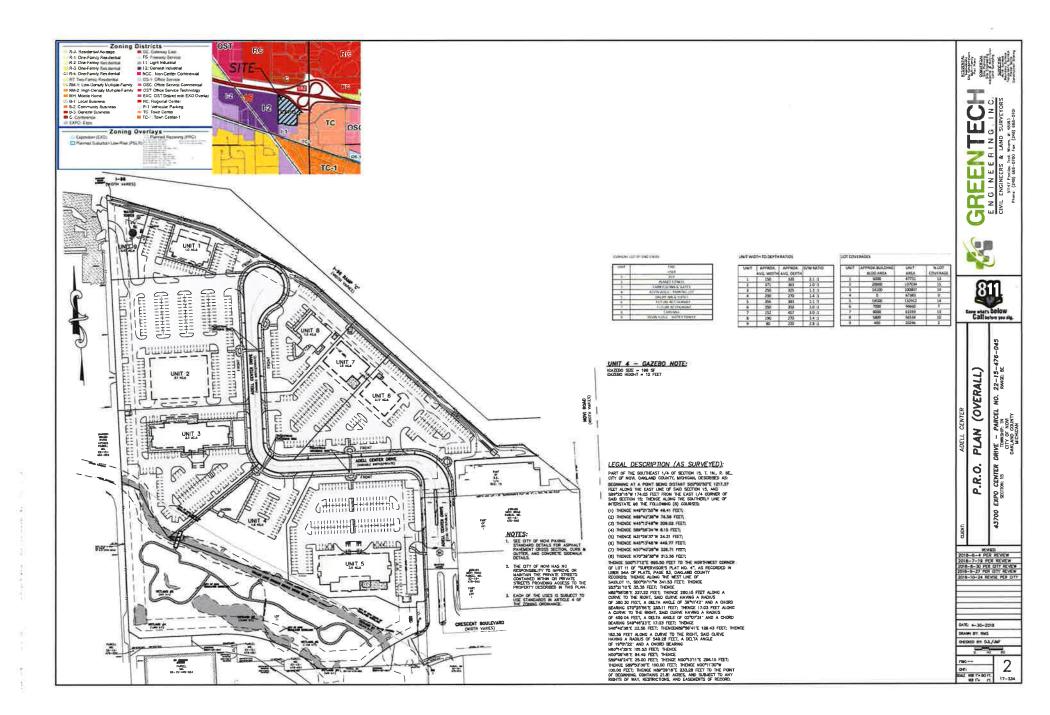
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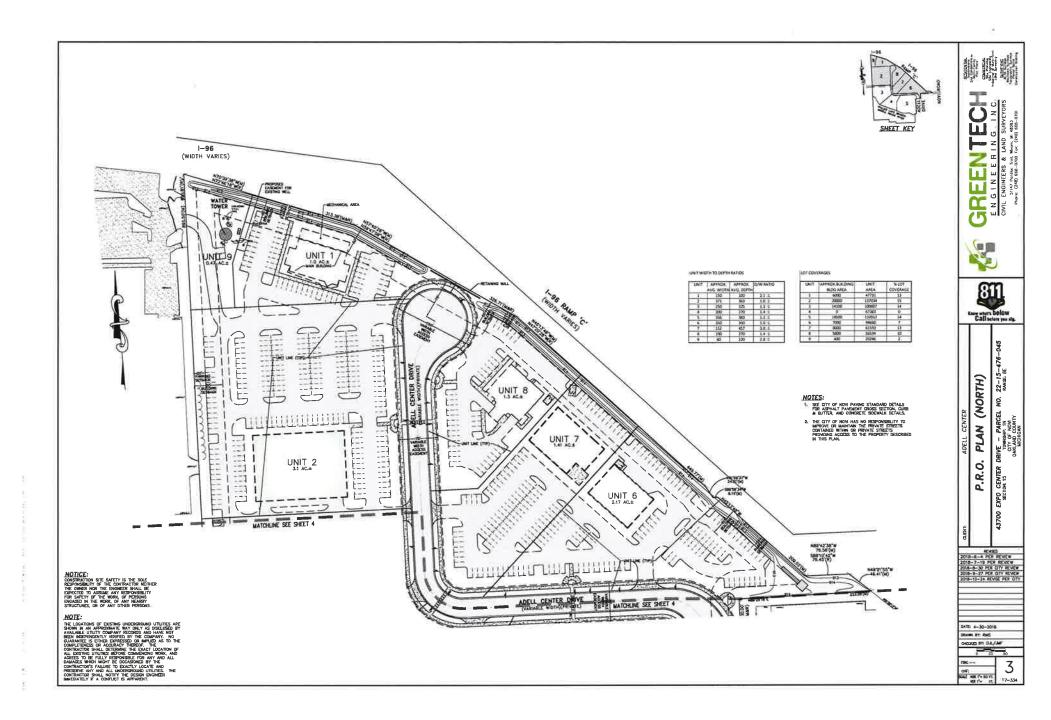


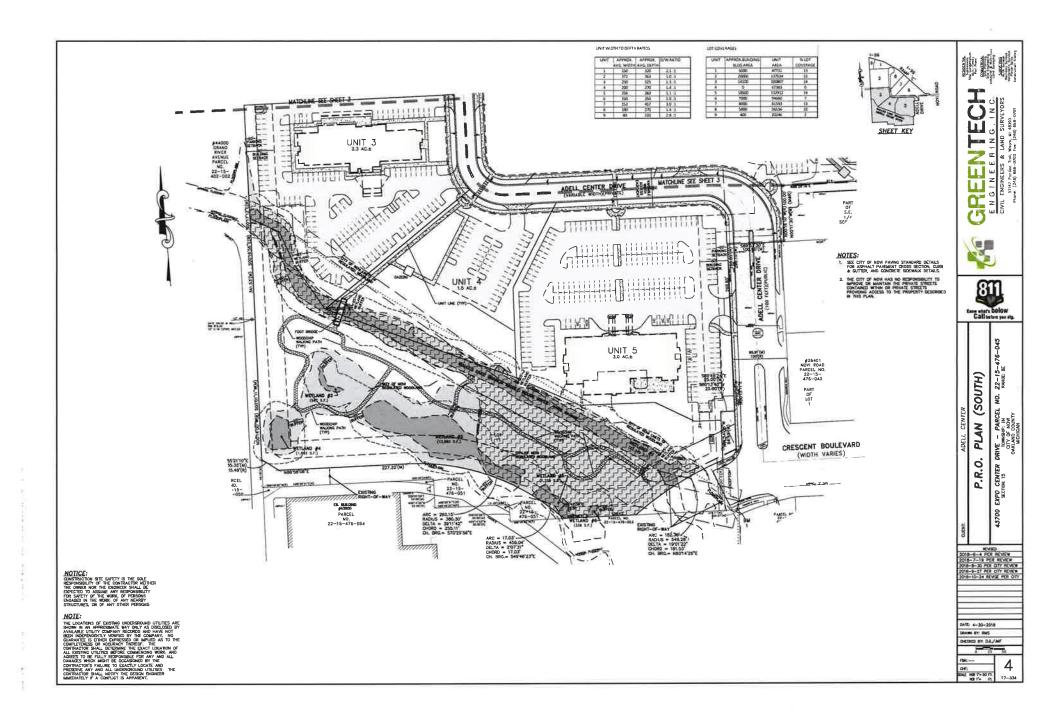


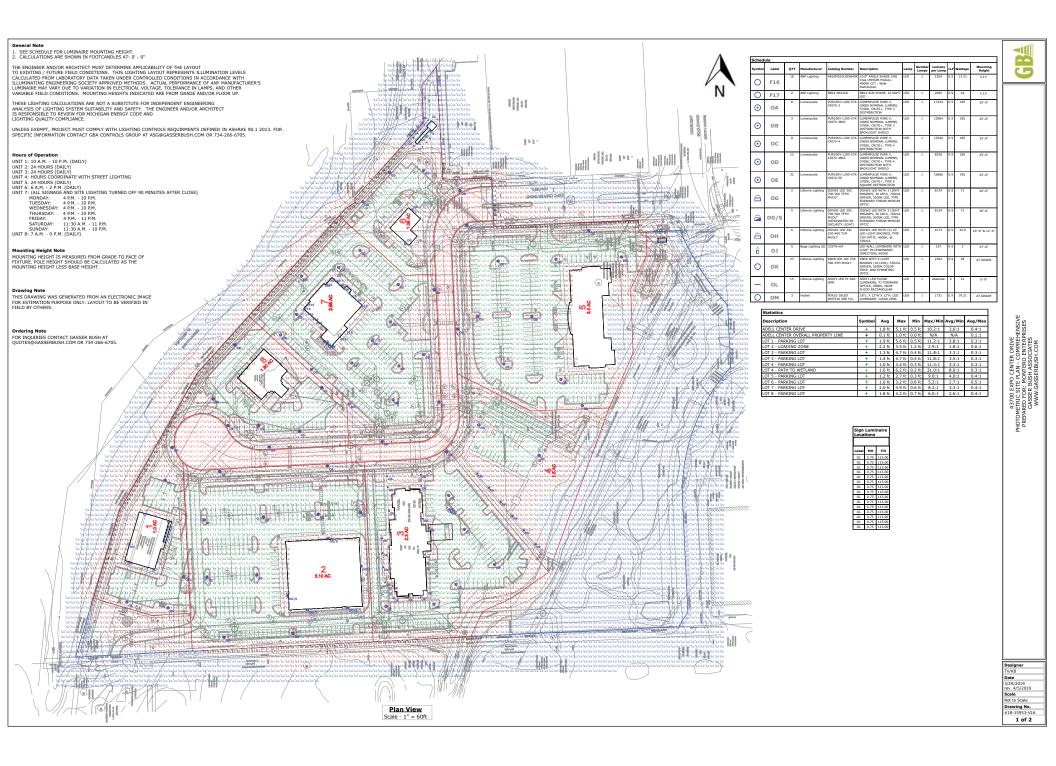
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ORIGINAL APPROVAL PRO PLAN







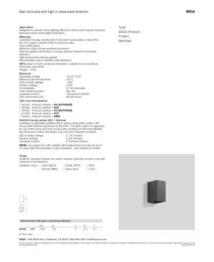


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 Designer

 TV/KB

 Date

 3/29/2019

 rev. 4/5/2019

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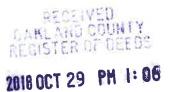
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ORIGINAL PRO AGREEMENT

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PLANNED REZONING OVERLAY (PRO) AGREEMENT ADELL CENTER

THIS AGREEMENT (the "**Agreement**"), dated October <u>26</u>, 2018, is made and entered into by and between Orville Properties, LLC, a Delaware limited liability company whose address is 30733 W. Ten Mile, Southfield, MI 48075 (referred to as "**Developer**"), and the **CITY OF NOVI**, 45175 Ten Mile Road, Novi, MI 48375-3024 ("**City**").

RECITATIONS:

- A. Developer is the owner and developer of a vacant parcel of property located on the west side of Novi Road, south of the I-96 freeway, approximately 21.48-acres in area, hereinafter called the "Property" and described on **Exhibit A**, attached and incorporated herein.
- B. For purposes of improving and using the Property for a 9-unit commercial site condominium, with general common elements, that is not permitted under the City's Zoning Ordinance, as amended, in the EXPO (Exposition) District within the City, Developer petitioned the City for an amendment of the City's Zoning Ordinance so as to reclassify the Property from the EXPO District to the TC (Town Center) District. The EXPO classification shall be referred to in this Agreement as the "**Existing Classification**" and the TC classification shall be referred to as the "**Proposed Classification**."
- C. The Proposed Classification would provide the Developer with certain material development options not available under the Existing Classification and would be a distinct and material benefit and advantage to the Developer.
- D. The City has reviewed the Developer's proposed petition to amend the zoning district classification of the Property from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City's Zoning Ordinance; has reviewed the Developer's proposed PRO Plan (including building façade, some elevations, and design) attached hereto and incorporated herein as **Exhibit B** (the "PRO Plan"), which is a conceptual or illustrative plan for the potential development of the Property under the Proposed Classification, and not an approval to construct the proposed improvements as shown; has further reviewed the proposed deviations requested by the Developer from the strict terms of the City's land use ordinances and regulations, and has determined that the proposed Conditions constitute an overall

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public benefit that outweighs the deviations and that, if the deviations were not granted, enhancements to the development that are in the public interest would not be made, and that approving the deviations would be consistent with the City Master Plan and compatible with the surrounding area; and has determined to approve the rezoning subject to, and only in light of, the terms and conditions of this Agreement.

- E. The City desires to ensure that all of the Property that is depicted on the PRO Plan is developed and/or re-developed in accordance with, and used for the purposes permitted by, the approved PRO Plan, the related documents and undertakings of the Developer, and all applicable laws, ordinances, regulations, and standards. The Developer desires to proceed with obtaining the site plan and engineering approval and the issuance of permits required to re-develop the Property in accordance with the approved PRO Plan. Set forth herein are the terms and conditions of the agreement between the City and the Developer, which such agreement is to be recorded with the Register of Deeds for the County of Oakland following execution by the parties.
- F. In proposing the Proposed Classification to the City, the Developer has expressed as a firm and unalterable intent that the Developer and its successors and assigns will develop and use the Property in conformance with the following undertakings by the Developer, as well as the following forbearances by the Developer (each and every one of such undertakings and forbearances shall together be referred to as the "Undertakings"):
 - 1. **Uses Permitted**. The Developer shall develop and use the Property solely for a commercial site condominium of 9 units, including general common elements, under the Proposed Classification (the "Development") as shown on the PRO Plan. The Development shall be a mix of uses that includes two hotels, a fitness center, an indoor recreational facility for simulated skydiving, an off-street parking lot, a "vending machine fulfillment center" for motor vehicle sales, two restaurant uses, a separate unit to house the existing water tower, an open area/parking lot with no building improvements, and an area of undeveloped wetlands with a trail system, subject to State of Michigan (MDEQ) approval.
 - 2. **Site Improvements.** The Developer has indicated its intention to undertake the necessary site improvements for the utilities (water, sewer, storm water) and the private road that will serve as access to the proposed units, but to sell and convey the individual units to others with the possible exception of Unit 9, which will house the existing water tower and Unit 4, which will be an open area/parking lot. The Developer and its successors and assigns shall forbear from developing and/or using the Property in any manner other than as authorized and/or limited by this Agreement.

The Developer shall develop the Property in accordance with all applicable laws, ordinances, and regulations, except as expressly authorized herein. The PRO Plan is acknowledged by both the City and the Developer to be a conceptual plan for the purpose of depicting the area contemplated for development. Some deviations from the provisions of the City's ordinances, rules, or regulations are depicted in the PRO Plan and are approved by virtue of this Agreement. Except

as to those specific deviations as enumerated herein, the Developer's right to develop the 9-unit commercial site condominium under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement.

Because the Development is located on a prominent thoroughfare in the City, the City has an interest in ensuring that the architecture of the buildings is of high quality. The buildings shall be of good and workmanlike construction and constructed of quality materials. The facades and elevations will be as approved by the City at the time of preliminary or final site plan approval. The City retains, and the Developer expressly acknowledges that the City retains, full authority under the Zoning Ordinance to approve, deny, or require alterations to the façade and elevations of all buildings within the Project at the time of final site plan approval for any parcel within the Project, including the grant of waivers/deviations therefrom as further provided herein.

3. **Developer Responsibilities.** In addition to any other ordinance requirements, as the entity responsible to make the road and utilities improvements, the Developer shall comply with all applicable ordinances for (i) storm water and soil erosion requirements and measures throughout the site, including all individual units, during the design and construction phases, and subsequent use, of the Development contemplated in the Proposed Classification and shall be the sole responsible entity under such permit until the Development is complete (that is, even as improvements and buildings on individual units are constructed following conveyance by the Developer); (ii) final site plan for the roads and utilities to be approved by the City in accordance with the Zoning Ordinance and Code of Ordinances; and (iii) engineering construction plan review and approval by the City and/or its consultants for the roads and utilities, which plans have been or shall be submitted by the Developer in accordance with all applicable laws, ordinances, regulations and standards.

Development of the individual units with buildings, parking lots, and any other internal improvements, shall also be subject to all requirements for preliminary and final site plan review, engineering review, and all other required permitting, which may be submitted by individuals or entities other than the Developer.

- 4. **PRO Conditions.** The following PRO Conditions shall apply to the Property and/or be undertaken by Developer unless otherwise specified herein:
 - a. **Restoration/Enhancement of Wetlands.** The Developer shall restore and enhance the wetlands on the southerly portion of the site pursuant to a plan to be approved by the City at the time of final site plan approval, which such plan shall include the requirement to remove unwanted and invasive species and various dumped materials. The wetlands shall

remain undeveloped and in their natural state, subject to State of Michigan and City wetlands law and regulations, except that a trail system shall be established in locations set forth in the final site plan for the roads and utilities. No development shall be authorized in the wetlands area. Securing appropriate permits from the City and the State (MDEQ) shall be the responsibility of the Developer. The wetlands restoration and enhancement described herein shall be completed by the Developer within twelve (12) months of the date of this Agreement, provided that the City may, in its reasonable discretion, accept a performance guarantee in a form and manner to be approved by the Community Development Department and the City Attorney's office from the Developer to assure its completion by a different date.

b. **Uses to be developed; Uses Prohibited at any Time.** Notwithstanding any notes on any plan, or any correspondence or other writing to the contrary, the Development shall be limited to 9 units of the size and location indicated on the PRO Plan, to be used as follows:

Unit No.	End Users	Use Category
Unit 1	I-Fly	Indoor Commercial Recreation Facilities
Unit 2	Planet Fitness	Indoor Commercial Recreation Facilities
Unit 3	Fairfield Inn & Suites	Hotel
Unit 4	Off-street parking/Open Space	Off-street Parking Lot See Note about changes below
Unit 5	Drury Inn & Suites	Hotel
Unit 6	Restaurant	End user to be determined
Unit 7	Restaurant	End user to be determined
Unit 8	Carvana	Unlisted Use approved by Council
Unit 9	Water Tower	Existing Structure

Units 6 and 7 may be developed for restaurant uses, provided that the buildings and improvements located thereon meet all requirements of the Zoning Ordinance, as amended, and the City Code, as amended, except as expressly provided in this Agreement (in particular, Section 2 below relating to permitted deviations). And notwithstanding anything else in this Agreement, the PRO Plan, the City of Novi Zoning Ordinance, currently or as amended, or the City Code, currently or as amended, no unit may at any time be used for any of the following:

- i. Gas Stations
- ii. Sexually-oriented businesses

- iii. Medical/Recreational Marijuana Uses of any kind
- iv. Hookah bar/lounges or similar uses
- v. Vape shops or similar uses
- vi. Convenience Stores
- vii. Fast-food restaurants
- viii. Fast food restaurants with a drive-through
- ix. Tattoo parlors/businesses
- c. **Ring Road and Related Improvements.** The Developer shall not interfere with or object to the City's improvement and construction of the Ring Road and related improvements as proposed and designed by the City and shall cooperate with such improvement and construction with regard to coordination of on-site construction and related activities. If required by the City, the Developer shall revise or otherwise address the legal and/or property description of the Property to reflect the road rights-of-way for the Ring Road and related improvements in the PRO Plan, this PRO Agreement, and any other required documents.
- d. **Modifications; Required Amendments.** Minor modifications to the approved PRO Plan can be approved administratively if the Zoning Ordinance would otherwise allow an administrative site plan review and approval, so long as the City Planner determines that the modifications (i) are minor, (ii) do not deviate from the general intent of the PRO Plan, and (iii) result in reduced impacts on the surrounding development and existing infrastructure. The Planning Commission shall also be permitted to authorize amendments to the PRO Plan in its review of the preliminary site plans for individual units, with regard to parking-related, landscaping-related, and façade-related requirements, provided it would otherwise have that authority under the Zoning Ordinance.

Notwithstanding the foregoing, however, the following will require amendment of this PRO Agreement:

- i. Any material changes to building and parking layout from the approved PRO Plan.
- ii. Any deviations from ordinance requirements that are not requested/approved at this time.
- iii. Any change of use of, or redevelopment of any improvements on, for any of the units other than as described in this Agreement and shown on the PRO Plan.
- iv. A reduction of established minimum parking count below the maximum 5 percent reduction described in this Agreement, absent a shared parking study acceptable to the Planning Commission.
- e. Unit 4 Open/Parking Area. Unit 4 shall remain as permanent green space and park area, with parking improvements as shown on the PRO Plan, subject to final approval of the site improvements at the time of

preliminary site plan approval. Use of Unit 4 shall be subject to the following:

- i. The principal use of Unit 4 shall be and permanently remain open space and parking.
- ii. The unit may be used for purposes that are accessory to other uses in other units within the Development. However, the unit is not intended to be a public gathering space or assembly area for the public generally.
- iii. Any use occurring on the unit other than parking shall comply with all requirements and conditions of the City's Zoning Ordinance, as amended, and its Code of Ordinances, as amended.
- iv. Uses of the unit that adversely affect pedestrian or vehicular traffic within or outside the Property, that cause congestion within or outside the Property, or that cause impacts that are detrimental to the public health, welfare, and safety as determined by the City shall be prohibited.
- v. No use of the unit other than parking shall be made between dusk and 9:00 a.m.
- vi. Outdoor gatherings, as defined in the City Code, shall be limited to no more than 6 per year, and the owner of the unit shall apply for all required permits for same and comply with all conditions of such permit.
- vii. Any use of the unit shall comply with all ordinance requirements regarding noise, and all other ordinance performance standards set forth in the Code of Ordinances or the Zoning Ordinance.
- f. **Unit 9 Water Tower.** Due to its small size, use of Unit 9 shall be restricted to housing the existing water tower. The Developer shall provide in the Master Deed for access to the water tower and for its maintenance. Any signage on the tower shall comply with City ordinances or relief granted by the Zoning Board of Appeals.
- g. **Unit 6 and 7; Enhanced Pedestrian Features.** When either Unit 6 or Unit 7 is proposed for development, the Developer or its successor shall incorporate enhanced pedestrian flow elements with pedestrian crossings, to be approved by the City at the time of preliminary site plan review.
- h. **Signage.** Signage that has not been granted a deviation in this Agreement shall comply with Chapter 28, Signs, of the City's Code of Ordinances, subject to Zoning Boards of Appeals review and variance upon application at the time of individual site plan review. For consistency with the intent of the TC District regulations, no off-premises (billboard) signs shall be permitted on any portion of the Property.
- i. **Secondary Access.** The Developer shall obtain all necessary off-site easements for connecting secondary emergency access to the west before final site plan approval for roads and utilities.

- j. Access at Unit 2. Notwithstanding the temporary deviation granted below in Section 2, the Developer or its successors or assigns shall pave the temporary gravel secondary access shown at Unit 2 within 18 months of the date of this Agreement.
- k. **Road Cross Section.** The Developer shall provide a three-lane crosssection for the road improvements to further accommodate left-turning activities and provide a wider "buffer zone" for large vehicles entering/exiting the various facilities without entering into the opposing traffic through lane, no later than the time of final site plan approval for roads and utilities.
- I. **Decorative Brick Wall; Sidewalks; Street Trees.** The Developer shall be responsible to ensure the construction of the decorative brick wall on either side of the proposed "Adell Center Drive" as shown on the PRO Plan. The wall may be constructed in phases or sections as each individual unit is improved; however, the Developer shall be responsible to ensure that the entire wall is completed within two years of the date of this Agreement, even if all units have not yet been completed. All sidewalks and street trees shall also be completed no later than two (2) years from the date of this Agreement. Developer shall post performance guarantees in accordance with the provisions and conditions for performance guarantees as set forth City's Code of Ordinances to guarantee the installation of such improvements.
- m. **Unit 5 Secondary Access.** The Developer shall provide a secondary access point to the parking lot for Unit 5 at the time of preliminary site plan review for Unit 5.
- n. **Parking Bay Requirements.** All site plans for the individual units within the Development shall comply with the maximum 15 bay parking requirement.
- o. **Unit 5 Drive Aisle Requirements.** The drive aisle in the southeastern parking lot in Unit 5 shall be no longer than 150 feet, to conform to the fire code requirements.
- p. **Irrigation.** An irrigation plan, together with any necessary easements, for site-wide irrigation (including the use of the water tower on Unit 9) shall be submitted with the final site plan for demonstrates the applicant's intent will be required at the time of the approval of the Roads and Utilities plan.
- q. **Traffic Mitigation.** The applicant acknowledges that the City may propose and undertake certain mitigation measures as a result of the region-wide traffic impact study; however, by such acknowledgement the Developer does not waive any rights it may have to object to same.

r. **Road and Utilities – Single Phase; timing.** The Developer shall install the road and utilities in a single phase, and such improvements shall be completed and improved no later than two (2) years from the date of this Agreement. The road and utilities shall be built in accordance with the following:

<u>Road</u>. The road depicted on the approved PRO Plan within or necessary to serve all or any part of the Development shall be completed and approved (except top coat) prior to issuance of building permits for the construction of any building or structure on any unit.

However, the Developer shall be entitled to post security in the form of cash or an irrevocable and automatically renewing letter of credit approved by the City and issued by an institution doing business in Oakland County, in an amount equal to 125% of the estimated cost of construction as specified in a bona fide contract for construction of all such improvements, approved by the City Engineer, together with an agreement with the City, approved by the City Attorney, authorizing the City to, at its option, install the road if the Developer has failed to do so within the time specified therein. In such case, building permits shall be issued subject to installation and maintenance of an adequate gravel subsurface base for all entranceways and internal drive areas to provide access for construction traffic, City personnel, and emergency and fire fighting equipment; and further, the aforementioned agreement for completion shall provide that the paving of the road referenced shall be completed and approved (including topcoat) before issuance of any certificate of occupancy within the Developer, and in any event within twelve (12) months after the issuance of the first building permit for any unit. In the event a structure is entirely eligible otherwise for issuance of a certificate of occupancy and the top coat of paving cannot be installed due to the onset of winter and the resulting closing of asphalt plants, the City may issue a temporary certificate of occupancy subject to the aforementioned financial guarantee remaining in place with a firm commitment by the Developer for completion on or before June 15 of the following year. Any purchase agreement or lease agreement for any building within the Development, or any portion thereof, shall provide that a final certificate of occupancy will not be issued until the paving of such improvements has been completed (including topcoat).

The road within the Development is private. Both the City and the Developer expressly disclaim any intention for such road to be public at any point in the future. The Developer agrees, on its behalf and on behalf of its successors and assigns, to maintain the road within the Development in good condition and repair and fit for travel in a manner consistent with the standards and requirements for public streets within the City of Novi. At a minimum, "good condition and repair and fit for travel" shall mean assuring the continued structural integrity of the

traveled portion of the roadway, repairing pot holes and cracks, assuring adequate drainage for the streets once constructed, undertaking the regular removal of snow, debris, and other obstacles, and undertaking any and all such other activities as are required to ensure that the condition and repair or the streets is comparable to the condition and repair of typical, well-maintained public streets within the City of Novi.

<u>Water and Sewer</u>. The Developer shall, at its sole expense, construct and install improvements and/or connections tying into the municipal water and sewage systems.

All water and sewer improvements shall be designed and constructed in accordance with the approved PRO Plan and all applicable City, State, and County standards, codes, regulations, ordinances, and laws. Such water and sanitary sewer facilities, including any on-site and off-site facilities, extensions, and easements to reach the area to be served, shall be provided by and at the sole expense of the Developer and shall be completed and approved before issuance of any building permits for any building in the Development. As-built plans shall also be completed by and at the sole expense of Developer and shall be submitted to and subject to approval by the City in accordance with City ordinance requirements, before issuance of any building permits for any building in the Development.

However, Developer shall be entitled to post security as provided by the Development Agreement in the form of cash or an irrevocable and automatically renewing letter of credit approved by the City and issued by an institution doing business in Oakland County, in an amount equal to 125% of both the cost of construction as specified in a bona fide contract for construction of such water and sanitary sewer system improvements to serve each such Development phase, which estimate has been approved by the City Engineer, and the cost of as-built plans for water and sanitary sewer system improvements as required under this Section, together with an agreement with the City, approved by the City Attorney, authorizing the City, at its option, to install the water system and/or sanitary sewer system and complete the as-built plans, if the Developer has failed to do so within the time specified in the Agreement. Notwithstanding the foregoing, and before any building permit may be issued, the Developer shall be obligated to provide water to the site (the Development) that is sufficient to provide for the public health, safety, and welfare of those working on the site and to ensure adequate water for fire protection as determined in the discretion of the City's Fire Marshal; any authority to begin construction of a building improvement under a building permit prior to installation and acceptance of water and sewer improvements shall be subject to this limitation and requirement. All fire hydrants must be installed and operational before any building construction is commenced.

In such case, the aforementioned agreement shall also provide that the water and sanitary system facilities and the as-built plans for such facilities shall be completed and approved for the Development prior to issuance of any certificate of occupancy, and in any event within twelve (12) months after issuance of the first building permit for any unit.

The Developer shall assume all risks associated with any non-availability of water and/or sanitary sewer service to serve the structures within the Development, including without limitation, uninhabitable buildings and fire protection risks, and shall release, indemnify, and hold harmless the City from and against any claims arising by reason of any such nonavailability.

The Developer shall, immediately upon completion of installation and prior to the issuance of any certificates of occupancy therein, do the following: (1) convey and dedicate all interest in such water and sewer facilities to the City by providing and executing documents and title work in a form and manner acceptable to the City and in accordance with all applicable City ordinances and requirements; and (2) deposit funds with the City in an amount or amounts determined to be sufficient by the City's DPW Director, which shall be used by the City for purposes of paying all fees and costs incurred by the City in the course of preparing, reviewing, approving, and recording such conveyance and dedication documents, including without limitation, administrative fees and costs, attorney fees and costs, engineering fees and costs, and any associated title work. Upon final City acceptance of the dedication and conveyance documents, any amounts remaining after the City has paid all such costs and fees shall be refunded to the party that deposited the funds, unless the City receives a written direction from such party to pay such refund amount to a designated third party.

<u>Storm Water</u>. Storm water shall be released from the Development in a manner to be approved by the City as part of final engineering plan review for the Roads and Utilities Plan. In general, the storm water collection, pre-treatment, storage, and transportation facilities shall be included as part of the final engineering plan approved for the roads and utilities within the Development. The Development shall be constructed to achieve a storm water management system by which the Developer, and the successors of the Developer, and shall assure that the quality and quantity of storm water shall, be in accordance with all applicable ordinances, regulations, and laws.

Any storm water basins and facilities serving the Property shall be designed and constructed by the Developer, and subject to approvals and inspection by the City, in accordance with all applicable City, County of Oakland, and State of Michigan ordinances, codes, regulations, and laws, except as otherwise specifically noted herein. The drainage conveyance facilities, which shall constitute a part of the overall storm water management system on the Property, shall conform with all applicable City, County of Oakland, and State of Michigan ordinances, codes, regulations, and laws.

- s. **Performance Guarantees.** In addition to any performance guarantees discussed above with regard to roads and utilities, the City shall require the Developer to provide reasonable performance and financial guarantees for the completion of improvements, including, without limitation, right-of-way improvements, water mains, sanitary sewers, storm drains, and landscaping and tree-planting activities. Such financial guarantees may include cash deposits or letters of credit as allowed by the current provisions of the City's Code of Ordinances as determined by the City, or surety bonds if permitted by the City in its discretion. The Developer acknowledges the need for such performance and financial guarantees given the prominent location of the Project and its impact upon the City. Deposit and administration of financial guarantees shall be subject to the requirements and conditions of Chapter 26.5 of the City of Novi Code and any other related rules or regulations.
- t. **Application fees; connection fees.** The Developer shall be responsible to pay all application and review fees required under the City's Zoning Ordinance and/or the City's Code of Ordinances. In addition, the Developer shall pay all required water and sewer connection and tap charges and fees, without reduction, as provided in the City Code. Such fees may be timely paid by others in connection with the development of individual unit owners.
- u **Other City Authority.** Nothing in this Agreement shall prevent the City from exercising its regulatory and other authority with respect to the Property and the Development in a manner not inconsistent with the PRO Plan and this Agreement.
- v. **Creation of Condominium; Master Deed.** The Developer shall have the obligation and responsibility to legally organize a single condominium association for the Development. The Master Deed and Bylaws for the condominium shall prescribe the responsibilities of the condominium association; set forth the manner, method and timing of transferal of maintenance responsibilities for common areas and facilities to the association; provide a feasible method of funding maintenance activities, such as annual dues and/or assessments; and reserve rights to the City to enforce or undertake maintenance related to the common areas after notice and opportunity to cure is first provided to the association.

The Master Deed and Bylaws shall provide that common areas located on that portion of the Property described in **Exhibit B**, including the wetlands on the southerly portion of the property, shall remain vacant in perpetuity and shall be used and developed only as provided in the approved PRO Plan, unless the PRO Plan and this Agreement are amended by the City.

The Developer shall be responsible for maintenance of open space areas and maintenance of drains until the Developer assigns and the association accepts such responsibilities to the condominium associations to be organized.

The restrictions and obligations set forth in the Master Deed and Bylaws shall be binding upon the owner(s) and the Property and shall run with the land described in this Agreement as the "Property." Each reference to "owner(s)" in this Section shall include the following: The Developer so long as the Developer maintains any ownership interest in any portion of the Property and the PRO has not been fully developed in accordance with the PRO Documents; and thereafter the condominium association established for the Development. The Master Deed and Bylaws shall include provisions obligating the owner(s) to maintain and preserve the road, landscaping, lighting, signage, greenbelts, open areas, pedestrian walkways and open area amenities, setbacks, storm drainage, detention and retention facilities and easements, woodlands, wetlands, and any other private common elements and improvements for or within the Development in good working order and appearance at all times and in accordance with the PRO Documents.

References to the requirements and regulations applicable to the Property under the PRO Plan, PRO Conditions, and this Agreement shall also be included within the master deed for the Development in a manner reviewed and approved by the City Attorney and Director of Community Development, including the City's enforcement rights as provided herein. The Master Deed and Bylaws shall be recorded at the Oakland County Records at all times as a condition of this PRO.

w. **Staff and Consultant Review letters.** Developer shall comply with all conditions listed in the staff and consultant review letters not inconsistent with the terms of this Agreement.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

- **Developer Obligations.** Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. The Property shall be developed only in accordance with the Undertakings, the PRO Plan, the PRO Conditions, the City of Novi Zoning Ordinance (as amended), the City of Novi Code of ordinances (as amended), and this Agreement (which together may be referred to as the PRO Documents);
 - b. The Developer shall act in conformance with the Undertakings;

- c. The Developer shall forbear from acting in a manner inconsistent with the Undertakings; and
- d. The Developer shall commence and complete all actions necessary to carry out all of the Undertakings and the PRO Conditions and shall at all times comply with this Agreement.
- 2. **Ordinance/Regulation Deviations.** The following deviations from the standards of the Zoning Ordinance are hereby authorized pursuant to §3402.D.1.c of the City's Zoning Ordinance.
 - a. Planning deviation from section 3.1.26.D for exceeding the maximum allowable building height of 65 feet and maximum allowable 5 stories, for the following units only as shown in the PRO Plan, provided they conform to the 2015 International Building Code standards for High-Rise (Type I or Type II) construction:
 - i. Unit 5 Drury Hotel (84'-5", 7 stories);
 - ii. Unit 8 Carvana (75'-10", 8 "tiers"); and
 - iii. Unit 1 I-fly (70 feet).
 - b. Planning deviation from section 5.12 to allow lack of required frontage on a public road, for Units 1 through 8. Frontage for such units shall be on the private drive as shown in the PRO Plan, which shall be built to City standards.
 - c. Planning deviation from section 5.12 to allow lack of required frontage on public road for Unit 9. Frontage shall be on a private access/secondary emergency access drive as shown in the PRO Plan.
 - d. Planning deviation from the minimum requirements for exterior side yard building setback of 50 feet from I-96 Rights-of-way set forth in section 3.27.1.C, for Unit 1 only. A minimum setback of 32.5 ft. as shown in the PRO Plan shall be permitted.
 - e. Traffic deviation from section 11-194(a)(7) of the Design and Constructions Standards Manual limiting the maximum allowable length of the proposed cul-desac street length to 800 feet, from the centerline intersection of Crescent Boulevard to the center of the bulb of the proposed Adell Center Drive cul-desac. A maximum of 1,540 feet as shown in the PRO Plan shall be permitted.
 - f. Planning deviation from the minimum required front parking setback of 20 ft, from the proposed access easement as required in section 3.1.25.D. A minimum of 18 feet shall be permitted.
 - g. Planning deviation from minimum required interior side parking setback of 20 ft. as required by section 3.1.25.D for the following units (because shared access is proposed between parking lots), with the following setbacks allowed as shown in the PRO Plan:

- i. Unit 1: minimum14 ft. along West, 0 ft. along South
- ii. Unit 2: minimum 15 ft. along South
- iii. Unit 3: minimum 15 ft. along West and 5 ft. along South
- iv. Unit 4: minimum 5 ft. along East
- v. Unit 5: minimum 10 ft. along West
- vi. Unit 6: minimum 0 ft. along West
- vii. Unit 7: minimum 0 ft. along East and 10 ft. along West
- viii. Unit 8: minimum 10 ft. along East
- h. Planning deviation from section 3.1.25.B& C to allow the water tower to remain on its own separate site (Unit 9), even though it is not either a principal permitted use or an accessory use, subject to the requirements of this Agreement.
- i. Planning deviation from requirement in section 4.19.2.F that dumpsters be located in a rear yard, to allow alternate location for dumpsters on Units 1, 5, 6, 7, and 8, such alternate locations to be determined at the time of preliminary site plan approval for such units, provided that the proposed location does not impact traffic circulation and appropriate screening is provided as determined by the City.
- j. Planning deviation from the requirement in section 4.03A of the Subdivision Ordinance precluding required rear yards from being located in a floodplain, to allow parts of the required rear yards for Units 3, 4 and 5 to be located within the floodplain, on the basis of the uses as shown in the PRO Plan.
- k. Planning deviation from the requirement in section 5.4.2 for a loading area, for Unit 9 only.
- I. Planning deviation from the requirement in section 5.4.2 that loading areas be in a required rear yard or interior side yard for double frontage lots, to allow alternate locations for the units listed below, with the alternate location to be determined at the time of preliminary site plan review and provided the alternate locations do not conflict with traffic circulation and appropriate screening is provided:
 - i. Unit 1: exterior side yard
 - ii. Unit 2: interior side yard (no double frontage)
 - iii. Unit 3: interior side yard (no double frontage)
 - iv. Unit 4: interior side yard (no double frontage)
 - v. Unit 5: exterior side yard or front yard under canopy
 - vi. Unit 6: exterior side yard
 - vii. Unit 7: exterior side yard
 - viii. Unit 8: exterior side yard
- m. Planning deviation to allow the applicant to provide supporting data to justify proposed loading area square footages at the time of preliminary site plan

review, such amounts to be finally determined by the Planning Commission at such time.

- n. Planning deviation from the minimum parking requirements in section 5.12 (to be established by staff after reviewing the calculations provided for each unit) to allow for a reduction of up to 5% for each unit within the development, subject to the individual users providing satisfactory justification for Planning Commission's approval of the parking reduction at the time of each unit's respective site plan approval.
- o. Façade deviation to allow the following allowable percentages of materials set forth in section 5.15 of Zoning Ordinance, only for the buildings listed below, provided that such deviations shall be the maximum amount authorized, and the City may require a lesser deviation at the time of site plan approval if deemed appropriate:
 - i. Unit 1 I-fly (provided that no EIFS is proposed):
 - (1) The applicant shall provide revised elevations addressing comments provided in Façade review letter dated August 14, 2018 for Planning Commission's review and consideration for approval of Section 9 waiver at the time of preliminary site plan review;
 - ii. Unit 2 Planet Fitness
 - (1) The applicant shall provide revised elevations addressing comments provided in Façade review letter dated August 14, 2018 for Planning Commission's approval of Section 9 waiver at the time of preliminary site plan review;
 - iii. Unit 5 Drury Inn:
 - (1) Underage of Brick and Stone combined (50% minimum required, 46% on right, 46% on left and 36% on rear proposed);
 - Overage of EIFS (25% maximum allowed, 43% on front facade, 47% on right, 47% on left facade and 58% on rear facade proposed);
 - iv. Unit 8 Carvana:
 - (1) Underage of brick (30% minimum required, 7% proposed on front facade)
 - (2) Underage of combined brick and stone (50% minimum required, 7% on front, 30% on right facade, 30% on left and 39% on rear facade proposed)
 - (3) Overage of display glass (25% maximum allowed, 80% on front facade, 63% on right facade, 63% on left façade and 57% on rear facade proposed).
- p. The following deviations from Chapter 28, Signs, from City Code of Ordinances for the two development signs for the Adell Center Development as listed below, provided that such deviations shall be the maximum amount authorized, and the

City may require a lesser deviation at the time of site plan approval if deemed appropriate:

- i. Entranceway Sign Area [Section 28-1 & 28-5(b)(2)a] to allow for an increased sign area of 60 square feet. A deviation of 20 square feet is permitted.
- ii. Entranceway Sign Height [Section 28-5(a)] to allow for a 15' high monument sign. A deviation of 9 feet is permitted.
- iii. Ground Sign Area [Section 28-1 & 28-5(b)(2)a] to allow for an increased sign area of 265 square feet. A deviation of 165 square feet is permitted.
- iv. Ground Sign Height [Section 28-5(a)] to allow for a 15' high monument sign. A deviation of 9 feet is permitted.
- v. To allow two ground signs on Unit 6. A maximum of one sign is permitted.
- vi. To allow for seven additional wall signs for Unit 8: Carvana. Nine are requested for the entire unit: eight signs on the tower and one canopy sign at the front entrance. Two wall signs are allowed.
- vii. To allow for a total of three wall signs for Unit 5: Drury. The three wall signs allowed with the following deviations:
 - a. North Elevation a size deviation of 182.34 square feet (117.5 square feet allowed, 299.84 square feet proposed)
 - b. South Elevation a size deviation of 182.34 square feet (117.5 square feet allowed, 299 .84 square feet proposed)
 - c.East Elevation a size deviation of 103.97 square feet (82.5 square feet allowed, 186.47 square feet provided)
 - viii. To allow for four additional wall signs for Unit 1: iFly. Five are requested for the entire unit. One wall sign is allowed. The wall signs allowed with the following deviations:
 - a. Side Elevations: a size deviation of 88.75 square feet (65 square feet allowed, 153.75 square feet proposed) for two signs.
 - b. Front and Back Elevations: a size deviation of 244 square feet (65 square feet allowed, 309 square feet proposed) for two signs.
- q. Planning deviation from the requirement in section 4.02.B Article IV, Appendix C-Subdivision ordinance of City Code of Ordinances that side lot lines be perpendicular or radial to the road, for the lines between Units 6 and 7, Units 4 and 5, and Units 1 and 2, only;
- r. Planning deviation from the required minimum of 15% of total site area to be designed as permanently landscaped open areas and pedestrian plazas in section 3.27.1.F(A), to allow the minimum required open space for each Unit to be part of the common element spread within the development boundaries as shown in the Open Space Plan, provided that the Developer restores the wetland/woodland on the southerly portion of the site pursuant to a plan meeting City ordinance requirements to be submitted and approved at the time of Wetland permit/preliminary site plan approval, and further that the Developer provides the pedestrian walkway through the open space as shown in the Open

Space Plan.

- s. Traffic deviation from section 7.13.1.D., to waive the requirement for a Traffic Impact Study, because the site falls under the study boundaries for the ongoing Comprehensive Traffic study by the City.
- t. Planning deviation from the maximum 1 foot-candle spillover in section 5.7.3.K., along the interior side property lines internal to the development, provided the applicant submits a photometric plan that demonstrates that the average to minimum light level ratio is kept to the maximum allowable 4:1.
- u. Planning deviation from the maximum 1 foot-candle spillover in section 5.7.3.K., along access easements adjacent to Adell Drive, to allow an increase of the average to minimum light level ratio above the maximum allowable 4:1 within the Adell Drive pavement areas, such amounts to be determined at the time of preliminary site plan review for the individual units;
- v. Engineering deviation from section 4.04, Article IV, Appendix C-Subdivision Ordinance of City Code of Ordinances requiring a stub street at intervals of 1,300 feet intervals along the property boundary.
- w. Engineering deviation from Section 11-194(a)19 of the Design and Construction Standards, to allow a gravel surface for the secondary emergency access road within the boundaries of Unit 2 until the site improvements for Unit 2 are constructed.

3. **General Provisions**:

- a. Except with respect to appeals from the applicable standards of the City's Sign Ordinance, the Zoning Board of Appeals (ZBA) shall have no jurisdiction over the Property or the application of this Agreement until after site plan approval and construction of the development as approved therein with regard to the roads and utilities. In no event shall the ZBA be permitted to vary any terms or conditions of this Agreement.
- b. Except as may be specifically modified by this Agreement, the City Code and all applicable regulations of the City shall apply to the Property. Any substantial violation of the City Code by Developer and/or any successor owners or occupants with respect to the Property shall be deemed a breach of this Agreement, as well as a violation of the City Code.
- c. A breach of this Agreement shall constitute a nuisance *per se*, which shall be abated. The Developer and the City therefore agree that, in the event of a breach of this Agreement by the Developer, the City, in addition to any other relief to which it may be entitled at law or in equity, or any other provisions of this Agreement, shall be entitled under this Agreement to relief in the form of specific performance and an order of the court requiring abatement of the nuisance *per se*. In the event of a breach of this Agreement, the City may notify

the Developer of the occurrence of the breach and issue a written notice requiring the breach be cured within thirty (30) days; provided, however, that if the breach, by its nature, cannot be cured within thirty (30) days, the Developer shall not be in the breach hereunder if the Developer commences the cure within the thirty (30) day period and diligently pursues the cure to completion. Failure to comply with such notice shall, in addition to any other relief to which the City may be entitled in equity or at law, render the Developer liable to the City in any suit for enforcement for actual costs incurred by the City including, but not limited to, attorneys' fees, expert witness fees and the like.

- d. This Agreement may not be amended except in writing signed by the parties and recorded in the same manner as this Agreement. In the event Developer desires to propose an amendment, an application shall be made to the City's Department of Community Development, which shall process the application in accordance with the procedures set forth in the Zoning Ordinance.
- e. Both parties understand and agree that if any part, term, or provision of this Agreement is held by a court of competent jurisdiction, and as a final enforceable judgment, to be illegal or in conflict with any law of the State of Michigan or the United States, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular part, term, or provisions held to be invalid.
- f. The Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Oakland, State of Michigan.
- g. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. A delay in enforcement of any provision of this Agreement shall not be construed as a waiver or estoppel of the City's right to eventually enforce, or take action to enforce, the terms of this Agreement. All remedies afforded in this Agreement shall be taken and construed as cumulative; that is, all remedies afforded in this Agreement are in addition to every other remedy provided by law.
- h. The signers of this Agreement warrant and represent that they have the authority to sign this Agreement on behalf of their respective principals and the authority to bind each party to this Agreement according to its terms. Further, each of the parties represents that the execution of this Agreement has been duly authorized and is binding on such parties.
- i. This Agreement shall run with the land described herein as the Property and bind the parties, their heirs, successors, and assigns. This Agreement shall be recorded in the Oakland County Register of Deeds by the City. The parties acknowledge that the Property is subject to changes in ownership and/or control at any time, but that heirs, successors, and assigns shall take their interest

subject to the terms of this Agreement, and all references to "Developer " in this Agreement shall also include all heirs, successors, and assigns of the Developer, and all future owners of any parcels created by the proposed land division.

j.

The Developer has negotiated with the City the terms of the PRO Plan, PRO Conditions, and this Agreement, and such documentation represents the product of the joint efforts and mutual agreements of the Developer and the City. The Developer fully accepts and agrees to the final terms, conditions, requirements and obligations of the PRO Documents, and the Developer shall not be permitted in the future to claim that the effect of the PRO Concept Plan and PRO Agreement results in an unreasonable limitation upon uses of all or a portion of the Property, or claim that enforcement of the PRO Plan and Agreement causes an inverse condemnation, other condemnation or taking of all or any portion of the Property. The Developer and the City agree that this Agreement and its terms, conditions, and requirements are lawful and consistent with the intent and provisions of local ordinances, state and federal law, and the Constitutions of the State of Michigan and the United States of America. The Developer has offered and agreed to proceed with the Undertakings and obligations as set forth in this Agreement in order to protect the public health, safety, and welfare and provide material advantages and development options for the Developer, all of which Undertakings and obligations the Developer and the City agree are necessary in order to ensure public health, safety, and welfare, to ensure compatibility with adjacent uses of land, to promote use of the Property in a socially, environmentally, and economically desirable manner, and to achieve other reasonable and legitimate objective of the City and the Developer, as authorized under applicable City ordinances and the Michigan Zoning Enabling Act, MCL 125.3101, et seq., as amended.

The Developer fully accepts and agrees to the final terms, conditions, requirements, and obligations of this Agreement, and Developer shall not be permitted in the future to claim that the effect of this Agreement results in an unreasonable limitation upon use of all or any portion of the Property, or to claim that enforcement of this Agreement causes an inverse condemnation or taking of all or any portion of such property. It is further agreed and acknowledged that the terms, conditions, obligations, and requirements of this Agreement are clearly and substantially related to the burdens to be created by the development and use of the Property under the approved PRO Plan, and are, without exception, clearly and substantially related to the City's legitimate interests in protecting the public health, safety and general welfare.

k. The Developer acknowledges that, at the time of the execution of this Agreement, the Developer has not yet obtained final site plan or engineering approvals for the Project, nor has the Developer received a land division to create any separate parcel from the Property as described herein. The Developer acknowledges that the Planning Commission and Engineering staff/consultants may impose additional conditions other than those contained in this Agreement during site plan and engineering reviews and approvals as authorized by law; provided, however, that such conditions shall not be inconsistent with the PRO Plan and shall not change or eliminate any development right authorized thereby. Such conditions shall be incorporated into and made a part of this Agreement and shall be enforceable against the Developer.

- I. None of the terms or provisions of this Agreement shall be deemed to create a partnership or joint venture between the Developer and the City.
- m. The Recitations contained in this Agreement and all exhibits attached to this Agreement and referred to herein shall for all purposes be deemed to be incorporated in this Agreement by this reference and made a part of this Agreement. Headings are descriptive only.
- n. This Agreement is intended as the complete integration of all understandings between the parties related to the subject matter herein. No prior contemporaneous addition, deletion, or other amendment shall have any force or effect whatsoever, unless embodied herein in writing. No subsequent notation, renewal, addition, deletion or other amendment shall have any force or effect unless embodied in a written amendatory or other agreement executed by the parties required herein, other than additional conditions which may be attached to site plan approvals as stated above.
- o. The parties intend that this Agreement shall create no third-party beneficiary interest except for an assignment pursuant to this Agreement. The parties are not presently aware of any actions by them or any of their authorized representatives which would form the basis for interpretation construing a different intent and expressly disclaim any such acts or actions, particularly in view of the integration of this Agreement.
- p. Where there is a question with regard to applicable regulations for a particular aspect of the Development, or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the PRO Plan and this Agreement which apply, the City, in the reasonable exercise of its discretion, shall determine the regulations of the City's Zoning Ordinance, as that Ordinance may have been amended, or other City Ordinances that shall be applicable, provided that such determination is not inconsistent with the nature and intent of the PRO Plan and does not change or eliminate any development right authorized by the PRO Plan. In the event of a conflict or inconsistency between two or more provisions of the PRO Plan (including notes thereto) and/or this Agreement, or between such documents and applicable City ordinances, the more restrictive provision, as determined in the reasonable discretion of the City, shall apply.
- q. Both parties acknowledge and agree that they have had the opportunity to have the PRO Plan, PRO Conditions, and this Agreement, reviewed by legal counsel.
- r. This Agreement may be signed in counterparts.

{Signatures begin on following page}

DEVELOPER

ORVILLE PROPERTIES, LLC, a Delaware limited liability company

un BV Its:

Manager

STATE OF MICHIGAN

COUNTY OF OAKLAND

lath of OCTODE this day 2018, before appeared On me , Manager of Orville Properties, LLC, a Delaware limited liability Kenin company, who states that he has signed this document of his own free will duly authorized on behalf of the Fee Developer.

JULIE KARNES Notary Public, State of Michigan County of Oakland My Commission Expires 07-03-2019 Acting In the County of California

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Public lota County, Michigan Acting in Dakland County, Michigan My Commission Expires: 7131

CITY OF NOVI By: Robert J. Gatt Its: Mayor By: Cortney Hanson Its: Clerk

STATE OF MICHIGAN)) ss COUNTY OF OAKLAND)

On this <u>26</u> day of <u>0 CTUBLER</u>, 2018, before me appeared Robert J. Gatt and Cortney Hanson, who stated that they had signed this document of their own free will on behalf of the City of Novi in their respective official capacities, as stated above.

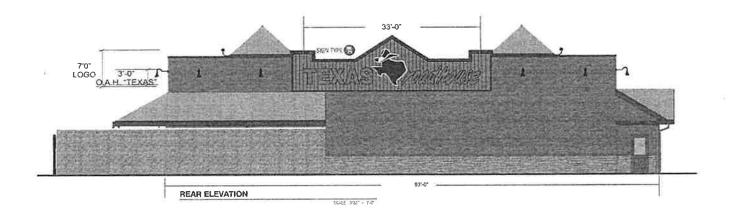
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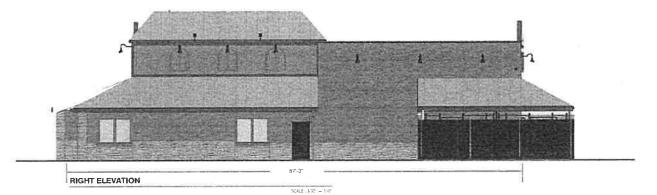
Notary Public <u>AKLAND</u> County, Michigan Acting in <u>OAKLAND</u> County, Michigan My Commission Expires: <u>OG, 13, 2024</u>

Drafted by:

Elizabeth Kudla Saarela Johnson, Rosati, Schultz & Joppich 27555 Executive Drive, Suite 250 Farmington Hills, MI 48331-5627

When recorded return to: Cortney Hanson, Clerk City of Novi 45175 Ten Mile Road Novi, MI 48375 MARILYN S. TROUTMAN NOTARY PUBLIC, STATE OF MI COUNTY OF OAKLAND MY COMMISSION EXPIRES OCI 13, 2024 ACTING IN COUNTY OF CAKLAND SIGN PERMIT DRAWINGS







160 tH. Carmet Drive, Suite 236 Carmel, IN 46032 [317] 591-7790 Fax [317] 581-7783

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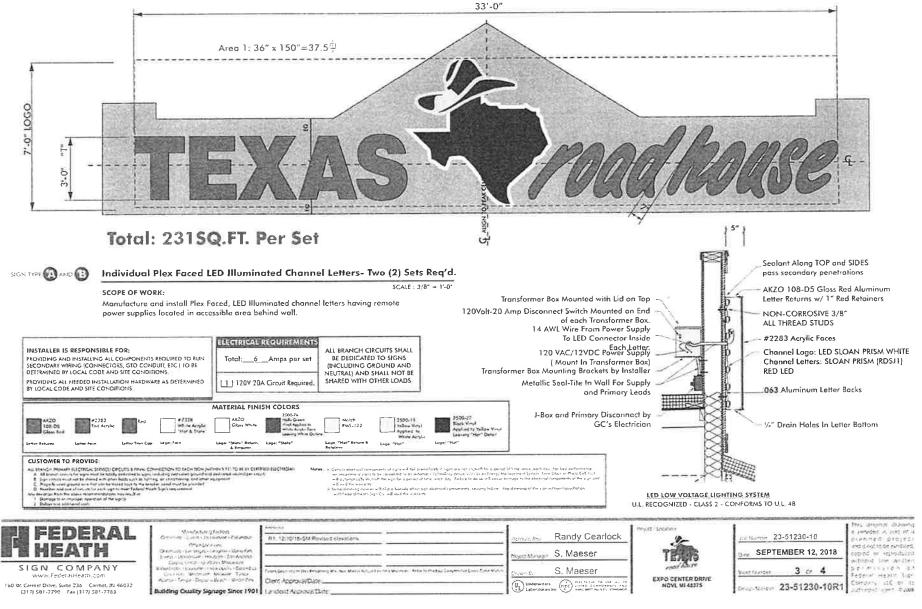
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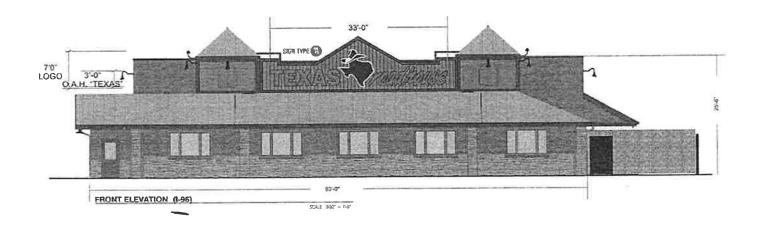
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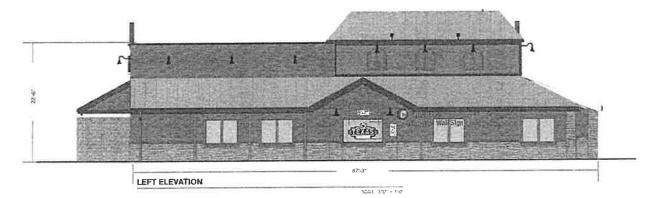
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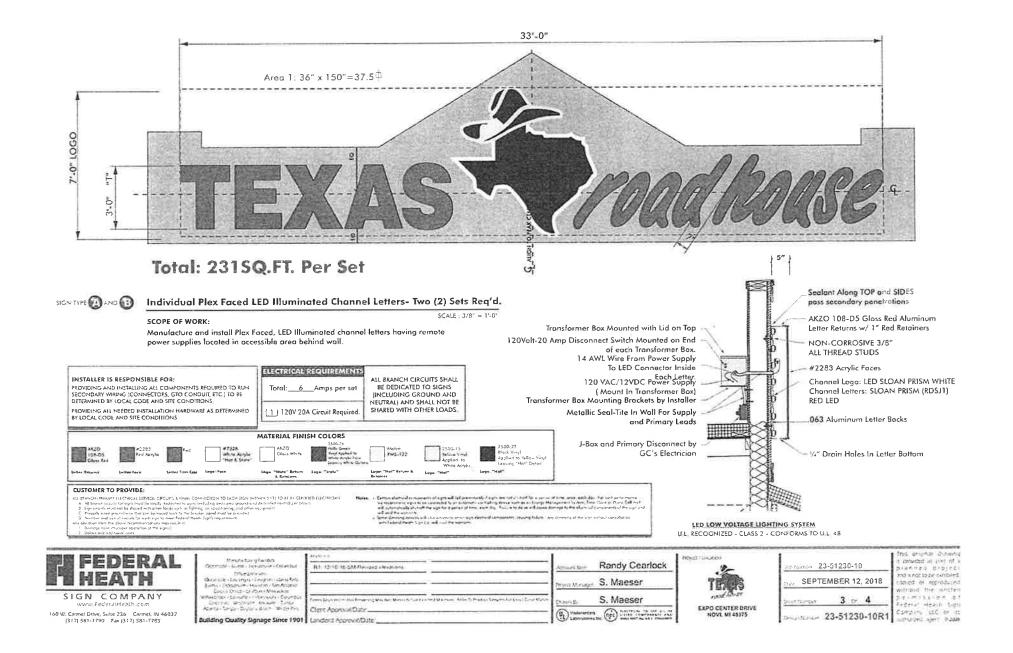


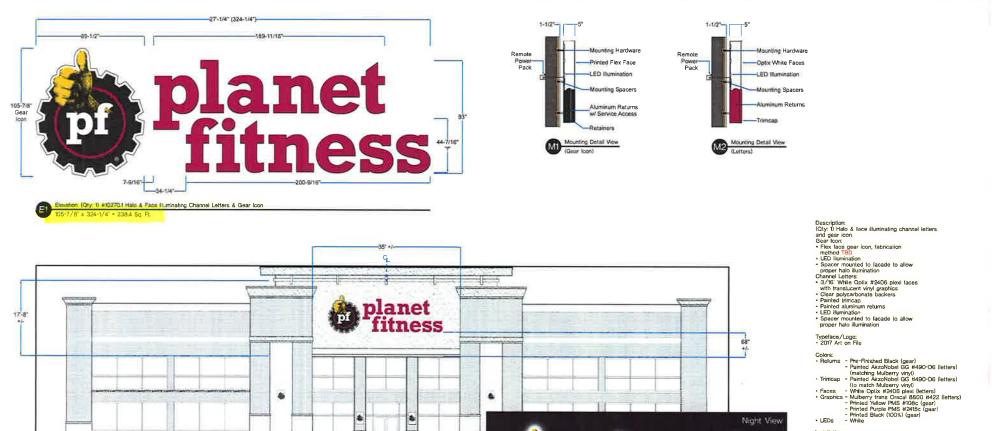
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Installation: • By UkewPoint • Note: Power by Others • This sign is intended to be installed in accordance with the requirements of Article 600 of the National Be betting Codes (LEC) mod/or other applicable Location and howflow of the sign modes proper grounding and howflow of the sign modes. and bonding of the sign. • No exposed conduits or junction boxes on building fascia is permitted Non-corrosive fastners Non-corrosive pipe sleeve set in sealant for each attachment into the fascia
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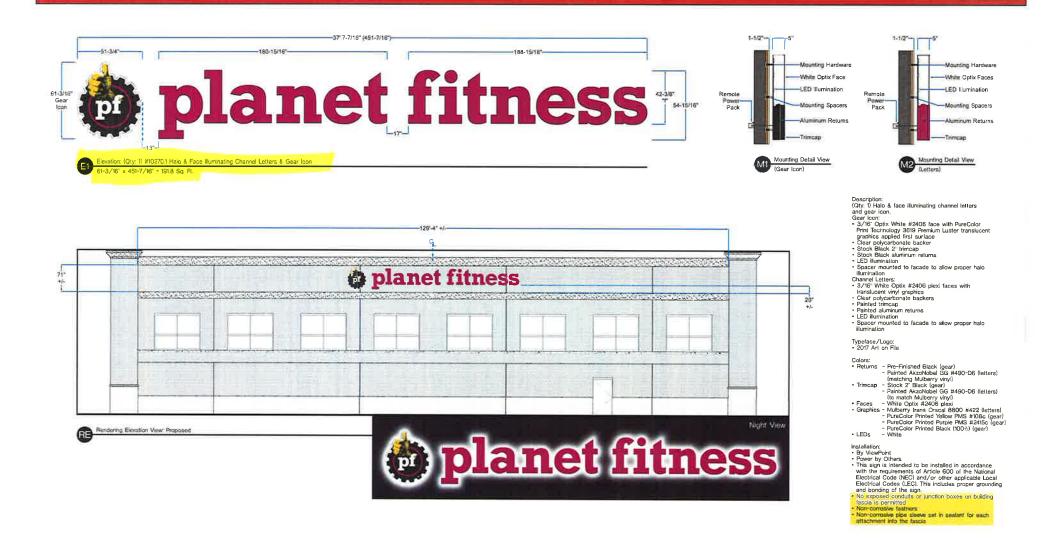


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Rendering Elevation View: Proposed

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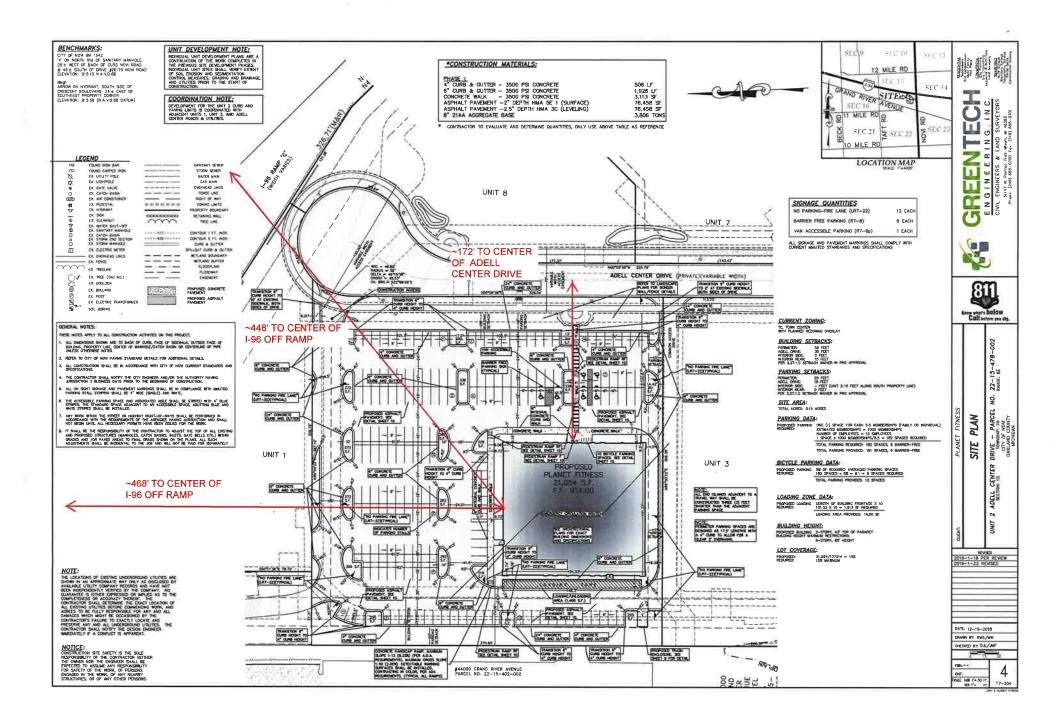
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Job:	Account Manager:	Date:	Revisions:	Revisions:	
Planet Filness	Scott Spaulding	03.05.19 D1.25	1	E.	Customer Approval Acct: Manager Approval Production Approval
Location:	File:	Designer:			ViewPoint 1.508.393.8200
Novi÷ MI	PF NoviMI north channels la plt	Pete Rivera			SIGN AND AWNING FAX 1.508.393.4244

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PLANNING REVIEW



PLAN REVIEW CENTER REPORT

April 25, 2019

Planning Review

Adell Center PRO (First Amendment) JZ 18-24 with Rezoning 18.724

PETITIONER Orville Properties, LLC

REVIEW TYPE 1st Revision: First Amendment to Adell PRO

PROPERTY CHARACTERISTICS

Section	15			
Site Location	Address: 43700 Expo Center Drive; Parcel Id: 50-22-15-476-045 north of Grand River Avenue and south of I-96 in Section 15			
Site School	Novi Community School District			
Current Site	TC with a PRO			
Adjoining Zoning				
	East	TC: Town Center		
	West	I-2: General Industrial		
	South I-1: Light Industrial			
Current Site Use	Vacant;			
	North	Novi Oaks Hotels		
Adjoining Uses	East	Retail/Restaurants		
Aujoining uses	West	Industrial Office		
	South	Industrial Office		
Site Size	Approximately 21.8 Acres (950,073 SF)			
Plan Date	e 03-29-19			

PROJECT SUMMARY

The applicant has received rezoning approval to develop the property as a multi-unit commercial development consisting of nine units accessed by a proposed private drive. The development as approved a mix of two hotels, one fitness center, two restaurants, one indoor recreational facility, an off-street parking lot/permanent open space and an unlisted use similar to automobile sales facility. The existing water tower on site will remain on a separate unit.

The current amendment is required as changes are proposed primarily to the approved layout for the restaurant sites (Unit 6 & 7). There are also minor changes to common landscape areas, building signage and location of accessory units.

The applicant is not proposing a phased construction; however, the applicant is proposing to build the roads and the utilities first. Individual users will build within the respective unit boundaries shown on the plan. The applicant submitted a narrative and a Community Impact Statement with the original submittal.

CHANGES WITH THE CURRENT AMENDMENT

The subject property is part of a Planned Rezoning Overlay request for the Adell Center Development, which was approved by City Council at their October 22, 2018 meeting. The following changes are proposed from the approved layout to date.

- Lot lines are different from approved Concept plan.
- Lot acreage for Unit 7 is increased from 1.5 acres to 2.55 acres. Unit 6 is smaller.
- Changes to end users for Unit 5 and 6 are indicated.
- Shared parking with Unit 6 is no longer proposed.
- Western entry drive from Adell Drive is relocated to south.
- Curb cuts along Adell Drive for Units 6, 7 and 5 are relocated.
- Building footprint is revised for Unit 7.
- Minor changes to parking layout for Unit 5
- Major changes to parking layout for Units, 6 & 7.

AMENDMENT TO THE PRO AGREEMENT:

Approved PRO agreement states that an amendment to PRO is required if the applicant proposes revisions as stated below in italics. Staff comments are provided in **bold**. The current site plan requires an amendment to the approved PRO Agreement for the following reasons:

- a. Any material changes to building and parking layout from approved PRO Plan. Please refer to Changes with Current submittal on Page 2.
- b. Any deviations from ordinance requirements that are not requested/approved at this time. Please refer to list of deviations on Page 6.
- c. A reduction of established minimum parking count below the maximum 5 percent reduction described in the Agreement, absent a shared parking fully acceptable to the Planning Commission. With the current plan, 196 spaces are required on the basis of information provided so far for Unit 7, and 169 spaces are proposed.

PROJECT REVIEW HISTORY

On May 14, 2018 a Pre-Application Meeting was held for the rezoning request.

The proposed rezoning category requested by the applicant was not supported by the Future Land Use Map. The applicant has requested to waive the requirement to attend Master Planning and Zoning Committee with a letter dated June 11, 2018

On July 11, 2018, the Planning Commission held a public hearing and postponed the recommendation to Council until a later time.

On August 22, 2018, the Planning Commission considered the revised Concept Plan and recommended approval to the City Council of the rezoning request with Concept Plan.

On September 24, 2018, the City Council tentatively approved the PRO Concept plan, and directed the City Attorney's Office to prepare a draft PRO Agreement.

On October 22, 2018, the City Council approved the PRO Concept Plan and the agreement.

On October 29, 2018, the PRO agreement was recorded. The agreement refers to certain improvements to be completed or certain items to be addressed with a certain time period from the date of the agreement. The applicant should note that the date of the agreement is October 22, 2018.

On March 13, 2019, the Planning Commission considered the Concept Plan for First Amendment and recommended approval to the City Council. Action Summary provided at the end of the letter.

PROJECT REVIEW HISTORY

As of the date of this review letter, below is the list of current status for each of the site plans reviews that are subject to the PRO agreement. Some of the changes to common areas should be reflected in corresponding site plans. The applicant should inform the individual users about the changes.

UNIT	JSP	Meeting dates	Next Step/Current Review
Roads and Utilities Site Plan	JSP 18-27	PC approved PSP on 1 09-12-18 CC approved PSP on 1 10-22-18	Under Construction
Unit 1: iFly	JSP 18-49	Pre-App Waived PC approved PSP on 10-24-18	Stamping sets under review
Unit 2: Planet Fitness	JSP 18-57	Pre-App 11-15-18 PC Approved 01-23-18	Revised Final Site plan under review
Unit 3: Fairfield	JSP 18-66	Pre-App on 11-30-18	PC Meeting tentatively scheduled for May 08, 2019
Unit 4: Open Space	JSP 19-07	Pre-App on 02-15-18	
Unit 5: Hotel			
Unit 6:	JSP 19-02	Pre-App on 01-22-19	Another Pre-app is required, as the user and layout changed from previous review
Unit 7: Texas Road House	JSP 18-62	Pre-App on 11-28-18	PC Meeting tentatively scheduled for May 08, 2019. If approved, approval will be contingent on PRO Amendment
Unit 8: Carvana	JSP 18-47	Pre-App Waived PC approved PSP on 112-12-18	Stamping sets under review
Unit 9: Water Tower	JSP 19-03	Pre-App on 01-22-19	Preliminary Site Plan
1 st PRO Amendment	JZ 18-24	PC recommended approval on March 13, 2019	Revised Concept Plan review

PRO OPTION

The PRO option creates a "floating district" with a conceptual plan attached to the rezoning of a parcel. As part of the PRO, the underlying zoning is changed (in this case from EXPO to TC) and the applicant enters into a PRO agreement with the City, whereby the applicant submits a conceptual plan for development of the site. The City Council reviews the Concept Plan, and if the plan may be acceptable, it directs for preparation of an agreement between the City and the applicant, which also requires City Council approval. Following final approval of the PRO concept plan and PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City. If the

development has not begun within two (2) years, the rezoning and PRO concept plan expires and the agreement becomes void. In this case, the development has already commenced.

RECOMMENDATION

Approval is recommended for the revised Concept Plan for the 1st Amendment to the Adell PRO Concept Plan subject to City Council approval of all the deviations and conditions listed. **REVIEW COMMENTS**

- 1. CURRENT SUBMITTAL: We have received information at three different times.
 - 1. The applicant submitted a Concept plan for first amendment to Adell PRO. The plans were dated 01-03-19. Planning Commission recommended approval based on staff review of plans dated 01-03-19.
 - 2. A revised PRO overall plan was provided in PDF format along with the response letter dated 03-04-19.
 - 3. The current submittal was provided in response to PC recommendation listed in item 2 below. The current submittal is in addition to the previous, not in place of.

Comments provided in this submittal refer to all three items listed above, provided at different times and different formats (hard copy vs PDF), we made our best attempt to provide comments based on latest information. The applicant should compile all the current and correct sheets from listed above into one set in PDF format prior to City Council meeting for staff record. A PDF submittal is required along with the response letter as noted in NEXT STEP on Page 11.

- 2. **ITEMS REQUIRED PRIOR TO COUNCIL MEETING:** At the time of PC meeting, the following items were required to be submitted for staff review prior to the Council meeting.
 - 1. The applicant shall provide a formal revised submittal to provide sufficient time for staff and consultants to review the revised layout for Unit 6 dated 03-07-19, as submitted with the response letter dated 03-07-2019. Additional comments may be warranted since Unit 6 has been reduced in size from the approved PRO Plan and detailed information was not provided in time for a complete review by staff); The applicant has submitted drawings for Unit 6 for review. Plan review chart and letter are updated accordingly.
 - 2. The applicant shall provide necessary information to identify the necessary deviations from Chapter 28, Signs from City Code of Ordinances for Unit 2 –Planet Fitness prior to the City Council's consideration for tentative approval of PRO Concept plan; Refer to sign permit reviews for more detail.
 - 3. The applicant shall provide an overall lighting and photometric plan for the entire development for staff to verify overall light levels. The plan shall include, but not limited to, the following:
 - a. Location of light fixtures within individual parking lots and along Adell Drive
 - b. Specification sheets
 - c. Height of the fixtures
 - d. Foot candle values along lot lines
 - e. Average to minimum ratio per each unit

The applicant has provided an overall lighting and photometric plan as required. Additional comments provided later in the review.

- 4. The applicant shall provide revised building elevations for unit 7, Texas Roadhouse that address the following:
 - a. The applicant shall reduce the proposed Split Faced CMU on the north (I-96 Exposure) façade that are not to exceed 10% of the façade materials on that elevation by substituting brick or stone on the dumpster enclosure portion of the building façade, as noted in the façade review letter;
 - b. The applicant shall screen all roof top equipment from view from all vantage points both on-site and off-site using extended parapets or roof screens constructed of materials in compliance with the Façade Ordinance

Updated elevations are provided as requested. They did not warrant a revised façade review. However, our façade consultant confirmed that they address the comments provided in the previous letter.

- 5. In lieu of a continuous decorative brick wall along the Adell Drive Frontage, as noted in the approved PRO Agreement; The applicant shall provide a combination of decorative brick wall and decorative railing as shown in the revised plans This is proposed to create interesting aesthetic along Adell Drive and is supported by staff; Updated overall Concept plans are not included in the revised submittal. However, original submittal reflects staff comments.
- 6. The applicant is encouraged to address the sign deviations required and provide information showing how each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and would be consistent with the Master Plan and the surrounding area; An updated narrative is provided as part of the response letter. Additional comments provided later in the review.
- 3. **PREVIOUS APPROVALS:** As noted on Page 3, there are multiple site plans that resulted from the Concept Plan approval. The current changes refer to changes to Unit 6 and 7 primarily. The applicant should note that rest of the improvements is subject to respective site plan approvals, unless otherwise noted in the approved PRO agreement dated 10-29-18.
- 4. ALTA/SURVEY: The Alta survey included in 01-03-19 submittal refers to legal description prior to site condominium. The site condominium is processed and each Unit has a separate lot numbers. Please include the current ALTA/SURVEY.
- 5. **EXISING CONDITION SHEETS:** Roads and Utilities for entire development are under construction. Staff understands that the existing conditions are constantly changing. The sheets included refer to site conditions prior to start of construction.
- 6. AMENDMENTS TO PRO: Based on on-going discussions with the applicant, staff understands that the applicant also intends to make revisions to users for Unit 4 which would require another amendment. Staff recommended that the applicant should consider combining all possible amendments into one request for efficient review and process. The applicant chose to move forward with the current request as the other future changes are not finalized yet.
- 7. END USERS: The table below lists the prospective users for each unit based on the information provided by the applicant on sheet 2. The current revised submittal made revisions to uses for Unit 4, 5 and 6. Previously, Unit 4 referred to off-street parking lot, Unit 4 referred to Drury Inn and Unit 6 referred to a restaurant. The current plan refers to Unit 6 as to be determined. Identifying the right uses is important to assess Traffic impacts. At the time of original application, the applicant has provided trip generation information for the development that will be incorporated into the region-wide traffic impact study. AECOM supported a variance for lack of a full traffic impact study as part of the plan review process such that the applicant understands that they may be requested to provide additional traffic-related data and information during the review at the City's discretion. The applicant should provide revised trip generation information as changes to users are proposed from what is shown below.

Unit No.	End Users	Proposed Height	Proposed Use Category	
Unit 1 I-Fly		70 ft.	Indoor Commercial	
	т-гту	7011.	Recreation Facilities	
Unit 2	Planet Fitness	40 ft. to 50 ft. (2 stories)	Indoor Commercial	
Unit 2		40 ft. to 50 ft. (2 stolles)	Recreation Facilities	

Unit 3	Fairfield Inn & Suites	63 ft. (5 stories)	Hotels
Unit 4	Kevin Adell Park	Not provided	Off-street Parking Lot
Unit 5	Home2Suites		Hotels
Unit 6	Restaurant		
Unit 7	Restaurant	20 ft30ft. (1 story)	End user to be determined
Unit 8	Carvana	75'-10" (8 tiers)	Unlisted Use
Unit 9	Water Tower	120 ft. Existing tower	Existing Structure

- 8. UNIT 6: Unit 6 is currently shown as proposed tenant. Please change it to restaurant. Parking calculations on sheet 4 refer to a retail use. Please revise the calculations to a restaurant use. The developer should contact Planning Department to confirm the final parking counts once a final user is determined
- 9. **DEVIATIONS:** Please refer to list of deviations identified on Page 6 through 8 and provide the information requested.
- 10. ITEMS THAT CAN BE APPROVED BY PLANNING COMMISSION: As noted in the approved PRO agreement, the Planning Commission shall also be permitted to authorize amendments to the PRO Plan in its review of the preliminary site plans for individual units, with regard to parking-related, landscaping related, and façade related requirements, provided it would otherwise have that authority under the Zoning Ordinance. Some of the deviations noted in this review can be reviewed and approved by Planning Commission as part of Preliminary site plan approval for Unit 6 and 7. However, due to major changes to parking layout, the PRO Concept plan and PRO Agreement will be required to be amended and all requested deviations at this time are reviewed as part of amendment to the PRO plan.
- 11. MASTER DEED: A recorded Master Deed was provided for review as part of Adell Development Roads and Utilities Plan under separate cover. In response, staff has provided additional comments to be addressed in a revised submittal. The applicant should note that even though the Master Deed was recorded, it is not approved yet. Any changes to off-site and on-site easements as shown on the current concept plan should be updated with the draft Master Deed which is currently under review.
- 12. PLAN REVIEW CHART: Planning review chart provides additional comments and requests clarification for certain items. Please address them in addition to the comments provided in this letter.
- 13. PLAN REVIEW AND CONSTRUCTION CO-ORDINATION: As noted in the original reviews, staff continues to note that the proposed development is an ambitious project that requires a carefully laid out implementation plan. The applicant, who is also the current land owner, is proposing to build the roads and the utilities and divide the land into individual condominium units. Each future buyer will then be responsible for getting necessary site plan and other permit approvals, and be responsible for each unit's construction. There is no tentative timeline indicated for completion of all units. Until all units are completed, the impacts of construction traffic to the surrounding areas/businesses are hard to contemplate. Most of the units have started the review process as noted in Page 3.
- 14. LIGHTING AND PHOTOMETRIC: At the time of initial PRO approval, the applicant was not able to provide sufficient information to identify light levels across the units and Adell Drive frontage.

Following two deviations were included to account for possible scenarios at that time with an assumption that information will be clarified at the time of individual site plan reviews.

- Planning deviation from Section 5.7 .3.K. to allow exceeding the maximum spillover of I foot candle along interior side property lines provided the applicant submits a photometric plan that demonstrates that the average to minimum light level ratio is kept to the maximum allowable 4: 1;
- Planning deviation to allow exceeding the maximum spillover of I foot candle and approvable increase of the average to minimum light level ration from 4: I within the Adell Drive pavement areas as listed in Section 5.7.3.K. along access easements along Adell Drive, at the time of or Preliminary Site Plan review for the individual units;

The applicant has submitted an Overall lighting and photometric plan for review. The following information is shown at a conceptual level on the plans.

- o Location of light fixtures within individual parking lots and along Adell Drive,
- o Specification sheets,
- o Height of the fixtures,
- Foot candle values along lot lines and
- o Average to minimum ratio per each unit.

Based on a preliminary review, we offer the following comments:

- 1. Overall light levels appear to be acceptable levels.
- 2. Light levels exceed the maximum 1 foot candle at the internal property lines. However, it is expected all individual lots are envisioned as one development.
- 3. Light levels on public right-of-ways and property lines abutting adjacent neighbors.
- 4. Details will be reviewed at the time of individual site plan. Plans will be expected to be in general conformance with the light levels indicated in the overall photometric plan leaving some flexibility to actual location of light poles.

MAJOR CONDITIONS OF PLANNED REZONING OVERLAY AGREEMENT

The Planned Rezoning Overlay process involves a PRO Concept Plan and specific PRO Conditions in conjunction with a rezoning request. The submittal requirements and the process are codified under the PRO ordinance (Section 7.13.2). Within the process, which is initiated by the applicant, the applicant and City Council can agree on a series of conditions to be included as part of the approval which must be reflected in the Concept Plan and or the PRO Agreement.

The PRO conditions must be in material respects, more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Development and use of the property shall be subject to the more restrictive requirements shown or specified on the PRO Plan, and/or in the PRO Conditions imposed, and/or in other conditions and provisions set forth in the PRO Agreement. The applicant should submit a list of conditions that they are seeking to include with the amended PRO Agreement. The applicant's narrative does not specifically list any such PRO Conditions at this time. The current submittal did not include a response letter or a revised narrative that would have addressed this issue.

The development is subject to all conditions of the approved PRO agreement dated 10-29-18 and approved site plan approval.

ORDINANCE DEVIATIONS

Section 7.13.2.D.i.c(2) permits deviations from the strict interpretation of the Zoning Ordinance within a PRO agreement. These deviations must be accompanied by a finding by City Council that "each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the

surrounding areas." Such deviations must be considered by City Council, who will make a finding of whether to include those deviations in a proposed PRO agreement. A proposed PRO agreement would be considered by City Council only after tentative approval of the proposed concept plan and rezoning.

The Concept Plan submitted with an application for a rezoning with a PRO is not required to contain the same level of detail as a preliminary site plan. Staff has reviewed the applicant's Concept Plan in as much detail as possible to determine what deviations from the Zoning Ordinance are currently shown. The applicant may choose to revise the concept plan to better comply with the standards of the Zoning Ordinance, or may proceed with the plan as submitted with the understanding that those deviations would have to be approved by City Council in a proposed PRO agreement. The following are deviations from the Zoning Ordinance and other applicable ordinances shown on the Concept Plan as revised for the proposed amendment to PRO Agreement.

The applicant has provided a list of deviations in the cover letter that is not complete or accurate. The applicant is asked to revise the list based on staff's comments provided in this letter and the other review letters. The applicant is asked to be specific about the deviations requested and provide a justification to explain how if each deviation "...were not granted, [it would] prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas."

The following items does not conform with the either the zoning ordinance or the conditions of the proposed amendment to the PRO agreement. The site plan should be revised accordingly or request the following deviations through the amended PRO Agreement. Planning Commission has recommended approval for most of the deviations listed below. Items listed in blue are not part of the request that was presented to Planning Commission. They were identified as part of the current review.

2. <u>Minimum Parking for Texas Roadhouse:</u> A total of 196 parking spaces are required. A total of 164 are proposed. The applicant has provided parking data at similar locations, a floor plan that indicates maximum occupancy to justify the proposed parking. Planning Commission recommended approval of the proposed number of spaces.

Total number of Employees (E): <u>40</u> Total number of customers allowed under Maximum Capacity:

- Dining: 286
- Waiting Benches: 25
- Waiting outside benches: 28
- Waiting Non-Concentrated: 13

Total: Occupancy (\mathbf{O})= 286+25+28+13= 352

Total Minimum Parking required: (E+O)/2 = (40+352)/2 = 196Total Parking Proposed: 166 Total Deviation requested: 30

3. <u>Parking setback:</u> A minimum of 20 feet is required for Unit 6, a minimum of 13 feet along the northeast property boundary indentation is proposed for approximately 50 feet as shown on the plans;

- 4. <u>Façade:</u> Proposed building elevations do not conform to Façade Ordinance. A Section 9 Waiver is recommended for the overage of Standing Seam Metal, contingent upon the percentage of Split Faced CMU on the north façade being reduced to below 10% by substituting Brick or Stone on the dumpster enclosure portion of the façade.
- 5. <u>Loading Area square footage:</u> Loading area does not meet the minimum required (847 square feet is required, 786 square feet proposed).
- 6. <u>Bicycle Parking:</u> Based on updated calculations provided for Texas Roadhouse, a total of bike racks are required for Unit 7. Currently the plan indicates 8 spaces. The applicant can either add two more spaces at the time of Preliminary site plan or request a deviation at this time. Staff recommends the former option.
- 7. Loading Area Location:
 - a. Unit 6: Partly located in interior side yard and partly in exterior side yard. Information is not provided for Unit 6. Staff would not support a deviation for the loading zone not accommodating the largest vehicle expected unless vehicle paths are provided to show it will not impact traffic.
 - b. **Unit 7**: Loading area is partly located in interior side yard and partly in the front yard. Traffic circulation patterns were provided as part of the response letter dated 03-05-19. Staff **supports** this deviation.
- 8. <u>Sight Distance:</u> The applicant should provide sight distance measurements at the driveways along Adell Center Drive based on the proposed 25 MPH speed limit. If the sight distance requirements are not met, the applicant may be required to seek a deviation. Refer to Figure VIII-E in the City's Code of Ordinances for more information. Staff is unable to identify the deviation due to lack of information. Provide an exhibit indicating sight distance for all entry drives.
- 9. <u>Wall along Adell Drive:</u> Original PRO agreement refers to a decorative brick wall along Adell Drive. Site plans for Road & Utilities approval indicated a combination of decorative brick wall, wrought iron fence and a berm. A combination of wall and fence without the berm is acceptable. If the applicant choses to propose the combination, a request can be made to amend the agreement to include this update. Revise the landscape plans to remove berm along Adell Drive frontage. This deviation is <u>supported</u> by staff as noted.
- 10. <u>I-96 Berm:</u> Lack of undulations on I-96 berm across entire frontage. This deviation is supported by staff as there is insufficient space in the greenbelt to add the vertical or horizontal undulations. This deviation is <u>supported</u> by staff.
- 11. <u>Deviations from landscape requirements for Unit Accessory Unit Location:</u> The applicant has not provided information about accessory units at the time of original PRO approval. Staff has reviewed site plans for individual site plans and noted accessory structures such as transformers do not meet the code requirement for location and would require a deviation. Staff recommends that the applicant address this item at this time by providing necessary information. The applicant requested that alternate location for Units1, 2, 3, 5, 6 and 7 to be subject to Planning Commission approval at the time of Site plan review. PC recommended motion did not include Unit 5. Applicant requested to add Unit 5 to be added with this submittal.

12. <u>Sign Ordinance:</u> Two deviations are required for Texas Roadhouse

- Front elevation sign is over sized by 171 square feet based on the distance of 120 feet from the centerline of the I-96 off-ramp. A maximum of 60 square feet is permitted;
- Rear elevation sign is over sized by 94.5 square feet based on 273 feet from the centerline of Adell Center Drive; A maximum of 136.5 square feet is permitted;

Three deviations are required for Planer Fitness are requested

- A maximum of one wall sign is allowed; a deviation is requested to allow for an additional wall sign.
- Front elevation sign is over sized by 152.4 square feet based on the distance from the Adell Drive. A maximum of 86 square feet is permitted;
- Side elevation sign id oversized by 105.8 square feet based on the distance from Adell Drive. A maximum of 86 square feet is permitted;

It is unclear whether signage deviations (City Code) are appropriate as part of the PRO process (Zoning Ordinance). Supporting reasoning for Unit 7 is provided. Information for Unit 2 is not provided at this time.

Some of the deviations listed above may or may not be required, such as sight distance and bike parking. The applicant is asked to provide clarification whether it is their intent to meet the Ordinance requirements at the time of Preliminary site plan submittal or whether any of those deviations are requested at this time. If any deviations are requested at this time, the applicant is asked to submit additional information for review. **Staff** <u>does not support</u> deviations without reasonable justification provided.

APPLICANT'S BURDEN UNDER PRO ORDINANCE/ PUBLIC INTEREST/ BENEFITS TO PUBLIC UNDER PRO ORDINANCE

The Planned Rezoning Overlay ordinance (PRO) requires the applicant to demonstrate that certain requirements and standards are met. The applicant should be prepared to discuss these items, especially in number 1 below, where the ordinance suggests that <u>the enhancement under the PRO</u> request would be unlikely to be achieved or would not be assured without utilizing the Planned <u>Rezoning Overlay</u>. Section 7.13.2.D.ii states the following:

- 1. (Sec. 7.13.2.D.ii.a) Approval of the application shall accomplish, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.
- 2. (Sec. 7.13.2.D.ii.b) Sufficient conditions shall be included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Planned Rezoning Overlay; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

Section 7.13.2.D.ii states that the City Council must determine that the proposed PRO rezoning would be in the public interest and the benefits to public of the proposed PRO rezoning would clearly outweigh the detriments. <u>The applicant has not provided any additional information with the current request.</u>

SUMMARY OF OTHER REVIEWS

1. <u>Engineering Review:</u> A majority of review is being completed with Roads and Utilities site plan and individual site plans. It meets the general requirements on Chapter 11, Storm water

Planning Review: Revised Concept Plan (1st Revision)

management ordinance or Engineering design manual. Engineering recommends approval.

- 2. <u>Landscape Review</u>: Landscape review has identified deviations that may be required. Staff supports only a few. Refer to review letter for more comments. Landscape is **recommending** approval. A copy of the previous review is also attached as some of the comments still apply.
- 3. <u>Wetland & Woodland Review:</u> No changes to previously approved plans are proposed with the amendment. Wetlands and Woodlands did not review the current submittal.
- 4. <u>Traffic Review:</u> Traffic requested additional information to verify conformance. Traffic is currently recommending approval.
- 5. <u>Facade Review:</u> There appear to be significant deviations on the proposed elevations for Unit 7: Texas Roadhouse. Refer to façade review for additional information requested
- 6. <u>Fire Review :</u> Fire recommends approval

NEXT STEP: CITY COUNCIL MEETING

The plan is tentatively scheduled for City Council meeting on May 6, 2019. Please provide the following by <u>April 29, 2019</u>.

- 1. Entire Concept Plan submittal in PDF format. Please note this set will be included as an attachment to the PRO agreement.
 - a. Revised submittal dated 03-29-19
 - b. Original submittal dated 01-03-19 with the following replacements
 - i. ALTA/SURVEY as noted in this letter
 - ii. PRO Overall Plan, North and South dated 03-04-19 (attached to this letter for reference)
- 2. A response letter addressing ALL the comments from ALL the review letters and primarily **a** request for waivers as you see fit based on the reviews.
- 3. A color rendering of the Site Plan, if any to be used for presentation purposes.

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

Sri Ravali Komaragiri – Planner

03-13-19 PLANNING COMMISSION MEETING ACTION SUMMARY

In the matter of the request of Orville Properties, LLC, for the Adell Center JZ18-24 with Zoning Map Amendment 18.724, motion to recommend approval to the City Council for an amendment to previously approved Planned Rezoning Overlay (PRO) plan, based on following conditions:

- 1. This approval is subject to all conditions listed in the original PRO agreement dated October 26, 2018, unless otherwise amended with this approval;
- 2. The current amendment is required as changes are proposed to the approved layout for Unit 6 and 7, minor changes to common landscape areas, building signage and location of accessory units.
- 3. The recommendation includes the following ordinance deviations with this revision for consideration by the City Council:
 - a. Planning deviation from Section 5.12 for not meeting the minimum required parking Unit 7 (A minimum of 196 spaces are required, a total of 166 spaces are proposed);
 - b. Planning deviation from Section 4.19.2 to allow a dumpster enclosure within the interior side yard off the building for Unit 7;
 - c. Planning deviation from Section 5.4.1 to allow the loading area within the interior side yard for Unit 6 and 7;
 - d. Planning deviation from Section 5.4.2. to allow for a reduction in the size of the proposed Loading Area for Unit 7 (847 square feet minimum required, 786 square feet proposed);
 - e. Façade deviation from Section 5.15 to allow exceeding the maximum allowable percentages for standing seam metal for the building on Unit 7 (A maximum of 25% standing seam metal roof is allowed, 35% on East elevation and 29% on west elevation is proposed);
 - f. Landscape deviation from section. 5.5.3 for lack of undulations in the landscape berm with a 3' height along I-96 frontage.
 - g. Planning deviation to allow placement of transformers in alternate locations instead of required rear yard, provided proposed locations conform to other code requirements and appropriate screening will be provided at the time of Preliminary Site Plan review. This is applicable for Units 1, 2, 3, 6 and 7.
 - h. Planning deviation from Section 3.1.25.D to allow reduction of minimum required exterior side parking setback of 20 feet for Unit 6 (A minimum of 20 feet is required, a minimum of 13 feet along the northeast property boundary indentation is proposed for approximately 50 feet as shown on the plans;
 - i. The following deviations from Chapter 28, Signs, from City Code of Ordinances for the two wall signs and the window sign proposed for Unit 7 Texas Roadhouse as listed below (Not recommended by staff since the applicant has not demonstrated that the provisions sought to be deviated from would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest and would be consistent with the Master Plan and the surrounding area);
 - **a.** A variance of from code Section 28-7(a)(9) would be required for an oversized illuminated window sign 14.6 square feet over allowable size (3.5 square feet) for illuminated window sign
 - **b.** A variance from code Section 28-5(b)(1)b. would be required for front and rear building wall signs as noted below:
 - i. Front elevation sign is over sized by 171 square feet based on the distance of 120 feet from the centerline of the I-96 off-ramp. A maximum of 60 square feet is permitted;
 - ii. Rear elevation sign is over sized by 94.5 square feet based on 273 feet from the centerline of Adell Center Drive; A maximum of 136.5 square feet is permitted;

The following items shall be addressed in the PRO Concept Plan prior to City Council consideration of Planned Rezoning Concept Plan, and/or items listed above based on Planning Commission's determination:

- 7. The applicant shall provide a formal revised submittal to provide sufficient time for staff and consultants to review the revised layout for Unit 6 dated 03-07-19, as submitted with the response letter dated 03-07-2019. Additional comments may be warranted since Unit 6 has been reduced in size from the approved PRO Plan and detailed information was not provided in time for a complete review by staff);
- 8. The applicant shall provide necessary information to identify the necessary deviations from Chapter 28, Signs from City Code of Ordinances for Unit 2 –Planet Fitness prior to the City Council's consideration for tentative approval of PRO Concept plan;
- 9. The applicant shall provide an overall lighting and photometric plan for the entire development for staff to verify overall light levels. The plan shall include, but not limited to, the following:
 - a. Location of light fixtures within individual parking lots and along Adell Drive
 - b. Specification sheets
 - c. Height of the fixtures
 - d. Foot candle values along lot lines
 - e. Average to minimum ratio per each unit
- 10. The applicant shall provide revised building elevations for unit 7, Texas Roadhouse that address the following:
 - a. The applicant shall reduce the proposed Split Faced CMU on the north (I-96 Exposure) façade that are not to exceed 10% of the façade materials on that elevation by substituting brick or stone on the dumpster enclosure portion of the building façade, as noted in the façade review letter;
 - b. The applicant shall screen all roof top equipment from view from all vantage points both on-site and off-site using extended parapets or roof screens constructed of materials in compliance with the Façade Ordinance
- 11. In lieu of a continuous decorative brick wall along the Adell Drive Frontage, as noted in the approved PRO Agreement; he applicant shall provide a combination of decorative brick wall and decorative railing as shown in the revised plans This is proposed to create interesting aesthetic along Adell Drive and is supported by staff;
- 12. The applicant is encouraged to address the sign deviations required and provide information showing how each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and would be consistent with the Master Plan and the surrounding area;

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be made part of the PRO Agreement:

- 1. Future use for Unit 6 shall be updated to "Restaurant" in order to be consistent with the approved PRO Agreement, since information has not been provided with this submittal to address any proposed change in use.
- 2. Unit 6 shall have only one primary access off of Adell Drive, which is currently shown as shared with Unit 7 on the plan.
- 3. Unit 6 is currently approved as a restaurant. Minimum parking requirement for Unit 6 is calculated based on gross leasable area since the end user is unknown. The applicant shall note that the number of seats for future restaurant shall be dependent on the available parking.

This motion is made because the proposed amendment is proposing chances that are consistent with the intent of the original PRO plan and Agreement with additional modification as noted.



PLANNING REVIEW CHART: TC - Town Center District

Review Date:April 24, 2019Review Type:PRO Concept plan-1st Amendment, First ReProject Name:18-24 ADELL PRO (First Amendment): 1st Revised SubmittalPlan Date:March 29, 2019Prepared by:Sri Ravali Komaragiri, Planner
E-mail: skomaragiri@cityofnovi.orgPhone: 248.735.5607

- **Bold**: Items that need to be addressed by the applicant with next submittal
- Bold and Underline: Does not conform to the code. If not revised, a deviation would be required
- Italics: Notes to be noted

Item	Required Code	Proposed	Meets Code	Comments
Zoning and Use Requi	rements			
Master Plan (adopted July 26, 2017)	Office Research Development Technology	Restaurants, recreational facilities, hotels, off-street parking and a unlisted use	Yes	Outdoor seating is not proposed
Town Center Area Study	This site is in close proximity to study area boundary for Town Center Area study adopted in 2014	TC with a PRO	Yes	
Zoning (Effective Dec. 25, 2013)	EXPO	TC: Town Center with a PRO	Yes	The subject property is part of a Planned Rezoning Overlay request for Adell Center Development, which was approved by City Council at their October 22, 2018 meeting. An amendment to PRO agreement is required prior to approval of this plan due to items that does not conform the code or the agreement.
Density Future Land Use Map(adopted July 26, 2017)	Not Applicable	Residential development not proposed	NA	
Phasing	Show proposed phasing lines on site plan. Describe scope of work for each phase. Each phase should be able to stand on its own with regards to utilities	Phasing is not proposed.	NA?	

Item	Required Code	Proposed	Meets Code	Comments
	and parking			
Proposed Uses				
		Unit 1: I-Fly Indoor Commercial Recreation Facilities	Yes	Permitted Use
Sec. 3.1.25.C. – Specia Sec. 4.87 Unlisted Use	al Land Uses Permitted.	Unit 2: Planet Fitness Indoor Commercial Recreation Facilities	Yes	Permitted Use
Where a proposed use building is not contem Ordinance, or where t	e of land or use of a nplated or specified by this the Planning Division has a	Unit 3: Fairfield Inn & Suites Hotels	Yes	Permitted Use
involves other feature contemplated or spec	cified by this Ordinance,	Unit 4: Off-street Parking Lot and Open Space	Yes	Use on Unit 4 is regulated by the conditions of the PRO agreement
the Planning Division shall request a determination from the City Council, after review and recommendation from the Planning Commission, as to what district or districts, if any, in which the proposed use may be appropriate as a special land use. In acting upon the request, the City Council shall take into consideration the spirit, purpose and intent of the Ordinance and the Master Plan for Land Use. If the City Council determines that:		Future building of up to 7,000 sq. ft.		agreement
		Unit 5: Hotels Home2Suites	Yes	The end user changed from Drury Inn to Home2Suites
		Unit 6: Undefined	No?	All previous discussions and a revised PDF dated 03-07- 2019 refers to Unit 6 as a Restaurant. It is not defined in the current revised submittal. Please clarify
 Such use does not a authorized in the zonir principal permitted us 	appear to be expressly ng ordinance as a se or a principal use	Unit 7: Texas Roadhouse Sit-down restaurant, no outdoor seating	Yes	Permitted Use if a sit-down restaurant. More information is requested.
permitted subject to s 2. Such use does not a contemplated by this permitted use or a prin	appear to have been Ordinance as a principal	Unit 8: Carvana Unlisted Use	Yes	Council approved the unlisted use on October 224, 2018
subject to special conditions, or 3. Such use involves features which do not appear to have been contemplated by the zoning ordinance as features of a principal permitted use or a principal permitted use subject to special conditions, the City Council shall specify what district or districts, if any, in which the proposed use may be appropriate as a special land use.		Unit 9: Water Tower	Yes	Use on Unit 4 is regulated by the conditions of the PRO agreement
as a special land use i	ay file an application 2 for approval of the use in a district in which the rmined the use may be			

Item	Required Code	Proposed	Meets Code	Comments
Height, bulk, density a	nd area limitations			
Frontage on a Public Street (Sec. 5.12) (Sec. 6.3.2.A	Frontage upon a public street is required	Frontage and access from the proposed private drive.	No	This deviation is approved as part of the Adell Center PRO request
Access To Major Thoroughfare (Sec. 5.13)	Access to major thoroughfare is required, unless the property directly across the street between the driveway and major thoroughfare is either multi-family or non-residential	Master site has access to Crescent Boulevard, individual parcels have access to internal private drive; No single family residential zoning in the vicinity	NA	This deviation is approved as part of the Adell Center PRO request
Open Space Area (Sec. 3.27.1.F)	15% (permanently landscaped open areas and pedestrian plazas).	Required open space is provided at a central location within Adell Center development. A small pocket park is proposed as agreed to allow for pedestrian crossing across Adell Center	Yes	Open space is subject to conditions listed in the PRO agreement
Maximum % of Lot Area Covered (By All Buildings) (Sec. 3.6.2 D)	No Maximum	Total site area: unknown Pervious Area: unknown Impervious Area: unknown Building foot print 8,127 SF	Yes?	Provide the missing information
Building Height (Sec.3.1.26.D)	5 stories or 65 ft, whichever is less	Unit 1:70 ft (I-fly)	No	This deviation is approved as part of the Adell Center PRO request
	Provisions for additional height only applies for TC-1, not TC district	Unit 2: 40 ft. to 50 ft. (2 stories)	Yes	This deviation is approved as part of the Adell Center PRO request
	Buildings in excess of 55' may need to conform to	Unit 3: 63 ft. (Fairfield)	No	This deviation is approved as part of the Adell Center PRO request
	the 2015 International Building Code standards for High-Rise (Type I or	Unit 4: Off-street parking/Open Space	NA	
	Type II) construction.	Unit 5: 84'-5:, 7 stories	Yes?	This deviation is approved as part of the Adell Center PRO request. However, the deviation was approved specifically for Drury Inn & Suites. Deviation will not

Item	Required Code	Proposed	Meets Code	Comments
				apply to other users.
		Unit 6: Unknown	Yes	Since information is not specified, it is expected to comply
		Unit 7: 20 ft30ft. (1 story)	Yes	
		Unit 8: 75'-10" and 8 tiers (Carvana)	No	This deviation is approved as part of the Adell Center PRO request
		Unit 9:120 ft. Existing tower (Non-conforming existing structure)	NA	

6.3 SITE CONDOMINIUMS

The applicant proposes to complete improvements for roads and utilities, Unit 1 and Unit 4, public trails along middle rouge river and develop a site condominium in one phase as indicated on the PRO concept plan. Each individual user is responsible for site plan review and approvals and construction of each unit at respective schedules. There is no tentative timeline indicated for completion of all the units.

Please refer to Section 6.3 Site Condominiums and Section 6.1.E. for requirements for Roads and Utilities plan.

Lot Depth to Width Ratio	A depth-to-width ratio of 3 to 1 shall normally be considered a maximum.	All units meet the requirement	Yes	
Frontage on street Sec 4.02.B.1	Every lot shall front or abut on a street	All units front a private street except for Unit 9	No	This deviation is approved as part of the Adell Center PRO request
Side lot lines Sec 4.02.B.2	Side lot lines shall be at right angles or radial to the street lines, or as nearly as possible thereto	Units 1, and 9 do not meet the code	Yes	This deviation is approved as part of the Adell Center PRO request A deviation was approved for lot line for Unit 7. However, new lot lines conform to the code.
Floodplains in the lots Sec. 4.03.A	Lots cannot be created within floodplain that increase danger to health, life or property	Units 3, 4 and have flood plain in part of their rear yards	No	This deviation is approved as part of the Adell Center PRO request
Streets Sec. 4.04. A.1.b	Stub street required at every 1,300 feet along property boundary unless the extension is impractical	None proposed.	No?	This deviation is approved as part of the Adell Center PRO request
Secondary Access Sec. 4.04.A. 1.h	A secondary access is required	One is provided for entire development from Unit 9 to parking lot	Yes	

Item	Required Code	Proposed	Meets Code	Comments
		to the west.		
PRO Concept Plan Sub	mittal: Additional requirem	nents		
Written Statement (Site Development Manual)	Potential development under the proposed zoning and current zoning	The applicant has addressed this item in the narrative at the time of original submittal	Yes	
The statement should describe the items listed to the right	Identified benefit(s) of the development	Public benefits are not proposed at this time.	No?	
	Conditions proposed for inclusion in the PRO Agreement (i.e., Zoning Ordinance deviations, limitation on total units, etc.)	List of deviations are included in the narrative	No?	List of deviations is not comprehensive. The applicant is asked to consider the additional conditions as suggested in the Planning review letter.
Sign Location Plan (Page 23,SDM)	Installed within 15 days prior to public hearing Located along all road frontages	One is not required at this time	No	No change to approved rezoning category is proposed at this time
Traffic Impact Study (Site development manual)	A Traffic Impact Study as required by the City of Novi Site Plan and Development Manual.	The site falls under the study boundaries for Comprehensive Traffic study which is ongoing	Yes?	Refer to Traffic review letter for more comments.
Community Impact Statement (CIS) (Sec. 2.2)	 Over 30 acres for permitted non- residential projects Over 10 acres in size for a special land use All residential projects with more than 150 units A mixed-use development, staff shall determine 	It appears to be a mixed-use development, based on the number of different uses. A CIS is provided at the time of original submittal	Yes?	One is not required at this time
Building Setbacks (Sec	: 3.1.26 D) and (Sec. 3.27.1	.C)	1	

ltem	Required Code	Proposed	Meets Code	Comments
Front (South along Adell Drive)	50 feet minimum from all lot lines for exterior lot 15 feet minimum for front side, for interior lot lines 15 feet between separate buildings on same side	All units conform to the code	Yes	
Exterior Side Yard(along I-96)	Has frontage on I-96. A minimum of 50 ft. is required. Unit 1: 32.5 ft. minimum per PRO agreement	All units conform to the code;	Yes	
Side Yard (east) Side yard (west)	50 feet exterior 15 feet interior Exterior: lot lines located abutting non-TC district lots. Interior: lot lines abutting TC district lots.	All units conform to the code	Yes	
Parking Setback (Sec	c 3.1.25.D)	I	I	I
Front Parking Setback	18 ft. from access easement for private roads as per the Adell Center PRO Agreement	18 feet	Yes	Parking setback line should be from access easement, not the sidewalk.
Exterior Side Yard Parking Setback	20 ft. unless otherwise noted below	Appear to conform with the ordinance or the PRO agreement Unit 6 has 15 feet for a small stretch as shown on the plans.	Yes?	This deviation is approved as part of the Adell Center PRO request
Side Yard Parking Setback	20 ft. unless otherwise noted below	Appear to conform with the ordinance or the PRO agreement	Yes?	
Rear Yard Parking Setback	10 ft. from side lot line unless otherwise noted below	Appear to conform with the ordinance or the PRO agreement	Yes?	

Item	Required Code	Proposed	Meets Code	Comments
Planning deviation from minimum required interior side parking setback of 20 ft. as required by section 3.1.25.D for the following units (because shared access is proposed between parking lots), with the following setbacks allowed as shown in the PRO Plan: i. Unit 1: minimum14 ft. along West, 0 ft. along South ii. Unit 2: minimum 15 ft. along South iii. Unit 3: minimum 15 ft. along West and 5 ft. along South iv. Unit 4: minimum 5 ft. along East v. Unit 5: minimum 10 ft. along West vi. Unit 6: minimum 0 ft. along West vii. Unit 7: minimum 0 ft. along East viii. Unit 8: minimum 10 ft. along East				
Note To District Standa Exterior Side Yard Abutting a Street (Sec 3.6.2.C)	rds (Sec 3.6.2) All exterior side yards abutting a street shall be provided with a setback equal to front yard.	Not applicable	NA	
Minimum lot area and width (Sec 3.6.2.D)	Except where otherwise provided in this ordinance, the minimum lot area and width, maximum percentage of lot coverage shall be determined by the requirements set forth.	Lot area and dimension are consistent with the Site Condominium and PRO for Adell Center	Yes	
Yard setbacks (Sec 3.6.2.H&L)	If site abuts a residential zone, buildings must be set back at least 3' for each 1' of building height, but in no case can be less than 20' setback	Does not abut residential zoning	NA	
Wetland/Watercourse Setback (Sec 3.6.2.M)	A setback of 25 ft. from wetlands and from high watermark course shall be maintained	No additional impacts to wetlands and woodlands are proposed	NA	
Parking setback screening (Sec 3.6.2.P)	Required parking setback area shall be landscaped per sec 5.5.3.	Landscape plan is included		Refer to Landscape review for more details.
Modification of parking setback requirements (Sec 3.6.2.Q)	The Planning Commission may modify parking setback requirements based on its determination according to Sec 3.6.2.Q.	Parking setbacks are regulated by PRO agreement	No	Refer to parking setback comments

Item	Required Code	Proposed	Meets Code	Comments
TC District Required Co	onditions (Sec 3.27)			
Site Plans (Sec. 3.27.1.A.)	Site area under 5 acres: Requires Planning Commission approval; Site area over 5 acres: Requires City Council approval upon Planning Commission recommendation	The subject parcel is less than 5 acres	Yes	Site plan approval for individual lots less than require Planning Commission approval
Parking Setbacks and Screening (3.27.1 D)	20 ft. from ROW (access easement for private roads)	A setback for 18 feet is being considered as part of the PRO request	Yes	
	Surface parking areas must be screened by either a 2.5 ft. brick wall, semitransparent screening or a landscaped berm from all public ROW (access easement for private roads)	A combination of brick wall and a semi- transparent screening is provided on both side of proposed Adell drive	Yes	<u>Staff can support the</u> <u>deviation if the applicant</u> <u>choses to keep the</u> <u>combination</u>
	For TC-1, No front yard or side yard parking on any non-residential collector.	Not applicable	NA	
Architecture/Pedestri an Orientation (3.27.1 E)	No building in the TC-1 district shall be in excess of one-hundred twenty- five (125) feet in width, unless pedestrian entranceways are provided at least every one-hundred twenty- five (125) feet of frontage.	Not applicable	NA	
Façade materials (Sec. 3.27.1 G)	All sides of the building and accessory buildings must have the same materials. Façade materials may deviate from brick or stone with PC approval.	Proposed elevations for Unit 7 do not conform to Façade Ordinance Unit 6 elevations are not provided at this time	No	Refer to façade review for more details.
Parking, Loading, Signs, Landscaping, Lighting, Etc.	All loading shall be in rear yards.	A loading zone is provided, but does not meet the requirements	No	Refer to Planning review letter for more details
(Sec. 3.27.1 H)	Off-street parking counts can be reduced by the number of on-street	On-street parking is not proposed	NA	

Item	Required Code	Proposed	Meets Code	Comments
	parking adjacent to a use			
	PC may allow parking requirement reduction when parking areas serve dual functions.	Proposed parking appears to be short of 17 spaces for Unit 7	No	Up to 5 percent reduction is allowed per PRO agreement, subject to supporting documentation and Planning Commission approval
	Special assessment district for structured park	Not proposed	NA	
Sidewalks required (Sec. 3.27.1 l)	For TC-1 only, Sidewalks required along non- residential collector to be 12.5 ft. wide.	Not Applicable	NA	
	Direct pedestrian access between all buildings and adjacent areas	A pedestrian connection from building to sidewalks along Adell Drive is provided	Yes	
Bicycle Paths (Sec. 3.27.1 J)	Bike paths required to connect to adjacent residential & non- residential areas.	Not required	NA	
Development amenities (Sec. 3.27.1 L)	All sites must incorporate amenities such as exterior lighting, outdoor furniture, and safety paths in accordance with Town Center Study Area.	Amenities are provided as part of the Site Condominium project for Adell Center	Yes	
Combination of use groups within a single structure (Sec. 3.27.1 M) (Sec.3.27.2.B)	- Additional regulations per Sec. 3.27.1.M and 3.27.2.B apply if combination of uses proposed in same building	Each building stands on its own with a single use	NA	
Street and Roadway Rights-Of-Way (Sec. 3.27.1 N)	Nonresidential collector and local streets shall provide ROWs consistent with DCS standards	Roadway width: 36 feet Access Easement: 70 feet	Yes	
	Roadway width: 36 feet ROW/Access Easement: 70 feet			
Parking, Handicap Par	king and Bike Requiremen	ts		

Item	Required Code	Proposed	Meets Code	Comments
	no changes to parking co ers to parking calculations		other th	an Unit 7.
Required Parking Calculation (Sec. 5.2.12) (Sec. 4.82.2)	Unit 6: Retail: 1 space per 200 Sf = 12 spaces Restaurant: 1 per 70 GLA 34 spaces max (Gross leasable unknown, used gross square footage at this time)	35 spaces are proposed	Yes?	Previous discussions refer to restaurant use, current plans refer to calculations for retail. The applicant should clarify the use. The owner should contact Planning to confirm the final parking counts once a final user is determined
	1 per 70 GLA or 1 per 2 employees + 1 per 2 customer max capacity including waiting areas 196 spaces required	164 spaces	No?	<u>This deviation is subject to</u> <u>City Council approval</u>
Barrier Free Spaces Barrier Free Code *No deviations since this is a Michigan Building Code requirement	Six spaces are required for 151-200 regular spaces	Unit 6 and 7 conform to the code	Yes?	
Minimum number of Bicycle Parking (Sec. 5.16.1)	Unit 6: 5% of 35 spaces – 2 spaces Unit 7: 5% of 196 = 10 Spaces	Unit 6: 2 spaces proposed Unit 7: 8 spaces proposed	No?	Add two additional bike racks for Texas Roadhouse
Parking Lot Design Rec	quirements (Sec. 5.3.2.)		<u> </u>	
Parking Space Dimensions and Maneuvering Lanes (Sec. 5.3.2)	 90° Parking: 9 ft. x 19 ft. 24 ft. two way drives 9 ft. x 17 ft. parking spaces allowed as long as detail indicates a 4" curb at these locations 60° 9 ft. x 18 ft. 	All appear to be 9 ft. x 19 ft. - 9 ft. x 17 ft. parking spaces allowed as long as detail indicates a 4" curb at these locations	Yes	
Parking lot entrance offset (Sec. 5.3.6)	Parking lot entrances must be set back 25' from any single-family residential district.	Subject property does not abut single-family residential district.	NA	

Item	Required Code	Proposed	Meets Code	Comments
End Islands (Sec. 5.3.12)	 End Islands with landscaping and raised curbs are required at the end of all parking bays that abut traffic circulation aisles. The end islands shall generally be at least 8 ft. wide, have an outside radius of 15 ft., and be constructed 3 ft. shorter than the adjacent parking stall 	Requires additional dimensions	No?	Refer to Traffic Comments
Parking stall located adjacent to a parking lot entrance (public or private) (Sec. 5.3.13)	 Shall not be located closer than twenty-five (25) feet from the street right-of-way (ROW) line, street easement or sidewalk, whichever is closer 	Not applicable	NA	
Barrier Free Space Dimensions Barrier Free Code	 - 8' wide with an 8' wide access aisle for van accessible spaces - 8' wide with a 5' wide access aisle for regular accessible spaces 	Two van accessible and four car spaces are proposed	Yes	
Barrier Free Signs Barrier Free Code	One sign for each accessible parking space.	Signs indicated	Yes	Refer to traffic review for more details
Bicycle Parking General requirements (Sec. 5.16)	 No farther than 120 ft. from the entrance being served When 4 or more spaces are required for a building with multiple entrances, the spaces shall be provided in multiple locations Spaces to be paved and the bike rack shall be inverted "U" design Shall be accessible via 6 ft. paved sidewalk 	Appears to be farther than 120 ft. Spaces are divided in two locations based on applicants response letter Dimension the width of the sidewalk to verify conformance Inverted U racks	No	
Bicycle Parking Lot layout (Sec 5.16.6)	Parking space width: 6 ft. One tier width: 10 ft.	Not indicated	No	Please provide the required layout

Item	Required Code	Proposed	Meets Code	Comments
	Two tier width: 16 ft. Maneuvering lane width: 4 ft. Parking space depth: 2 ft. single, 2 ½ ft. double			
Loading Space (Sec. 5.4.2.)	Loading area required for all uses in Town Center	Unit 7: A loading zone is provided, but does not meet the requirements	No	Refer to Traffic review for more details.
Loading Space location (Sec. 5.4.2)	 rear yard only for TC districts Exterior side yard per Adell PRO agreement 	Unit 6: Partly located in interior side yard and partly in exterior side yard Unit 7: Partly located in interior side yard and partly in front yard Meets parking setbacks	No	Loading area in exterior side yard per Adell PRO agreement <u>This deviation is subject to</u> <u>City Council approval of First</u> <u>amendment to PRO</u> <u>Agreement</u>
Loading Space Area (Sec. 5.4.2) In the ratio of 10 sq. ft. per front foot of building.	Unit 6: 57 feet = 570 square feet Unit 7: For 84 feet, 840 square feet of loading area is required	Unit 6: 608 square feet Unit 7: Response letter dated 03-05-19 notes that the area is increased to 786 square feet	Yes	Current plan indicating the right loading area calculations should be included in the final packet
Loading Space Screening (Sec. 5.4.2 B)	Loading area must be screened from view from adjoining properties and from the street.	It appears to be screened	Yes?	
Dumpster Sec 4.19.2.F	 Located in rear yard Attached to the building or no closer than 10 ft. from building if not attached Not located in parking setback Rear lot abuts ROW, 50 ft. setback required. Away from Barrier free Spaces 	Unit 6: attached to the building Unit 7: exterior side yard	No	Dumpster locations are subject to conditions listed in the PRO agreement. <u>This deviation is subject to</u> <u>City Council approval of First</u> <u>amendment to PRO</u> <u>Agreement</u>

Item	Required Code	Proposed	Meets Code	Comments
Dumpster Enclosure Sec. 21-145. (c) Chapter 21 of City Code of Ordinances	 Screened from public view A wall or fence 1 ft. higher than height of refuse bin And no less than 5 ft. on three sides Posts or bumpers to protect the screening Hard surface pad. Screening Materials: Masonry, wood or evergreen shrubbery 	Unit 6: unable to determine Unit 7: attached to building	No?	Unit 6 incorrectly refers to dumpster enclosure on sheet 9.
Accessory Structures Sec. 4.19	- Accessory structures, except where otherwise permitted and regulated in this Ordinance, shall be located in the rear yard and shall meet the setback requirements of an accessory building.	Not able to determine	Yes?	Please indicate if and where accessory structures such as but not limited to transformer, flagpoles etc. are proposed.
Lighting and Photomet	tric Plan (Sec. 5.7)	ł		
 Planning devia along interior si that the averagistic 2. Planning devia increase of the listed in Sectior 	ge to minimum light level ration to allow exceeding th	o allow exceeding the ma I the applicant submits a p atio is kept the maximum a e maximum spillover of 1 fe t level ration from 4:1 withir	hotome allowab oot car n the Ac	etric plan that demonstrates le 4:1; ndle and approvable dell Drive pavement areas as
Intent (Sec. 5.7.1)	Establish appropriate minimum levels, prevent unnecessary glare, reduce spill-over onto adjacent properties & reduce unnecessary transmission of light into the night sky	An overall lighting and photometric plan is submitted	Yes	Please refer to Plan review letter for more details.
Lighting Plan (Sec. 5.7.2 A.i)	Site plan showing location of all existing & proposed buildings, landscaping, streets, drives, parking areas &			

Item	Required Code	Proposed	Meets Code	Comments
	exterior lighting fixtures			
Building Lighting (Sec. 5.7.2.A.iii)	Relevant building elevation drawings showing all fixtures, the portions of the walls to be illuminated, illuminance levels of walls and the aiming points of any remote fixtures.	Not applicable		It is being reviewed with individual site plans
Lighting Plan (Sec.5.7.2 A.ii)	Specifications for all proposed & existing lighting fixtures	Provided general information for the scope of current review	Yes	Details reviewed with individual site plans
	Photometric data			
	Fixture height			
	Mounting & design			
	Glare control devices			
	Type & color rendition of lamps			
	Hours of operation			
	Photometric plan illustrating all light sources that impact the subject site, including spill-over information from neighboring properties			
Required Conditions (Sec. 5.7.3.A)	Light pole height not to exceed maximum height of zoning district (65 ft. for TC)	20 to 25 feet pole height	Yes	
Required Conditions (Sec. 5.7.3.B&G)	 Electrical service to light fixtures shall be placed underground Flashing light shall not be permitted Only necessary lighting for security purposes & limited operations shall be permitted after a site's hours of operation 	Not applicable		It is being reviewed with individual site plans
Security Lighting (Sec. 5.7.3.H)	- All fixtures shall be located, shielded, and	Not applicable		It is being reviewed with individual site plans

Item	Required Code	Proposed	Meets Code	Comments
Lighting for security purposes shall be directed only onto the area to be secured.	aimed at the areas to be secured. - Fixtures mounted on the building and designed to illuminate the facade are preferred.			
Required Conditions (Sec.5.7.3.E)	Average light level of the surface being lit to the lowest light of the surface being lit shall not exceed 4:1	Light levels		
Required Conditions (Sec. 5.7.3.F)	Use of true color rendering lamps such as metal halide is preferred over high & low pressure sodium lamps	LED	Yes	
Min. Illumination (Sec.	Parking areas: 0.2 min	Appears to be in general conformance	Yes	Details reviewed with individual site plans
5.7.3.K)	Loading & unloading areas: 0.4 min			
	Walkways: 0.2 min			
	Building entrances, frequent use: 1.0 min			
	Building entrances, infrequent use: 0.2 min			
Max. Illumination adjacent to Non- Residential (Sec. 5.7.3.K)	When site abuts a non- residential district, maximum illumination at the property line shall not exceed 1 foot candle	Does not exceed 1 foot candle	Yes	
Cut off Angles (Sec. 5.7.3.L)	 When adjacent to residential districts: All cut off angles of fixtures must be 90° maximum illumination at the property line shall not exceed 0.5 foot candle 	Not adjacent to residential districts	NA	
Building Code and Oth	ner Requirements			
Roof top equipment and wall mounted utility equipment Sec. 4.19.2.E.ii	All roof top equipment must be screened and all wall mounted utility equipment must be enclosed and	Information not provided	No	Refer to Façade review for more information requested

Item	Required Code	Proposed	Meets Code	Comments
	integrated into the design and color of the building			
Building Code	Building exits must be connected to sidewalk system or parking lot.	Sidewalks shown on the plans	Yes	
Design and Construction Standards Manual	Land description, Sidwell number (metes and bounds for acreage parcel, lot number(s), Liber, and page for subdivisions).	Insufficient information	No	Provide the most current sidwell numbers. ALTA survey refers to parent parcel
General layout and dimension of proposed physical improvements	Location of all existing and proposed buildings, proposed building heights, building layouts, (floor area in square feet), location of proposed parking and parking layout, streets and drives, and indicate square footage of pavement area (indicate public or private).	Mostly provided. Additional information requested in this and other review letters	No	Provide additional information as requested in all reviews
Economic Impact	 Total cost of the proposed building & site improvements Number of anticipated jobs created (during construction & after building is occupied, if known) 	Not applicable	Yes	Required at the time of site plan review
Signage See link below <u>(Chapter 28, Code of</u> <u>Ordinances)</u>	 Signage if proposed requires a permit. <u>Signage is not</u> regulated by the <u>Planning Commission</u> or Planning Division. 	Additional deviations for Unit 2 and 7 are requested at this time	NA	Information not reviewed at this time. Refer to Sign permit review
Property Address	The applicant should contact the Building Division for an address prior to applying for a building permit.	One is not required at this time.	No	Submit address application after Final Site Plan approval.
Project and Street Naming Committee	Some projects may need approval from the Street and Project	Not applicable		

Item	Required Code	Proposed	Meets Code	Comments
	Naming Committee.			
Future Easements	- A 60 feet ROW with additional 10 feet access easement or 70 feet access easement is required for proposed Adell drive	A 70 feet access easement is provided Cross access/parking easements are required	No?	Any changes to off-site and on-site easements as shown on the approved Master Deed or the recorded easements shall be amended, as needed, and according to the current site layout, prior to final stamping set approval.

NOTES:

1. This table is a working summary chart and not intended to substitute for any Ordinance or City of Novi requirements or standards.

2. The section of the applicable ordinance or standard is indicated in parenthesis. Please refer to those sections in Article 3, 4, and 5 of the zoning ordinance for further details.

3. Please include a written response to any points requiring clarification or for any corresponding site plan modifications to the City of Novi Planning Department with future submittals.

SIGN PERMIT REVIEWS



March 6, 2019 SignPermit Review TEXAS ROADHOUSE Permit Number

APPLICANT: ALLIED SIGN SITE LOCATION: City of Novi parcel # 50-22-15-478-012

1. TYPE OF SIGN: WALL SIGN

Code requirement: 28-5 - Permanent signs permitted according to district Proposed: 2 wall signs – 1 facing each thoroughfare Staff Comments: <mark>2 wall signs are permitted at this location</mark>.

2. NUMBER OF SIGNS:

Code requirement: 28-5(d)(7) - 2 wall signs are permitted Proposed: 2 wall signs Staff Comments: 2 wall signs are permitted

3. SIGN LOCATION:

Code requirement: 28-5(d)(7) allowing 2 wall signs because the parcel is situated on two thoroughfares

Proposed: 1 wall sign facing the 196 expressway. 1 sign facing Adell Center Drive

Staff Comments:

4. SIGN AREA:

Code requirement: 1 sq. ft. of sign area is permitted for every 2 feet of setback from the centerline of the nearest adjacent thoroughfare.

Proposed: Front elevation sign size is 231 sq. ft.

Rear elevation sign size is 231 sq. ft.

Staff Comments: Front elevation sign is over sized by 171 sq. ft. feet based on 120 feet from centerline of 196 off ramp.

Rear elevation sign is over sized by 94.5 sq. ft. based on 273 feet front the centerline of Adell Center Drive

A variance from code section 28-5(b)(1)b. would be required for each oversized sign

5. OTHER:

Code requirement: Proposed: Staff Comments:

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



March 6, 2019 SignPermit Review TEXAS ROADHOUSE Permit Number

APPLICANT: ALLIED SIGN SITE LOCATION: City of Novi parcel # 50-22-15-478-012

1. TYPE OF SIGN: Window SIGN

Code requirement: 28-7 (Signs) Allowed in All Districts (a) no permit required Proposed: 1 illuminated window sign Staff Comments: illuminated window signs are allowed

2. NUMBER OF SIGNS:

Code requirement: Proposed: Staff Comments:

3. SIGN LOCATION: inside window glass – LEFT elevation

Code requirement: Proposed: Staff Comments:

4. SIGN AREA:

Code requirement: 28-7(a)(9) - illuminated window signs can measure up to 3-1/2 sq. ft. in area

Proposed: 18.1 sq. ft. illuminated window sign

Staff Comments: A variance of from code section 28-7(a)(9) would be required for an oversized illuminated window sign. 14.6 sq. ft. over allowable size for illuminated window sign

5. OTHER: Code requirement: Proposed: Staff Comments:

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

Maureen Underhill, Code Compliance Officer



March 27, 2019 SignPermit Review Planet Fitness

APPLICANT: ALLIED SIGN SITE LOCATION: City of Novi parcel # 50-22-15-478-002

1. TYPE OF SIGN: WALL SIGNS

Code requirement: 28-5 (a)

Proposed: 2 wall signs. One east elevation and one north elevation Staff Comments: 1 wall sign is permitted for a single tenant business

2. NUMBER OF SIGNS:

Code requirement: One (1) wall sign is permitted for a single tenant building

Proposed: Two (2) signs

Staff Comments: A variance from 28-5(a) would be required for a second wall sign Note: The building does not directly abut the 196 freeway

3. SIGN LOCATION: One east elevation and one north elevation

Code requirement: Proposed: Staff Comments:

4. SIGN AREA:

<u>Code requirement</u>: 28-5 (b)(1)b. <u>Sign area regulations</u> Allows one sq. foot of sign area for each 2 feet of setback from the centerline of the nearest adjacent thoroughfare

<u>Proposed</u>: A 238.4 sq. ft. sign is proposed over the main entrance (east elevation) facing Adell Center Drive based on 172 feet from centerline of Adell Center Drive A 191.8 sq. ft. sign is proposed on the north elevation.

Staff Comments: A variance of 152.4 feet would be required to allow a 238.4 sq. ff. sign

In addition to a variance for a second wall sign, and based on 172 feet of setback from the centerline of Adell Center Drive, <mark>a variance of 105.8 sq. ft. would be required to allow a 191.8 sq. ft. sign</mark>

<u>Note</u>: The applicant provided the distance of the 191 sq. ft. wall sign as 172 feet from the centerline of Adell Drive but did not draw the distance on the plan submitted. The plan included the distance from the 196 off ramp but as indicated above, the building does not directly abut the freeway.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5602 or <u>munderhill@cityofnovi.org</u>.

Maureen Underhill, Code Compliance Officer

ENGINEERING REVIEW



April 25, 2019

Engineering Review

Adell Center PRO JZ18-0024

<u>Applicant</u>

Orville Properties, LLC

<u>Review Type</u>

PRO Revised Concept Plan

Property Characteristics

- Site Location: South of I-96, West of Novi Road
- Site Size: 22.48 acres
- Plan Date: 03/29/2019
- Design Engineer: GreenTech Engineering, Inc.

Project Summary (Unit 6)

- Construction of an approximately 2,375 square-foot restaurant and associated parking. Site access would be provided via Adell Center Drive.
- Water service would be provided by a 6-inch extension from the existing 8-inch water main along the north side of Adell Center Drive. A 2-inch domestic lead and an 8-inch fire lead would be provided to serve the building, along with an additional hydrant.
- Sanitary sewer service would be provided by a 6-inch lead from the existing 8-inch sanitary sewer on the south side of Adell Center Drive.
- Storm water would be collected by a single storm sewer collection system and discharged to an underground detention basin proposed by the overall development.

Recommendation

The Concept Site Plan and Concept Storm Water Management Plan are recommended for approval with items to be addressed at the time of Preliminary Site Plan submittal.

Comments:

- 1. The Adell Center PRO Revised Concept Plan shall match what is shown on the stamped Adell Center Roads and Utilities plan.
- 2. The construction of the pedestrian bridge is subject to the Pedestrian Bridge Agreement.
- 3. All offsite easements are currently in place.

Additional Comments:

The Concept Site Plan meets the general requirements of Chapter 11 of the Code of Ordinances, the Storm Water Management Ordinance and the Engineering Design Manual with the following exceptions, which can be addressed at time of the Preliminary Site Plan submittal:

<u>General</u>

- 1. A full engineering review was not performed due to the submittal of a concept plan. Comments shall be addressed during the Preliminary Site Plan submittal. The site plan shall be designed in accordance with the Design and Construction Standard (Chapter 11).
- 2. Provide a minimum of two ties to established section or quarter section corners.
- 3. Provide a note on the plans that all work shall conform to the current City of Novi standards and specifications.
- 4. The Non-domestic User Survey form shall be submitted to the City so it can be forwarded to Oakland County.
- 5. Address the conflicting number of 4-foot catch basins on the construction materials table on sheet 7 and the storm sewer profiles on sheet 8.
- 6. If applicable, provide a utility crossing table indicating that at least 18-inch vertical clearance will be provided, or that additional bedding measures will be utilized at points of conflict where adequate clearance cannot be maintained.
- 7. Indicate the typical foundation depth for the light poles to verify that no conflicts with utilities will occur. Light poles in a utility easement will require a License Agreement. Identify the easement that the northern light pole encroaches on.
- 8. The City standard detail sheets are not required for the revised Final Site Plan submittal. They will be required with the Stamping Set submittal. They can be found on the City website (www.cityofnovi.org/DesignManual).

<u>Water Main</u>

9. At the time of Preliminary Site Plan submittal it will be determined if a MDEGLE water main permit is necessary. If it is required, three (3) sealed sets of revised utility plans along with the MDEGLE permit application (06/12 rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Division for review, assuming no further

design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

Sanitary Sewer

- 10. Provide a sanitary sewer monitoring manhole, unique to this site, within a dedicated access easement or within the road right-of-way. If not in the right-of-way, provide a 20-foot wide access easement to the monitoring manhole from the right-of-way (rather than a public sanitary sewer easement).
- 11. Provide a sanitary sewer basis of design for the development on the utility plan sheet.
- 12. Provide a note on the Utility Plan stating the sanitary leads will be buried at least 5 feet deep where under the influence of pavement.

<u>Storm Sewer</u>

- 13. Review storm sewer calculations on sheet 7 for any errors in the equivalent area column and subsequent errors in related calculations.
- 14. Provide a four-foot deep sump in the last storm structure upstream of the treatment unit.
- 15. Ensure an oil/gas separator is a part of the treatment unit or is in the last storm structure prior to discharge to the underground detention basin.
- 16. Provide a schedule listing the casting type and other relevant information for each proposed storm structure on the utility plan. Round castings shall be provided on all catch basins except curb inlet structures.
- 17. Show and label all roof conductors, and show where they tie into the storm sewer.

Storm Water Management Plan

- 18. The Storm Water Management Plan for this development shall be designed in accordance with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
- 19. Provide calculations verifying the post-development runoff rate directed to the proposed receiving drainage course does not exceed the predevelopment runoff rate for the site.
- 20. Provide a 20-wide access easement for maintenance over the pretreatment structure.
- 21. Provide manufacturer's details and sizing calculations for the pretreatment structure within the plans.

Paving & Grading

- 22. Revise the sidewalk cross-section to indicate a <u>maximum</u> cross-slope of 2%.
- 23. Label specific ramp locations on the plans where the detectable warning surface is to be installed.

- 24. Verify the slopes along the ingress/egress routing to the building from the barrier-free stalls. All barrier-free stalls shall comply with Michigan Barrier-Free regulations.
- 25. Provide additional spot grades as necessary to demonstrate that a minimum 5-percent slope away from the building is provided for a minimum distance of ten feet around the perimeter of the building.
- 26. The end islands shall conform to the City standard island design, or variations of the standard design, while still conforming to the standards as outlined in Section 2506 of Appendix A of the Zoning ordinance (i.e. 2' minor radius, 15' major radius, minimum 8' wide, 3' shorter than adjacent 19' stall).
- 27. Provide a line designation representing the effective 19-foot stall length for 17-foot perimeter stalls.
- 28. Paving the entrance between Unit 6 and Unit 7 must be coordinated between both tenants. Whoever occupies their unit first should pave the drive. A temporary construction easement must be obtained by whoever becomes responsible for paving.

Soil Erosion and Sediment Control

29. A SESC permit is required. A full review has not been completed at this time. Please address the comments below and submit a SESC permit application under separate cover. The application can be found on the City's website at <u>http://cityofnovi.org/Reference/Forms-and-Permits.aspx</u>.

Off-Site Easements

30. Any permanent or temporary off-site easements anticipated between units 6 and 7 must be executed **prior to final approval of the plans**. If you have not already done so, drafts of the easements and a recent title search shall be submitted to the Community Development Department as soon as possible for review, and shall be approved by the Engineering Division and the City Attorney prior to executing the easements.

The following must be submitted at the time of Preliminary Site Plan submittal:

31. A letter from either the applicant or the applicant's engineer must be submitted with the Preliminary Site Plan highlighting the changes made to the plans addressing each of the comments listed above <u>and indicating the revised sheets involved</u>.

The following must be submitted at the time of Final Site Plan submittal:

- 32. A letter from either the applicant or the applicant's engineer must be submitted with the Preliminary Site Plan highlighting the changes made to the plans addressing each of the comments listed above <u>and indicating the revised sheets involved</u>.
- 33. An itemized construction cost estimate must be submitted to the Community Development Department for the determination of plan review and construction inspection fees. This estimate should only include the civil site

work and not any costs associated with construction of the building or any demolition work. <u>The estimate must be itemized</u> for each utility (water, sanitary, storm sewer), on-site paving (square yardage), right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pre-treatment structure and restoration).

34. Draft copies of any off-site easements must be submitted to the Community Development Department for review and approved by the Engineering Division and the City Attorney prior to being executed.

The following must be submitted at the time of Stamping Set submittal:

- 35. A draft copy of the Storm Drainage Facility Maintenance Easement Agreement (SDFMEA), as outlined in the Storm Water Management Ordinance, must be submitted to the Community Development Department. Once the form of the agreement is approved, this agreement must be approved by City Council and shall be recorded in the office of the Oakland County Register of Deeds.
- 36. A draft copy of the 20-foot wide easement for the water main to be constructed on the site must be submitted to the Community Development Department (if applicable).
- 37. A draft copy of the 20-foot wide easement for the sanitary sewer monitoring manhole to be constructed on the site must be submitted to the Community Development Department.
- 38. Executed copies of any required off-site utility easements must be submitted to the Community Development Department.

The following must be addressed prior to construction:

- 39. A pre-construction meeting shall be required prior to any site work being started. Please contact Sarah Marchioni in the Community Development Department to setup a meeting (248-347-0430).
- 40. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting (no application required). No fee is required for this permit.
- 41. Material certifications must be submitted to Spalding DeDecker for review prior to the construction of any onsite utilities. Contact Ted Meadows at 248-844-5400 for more information.
- 42. Construction inspection fees in an amount that is to be determined must be paid to the Community Development Department.
- 43. Legal escrow fees in an amount that is to be determined must be deposited with the Community Development Department. All unused escrow will be returned to the payee at the end of the project. This amount includes engineering legal fees only. There may be additional legal fees for planning legal documents.

- 44. A storm water performance guarantee in an amount equal to 120% of the cost required to complete the storm water management facilities, as specified in the Storm Water Management Ordinance, must be posted at the Community Development Department.
- 45. Water and Sanitary Sewer Fees must be paid prior to the pre-construction meeting. Contact the Water & Sewer Division at 248-347-0498 to determine the amount of these fees.
- 46. A street sign financial guarantee in the amount of \$2,000 (\$400 per traffic control sign proposed) must be posted at the Community Development Department. Signs must be installed in accordance with MMUTCD standards.
- 47. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department, Building Division (248-347-0430) for forms and information. The financial guarantee and inspection fees will be determined during the SESC review.
- 48. If applicable, a permit for water main construction shall be obtained from the MDEGLE. This permit application must be submitted through the Engineering Division after the water main plans have been approved. Please submit the cover sheet, overall utility sheet, standard details and plan/profile sheets applicable to the permit.
- 49. If necessary, an inspection permit for the sanitary sewer tap shall be obtained from the Oakland County Water Resource Commissioner (OCWRC).

To the extent this review letter addresses items and requirements that require the approval of or a permit from an agency or entity other than the City, this review shall not be considered an indication or statement that such approvals or permits will be issued.

Please contact Kate Richardson at (248) 347-0586 with any questions.

Kate Richardson, EIT Plan Review Engineer

cc: Sri Komaragiri, Community Development George Melistas, Engineering Darcy Rechtien, PE, Engineering LANDSCAPE REVIEW



April 5, 2019

Revised PRO - Landscaping

Adell Center

Review Type

PRO Amendment Landscape Review

Job # JZ18-0024

Property Characteristics

- Site Location: •
- Site Zoning: •
 - TC
- Adjacent Zoning: •
- Plan Date:

East, South, West: TC, North: I-96 4/2/2019

Unit 6 - Adell Center

Ordinance Considerations

This project was reviewed for conformance with Chapter 37: Woodland Protection, Zoning Article 5.5 Landscape Standards, the Landscape Design Manual and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed and incorporated as part of the revised Preliminary/Final Site Plan submittal. Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review and the accompanying Landscape Chart are summaries and are not intended to substitute for any Ordinance.

NOTE: As the plan provided included only Unit 6, these comments are directed to that unit only. All previous comments in prior review letters related to the PRO still apply.

Recommendation

The PRO Amendment is recommended for approval for Preliminary Site Plan, except for one deviation, which is the lack of the previously proposed wall/decorative fence that matches the rest of the site (a line of decorative grasses is proposed instead). That deviation is not supported by staff.

LANDSCAPE DEVIATION:

Lack of wall and/or decorative fence as proposed on original PRO.

Note: The full extent of Parcel 6 to the south along Adell Drive is not shown. Please show the rest of the parcel and include it in the calculations.

Ordinance Considerations

Existing Soils (Preliminary Site Plan checklist #10, #17) Provided

Existing and proposed overhead and underground utilities, including hydrants. (LDM 2.e.(4)) Provided

Existing Trees (Sec 37 Woodland Protection, Preliminary Site Plan checklist #17 and LDM 2.3 (2))

- 1. No trees exist on the site.
- 2. The trees along the berm will be installed with the Roads and Utilities construction and are noted as such.

Adjacent to Residential - Buffer (Zoning Sec. 5.5.3.B.ii and iii) Property is not adjacent to Residential.

Adjacent to Public Rights-of-Way - Berm/Wall, Buffer and Street Trees (Zoning Sec. 5.5.3.B.ii, iii)

- 1. The required berm along I-96 will be built by the overall site developer prior to construction of this site.
- 2. Please show the berm contours as existing, not bold, so the Unit 6 contractors won't be confused. Only contours that will actually be built with the development of this site should be printed heavy.
- 3. The wall/fence shown on the original PRO is not proposed on this plan, only a line of ornamental grasses. This represents a deviation to the PRO that would need to be approved. It is not supported by staff as the wall/fence would present a more cohesive look to the overall development. The grasses could be placed in front of the wall if desired, and wouldn't need to be continuous.
- 4. Please remove the crabapples from the end of the east parking lot and show the fire access lane with grass pavers in that area. The street tree will need to be relocated as well, to provide clear access to Adell Drive.
- 5. Please show the calculations for the I-96 frontage. The trees being provided along the berm meet the requirement for the I-96 frontage.
- 6. Based on the Adell Drive frontage and the fact that only the canopy or subcanopy requirement needs to be met, not both, it appears that there are more trees proposed along the Adell Drive frontage, including the street trees, than are required, but the entire parcel doesn't appear to be included in the calculations as it extends southward along Adell Drive beyond the scope of the plan view. Please show the entire site frontage and include it in the calculations.

Parking Lot Landscaping (Zoning Sec. 5.5.3.C.)

- 1. Based on the vehicular use areas, 1,139 sf of islands and 6 trees are required. 1,393 sf of islands and 6 trees are provided.
- 2. Please verify the greenspace area of the island at the northeast corner of the building. It doesn't appear to be 200sf. If it isn't, please enlarge that island to at least 200sf.

Parking Lot Perimeter Canopy Trees (Zoning Sec. 5.5.3.C.(3) Chart footnote)

- 1. Please re-measure the perimeter, including all greenspace around the outer edges of the parking lot, except on the west property line, including the east side of the drive and the eastern parking lot but not the inner perimeter between the parking and the building. I measured it as about 360lf, not 267lf. Show the "rubber band" line used to calculate it.
- 2. Based on 360lf, 10 trees are required. Including the trees along the berm within 15 feet of the parking lot, 10 trees are provided.

Loading Zone screening (Zoning Sec. 3.14, 3.15, 4.55, 4.56, 5.5)

- 1. The proposed loading zone is screened from I-96 by the berm and berm/interior parking lot trees.
- 2. The loading zone is screened from Adell Drive by the building and foundation landscaping.

Building Foundation Landscape (Zoning Sec 5.5.3.D.)

- 3. Based on the building perimeter, 1736sf of foundation landscape area is required, and 1745sf is provided.
- 4. Greater than 60% of both frontages (I-96 and Adell Drive) are landscaped at the foundation.

5. If walks are required from the rear (Adell Drive entrances to the parking lot, please locate it away from the building enough that the required foundation landscaping can be installed at the foot of the building.

Plant List (LDM 2.h. and t.)

- 1. Provided
- 2. 7 of 14 species used (50%) are native to Michigan. This is acceptable.
- 3. The tree diversity meets the standards of Landscape Design Manual Section 4. As there will already be 7 honeylocusts along the berm, please use a different species than honeylocusts in the new plantings.

Planting Notations and Details (LDM)

Provided

Storm Basin Landscape (Zoning Sec 5.5.3.E.iv and LDM 1.d.(3)

The site's stormwater will be treated by an underground detention system.

Irrigation (LDM 1.a.(1)(e) and 2.s)

- 1. The proposed landscaping must be provided with sufficient water to become established and survive over the long term.
- 2. Please provide an irrigation plan or note how this will be accomplished if an irrigation plan is not provided on Final Site Plans.

Snow Deposit (LDM.2.q.)

Please provide areas where trees won't be damaged by piled up snow.

Corner Clearance (Zoning Sec 5.9)

Provided

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5621 or rmeader <u>meader@cityofnovi.org</u>.

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Rick Meader - Landscape Architect



February 20, 2019 April 26, 2019

PRO Concept Site Plan: First Amendment

Adell Center PRO

Review Type

First Amendment Rezoning Concept Plan Landscape Review

<u>Job #</u> JZ18-0024

Property Characteristics:

- Site Location: Northwest of Novi Road/Crescent Drive.
- Site Zoning:
- Expo Proposed rezoning to TC with PRO
- Adjacent Zoning:
- Plan Date:

North: I-96, East: TC, South: TC/I-1, West: I-2 January 24, 2019

Recommendation:

This revised concept plan, which covers the internal drive and 1.96 frontage, is **not** recommended for approval, due to issues with Unit 7 that were raised in the site plan for Texas Roadhouse, under separate cover. The deviations proposed with this plan related to Adell Drive and the 1-96 frontage are supported by staff, but not the deviations that were revealed for Unit 7. Since the original letter was written, the applicant has agreed to revise the plan to remove all unsupported landscape deviations, so the plan is **now recommended for approval**.

As with the original PRO, no detailed unit plans were included with this PRO concept revision submittal. Therefore, it is assumed that all units' landscape plans will conform to the city ordinances. If any landscape deviations are requested, the applicant will need to request landscape waivers from the Planning Commission. The only deviations now requested are supported by staff.

LANDSCAPE DEVIATIONS NOTED ON OVERALL PLAN:

- 1. Unit 4 has a parking bay with more than 15 contiguous spaces shown on the overall concept plan. This deviation is not supported by staff. Applicant has agreed to comply.
- 2. Lack of undulations on I-96 berm across entire frontage. This deviation is supported by staff as there is insufficient space in the greenbelt to add the vertical or horizontal undulations
- 3. Use of walls, fences and berms along Adell Drive instead of walls only. This deviation is supported by staff.
- 4. The layout for Unit 7 on the PRO plan is conceptual in nature and includes no calculations or landscaping. The Texas Roadhouse (Unit 7) site plans submitted separately as part of its site plan approval process revealed a number of deviations in interior and parking lot perimeter landscaping that are driven by the unit's site and utility layout. Those deviations are avoidable and are not supported by staff. Applicant has agreed to remove all deviations.

Ordinance Considerations:

This project was reviewed for conformance with Chapter 37: Woodland Protection, Zoning Article 5.5 Landscape Standards, the Landscape Design Manual and any other applicable provisions of the Zoning Ordinance. Items in **bold** below and on the accompanying Landscape Chart must be either granted deviations by City Council or be addressed and incorporated as part of the revised PRO concept plan. This review and the accompanying landscape chart are summaries and are not intended to substitute for any Ordinance.

Existing Soils (Preliminary Site Plan checklist #10, #17) Provided Existing and proposed overhead and underground utilities, including hydrants.(LDM 2.e.(4))

- 1. Provided.
- 2. Please add all proposed lighting fixtures to the landscape plans to help avoid conflicts.

Existing Trees (Sec 37 Woodland Protection, Preliminary Site Plan checklist #17 and LDM 2.3 (2))

- 1. A tree survey is provided.
- 2. It appears that all but two non-regulated trees, north of the stream, will be removed. Two trees within the regulated woodland are shown as being removed and will be replaced with nine trees.

Proposed topography. 2' contour minimum (LDM 2.e.(1))

- 1. Conceptual berms along Adell Drive are shown on the landscape plans.
- 2. A berm is also proposed along the I-96 frontage. That berm should undulate in height, with a minimum height of 36". No berm is required for Unit 1, where the building fronts directly on the I-96 right-of-way or in front of the sign at the east end of the site.

Street Tree Requirements (Zoning Sec. 5.5.3.E.i.c and LDM 1.d.)

- 1. Street trees are not required along I-96, or in the TC district.
- 2. The area between the sidewalk and curb has been widened to 8 feet. Thank you.
- 3. 57 of the required greenbelt trees along Adell Drive are proposed as street trees. This is acceptable and appreciated.

Adjacent to Public Rights-of-Way - Berm (Wall) & Buffer (Zoning Sec. 5.5.3.B.ii and iii)

<u>I-96.</u>

- 1. The required 20 foot minimum greenbelt for areas adjacent to parking is provided along the entire I-96 frontage.
- 2. A 36" berm is proposed for all of the frontage except between the cul-de-sac and the I-96 right-of-way, where a wall is proposed
- 3. The required berm undulations aren't provided because there is insufficient room in the 20' required greenbelt for the undulations above the minimum height. *This deviation is supported by staff.*
- 4. Please add a note stating that the cul-de-sac wall should be at least 36" high as measured from the cul-de-sac top of pavement to screen headlights from reaching I-96, and match the appearance of the existing walls at the corner of Crescent and Expo Center Drive.

Adell Drive.

- 1. The PRO agreement stated that the entire Adell Drive frontage should have brick walls, not a mix of treatments.
- 2. A mix of berm, 2.5' tall brick wall and 2.5' brick pilasters and ornamental fencing, as requested in the Town Center Study, is provided along both sides of Adell Drive. This arrangement of greenbelt treatments requires a landscape deviation. It would be supported by staff.
- 3. The 18 foot greenbelt approved in the original PRO starts at the back edge of the sidewalk. The unit lines are drawn to the back of curb, not 1' behind the sidewalk as is typically the case.
- 4. 58 canopy trees are provided along Adell Drive. The remainder of the greenbelt landscaping requirements must be planted on the units' greenbelts.

Storm Basin Landscape (Zoning Sec 5.5.3.E.iv and LDM 1.d.(3)

As only underground storm water detention is proposed, no detention landscaping is required.

Plant List (LDM 2.h. and t.)

- 1. Plant lists for the I-96 and Adell Drive greenbelts, and the focus areas, are provided.
- 2. The species comply with the Landscape Design Manual.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5621 or <u>rmeader@cityofnovi.org</u>.

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Rick Meader – Landscape Architect

LANDSCAPE REVIEW SUMMARY CHART – Revised PRO

Review Date:	
Project Name:	JZ18 – 0024: ADELL CENTER PRO AMENDMENT – UNIT 6
Plan Date:	April 2, 2019
Prepared by:	Rick Meader, Landscape Architect E-mail: <u>rmeader@cityofnovi.org;</u> Phone: (248) 735-5621

Items in **Bold** need to be addressed by the applicant before approval of the Preliminary Site Plan. <u>Underlined</u> items need to be addressed for Final Site Plan.

NOTE: As the plan provided included only Unit 6, these comments are directed to that unit only. All previous comments in prior review letters and charts related to the PRO still apply.

Note: The full extent of Parcel 6 to the south along Adell Drive is not shown. Please show the rest of the parcel and include it in the calculations.

Item	Required	Proposed	Meets Code	Comments
Landscape Plan Requir	ements (LDM (2)			
Landscape Plan (Zoning Sec 5.5.2, LDM 2.e.)	 New commercial or residential developments Addition to existing building greater than 25% increase in overall footage or 400 SF whichever is less. 1" = 20' minimum with proper North. Variations from this scale can be approved by LA Consistent with plans throughout set 	Scale 1"=20'	Yes	
Project Information (LDM 2.d.)	Name and Address	Yes	Yes	
Owner/Developer Contact Information (LDM 2.a.)	Name, address and telephone number of the owner and developer or association	Yes	Yes	
Landscape Architect contact information (LDM 2.b.)	Name, Address and telephone number of RLA	Yes	Yes	
Sealed by LA. (LDM 2.g.)	Requires original signature	Yes	Yes	Need for Final Site Plans
Miss Dig Note (800) 482-7171 (LDM.3.a.(8))	Show on all plan sheets	Yes	Yes	
Zoning (LDM 2.f.)	Include all adjacent zoning	<u>Parcel:</u> TC <u>East, South, West:</u> TC	Yes	

Item	Required	Proposed	Meets Code	Comments
		North: 1-96		
Survey information (LDM 2.c.)	 Legal description or boundary line survey Existing topography 	Sheet 3	Yes	
Existing plant material Existing woodlands or wetlands (LDM 2.e.(2))	 Show location type and size. Label to be saved or removed. Plan shall state if none exists. 	Only street trees and entry area plantings to be planted along Adell Drive will be existing.	Yes	Please indicate whether monument sign on east end of site and accompanying plantings will also be installed with Roads and Utilities construction.
Soil types (LDM.2.r.)	 As determined by Soils survey of Oakland county Show types, boundaries 	Sheet 2	Yes	
Existing and proposed improvements (LDM 2.e.(4))	Existing and proposed buildings, easements, parking spaces, vehicular use areas, and R.O.W	Yes	Yes	
Existing and proposed utilities (LDM 2.e.(4))	Overhead and underground utilities, including hydrants	 A note indicates no overhead lines exist Existing and proposed utilities are provided. 	Yes	Please add proposed light posts to the landscape plan.
Proposed grading. 2' contour minimum (LDM 2.e.(1))	Provide proposed contours at 2' interval	Sheet 5	Yes	 The berm along I-96 will be built and landscaped during Roads & Utilities Construction. Please only show any additions to that berm with heavy (proposed) contours.
Snow deposit (LDM.2.q.)	Show snow deposit areas on plan	No	No	 The area shown would be bad for the tree. Please indicate snow deposit areas that won't harm landscaping.
LANDSCAPING REQUIRE	EMENTS			
Parking Area Landscap	e Requirements LDM 1.c. &	Calculations (LDM 2.0.	.)	
General requirements (LDM 1.c)	 Clear sight distance within parking islands No evergreen trees 	Provided		
Name, type and number of ground	As proposed on planting islands	Yes	Yes	Sod is indicated on islands.

Item	Required	Proposed	Meets Code	Comments
cover (LDM 1.c.(5))				
General (Zoning Sec 5.	5.3.C.ii)	1		
Parking lot Islands (a, b. i)	 A minimum of 200 SF to qualify A minimum of 200sf unpaved area per tree planted in an island 6" curbs Islands minimum width 10' BOC to BOC 	Yes	TBD	 Please dimension widths of islands. Please check the area of the island at the northeast corner of the building. It doesn't appear to be 200sf in size. Please increase area of islands as necessary.
Curbs and Parking stall reduction (C)	Parking stall can be reduced to 17' and the curb to 4" adjacent to a sidewalk of minimum 7 ft.	Yes	Yes	
Contiguous space limit <i>(i)</i>	Maximum of 15 contiguous spaces	14 spaces is maximum bay length	Yes	
Plantings around Fire Hydrant (<i>d</i>)	No plantings with matured height greater than 12' within 10 ft. of fire hydrants	 None The tree in the center island northwest of the building is too close to the storm line. 	Yes	 No new or existing plantings are shown near existing hydrants. Please shift the tree to be at least 5 feet from the storm line (and at least 3 feet behind the curb)
Landscaped area (g)	Areas not dedicated to parking use or driveways exceeding 100 sq. ft. shall be landscaped	Yes	Yes	
Clear Zones (LDM 2.3.(5))	25 ft corner clearance required. Refer to Zoning Section 5.5.9	Provided	Yes	
	OS-2, OSC, OST, B-1, B-2, B-3		C-1, RC, S	pecial Land Use or non-
A = Total square footage of vehicular use areas up to 50,000sf x 7.5%	 district (Zoning Sec 5.5.3.C.) A = x sf * 7.5 % = A sf 15,183 * 7.5% = 1139 sf 	1393 sf	Yes	
B = Total square footage of additional paved vehicular use areas (not including A or B) over 50,000 SF) x 1 %	 B = x sf * 1% = B sf (xxx - 50000) * 1% = xxx sf 	NA		
Category 2: For: I-1 and	d I-2 (Zoning Sec 5.5.3.C.iii)			

Item	Required	Proposed	Meets Code	Comments	
A. = Total square footage of vehicular use area up to 50,000 sf x 5%	A = x sf * 5% = A sf	NA			
B = Total square footage of additional paved vehicular use areas over 50,000 SF x 0.5%	B = 0.5% x 0 sf = B SF	NA			
All Categories					
C = A+B Total square footage of landscaped islands	1139 + 0 = 1139 SF	1393 sf	Yes	Please verify the area of the island at the northeast corner of the building and increase it to 200sf if the area is deficient.	
D = C/200 Number of canopy trees required	• 1139/200 = 6 Trees	6 trees	Yes		
Perimeter Green space	 1 Canopy tree per 35 lf 368/35 = 11 trees 	11 trees provided			
Accessway perimeter	 1 canopy tree per 35 lf on each side of road, less widths of access drives. xxx/35 	Included in overall perimeter	Yes		
Parking land banked	■ NA	No			
Berms, Walls and ROW	Planting Requirements				
Berms					
 Berm should be locat 	a maximum slope of 33%. G ed on lot line except in cor structed with 6" of top soil.		ouraged. Sh	now 1ft. contours	
Residential Adjacent to	Non-residential (Sec 5.5.3.	A) & (LDM 1.a)			
Berm requirements (Zoning Sec 5.5.A)	Site is not adjacent to residential so this berm is not required.	None	Yes		
Planting requirements (LDM 1.a.)	LDM Novi Street Tree List	NA			
Adjacent to Public Righ	ts-of-Way (Sec 5.5.B) and (LDM 1.b)			
Berm requirements (Zoning Sec 5.5.3.A.(5))	 An undulating berm a minimum of 3 feet high with a 3 foot wide crest is required south along I-96 frontage No berm is required along Adell Drive. 	Required I-96 berm will be provided as part of Roads & Utilities construction.	Yes		
Cross-Section of Berms					

Item	Required	Proposed	Meets Code	Comments
Slope, height and width	 Label contour lines Maximum 33% Min. 3 feet flat horizontal area Minimum 3 feet high Constructed of loam with 6' top layer of topsoil. 	NA		
Type of Ground Cover		NA		
Setbacks from Utilities	Overhead utility lines and 15 ft. setback from edge of utility or 20 ft. setback from closest pole	There are no overhead utilities on the site.		
Walls (LDM 2.k & Zoning	g Sec 5.5.3.vi)			
Material, height and type of construction footing	Freestanding walls should have brick or stone exterior with masonry or concrete interior	 No walls are proposed. A line of ornamental grasses is proposed along the front of the site. 		Please provide the wall(s) or fence(s) per the original PRO plan. It should be consistent with the rest of the site.
Walls greater than 3 ½ ft. should be designed and sealed by an Engineer		No details provided		
	ning Requirements (Sec 5.5.	3.B. ii)		
Greenbelt width (2)(3) (5)	18 feet to parking per PRO agreement	18 ft	Yes	
Min. berm crest width	Not required	None	Yes	
Minimum berm height (9)	Not required	None	Yes	
3' wall	(4)(7)	No		
Canopy deciduous or large evergreen trees Notes (1) (10)	<u>Adell Drive</u> • Parking: 1 tree per 25 lf • 48/25 = 2 trees • No Pkg: 1 per 30 ft • 101/30 = 3 trees	5 street trees	Yes	 In the TC district, only the canopy or subcanopy requirement needs to be met, not both. Please also show the calculations for the I- 96 frontage. It is not clear if the entire parcel's frontage along Adell Drive is used in the calculations. Please use the entire parcel

Item	Required	Proposed	Meets Code	Comments
				 frontage in the calculations. 4. The emergency fire access lane is blocked by crabapple trees and a street tree along Adell Drive. That lane needs to be clear for fire vehicles. Please remove those trees and show the grass pavers.
Sub-canopy deciduous trees Notes (2)(10)	Adell Drive • Parking: 1 tree per 15 lf • 48/15 = 3 trees • No Pkg: 1 per 20 ft • 101/20 = 5 trees	8 trees	Yes	See above
Canopy deciduous trees in area between sidewalk and curb (Novi Street Tree List)	 Street trees are not required in TC district. 5 canopy trees provided along Adell Drive can count toward greenbelt requirements. 	xx trees	Yes	
Building Foundation La	ndscape Requirements (Sec	c 5.5.3.D)		
Interior site landscaping SF	 Equals to entire perimeter of the building x 8 with a minimum width of 4 ft. A: 217 If x 8ft = 1736 SF 	A: 1745 sf	Yes	
Zoning Sec 5.5.3.D.ii. All items from (b) to (e)	If visible from public street a minimum of 60% of the exterior building perimeter should be covered in green space	It appears that 90% of the building frontages facing Adell Drive will be landscaped.	Yes	
Detention/Retention Ba	sin Requirements (Sec. 5.5.)	3.E.iv)		
Planting requirements (Sec. 5.5.3.E.iv)	 Clusters shall cover 70- 75% of the basin rim area 10" to 14" tall grass along sides of basin Refer to wetland for basin mix 	The site's storm water will be treated by underground detention systems.		
Phragmites Control (Sec 5.5.6.C)	 Any and all populations of Phragmites australis on site shall be included on tree survey. Treat populations per 	The Phragmites discovered on the overall site will be removed by the overall site's developer.		

Item	Required	Proposed	Meets Code	Comments		
	MDEQ guidelines and requirements to eradicate the weed from the site.					
LANDSCAPING NOTES, DETAILS AND GENERAL REQUIREMENTS						
-	ize City of Novi Standard No	otes	T			
Installation date (LDM 2.1. & Zoning Sec 5.5.5.B)	Provide intended date	Between Mar 15 and Nov 15, 2019	Yes			
Maintenance & Statement of intent (LDM 2.m & Zoning Sec 5.5.6)	 Include statement of intent to install and guarantee all materials for 2 years. Include a minimum one cultivation in June, July and August for the 2-year warranty period. 	Yes	Yes			
Plant source (LDM 2.n & LDM 3.a.(2))	Shall be northern nursery grown, No.1 grade.	Yes	Yes			
Irrigation plan (LDM 2.s.)	A fully automatic irrigation system or a method of providing sufficient water for plant establishment and survival is required on Final Site Plans.	No	No	 <u>Please add irrigation</u> <u>plan or information</u> <u>as to how plants will</u> <u>be watered</u> <u>sufficiently for</u> <u>establishment and</u> <u>long- term survival.</u> <u>If xeriscaping is used,</u> <u>please provide</u> <u>information about</u> <u>plantings included.</u> 		
Other information (LDM 2.u)	Required by Planning Commission	NA				
Establishment period (Zoning Sec 5.5.6.B)	2 yr. Guarantee	Yes	Yes			
Approval of substitutions. (Zoning Sec 5.5.5.E)	City must approve any substitutions in writing prior to installation.	Yes	Yes			
Plant List (LDM 2.h.) - In	clude all cost estimates					
Quantities and sizes		Yes	Yes			
Root type		Yes	Yes			
Botanical and common names	Refer to LDM suggested plant list	 7 of 14 species (50%) are native to Michigan. Tree diversity is acceptable. See note. 	Yes	Please change the honeylocusts to some other species since there are already 7 honeylocusts on the berm.		

Item	Required	Proposed	Meets Code	Comments
Type and amount of lawn		Sod	Yes	
Cost estimate (LDM 2.t)	For all new plantings, mulch and sod as listed on the plan	Yes	Yes	
Planting Details/Info (LI	DM 2.i) – Utilize City of Novi	Standard Details		
Canopy Deciduous Tree		Yes	Yes	
Evergreen Tree		Yes	Yes	
Shrub	Refer to LDM for detail	Yes	Yes	
Perennial/ Ground Cover		No	No	Please add to plan
Tree stakes and guys. (Wood stakes, fabric guys)		Yes	Yes	
Tree protection fencing	Located at Critical Root Zone (1' outside of dripline)	No	No	Please add to plan - ideally on Grading Plan
Other Plant Material Re	quirements (LDM 3)	1		
General Conditions (LDM 3.a)	Plant materials shall not be planted within 4 ft. of property line	Yes	Yes	
Plant Materials & Existing Plant Material (LDM 3.b)	Clearly show trees to be removed and trees to be saved.	Yes	Yes	
Landscape tree credit (LDM3.b.(d))	Substitutions to landscape standards for preserved canopy trees outside woodlands/ wetlands should be approved by LA. Refer to Landscape tree Credit Chart in LDM	No		No trees outside of woodlands/wetlands are being saved.
Plant Sizes for ROW, Woodland replacement and others (LDM 3.c)	2.5" canopy trees 6' evergreen trees	Yes	Yes	
Plant size credit (LDM3.c.(2))	NA	No		
Prohibited Plants (LDM 3.d)	No plants on City Invasive Species List	None	Yes	
Recommended trees for planting under overhead utilities (LDM 3.e)	Label the distance from the overhead utilities	NA		
Collected or Transplanted trees (LDM 3.f)		None		

Item	Required	Proposed	Meets Code	Comments
Nonliving Durable Material: Mulch (LDM 4)	 Trees shall be mulched to 3" depth and shrubs, groundcovers to 2" depth Specify natural color, finely shredded hardwood bark mulch. Include in cost estimate. Refer to section for additional information 	Yes	Yes	

NOTES:

- 1. This table is a working summary chart and not intended to substitute for any Ordinance or City of Novi requirements or standards.
- 2. The section of the applicable ordinance or standard is indicated in parenthesis. For the landscape requirements, please see the Zoning Ordinance landscape section 5.5 and the Landscape Design Manual for the appropriate items under the applicable zoning classification.
- 3. Please include a written response to any points requiring clarification or for any corresponding site plan modifications to the City of Novi Planning Department with future submittals.

TRAFFIC REVIEW

ΑΞϹΟΜ

AECOM 27777 Franklin Road Southfield MI, 48034 USA aecom.com

Project name: JZ18-0024 – Adell Center PRO Amendment Traffic Review

From: AECOM

Date: April 26, 2019

To: Barbara McBeth, AICP City of Novi 45175 10 Mile Road Novi, Michigan 48375

CC: Sri Komaragiri, Lindsay Bell, George Melistas, Darcy Rechtien, Hannah Smith, Kate Richardson

Memo

Subject: JZ18-0024 Adell Center PRO Amendment Traffic Review

The PRO Amendment was reviewed to the level of detail provided and AECOM **recommends approval** for the applicant to move forward with the condition that the comments provided below are adequately addressed to the satisfaction of the City.

GENERAL COMMENTS

- 1. The applicant, Orville Properties, LLC, is proposing a multi-use development located on the west side of Novi Road, south of I-96, with one point of access to Crescent Blvd. The applicant is proposing nine (9) individual units within the project:
 - a. IFLY indoor skydiving
 - b. Planet Fitness
 - c. Fairfield hotel
 - d. Park
 - e. Home 2 Suites
 - f. Restaurant
 - g. Texas Roadhouse
 - h. Carvana
 - i. Water Tower
- 2. Crescent Blvd is under the jurisdiction of the City of Novi.
- 3. The parcel is currently zoned EXPO, and the applicant is proposing to rezone to TC (Town Center District) with a Planned Rezoning Overlay (PRO).
- 4. Additional traffic review comments on the proposed Adell Center Drive and sidewalk were discussed in the "Roads and Utilities" submittal under a separate cover letter.
- 5. Summary of traffic-related waivers/variances:
 - a. At the time of the PRO Amendment, the applicant is requesting the following traffic-related waivers or variances. Notes (*in italics*) following each proposed deviation include AECOM's agreement or disagreement with the deviation.
 - i. Deviation 1. Planning Deviation for construction of a dumpster enclosure within the interior side yard, allowing it to be constructed away from the EB I-96 on-ramp for Unit 7. *AECOM would support this deviation provided that normal operations does not impede traffic.*
 - ii. Deviation 2. Planning Deviation for Parking, Loading, Signs, Landscaping, etc. to locate the loading area within the interior side yard, allowing it to be constructed away from the EB I-96 on-ramp for Units 6 and 7.

This deviation refers to section 3.27.1 of the City of Novi code of ordinances. *AECOM would support the deviation to relocate the loading zone, provided its use will not impede traffic flow through the site.*

- iii. Deviation 3. Planning Deviation (Section 3.27.1) for Parking, Loading, Signs, Landscaping, etc. to reduce the size of the proposed loading areas for Unit 7 from 847' to 786'. Per the applicant, deliveries occur only outside of business hours for the restaurant and be scheduled to avoid conflicts with garbage removal times. AECOM would support the deviation to reduce the loading zone sizes for the proposed facility due to off-peak hour deliveries and coordination with trash pickup.
- iv. Deviation 7. Planning Deviation (Section 3.1.25.D) to allow for the reduction of the minimum required exterior side parking setback of 20 ft for Unit 6, 13' along the Northeast side.
- v. Deviation 8. Planning Deviation (Section 5.12) to allow a 30 space reduction in minimum required parking for Unit 7. Total required, 196 spaces. Total proposed, 166 spaces. The applicant has indicated other similarly sized facilities have approximately 160 parking spaces as justification for the 30 space reduction. AECOM would support the reduction due to the case studies of other locations and the nature of the Adell Center development, with two hotels adjacent to the property, connected via pedestrian facilities.
- b. In the plans for Unit 6 submitted with the PRO Amendment, the following deviations may be required for Unit
 6:
 - i. Loading zone deviation may be required if the largest truck anticipated to be delivering to the site cannot fit in the loading zone without impacting traffic. The applicant has indicated a 70' truck is the largest expected vehicle. However, the loading zone is only 35' long.
 - ii. Sight distance for the driveways has not been provided. It is not anticipated to require a deviation; however, it should be checked for compliance.

TRAFFIC IMPACTS

- The applicant provided a trip generation analysis, prepared by Bergmann, which outlines the anticipated number of daily, AM peak and PM peak trips that each of the various land uses may be expected to generate. AECOM reviewed the trips generation estimates and accepts the calculations as provided.
- 2. The number of new trips expected to be generated by the entire development are shown in the following table. It should be noted that these values reflect the uses from the original submittal. The applicant should provide revised trip generation information as changes to users are proposed.

Trip Generation Summary						
	Estimated Trips	Estimated Peak- Direction Trips	City of Novi Threshold	Above Threshold?		
AM Peak-Hour Trips	188	102	100	Yes		
PM Peak-Hour Trips	334	186	100	Yes		
Daily (One- Directional) Trips	3,988	N/A	750	Yes		

a. The development trip generation estimates exceed the City's threshold of more than 750 trips per day or 100 trips per either the AM or PM peak hour. The applicant been granted a variance for the completion of a traffic impact study because the development will be included in the region-wide TIS that is underway by AECOM. Reference item 4.a.vi under General Comments for further potential conditions related to a traffic impact study and/or mitigation measures that may be required. The applicant should provide revised trip generation information as changes to users are proposed.

b. Additionally, AECOM performed a preliminary analysis to assess roadway capacity impacts of the proposed Adell Center development. The initial results of that analysis indicate that the intersection of Novi Road and Crescent Boulevard is expected to be able to accommodate the additional traffic during the AM and PM peak periods. The intersection of Novi Road and Grand River operates under existing congested conditions and may worsen with the added traffic demand of the development, specifically the eastbound and southbound left turn movements.

EXTERNAL SITE ACCESS AND OPERATIONS

The following comments relate to the external interface between the proposed development and the surrounding roadway(s). It should be noted that each commercial driveway interface with Adell Center Drive is also considered an external access point for purposes of this review letter.

- The applicant shall indicate same side driveway spacing for commercial driveways proposed along Adell Center Drive. Commercial drive approaches must be spaced according to the minimum requirements indicated in Section 11-216(d)(1)d for a speed limit of 25 MPH, thereby indicating a required driveway spacing of 105 feet. The driveway spacing for Units 6 and 7 have been address in a drawing provided by the applicant and meets the standard.
- 2. Pedestrian connections are proposed between Units 2 and 8, Units 4 and 7, and Units 5 and 7.

INTERNAL SITE OPERATIONS

The following comments relate to the on-site design and traffic flow operations.

General Traffic Flow

- 1. The applicant has proposed seven (7) trash receptacle locations throughout the development.
 - a. The applicant has a deviation to show the location of receptacles on individual site plans and not on the PRO. The applicant should be aware that locations shown on the individual site plans are subject to the deviations approved on the PRO.
 - b. The applicant should review the locations of the trash receptacles and make note that they are positioned in locations that block parking spaces and may disrupt the flow of traffic during times of trash collections, which deviates from the Zoning Ordinance requirements listed in Section 5.4.4. If alternative locations that reduce the impact to parking spaces or traffic flow are available, it is recommended that they be relocated. If alternative locations are not available, a deviation may be required.

Parking Facilities

- 1. The applicant should reference the Planning review letter for information on parking quantity requirements. It should be noted that parking calculations were not provided with the revised PRO concept submittal.
- 2. The applicant has not provided a shared parking study at the time of the revised PRO concept submittal; however, based on the results of deviation approvals and other City requirements regarding parking counts, landscape island requirements every 15 spaces, bicycle parking, loading zones, trash receptacles, a shared parking study may be beneficial, if the proposed sites are not expected to have overlapping parking needs throughout the day.
- 3. Bicycle parking throughout the development will be reviewed under submittal for each unit.

Sidewalk Requirements

- 1. The applicant is proposing sidewalk along both sides of Adell Center Drive.
- 2. The location of the sidewalk along Adell Center Drive is proposed to be located such that the outside edge is 15 feet from the back of curb, which meets City standards.
- 3. The applicant is proposing a sidewalk width of six (6) feet along Adell Center Drive which is in accordance with the City's Master Plan for Bicycle and Pedestrian Paths.
- 4. Sidewalk requirements were reviewed under the road and utilities submittal under a separate cover letter.

SIGNING AND STRIPING

- 1. All on-site signing and pavement markings shall be in compliance with the Michigan Manual on Uniform Traffic Control Devices (MMUTCD). The following is a discussion of the proposed signing and striping.
 - a. Signing and pavement markings were reviewed under the roads and utilities submittal under a separate cover letter.

Should the City or applicant have questions regarding this review, they should contact AECOM for further clarification.

Sincerely,

AECOM

on Bouh

Josh A. Bocks, AICP, MBA Senior Transportation Planner/Project Manager

Patricia a Thompson

Patricia Thompson, EIT Traffic Engineer

FAÇADE REVIEW





February 20, 2019

Façade Review Status Summary: Approved, Contingent Section 9 Waiver Recommended

50850 Applebrooke Dr., Northville, MI 48167

City of Novi Planning Department 45175 W. 10 Mile Rd. Novi, MI 48375- 3024

Re: FACADE ORDINANCE REVIEW Adell Center PRO, First Amendment JSP19-24 Facade Region: 1, Zoning District: EXPO

Dear Ms. McBeth;

The following is the Facade Review for the above referenced project based on the drawings prepared by BDG Architects, submitted on 1/4/19. The percentages of materials proposed for each façade are as shown on the table below. The maximum and minimum percentages required by Ordinance Section 5.15 are shown in the right hand column. Materials that are in noncompliance with the Ordinance, if any, are identified in bold. The sample board as required by Section 5.15.3.D was not provided at the time of this review.

	East (Front)	South	North (I-96 ramp)	West	Ordinance Maximum (Minimum)
Brick	35%	30%	45%	44%	100% (30% Minimum)
Limestone	15%	20%	12%	18%	50%
Combined Brick and Stone	50%	50%	57%	62%	50% (Sec. 3.27.G)
Patterned Siding	9%	17%	11%	9%	25%
Standing Seam Metal Roof	35%	25%	10%	29%	25%
Split Faced CMU	6%	8%	22%	0%	10%

The proposed design has several deviations from the Façade Ordinance Section 5.15 as follows; the east and west facades has an overage of Standing Seam Metal, the north façade has an overage of Split Faced CMU. The south facade has less than 50% combined Brick and Stone and is therefore in non-compliance with the Town Center Ordinance Section 3.27.G, which required that "exterior building facades shall be primarily of brick and stone."

In this case we believe that the Standing Seam Metal roof enhances the overall design, harmonizes well with the other façade materials and is consistent with the intent and purpose of the Ordinance. The overage of Split Faces CMU on the north (I-96 ramp exposure) can be readily corrected by using Brick and/or Stone in lieu of Split Faced CMU on the dumpster enclosure portion of the façade. The sample board provided indicates carefully coordinated colors that are consistent with Ordinance.

Recommendation – A Section 9 Waiver is recommended for the overage of Standing Seam Metal, <u>contingent upon the percentage of Split Faced CMU on the north (I-96 Exposure)</u> façade being reduced to below 10% by substituting Brick or Stone on the <u>dumpster enclosure portion of the façade</u>. Please note that the north elevation appear to me mislabeled as the west elevation on sheets A-1 and A-2.

Notes to the Applicant:

1. It should be noted that all roof top equipment must be concealed from view from all vantage points both on-site and off-site using extended parapets or roof screens constructed of materials in compliance with the Façade Ordinance.

2. It should be noted that all proposed signs are not regulated by the Façade Ordinance and must comply with the City's Sign Ordinance.

4. Inspections – The Façade Ordinance requires inspection(s) for all projects. Materials displayed on the approved sample board (in this case the adjacent existing material) will be compared to materials to be installed. It is the applicant's responsibility to request the inspection of each façade material at the appropriate time. Inspections may be requested using the Novi Building Department's Online Inspection Portal with the following link. Please click on "Click here to Request an Inspection" under "Contractors", then click "Façade". <u>http://www.cityofnovi.org/Services/CommDev/OnlineInspectionPortal.asp</u>.

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

Sincerely, DRN & Architects PC

Douglas R. Necci, AIA

FIRE REVIEW



April 8, 2019

- TO: Barbara McBeth- City Planner Sri Ravali Komaragiri- Plan Review Center Lindsay Bell-Plan Review Center Hannah Smith-Planning Assistant
- **RE: Adell Center Pro**

PSP# 19-0056

Project Description: Build a 2375 S.Q. F.T. structure on Unit #6 Adell Property.

Comments:

- All fire hydrants MUST in installed and operational prior to any building construction begins.
- All water mains **MUST** be put on the plans for review.
- **MUST** show fire and domestic water leads on the plans for review.

Recommendation:

APPROVED WITH CONDITIONS

Sincerely,

Kevin S. Pierce-Fire Marshal City of Novi – Fire Dept.

cc: file

Novi Public Safety Administration 45125 Ten Mile Road Novi, Michigan 48375 248.348.7100 248.347.0590 fax

cityofnovi.org

CITY COUNCIL

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Assistant Chief of Police Erick W. Zinser

Assistant Chief of Police Scott R. Baetens



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Assistant Chief of Police Scott R. Baetens

Novi Public Safety Administration 45125 Ten Mile Road Novi, Michigan 48375 248.348.7100 248.347.0590 fax

cityofnovi.org

January 14, 2019

TO: Barbara McBeth- City Planner Sri Ravali Komaragiri- Plan Review Center Lindsay Bell-Plan Review Center Hannah Smith-Planning Assistant

RE: Adell Center (Old Expo Property), 43700 Expo Center Drive

JZ # 18-0024 JSP# 18-27 PSP# 18-0065 PSP# 18-0111 **PSP# 19-0005**

Project Description:

Large commercial entertainment development, multi-use, and multibuildings. Demolishing existing open vacant parking lot and redevelopment with 8 new commercial buildings. Redevelopment of main access driveway into new complex.

Comments:

- <u>CORRECTED 1-14-19 KSP-</u>Site plan shall provide more than one point of external access to the site. A boulevard entranceway shall not be considered as providing multiple points of access. Multiple access points shall be as remote from one another as is feasible. <u>The requirement for secondary access may be satisfied by access through adjacent property where an easement for such access is provided. Secondary access drive MUST be added to the site plans for review. IFC 503.1.2. Access lane MUST be at least 20' wide.
 </u>
- 2. <u>CORRECTED 1-14-19 KSP-</u>MUST provide a secondary access point to the parking lot for Unit 5.
- 3. The minimum width of a posted fire lane is 20 feet. The minimum height of a posted fire lane is 14 feet. (Fire Prevention Ord.)
- 4. <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-Fire</u> apparatus access drives to and from buildings through parking lots shall have a minimum fifty (50) feet outside turning radius and designed to support a minimum of thirtyfive (35) tons. (D.C.S. Sec 11-239(b)(5)) – <u>Plans show turning</u> <u>radii measured at 44', this will need to be re-designed for</u> <u>50'outside and 30' inside turning</u>. Unit 7, Unit 5, on plan 4, in parking lot in front of unit 4 and on the south side of Unit 3,

Secondary access road near water tower. MUST have 50' outside turning radius and 30' inside turning radius.

- 5. CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-Fire access road MUST not exceed 150' in length. If the access road is longer than 150' you MUST provide some type of turn around. By Unit 5 on the east side of building.
- 6. <u>CORRECTED 1-14-19 KSP-</u>The distribution system in all developments requiring more than eight hundred (800) feet of water main shall have a minimum of two (2) connections to a source of supply and shall be a looped system. *(D.C.S. Sec. 11-68(a))*
- <u>CORRECTED 1-14-19 KSP-</u>For interior fire protection systems a separate fire protection line shall be provided in addition to a domestic service for each building. Individual shutoff valves for interior fire protection shall be by post indicator valve (P.I.V.) or by valve in well and shall be provided within a public water main easement. (D.C.S. Sec.11-68(a)(9))
- <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-</u> Hydrants shall be installed in a manner to be in compliance with the City of Novi "Design and Construction Standards", Chapter 11 of the Code of Ordinances. Hydrant spacing is 300' from fire hydrant to fire hydrant. Not as the crow flies. 11-68(F)(1)c. MUST put fire hydrant location on pg13 or put buildings with parking lot plans on the Utility plans for review.
- <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-Fire</u> hydrants location per the International Fire Code 2012 (IFC), you MUST have a fire hydrant within 600' from ALL portions of the exterior of the ground floor of the structure. (Not as the crow flies). IFC 507.5.1.
- Hydrant outlets shall be eighteen (18) inches above final grade, measured from final grade to bottom of outlet. (D.C.S. Sec. 11-68 (f)(1)c.4)
- 11. No parking shall be allowed within fifteen (15) feet of a hydrant. (D.C.S. Sec. 11-68 (f)(1)c.4)
- <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-</u> Additional hydrants may be required, depending on the specific hazard or use, to protect the structure. (D.C.S. Sec. 11-68 (f)(1)c.6)
- All hydrants shall have two 2-1/2 inch male outlets and one 4-1/2 inch male steamer connection. Threads shall be National Standard. (D.C.S. Sec. 11-68 (f)(2))

- 14. <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-Fire</u> department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the code official. (International Fire Code)
- 15. <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-</u> Immediate access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other object for a minimum of 3 feet (914 mm). (International Fire Code)
- 16. <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-</u> Proximity to hydrant: In any building or structure required to be equipped with a fire department connection, the connection shall be located within one hundred (100) feet of a fire hydrant. (Fire Prevention Ord. Sec. 15-17)
- 17. <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-</u> <u>Maximum Building heights will need to be addresses, as the</u> <u>Novi Fire Department has only 1 - 100' aerial apparatus,</u> <u>and is limited to approx.. 55' height Emergency Access.</u> <u>Proposed buildings in access of 55' may need to conform</u> <u>to the 2015 International Building Code standards for High-Rise (Type I or Type II) construction.</u>

<u>GENERAL</u>:

To facilitate fire protection during site preparation and construction of buildings, the following are required:

- 18. Water mains and fire hydrants shall be installed prior to construction above the foundation. Note this on all plans.
- 19. The building address is to be posted facing the street throughout construction. The address is to be at least 3 inches high on a contrasting background. Note this on all plans.
- 20. Street names on suitable poles shall be established and installed prior to construction above the foundation. Note this on all plans.
- 21. Prior to construction above the foundation of nonresidential buildings, an all-weather access road capable of supporting 35 tons shall be provided. Note this on all plans.
- 22. Free access (unobstructed) from the street to fire hydrants and to outside connections for standpipes, sprinklers or other fire suppression equipment, whether permanent or temporary, shall be provided and maintained at all times.

- 23. Fire prevention practice during construction shall be in accordance with the adopted Building Code and Fire Prevention Code
- 24. <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-</u>The installation of security gates across a fire apparatus access road shall be approved by the fire marshal. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200
- 25. <u>CORRECTED 1-14-19 KSP-</u>Correct the scale on plan A1.2 (1/16" = 1').
- 26. <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-</u> MUST provide the height clearance dimensions on plans A-202. MUST have 14' of clearance.
- 27. <u>CORRECTED SEE EACH UNIT PLANS FOR REVIEW 1/14-19-</u>On plan A-101, is there storage in the stairwell?

Recommendation: APPROVAL

Sincerely,

Kevin S. Pierce-Fire Marshal City of Novi – Fire Dept.

cc: file

CITY COUNCIL MEETING MINUTES EXCEPRT May 06, 2019

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI MONDAY, MAY 6, 2019 AT 7:00 P.M. COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL:	Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Mutch, Poupard, Verma
ALSO PRESENT:	Pete Auger, City Manager Victor Cardenas, Assistant City Manager

APPROVAL OF AGENDA:

Mayor Gatt added under the Mayor and Council Issues: Firefighter Air Packs

Thomas Schultz, City Attorney

CM 19-05-068 Moved by Casey, seconded by Poupard; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 19-05-068	Yeas:	Staudt,	Breen,	Casey,	Mutch,	Poupard,
		Verma,	, Gatt			
	Nays:	None				

PUBLIC HEARING:

Recommended Annual Budget and Financial Plan 2019-2020

Public Hearing opened at 7:01 p.m. and closed at 7:02 p.m. with no public input.

PRESENTATIONS:

1. Proclamation recognizing May as Building Safety Month – Larry Butler, Community Development Deputy Director and Jeff Johnson, Director of Emergency Medical Services/Fire Operations

EMS/Fire Director Jeff Johnson had a yard stick and said he is giving them out at the Spring Palooza. He said you can test smoke alarm or your carbon monoxide detectors with it. On one side of the yard stick is says "If you see something, say something" and the other side says "Test your smoke alarm every month with a yard stick". They also have the 50th Anniversary logo as well. He said the Spring Palooza is Friday, May 17, 2019. He mentioned they have a great partnership between fire and building. Community Development Deputy Director, Larry Butler said they will continue pushing safety.

Nays: None

2. Consideration of the request of Orville Properties, LLC for Tentative Approval of the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan and Agreement, JZ18-24, Adell Center PRO. The subject property is approximately 23 acres and is located on Expo Center Drive (now Adell Center Drive), north of Grand River Avenue and south of I-96 in Section 15. The applicant seeks to revise the PRO Agreement to amend the approved layout for Units 6 and 7, common landscape areas, building signage, and location of accessory units.

Mr. Kevin Adell, owner of the Adell Center thanked the Mayor and City Council. He updated everyone on the Adell Center. He said the underground is being done. The fire hydrants and sewers are in. The retention pond should be in by Friday. Since there has been a lot of rain the road will be paved approximately two weeks. Detroit Edison will come in as well as Consumers Power. Thank-you he was honored to be there. He will stand by for any questions you may have on the progress.

Clark Green Tek Engineering, with respect for the motion that is up for consideration tonight there are a couple of items that he wanted to bring to Councils attention. The items he referred to were Item J and Item K in the recommended action with respect to a couple of sign deviations that we are requested on behalf of a couple of the proposed unit owners. These requests are very consistent with what was previously approved on other units within the Adell Center proposal. We have asked that you take into consideration for the future owners.

Mayor Pro Tem Staudt mentioned on the motion there are two non-recommendations from staff and he asked City Planner McBeth to expand on those a little bit. Mayor Pro Tem Staudt asked if Council denies those are they something that can go to the Zoning Board of Appeals or does will it have to be done at this time. Ms. McBeth replied that these requests typically be done with the City Council because of the PRO Agreement status of this. Mayor Pro Tem stated then they don't have an alternative like they would normally have is this was the Planning Commission. Ms. McBeth confirmed that was correct. She stated that there are a few changes highlighted a few changes on the overhead regarding changes at Unit 6 and Unit 7. Unit 6 has been revealed that it is going to be the Texas Roadhouse and Unit 7 will be another restaurant on a smaller site. Those are the main changes with this request. She said that Planet Fitness was also requesting approval at this point. They are requesting the signage. Mayor Pro Tem asked Ms. McBeth what specifically was the objection. Ms. McBeth said there are two non-recommendations from staff. She explained that the ordinance requires the applicant to demonstrate that the provisions that are being sought to be deviated would if the deviation would not plan or prohibit an enhancement of the development that would be in the public interest and would be consistent with the Master Plan and surrounding area. They really didn't provide a lot of detail about that. They didn't justify their request for the waivers from the staff's standpoint. So for the signage for Texas Roadhouse the variance from the sign code for an oversized illuminated window sign 1.4 square feet over allowable size which is 3.5 square feet is permitted for illuminated window sign. A variance for the front and rear building wall signs. The front elevation sign is oversized by 171 square feet based on the distance of 120 feet from the centerline of the I-96 off-ramp. A maximum of 60 square feet is permitted. They are proposing 171 square feet. The rear elevation sign is oversized by 94.5 square feet based on 273 feet from the centerline of Adell Drive. Maximum of 136 square feet is permitted. For Unit 2, Planet Fitness a maximum of one wall sign is allowed a deviation is requested to allow for an additional wall sign. They are requesting a variance from code for the front and the rear building wall signs. The front elevation sign is oversized by 152.4 square feet based on the distance from Adell Drive. A maximum of 86 square feet is permitted. The side elevation sign is oversized by 106 square feet approximately based on the distance from Adell Drive. A maximum of 86 square feet is permitted. The signs that are being proposed are considerably larger than what our ordinance would allow. Mayor Pro Tem asked if Council denies does it go to the ZBA. They don't have an alternative. Ms. McBeth said the changes are on Unit 6 and Unit 7 which is the Texas Roadhouse and a smaller restaurant. Planet fitness is also requesting a sign deviation. Mayor Pro Tem wondered what the objection was. Ms. McBeth said the applicant needs to demonstrate the need and they didn't provide details to staff.

Mayor Pro Tem Staudt asked a representative to come down and explain why they are requesting this. The representative said from a general developer standpoint when we brought the original PRO Plan to the Planning Commission and City Council they had requested several sign deviations for iFly and Carvana. This development and the ordinance and how they relate to each other if that the ordinance allows basically one sign on the building that faces the street. Many of these buildings face Adell Center Drive and I-96. The previous requests that were here were requesting signage along I-96 so that the passing motorists could recognize not only the Adell Center with the water tower, as well as with the signs along the off-ramp from the expressway as well along the expressway. At that point in time, Planet Fitness was here, they were very early in their process. Texas Roadhouse was not even on board yet. This deviation request is just being consistent with what we have asked for with iFly and Carvana, as well as the hotels in the back have asked for signed up high and larger. This is very consistent with those. The Planet Fitness sign is the same sign that is on the front of the building facing Adell Center is the same sign they want to face I-96. That goes for Texas Roadhouse as well. Mayor Pro Tem Staudt said the long and the short of this is that the buildings front a different road and they want the advantage of having visibility from I-96.

Mayor Pro Tem Stuadt asked the consultant from Texas Roadhouse to come down to explain why they are asking for the proposed deviations. Emily Bernall with BDGR Architects, she is the consultant for Texas Roadhouse and has worked with them for 13 years now. She explained that Texas Roadhouse has 582 stores in 39 states. The sign elevation that is before Council is really consistent with their brand identity that we see nationally. Texas Roadhouse corporately does not advertise through typical media channels such as print or TV ads. They rely heavily on the building and the signage as the greatest form of their advertisement. Their restaurant managers who are known as managing partners also are really responsible for getting out in the community. They rely on network marketing. You will find them sponsoring Boy Scouts events, 5-K runs, having events for Mother's Day, Father's Day, Veteran's Day things of that nature. They have found that statistically when there are deviations from the look of the building or the signage, the stores don't perform as well. If a customer cannot recognize that it is a Texas Roadhouse they will not come to the store. Ultimately their business model is to replicate the customer experience anywhere you are in the country and they are keeping with their brand identity.

Mayor Pro Tem Staudt said the uniqueness of this particular property is that it is abutting I-96 and this is very premium sites and brand identity and signage is very important to this.

CM 19-05-071 Moved by Staudt, seconded by Gatt; MOTION CARRIED 5-2

Tentative approval at the request of Orville Properties, LLC for Tentative approval of the First Amendment to the previouslyapproved Planned Rezoning Overlay (PRO) Plan and Agreement, JZ18-24 Adell Center PRO, based on the following findings, City Council deviations, and conditions, with the direction that the City Attorney's Office shall prepare the required First Agreement and work with the applicant to return to the City Council for Final Consideration pursuant to the PRO Ordinance. Including all areas even those not recommended. Item K and Item J are part of this motion:

- 1. This approval is subject to all conditions listed in the original PRO Agreement dated October 26, 2018, unless otherwise amended with this approval;
- 2. The applicant shall submit a complete PRO Concept Plan packet with all corrected information that was submitted at different times in different formats, as noted in the Planning review letter into one prior to Council's final approval of the First Amendment to the PRO Plan and Agreement.
- 3. The current amendment is required as changes are proposed to the approved layout for Unit 6 and 7, minor changes to common landscape areas, building signage and location of accessory units.
- 4. The agreement shall include the following ordinance deviations and additional information requested by staff for consideration by the City Council:
 - a. Planning deviation from Section 5.12 for not meeting the minimum required parking Unit 7 (A minimum of 196 spaces are required, a total of 166 spaces are proposed);
 - b. Planning deviation from Section 4.19.2 to allow a dumpster enclosure within the interior side yard off the building for Unit 7;
 - c. Planning deviation from Section 5.4.1 to allow the

loading area within the interior side yard as shown on the Concept Plan for Unit 7;

- d. Planning deviation from Section 5.4.1 to allow the loading area within the interior side yard and partly in the exterior side yard as shown on the Concept Plan for Unit 6;
- e. Planning deviation from Section 5.4.2. to allow for a reduction in the size of the proposed Loading Area for Unit 7 (847 square feet minimum required, 786 square feet proposed);
- f. Façade deviation from Section 5.15 to allow exceeding the maximum allowable percentages for standing seam metal for the building on Unit 7 (A maximum of 25% standing seam metal roof is allowed, 35% on East elevation and 29% on west elevation is proposed);
- g. Landscape deviation from Section 5.5.3 for lack of undulations in the landscape berm with a 3-foot height along the I-96 frontage.
- h. Planning deviation to allow placement of transformers in alternate locations instead of required rear yard, provided proposed locations conform to other code requirements and appropriate screening will be provided at the time of Preliminary Site Plan review, subject to review and approval by the Planning Commission. This is applicable for Units 1, 2, 3, 5, 6 and 7.
- i. Planning deviation from Section 3.1.25.D to allow reduction of minimum required exterior side parking setback of 20 feet for Unit 6 (A minimum of 20 feet is required, 13 feet is proposed along the northeast property boundary indentation for approximately 50 feet as shown on the plans;
- j. The following deviations from Chapter 28, Signs, from City Code of Ordinances for the two wall signs and the window sign proposed for Unit 7 Texas Roadhouse as listed below (Not recommended by staff since the applicant has not demonstrated that the provisions sought to be deviated from would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest and would be consistent with the Master Plan and the surrounding area);
 - i. A variance of from code Section 28-7(a)(9) for an oversized illuminated window sign 14.6 square feet over allowable size (3.5 square feet) for illuminated window sign

- ii. A variance from code Section 28-5(b)(1)b for front and rear building wall signs as noted below:
 - a. Front elevation sign is oversized by 171 square feet based on the distance of 120 feet from the centerline of the I-96 off-ramp. A maximum of 60 square feet is permitted;
 - Rear elevation sign is oversized by 94.5 square feet based on 273 feet from the centerline of Adell Center Drive; a maximum of 136.5 square feet is permitted;
- k. The following deviations from Chapter 28, Signs, from City Code of Ordinances for the two wall signs and the window sign proposed for Unit 2 Planet Fitness as listed below (Not recommended by staff since the applicant has not demonstrated that the provisions sought to be deviated from would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest and would be consistent with the Master Plan and the surrounding area):
 - i. A maximum of one wall sign is allowed; a deviation is requested to allow for an additional wall sign.
 - ii. A variance from code Section 28-5(b)(1)b for front and rear building wall signs as noted below:
 - a. Front elevation sign is oversized by 152.4 square feet based on the distance from the Adell Drive. A maximum of 86 square feet is permitted;
 - b. Side elevation sign id oversized by 105.8 square feet based on the distance from Adell Drive. A maximum of 86 square feet is permitted;
- 5. If the City Council approves the rezoning, the Planning Commission recommends the following conditions be made part of the PRO Agreement:
 - a. Future use for Unit 6 shall be updated to "Restaurant" in order to be consistent with the approved PRO Agreement.
 - b. Unit 6 shall have only one primary access off of Adell Drive, which is currently shown as shared with Unit 7 on the revised PRO plan.
 - c. Unit 6 is currently approved on the PRO Plan as a restaurant. The minimum parking requirement for Unit 6 is calculated based on gross leasable area since the end user is unknown. The applicant shall note that the number of seats for future restaurant shall be dependent on the

available parking.

- d. Lighting and Photometric plans for all site plans related with the Adell Center development shall be in general conformance with the light levels indicated in the overall photometric plan and related deviations included in the PRO agreement.
- e. Other items as the City Attorney's office and staff determine shall be addressed during the drafting of the revised PRO Agreement, in light of the complexity of the above, to be presented to the City Council with the final approval of the PRO Agreement.

This motion is made because the proposed amendment is proposing chances that are consistent with the intent of the original PRO plan and Agreement with additional modification as noted.

Member Mutch mentioned the parking deviation for Unit 7, the Texas Roadhouse. He read through the material, there were a lot of examples shown from around the country, but he wasn't entirely clear what that was trying to explain to us. He asked Ms. McBeth to explain what that deviation was and staffs conclusion was. Ms. McBeth said that Unit 7 is a little larger than it was originally on the plans. Previously as well they talked about sharing parking with Unit 6 and Unit 7 both anticipated to be restaurants. When it was initially presented the idea was that they didn't know exactly the parking requirements might be for each one. So a five percent maximum reduction below what our typical standards would be was suggested and approved as part of the PRO Agreement. In this case we have more detail a minimum of 196 spaces are required and 166 are provided. That is greater than the five percent so that is why that deviation was included. Member Mutch said that 160 is obviously is based on the size of the restaurant and the eating areas, kitchen areas and staff count. Member Mutch asked how this building compared to the others. Emily, consultant from Texas Roadhouse said is consistent with their corporate prototype. The reason why they provided other site plans nationally is to show that there are locations that actually exceed the square footage and have less parking and are still in their higher performing stores. Member Mutch said in terms of their usage it will function fine with 160 parking spaces. He asked Ms. McBeth about the change in the unit arrangement between Unit 6 and Unit 7 and Unit 7 has grown; Unit 6 has come down in size. He said he read the Planning Commission Minutes so he did see some explanation of what is contemplated there. Does staff has concerns about the size of that unit and the potential development. His concern is the relatively small size in terms of the building that can go up there. The usage and limited amount of parking there and how it could spill over into the adjacent uses recognizing that we are already making this deviation for the overall parking. He said he was not pushing parking because he thought generally as a rule we over park in the City. He thought there was way too much parking on this overall site as it is. It still can be an issue at an individual unit level especially when we have comparable uses that are going to have traffic at the same time. Ms. McBeth said staff had a similar take. The size of the unit is considerably smaller. The applicant or the developer would know that they would target a smaller restaurant use that doesn't have this high of a parking demand. We will have to work within that envelope. Member Mutch said that we talked about as a general rule we are not up here dictating what people build. Every one of us is aware of properties that are sitting vacant because they are essentially they are not practical because of their size and configuration. He felt that an acre parcel should be large enough to do something with, but this is constrained and a square piece of property that would not be. His concern is how well that is going to function. His other concern is that it is taking away from benefiting from that prime location. He said he did read Mr. Adell's comments from the Planning Commission meeting about what he is trying to accomplish there. He doesn't want to see us end up with a piece of property that can't be used to its full benefit. Obviously Texas Roadhouse had certain needs in terms of space and area. Mr. Adell said he sold all properties for \$1 million dollars an acre. He smashed all records here. The average price in Novi goes from \$250,000 with improvements. He sold each acre for \$1 million an acre with no improvements. He said he did not have any plans for Unit 6 right now. He will not put another restaurant that will compete with Texas Roadhouse. It could be a wine bar, he is going to be really selective on Unit 6. He has reached out to a few businesses, he will be selective and it will be complimentary to the entertainment users that are there. The whole project is \$125 million dollar development. Hudson is putting Lord and Taylor up for sale; we have lost Sears, Lord and Taylor right around the corner, and J.C. Penney. This development each unit is worth \$5 million dollars and will bring in 5.5 in revenue. He assured Member Mutch that they will not have to fight for the parking. Member Mutch said that one thing that has changed was Unit 5. Originally it was a hotel use and they are proposing a different hotel. Mr. Adell said there are two hotels that have purchased the property. One is the Marriott and Hilton. He started off with Drury Hotel, but they have had some issues. Marriott and Hilton are two huge brands and believed are successful. Member Mutch agreed they are quality brands. Mr. Adell said his name is on the water tower, he wants this to be successful development. He is hands on and is at the site every day. This is probably one of the fastest developments in Novi.

Member Verma wondered why they were requesting sign deviations from the front side. He understood why they would want a sign along I-96. Mr. Adell explained that everyone else had their signs approved for the other companies. It makes sense to approve these deviations. The building have frontage on two sides, they are requesting signs so those going along the expressway can see what is there. Mr. Adell said that is the problem with Novi, you can find anything. The lots are triangle shaped lots. The sign is on the front of the building, and then you want a sign on the back so that people can see it from the expressway.

Member Breen was concerned with the traffic and construction traffic. There is no tentative time line for completion of the units, so it is hard to contemplate. When will we have an idea on this timeline? Ms. McBeth said the utilities are wrapping up pretty quickly. When each of these units comes in for development there is going to be some challenges. We are cautioning the developer again to please make sure you have coordinated efforts going on between the different units and that there is access in and through not only for construction traffic, but emergency vehicles also. Member Breen said the traffic report indicates that daily one-directional trips are estimated to be 3,988 to Novi. She wondered what measures the City is looking at to help mitigate traffic in this regard. Ms. McBeth said in this regard there may be improvement in the N.W. Quadrant Ring Road that would be coming quickly. Additionally we are looking at traffic signal timing at Crescent and Novi Road to see if there are any modifications for that. There is going to be some wait and see with these hours of operation of the different uses and see if they are spaced out more evenly. Member Breen said the traffic study was done based on the prior plan, not the one that is presented today. Ms. McBeth said that was correct. Member Breen asked when they could expect an updated traffic study. Ms. McBeth said that Planner, Sri Komargiri had the details. Ms. Komargiri said that the traffic consultant had completed the study which was presented to Council last year. The next phase of it is to figure out the implementation strategies on how to take the recommendations provided in the study forward. She understood they will be meeting with the Road Commission of Oakland County to figure out a game plan. As of now we do not have a game plan yet. We are getting there. Ms. McBeth said they have met with the Road Commission and they will continue to meet with them in terms of the timing of the signals. Member Breen said she hoped they understood her apprehension in proceeding right now with all of the unknowns right now. She appreciated all the different efforts that are being made to mitigate traffic including the Ring Road and working with Oakland County Road Commission. The traffic in this area is a big concern. She was excited to her what her colleagues had to say about this. Mr. Adell said the timeline for the paving should be about two to three weeks, the users will then be coming in and they anticipate being done by Christmas. They are all big companies coming in with sky cranes building their buildings and want to be in by Christmas which is a good thing for Novi. That means they will be paying taxes, employing people, it is a vibrant City, it is a good thing.

Member Poupard wanted to clarify if she understood everything correctly. Did the other business asked for additional signage or were they within the ordinance. What were the recommendations on the other buildings? Did we as Council approve the deviations for larger signs on everything else or di we hold them to the requirements. Ms. McBeth said there are two project which are iFly and Carvana and she believed the signs for those have been approved. Ms. Komargiri said the sign deviations for IFLY was for larger signs, but Carvana stayed under the size limitations, but proposed additional signs. The deviation for Carvana was not for the size. The other deviation was approved for Drury which now they are not coming there. Another thing to note is that iFly and Carvana are taller buildings compared to Texas Roadhouse and Planet Fitness. Member Poupard wondered if this was the first time they were concerned with the size of the signs. Ms. Komargiri said no, iFly had a deviation approved for an oversized sign and Drury had a deviation for an oversized sign. Drury is no longer part of the project. Carvana had a sign deviation, but that was just for additional signs. They stayed under the limit. Member Poupard wondered if they recommended the deviation of the sign when it came to Council before and this time you are not recommending. She said she was new and did not have all of the background. Ms.

Komargiri said the first round when the sign deviations came, we were a little confused if they would be part of the PRO Agreement or would they have to go to Zoning Board of Appeals. That is the first time that sign deviations became part of the PRO Agreement. We also looked at the size deviation as compared to the size of the building and are they complementary to the architecture. The Texas Roadhouse the sign complements the building, but they are a single story building. They wanted the applicant to provide clarification beyond brand identity at this time. City Attorney Schultz said the iFly unit got four additional wall signs; side deviation on the side elevation 88 square feet, front and back deviations of 244 square feet, 65 square feet allowed, and 309 square feet was authorized. The deviations for Drury had some other size deviations, 182 square feet for the north and south elevations and 103 square feet for the east elevation. In addition to numbers the size deviations did factor in original PRO. Member Poupard wondered what the recommendation from the Planning Department on those past deviations. Did you recommend them or not? Mr. Schultz said the difference with this motion is that staff is saying we would like some more information, so that is Council's determination if they are satisfied with this. The maker of the motion was looking for more narrative from staff, it is not a negative recommendation, they wanted more information. Member Poupard said she really wanted to support the recommendations from the staff on this.

Mayor Gatt fully supported the motion. They already approved the deviations on the first go around. This is unique property and you have to be able to see the sign from the expressway. He had no problems with the deviations. He said that he usually supports staff, but in this case he won't.

Member Mutch said the Mr. Schultz gets the lifeline award of the night. Mr. Adell should be very thankful. He thought what was left out of it were the points that staff made is that these units are materially different in terms of their size and height and that did drive some of the discussion of whether it would be appropriate for those units, versus the units we are talking about tonight which are much smaller in terms of height and scale. He thought that was an important part of the conversation. He appreciated that staff highlighted this section. He has a lot of concerns, but his concerns are not stuck on the signage. There is a case to be made why the two situations could be handled differently, but he didn't see where there are real issues with their requests.

Roll call votes on CM 19-05-071

Yeas: Poupard, Verma, Gatt, Staudt, Casey Nays: Mutch, Breen

3. Consideration at the request of Gateway Village of Novi, LLC of the draft Third Amendment to Consent Judgment for the Gateway Village Development in the matter of Gateway Village of Novi LLC v City of Novi and authorization for the City attorney to take all action to file the amendment with Circuit Court. The subject property is located in the northwest corner of Grand River Avenue and Meadowbrook Road in Section 23. The amendment is required for approval of JSP 18-22 Gateway Townhomes of Novi to provide for a new style building for the final phase of the multi-family residential component of the development.

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 10:01 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: May 20, 2019

PLANNING COMMISSION MEEING MINUTES EXCERPT 03-13-19 In the matter of Fox Run Neighborhood 3, JSP18-19, motion to recommend approval to the City Council of the Stormwater Management Plan, subject to the findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0*.

2. <u>ADELL CENTER PRO FIRST AMENDMENT JZ18-24 AND ZONING MAP AMENDMENT</u> <u>18.724</u>

Public hearing at the request of Orville Properties, LLC for Zoning Map Amendment 18.724 for Planning Commission's recommendation to the City Council for an amendment to the previously approved Planned Rezoning Overlay (PRO) Plan and Agreement. The subject property is approximately 23 acres and is located on Expo Center Drive (now Adell Center Drive), north of Grand River Avenue and south of I-96 in Section 15. The applicant is proposing to develop the property as a multi-unit commercial development. The current amendment is requested as changes are proposed to the approved layout for Units 6 and 7, common landscape areas, building signage, and location of accessory units.

Planner Komaragiri said the subject property is referred to as Adell Center and is located on the west side of Crescent Boulevard and south of I-96 expressway ramp. It is currently zoned TC, Town Center, with a PRO and is surrounded by industrial uses to the south and west, Town Center to the east, and Conference district to the north across the expressway.

There is an existing water tower which is proposed to remain and be located on its own unit. There are regulated wetlands and woodlands along the southern side of the property, but those are not impacted with this current revision.

As you know, the applicant has received rezoning approval to develop this property as a multi-unit commercial development by City Council at their October 22 meeting in 2018. The approved plan proposed a mix of hotels, indoor recreational centers, restaurants, and an unlisted use. As the applicant indicated earlier tonight, the roads and utilities site plan has received final approval and are under construction at the moment.

We have presented parts of this overall development in phases as the individual units are trying to get their site plan approvals. The current amendment is requested as changes are being proposed to the approved layout, primarily for Units 6 and 7, common landscape areas, building signage, and location of accessory units. The change is a result of the size of Unit 7 was increased from 1.5 acres to 2.55 acres, which made Unit 6 smaller. The end user for Unit 7 is Texas Roadhouse, so the building size was increased from 6,000 to 7,163 square feet. There was shared parking between Units 6 and 7 as part of the approved PRO plan. Shared parking is not proposed at this time, each unit stands on its own with regards to parking needs. The current revised plan will be subject to all conditions listed in the original PRO Agreement unless otherwise amended with this approval.

Staff reviews have identified multiple deviations with the revisions that were not part of the original submittal, as noted in the motion sheet. Most of the deviations have to do with the

Texas Roadhouse plan with Unit 7 itself. Deviations to location of dumpsters, transformer locations, loading space, berm and wall along Adell Drive are all Staff supported and minor. Staff recommends that transformer locations be deferred subject to Planning Commission approval at the time of site plan, as the final locations are not yet identified at this time. We also recommend including Unit 5 and 8 for alternate locations, as those units also have multiple frontages.

Planner Komaragiri said the applicant has requested a deviation from minimum parking for Texas Roadhouse, Unit 7. A minimum of 196 spaces are required, 166 spaces are provided. The applicant has provided floor plans and maximum occupancy counts. Per the applicant, it is typical for Texas Roadhouse facilities with the same square footage or greater with less parking spaces to have around 164 spaces. They included site plans of restaurants at other locations for reference. An updated review letter provided by the applicant is provided as part of the printed set you have received today. The applicant will expand on this as part of his presentation. The Planning Commission should note that the additional parking on site cannot be achieved unless the building size is reduced or the site size increased.

Texas Roadhouse building plans were provided, and our consultant identified one deviation which is supported by us. A façade sample board is provided. The applicant has agreed to revise the elevations based on our consultant's suggestions at the time of Final Site Plan.

Sample motions are included in the packet either to approve, deny, or postpone. The applicant has been working with Staff closely for the past two weeks to identify and address major issues prior to this meeting. Staff provided input to our best ability for many updates provided in a short period of time, but additional time would have resulted in more thorough reviews. The motion to postpone addresses three primary pending Staff comments at this moment. Staff believes that these comments can be addressed satisfactorily provided additional time for review.

Item 1: The initial submittal has indicated an undetermined use and vacant lot for Unit 6. Even though the amendment is primarily for Unit 7, the expansion of the site size resulted in a smaller and unique-shaped lot for Unit 6 and Staff wanted to make sure that the size of Unit 6 results in a feasible development. The applicant has worked with Staff, primarily with Planning and Fire Department, to make sure that they can come up with a layout that would work for a 2,300 square foot restaurant. However, the plan was not distributed for review for Landscape, Engineering, or Traffic reviews. The applicant states that it will most likely change once the end user is determined and would like to defer further review for a later time.

Item 2: At the time of initial PRO approval, the applicant was not able to provide sufficient information to identify light levels across the units and Adell Drive frontage because at that time, most of the information was not determined. Two deviations with regards to spillover across Adell Drive and units were included to account for possible scenarios at that time with an assumption that information will be clarified at the time of individual site plan reviews. We have reviewed site plans for most of the units – 1, 2, 3, 6, 7, 8 – but Staff is unable to determine the light levels for the overall development because they were coming in in bits and pieces and we were not able to figure out when a new one comes in how that would affect the other current ones. So we asked the applicant to provide an

overall lighting and photometric plan for the entire development in this round, so that we can identify if any light poles have to be moved or reduced in height or considered differently.

Item 3: The applicant has requested three deviations from the Sign Ordinance in their cover letter. Two of them refer to Unit 7, Texas Roadhouse, and one for Unit 2, Planet Fitness. However, sign permit applications as requested in the review letter were provided in the last two weeks. Staff was able to identify the deviations quantitatively as noted in the motion sheet, but are not clear as for the reason for the request. The applicant stated that it is to comply with their national branding.

Planner Komaragiri said there are no impacts to wetlands or woodlands proposed at this time. All reviewers are recommending approval with additional items to be addressed with the Preliminary Site Plan.

The Planning Commission is asked tonight to hold the public hearing, review the presented proposal, and make a recommendation to City Council. The Planning Commission can either postpone so that they can reconsider additional information requested, or direct the applicant to work with Staff to address these pending items prior to City Council meeting. Staff is available tonight if you have any questions. We have our Traffic consultant, Josh Bocks, and ECT consultant, Pete Hill, here. And we have representatives from Texas Roadhouse with the project engineer, Dan LeClair, who would like to expand a little bit on these issues we've discussed so far. Thank you.

Dan LeClair, with GreenTech Engineering, said thank you Sri for your presentation, I'm just going to reiterate a few things here. As Sri mentioned earlier tonight in one of her previous slides, the focus tonight is primarily on the Texas Roadhouse site which is Unit 7. When we were helping Mr. Adell bring the original PRO through the process, he was at that point in time talking to Texas Roadhouse and working out some of the details as far as where they wanted to be, what they're looking for for the area and the size of their project, but weren't finalized to the point that we were able to bring this plan through to Planning Commission and to City Council in line with the rest of the project. So that's partly the reason why we knew we were going to have to come back and amend the PRO for this site specifically.

Fortunately, there's been a little bit of time between then and now and we've gone through the site plan approval process for some of the individual units and we are able to now, instead of going to concept plans, go to real plans and site plans. And we're able to determine that there are a couple more deviations that we need. The transformers, for instance, are one. There have been some loading areas that as we go through the site plan process, it just makes common sense to make some changes and deviation requests to accommodate those from a practical standpoint.

On the screen, this is just a blow-up of the Texas Roadhouse site. They sit on Unit 7 and in addition to that, we did kind of modify the plan for Unit 6. I can tell you, and Mr. Adell is here and is probably not objective to me saying that he's looking at some smaller users. For Unit 6, it would be something like an ice cream store or a smoothie operation, something that kind of blends and jives with the rest of the development. And then a couple of hotels having activities, work out activities, he's looking for users that would blend and fit into this development, yet also fit on the smaller site because the site is

compact and it's got some constraints because of the shape of the property. But the layout that you have in front of you here, I suspect when we do come back with a user for Unit 6, it is probably going to look very similar to this because now we're at the point where we can cater the user to the site at this point.

Mr. LeClair said staying on this slide here, what I do want to do is address the couple of deviations that were talked about. I'll use my pen to point, and right at the tip of my pen, there's a little jog. When I-96 was dedicated to the public for the creation of the expressway, one of the parcels of land exempted or given to the State created a little jog in our property line right there. And as small as it is, I think from the straight line it's about 8 feet that it sticks into the site. So to be harmonious with the remainder of the site, one of our deviation requests was to continue the side yard parking lot setback to be consistent so that everything is harmonious and runs across that line. You cannot tell a difference out in the field looking at it, when you're driving along the freeway or even when you are sitting in one of these parking lots. So that was one of the deviations that we were looking at.

With respect to parking, I'm going to ask Emily Bernahl, the project architect representing Texas Roadhouse. We brought a couple of exhibits with us just to talk about Texas Roadhouse and their operations with respect to parking and how it pertains to the Ordinance. But we run into this in a lot of situations, especially with the national retailers or restaurants, where they have built hundreds of restaurants across the country, they have their models and what they use and what they have to fulfill their needs. They don't want to over-park a site when they know exactly what they need. And this happens to be one of those situations. So if I may, I'll ask Emily to step up and talk a little bit more about their operations.

Emily Bernahl, with BDG Architects, said my firm will be the architect of record for the Texas Roadhouse project. Presented before you is just a list of some active under construction projects, projects that are in permitting, and existing stores that are currently open and have been operating for fifteen, twenty years. Essentially what this is showing is that when Texas Roadhouse approaches a market and approaches a parcel of land, they have created a formula based on their tables, the number of barstools in their stores, their anticipated customers in terms of driving one car to the site, that kind of thing. So they have this pretty detailed formula that they apply to every location and ultimately include the wait time and turnover into that as well. Historically, city to city anywhere in the US, they consistently target 160 to 165 spaces, give or take based on the parcel of land they are able to use. A couple of these locations that are listed here, those in Kentucky, are well established stores and are over the square footage that we are requesting here in Novi and actually are their highest performing stores in their portfolio. So they have above average sales and particularly Somerset, that's one of their higher performing stores, it's larger in square footage and actually has significantly less parking.

Essentially, what I'm trying to demonstrate here is that, to Dan's point, when they approach a community, they are really looking to find a parcel of land that really accommodates their customers. They have a really detailed methodology to how they approach it, and they arrive consistently for their stores and their facilities to function properly around 160 to 165 spaces. So overall that's really kind of a summary of the comparable sites that we have given you today. If you have any other questions related to the parking, I'd be happy to answer.

Mr. LeClair said just to expand on what Emily had also indicated, one of the things that all of the users are looking at is the interaction between units within the site. This development has two hotels, with 160 to 180 rooms I believe in each of the rooms. So there are probably 350 to 400 people on a daily basis that are going and looking for someplace to eat. This restaurant happens to sit within easy walking distance, even two weeks ago in the cold weather, from those hotels to the front door. We did not do a shared parking study on this property yet because the parking requirements, or the user requirements, match what they need on standalone sites throughout the country. So we're thinking that this site may actually be a little bit over-parked, given the fact that we're going to have a lot of walking customers coming across the road and eliminating the need for additional parking.

One of the other items that Sri had mentioned was the signage. Sri, could you pull up the slide with the elevations? With this slide and Emily may be able to expand on this, the north elevation on this slide is almost a mirror image of the south elevation because this site, similar to the Carvana site, has frontage on the freeway as well as on the interior road. So one of our deviation requests is to actually put the Texas Roadhouse sign on both sides because we think there is going to be a significant amount of traffic and recognition obviously along the freeway and off-ramp, but in addition now that Crescent Boulevard is being expanded and lengthened down to Grand River, we feel that the signage on both sides of this building are going to help us get exposure from both directions. So it does two things - one, it generates more notoriety or more publicity from the travelling public up and down on 96, bringing customers not only to this site but to the whole development as well. And in conjunction to the additional signs that City Council has granted deviations for - certain increased signs, additional signs, that will help bring that attention to this site, this kind of follows right in. So the signs that we're asking the deviation for is basically an additional sign, as shown, that would be on the freeway side of the building. The applications are with Staff now, they were not able to get them in time for you to review, but they're in and we're hoping that you can give us some flexibility to have Staff review those and give their review to us prior to City Council.

The third item that Sri mentioned was with respect to the site lighting. The site lighting issue may actually kind of linger around with us for a while. We've done a photometric plan as part of the Roads and Utilities and the overall PRO that you folks approved and City Council approved. Now, while each of the sites are going through the site plan approval process, the photometric plans for each of the individual sites are being reviewed and approved. As the engineer for the overall development, we have requested that each of the users – iFly, Carvana, as well as the two hotels – bring us their photometric plans so that we can present it to Staff so they can review for site light levels. We're working on that. Our office is also doing the Planet Fitness site, we're working with Kevin, as well, for the water tower site and Unit 6. So some of this is going to continue to come in as pieces as the site plans are put together, and we certainly will be working with Sri on that. So she will be getting an updated plan here probably in the next week with the site lighting levels, as we take the site lighting levels from the individual sites and project on top of the overall site.

Mr. LeClair said with that, I think with a little bit of consideration to allow us to be able to take the signage to City Council, I think that we can certainly meet all the requests of Staff to be able to push this site forward through the process. If you have any questions, we're

happy to answer them. Thank you.

Chair Pehrson asked if there was anyone that wished to address the Planning Commission regarding this project. Seeing no one, he asked do we have any correspondence?

Member Greco said we do have one letter addressed to the Community Development Department from John Gasaway, 44669 Kerri Court, dated February 22. Mr. Gasaway is writing in reference to the public hearing scheduled for the Adell Center tonight. He understands that the City looks favorably on this for the additional tax revenue and services. He indicates that personally he will use the Planet Fitness on the site to save drive time for the Planet Fitness that he currently uses. The major issue he sees with the development is traffic at Novi Road and Grand River, as he believes it is already over capacity. He thinks this development may make things worse and should only be allowed if a road development project is included. New development must have direct access to Grand River so that all of its traffic does not end up on Novi Road.

Chair Pehrson closed the public hearing and turned the matter over to the Planning Commission for their consideration.

Member Avdoulos said I think we had talked about this in a meeting prior to this meeting related to the deviations and I know we went through a lot of deviations and gymnastics in order to get to the plan that was finally approved. I had an understanding that we would probably get into situations like this where once something has been identified and is final, we're going to have some push and pull. I do appreciate the architect from BDG explaining the parking and I'm sure that, because of what they showed and the model used around the country, you know your own business. I appreciate that. The question I had is on the approved development, were we looking at shared parking between all of the sites?

Planner Komaragiri said not with regards to numbers, but they always indicated that people will be sharing, like they will be cross parking but not sharing the amount of parking spaces. But with regards to Unit 6 and Unit 7, there was supposed to shared parking between the units.

Member Avdoulos said I think there's access at least to get from Unit 7 to Unit 8, and then you can get from Unit 7 to Unit 8. The big concern we have, and the project that we were looking at earlier that is going to come to Planning Commission in about a month, is when sites are tight and you need to get from one side to the other, I don't like seeing somebody having to get on a main road to have to get to the property right next to them. So if we at least maintain interconnectivity, I think that that's good. I do like having the ability that if one area is overpopulated to be able to get to the other side. Unit 8 is Carvana, so there wouldn't necessarily be a need to go back and forth, if we just wanted to do some kind of pedestrian link. But I think a lot of the questions have been answered.

So there's an undetermined use for Unit 6, my concern was that it was being squeezed out to being something practical. But I think the explanation given as to what may be the possible use, that sort of fits the overall concept of the site. So with what has been presented so far, there's many items as you're going through the report that Staff wasn't supporting, some due to insufficient information. From what you see now and what you know now, are you a little bit more comfortable than what was previously reviewed? Planner Komaragiri said when we were given the first review letter, which was included in our packet, our biggest concern was Unit 6 was vacant. And we weren't sure what kind of use would fit there because it's such a small site. But then they did provide a layout, Jason worked with me and the Fire Marshal to make sure that secondary access points and the fire safety was addressed. But there were some minor pending comments left, like how does the loading zone work and the loading truck come in and out. And those are the items that I think we would benefit from our Traffic consultant looking at the plan, which they didn't get a chance to do. Other than those little details to be clarified, I think we have a better sense of how Unit 6 can be developed as a 2,000 square foot restaurant with parking. However, the parking calculations for that is based on the square footage, so when they come in with the restaurant and they may require additional parking based on the seating, the applicant should note that it will be restricted based on parking that's available.

Member Avdoulos said right, because it seemed like the original one was about 1.5 acres so this is 2.5, so an acre was taken away. And I guess what we don't want to see is what has been there, and I think it's still unoccupied, the building there on Novi Road by Wendy's that's been empty for maybe ten years, maybe more. So we don't want to create a hardship like that, and I'm sure being the business person that you are, you're not going to put this development or yourself in a hole and get something that is not going to work.

Mr. Adell said I can answer on Unit 6, if you want.

Member Avdoulos said if you could expand on that, it would be appreciated.

Mr. Adell said I've been talking to Wahlburgers, so something new, unique, like a little hamburger joint. I was talking to Wahlburgers about developing that site. If not, I have a concept called Novi City Pops, so it would be kind of like a little ice cream store. So if Wahlburgers doesn't take it, it's been rolling around in my head that I would actually put like a little ice cream store. It would fit with iFly possibly, with entertainment, hotels. It would be a cute little thing about Novi and the history of Novi. I also bought the Novi Special, the actual racecar, so I could put the front end of the Novi Special hanging in the little ice cream store. It would be about 2,000 square feet and it's simply just to help the area. I'd probably put a little fire pit out there, so you could have ice cream. So while you enjoy yourself at Texas Roadhouse, the kids could have ice cream.

Member Avdoulos said ok, and again, in all projects that I get involved in, I don't like seeing over-parking. So I was looking at the size of what Texas Roadhouse was, how the property grew – maintaining the number at 160 and it working with the business model, I think that's fine. So if that's going to work with what you have, that's great. I have no issues, but I would like just a continued effort between the development and the City to constantly work because it's only going to make it better for everybody.

Mr. Adell said and we have sidewalks, so a lot of people will be using those. There's not going to be barriers in the parking, so it looks open even though there's designated spots. You're going to have sidewalks if you want to go from the hotel, to Planet Fitness, to iFly. So it's going to be user friendly, I'm big on landscaping obviously and beautification so it will be very nice. And the last lot, it's not going to be a fast food – I've turned down many

fast food restaurants. I don't want a Culver's or anything fast food, like Krispy Kreme. I've turned down offers like that. And so if I do do something, it would be a 1,500-1,800 square foot building that I would put up, which would be a little ice cream store. It's not going to be a big parking issue. I'll make sure that I make it a great site.

Member Avdoulos said thank you, those are my comments.

Member Anthony said I'll make my comments quick. Initially when I looked, I thought there were a lot of deviations as well which made me lean towards the original recommendation of postponement. But after listening to the discussion, they all make sense. If it also helps with parking, I quickly used the wonders of Google Earth to look up one of their stores and counted up the parking spaces and they really do have substantially less parking spaces than we require and it seems to work, at least in the aerial photo. I know we're coming up on construction season and a lot of work can be done, so I would lean towards approval with the requirement to work with Staff to finalize.

Member Greco said with that, I would like to make a motion.

Motion made by Member Greco and seconded by Member Avdoulos.

Member Anthony said does motion have in it the requirement to work with Staff? Or did we need to insert that as an additional condition?

Planner Komaragiri said there is a list of items recommended in the motion sheet that they need to provide to us prior to the Council meeting.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF PRO AMENDMENT MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER AVDOULOS.

In the matter of the request of Orville Properties, LLC, for the Adell Center JZ18-24 with Zoning Map Amendment 18.724, motion to recommend approval to the City Council for an amendment to previously approved Planned Rezoning Overlay (PRO) plan, based on following conditions:

- 1. This approval is subject to all conditions listed in the original PRO agreement dated October 26, 2018, unless otherwise amended with this approval;
- 2. The current amendment is required as changes are proposed to the approved layout for Unit 6 and 7, minor changes to common landscape areas, building signage and location of accessory units.
- 3. The recommendation includes the following ordinance deviations with this revision for consideration by the City Council:
 - a. Planning deviation from Section 5.12 for not meeting the minimum required parking Unit 7 (A minimum of 196 spaces are required, a total of 166 spaces are proposed);
 - b. Planning deviation from Section 4.19.2 to allow a dumpster enclosure within the interior side yard off the building for Unit 7;
 - c. Planning deviation from Section 5.4.1 to allow the loading area within the interior side yard for Unit 6 and 7;
 - d. Planning deviation from Section 5.4.2. to allow for a reduction in the size of the proposed Loading Area for Unit 7 (847 square feet minimum required, 786 square feet proposed);

- e. Façade deviation from Section 5.15 to allow exceeding the maximum allowable percentages for standing seam metal for the building on Unit 7 (A maximum of 25% standing seam metal roof is allowed, 35% on East elevation and 29% on west elevation is proposed);
- f. Landscape deviation from section. 5.5.3 for lack of undulations in the landscape berm with a 3' height along I-96 frontage.
- g. Planning deviation to allow placement of transformers in alternate locations instead of required rear yard, provided proposed locations conform to other code requirements and appropriate screening will be provided at the time of Preliminary Site Plan review. This is applicable for Units 1, 2, 3, 6 and 7.
- Planning deviation from Section 3.1.25.D to allow reduction of minimum required exterior side parking setback of 20 feet for Unit 6 (A minimum of 20 feet is required, a minimum of 13 feet along the northeast property boundary indentation is proposed for approximately 50 feet as shown on the plans;
- i. The following deviations from Chapter 28, Signs, from City Code of Ordinances for the two wall signs and the window sign proposed for Unit 7 Texas Roadhouse as listed below (Not recommended by staff since the applicant has not demonstrated that the provisions sought to be deviated from would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest and would be consistent with the Master Plan and the surrounding area);
 - a. A variance of from code Section 28-7(a)(9) would be required for an oversized illuminated window sign 14.6 square feet over allowable size (3.5 square feet) for illuminated window sign
 - b. A variance from code Section 28-5(b)(1)b. would be required for front and rear building wall signs as noted below:
 - Front elevation sign is over sized by 171 square feet based on the distance of 120 feet from the centerline of the I-96 off-ramp. A maximum of 60 square feet is permitted;
 - Rear elevation sign is over sized by 94.5 square feet based on 273 feet from the centerline of Adell Center Drive; A maximum of 136.5 square feet is permitted;

The following items shall be addressed in the PRO Concept Plan prior to City Council consideration of Planned Rezoning Concept Plan, and/or items listed above based on Planning Commission's determination:

- The applicant shall provide a formal revised submittal to provide sufficient time for staff and consultants to review the revised layout for Unit 6 dated 03-07-19, as submitted with the response letter dated 03-07-2019. Additional comments may be warranted since Unit 6 has been reduced in size from the approved PRO Plan and detailed information was not provided in time for a complete review by staff);
- The applicant shall provide necessary information to identify the necessary deviations from Chapter 28, Signs from City Code of Ordinances for Unit 2 –Planet Fitness prior to the City Council's consideration for tentative approval of PRO Concept plan;
- 3. The applicant shall provide an overall lighting and photometric plan for the entire development for staff to verify overall light levels. The plan shall include, but not

limited to, the following:

- a. Location of light fixtures within individual parking lots and along Adell Drive
- b. Specification sheets
- c. Height of the fixtures
- d. Foot candle values along lot lines
- e. Average to minimum ratio per each unit
- 4. The applicant shall provide revised building elevations for unit 7, Texas Roadhouse that address the following:
 - a. The applicant shall reduce the proposed Split Faced CMU on the north (I-96 Exposure) façade that are not to exceed 10% of the façade materials on that elevation by substituting brick or stone on the dumpster enclosure portion of the building façade, as noted in the façade review letter;
 - b. The applicant shall screen all roof top equipment from view from all vantage points both on-site and off-site using extended parapets or roof screens constructed of materials in compliance with the Façade Ordinance
- 5. In lieu of a continuous decorative brick wall along the Adell Drive Frontage, as noted in the approved PRO Agreement; he applicant shall provide a combination of decorative brick wall and decorative railing as shown in the revised plans This is proposed to create interesting aesthetic along Adell Drive and is supported by staff;
- 6. The applicant is encouraged to address the sign deviations required and provide information showing how each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and would be consistent with the Master Plan and the surrounding area;

If the City Council approves the rezoning, the Planning Commission recommends the following conditions be made part of the PRO Agreement:

- 1. Future use for Unit 6 shall be updated to "Restaurant" in order to be consistent with the approved PRO Agreement, since information has not been provided with this submittal to address any proposed change in use.
- 2. Unit 6 shall have only one primary access off of Adell Drive, which is currently shown as shared with Unit 7 on the plan.
- 3. Unit 6 is currently approved as a restaurant. Minimum parking requirement for Unit 6 is calculated based on gross leasable area since the end user is unknown. The applicant shall note that the number of seats for future restaurant shall be dependent on the available parking.

This motion is made because the proposed amendment is proposing chances that are consistent with the intent of the original PRO plan and Agreement with additional modification as noted. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. iFLY NOVI JSP18-49

Consideration at the request of SkyGroup investments, LLC for JSP 18-49 iFly Novi for approval of a Section 9 waiver. The applicant is proposing a 6,713 square foot indoor recreational facility; popularly known as iFly that provides an indoor skydiving experience. The applicant is requesting a revised Section 9 waiver for changing the color of flat metal panels.