

COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road Novi, MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile www.cityofnovi.org

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals ZONING BOARD APPEALS DATE: April 12, 2016

REGARDING: Primanti Bros (PZ16-0011) 43335 Crescent Blvd

BY: Charles Boulard, Building Official

. GENERAL INFORMATION:

Applicant

Foremark Real Estate Services, LTD. C/O Primanti Bros

Variance Type

Sign Variance

Property Characteristics

Zoning District: TC-1, Town Center Parcel #: 50-22-14-351-063

Request

The applicant is requesting a variance from the CITY OF NOVI, CODE OF ORDINANCES; Section 28-5(3) and 28-1 to allow installation of (2) oversize wall signs of 139 and 132 Square feet where a single sign or 65 square feet is allowed by right.

II. STAFF COMMENTS:

Proposed Changes

The applicant is requesting approval to install (2) oversize wall signs where a single wall sign of 65 square meet maximum is allowed for a new restaurant in a newly constructed building within the Novi Town Center.

III. RECOMMENDATION:

The Zoning Board of Appeals may take one of the following actions:

1.	I	move	that	we	<u>grant</u>	the	variance	in	Case	No.	PZ16-001	11, so	ught	-
								b	ecause	Petitic	oner has	shown	prac	for tical
	difficulty requiring									·				
		. ,					ner will be ui e		,	•		ited wit	th resp	pect
		(b) The	e prope	erty is u	ınique b	ecaus	Se				·			

Case # PZ16-0011

	(c)	c) Petitioner did not create the condition because							
	(d)	The relief granted will not unreasonably interfere with adjacent or surrounding properties because							
	(e)	The relief if consistent with the spirit and intent of the ordinance because							
	(f)	The variance granted is subject to:							
		1							
		2							
		3							
		4							
2. l	mo	ve that we <u>deny</u> the variance in Case No. PZ16-0011 , sought by							
	or	because Petitioner has not shown							
ŀ	oractio	cal difficulty requiring							
	(a)	The circumstances and features of the property including are not unique because they							
		exist generally throughout the City.							
	(b)	The circumstances and features of the property relating to the variance request are self-created because							
	(c)	The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioners statements that							
	(d)	The variance would result in interference with the adjacent and surrounding properties by							
	(e)	Granting the variance would be inconsistent with the spirit and intent of the ordinance to							

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0423.

Charles Boulard Building Official City of Novi

RECE /ED



Community Development Department 45175 Ten Mile Road Novi, MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile

www.cityofnovi.org

MAR 0 8 2016

ZONING BOARD OF APPEALS
COMMUNITY DEVELOPMENT APPLICATION

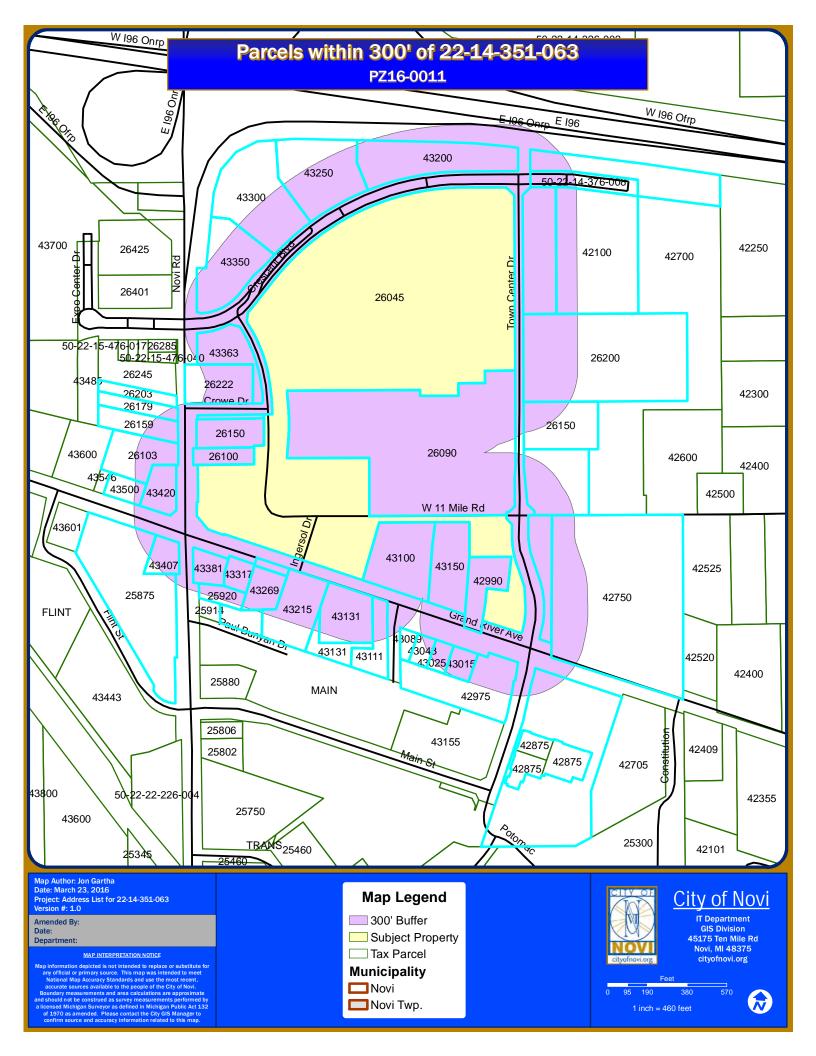
APPLICATION MUST BE FILLED OUT COMPLETELY

I. PROPERTY INFORMATION (Add	ress of subject ZBA Co	ase)	Application Fee:	\$300.00		
PROJECT NAME / SUBDIVISION FOUNTAIN SHOPS AT NOVI TOWN CENTER						
ADDRESS	- Worker Control	LOT/SIUTE/SPACE #	Meeting Date: 🖠	tpr1 12,2016		
43335 CRESCENT BLVD., NOVI, MI 48375			ZBA Case #: PZ	16-0011		
SIDWELL # 50-22-14 - 351 - 063		btained from the Department 0485	ADA Case #: FA_	10 00.1		
CROSS ROADS OF PROPERTY NORTH/SOUTH: NOVI ROAD OR INGERSOL DR.; EAST/WE		0.400				
IS THE PROPERTY WITHIN A HOMEOWNER'S ASSI		REQUEST IS FOR:				
☐ YES ☑ NO			OMMERCIAL VACANT	PROPERTY SIGNAGE		
DOES YOUR APPEAL RESULT FROM A NOT	ICE OF VIOLATION OR C		YES 7NO			
II. APPLICANT INFORMATION						
A. APPLICANT	EMAIL ADDRESS		CELL PHONE NO.			
NAME	DSMITH@FOREMARK.CO	DM		214-563-9207		
DANIEL H. SMITH			TELEPHONE NO. 214-561-6518			
ORGANIZATION/COMPANY			FAX NO.			
FOREMARK REAL ESTATE SERVICES, LTD. C/O						
ADDRESS 8235 DOUGLAS AVE., SUITE 945		CITY DALLAS	STATE	ZIP CODE 75225		
	ERE IF APPLICANT IS ALSO	· · · · · · · · · · · · · · · · · · ·	1 1/	15225		
Identify the person or organization that	EMAIL ADDRESS	THE PROPERTY OWNER	CELL PHONE NO.			
owns the subject property:	JCLEAR@SIMON.COM		248-345-9087			
NAME			TELEPHONE NO.			
JAMES H. CLEAR (Landlord Representative) ORGANIZATION/COMPANY			248-347-3830			
SIMON PROPERTY GROUP			FAX NO. 248-347-3833			
ADDRESS	T	CITY	STATE	ZIP CODE		
225 WEST WASHINGTON STREET		NDIANAPOLIS	IN	46204		
III. ZONING INFORMATION			tide varieties. The extra de Madrie of the experiment for a lateral per tree in the extra tree in the extra tr Performance and tree in the extra tree tree tree in the extra t			
A. ZONING DISTRICT						
\square R-A \square R-1 \square R-2	□R-3 □R-4	□RM-1 □ RM-2	MH			
□ I-1 □ I-2 □ RC	□TC ☑TC-1	OTHER				
B. VARIANCE REQUESTED						
INDICATE ORDINANCE SECTION (S) AND V	VARIANCE REQUESTED:					
1. Section_28-5(3) V	ariance requested	1 ADDITIONAL SIGN		Name of the last o		
2. Section 28-1 Variance requested ADDITIONAL 74 SQUARE FEET ON WEST ELEVATION & ADDITIONAL 66 44 ON EAST ELEVATION						
3. SectionV	ariance requested		Dreduction Comment			
4. SectionV	ariance requested	***************************************				
IV. FEES AND DRAWNINGS						
A. FEES						
Single Family Residential (Existing) \$200 🔲 (With Violat	tion) \$250 🔲 Single F	amily Residential (New)	\$250		
☐ Multiple/Commercial/Industrial \$	300 (With Violat	tion) \$400 🗹 Signs \$3	300 (With Violation)	\$400		
House Moves \$300	Special Me	etings (At discretion o	f Board) \$600			
	AL COPY SUBMITTED					
Dimensioned Drawings and Plans			sed distance to adjace			
Site/Plot Plan Eviting or proposed buildings or greater	ddition on the proper	Location of exist	ting & proposed signs, i	f applicable		
Existing or proposed buildings or acNumber & location of all on-site po			evations nation relevant to the \	/ariance application		



ZONING BOARD OF APPEALS APPLICATION

V. VARIANCE					
A. VARIANCE (S) REQUESTED					
DIMENSIONAL USE SIGN					
There is a five-(5) hold period before work/action can be taken on variance approvals.					
B. SIGN CASES (ONLY) Your signature on this application indicates that you agree to install a Mock-Up Sign ter ZBA meeting. Failure to install a mock-up sign may result in your case not being heard b schedule ZBA meeting, or cancelled. A mock-up sign is NOT to be an actual sign. Upon be removed within five-(5) days of the meeting. If the case is denied, the applicant is re the removal of the mock-up or actual sign (if erected under violation) within five-(5) days	y the Board, postponed to the next approval, the mock-up sign must				
C. ORDINANCE					
City of Novi Ordinance, Section 3107 – Miscellaneous					
No order of the Board permitting the erection of a building shall be valid for a period lor building permit for such erection or alteration is obtained within such period and such e proceeds to completion in accordance with the terms of such permit.	nger than one-(1) year, unless a rection or alteration is started and				
No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty-(180) days unless such use is established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one-(1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.					
D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL					
PLEASE TAKE NOTICE:					
The undersigned hereby appeals the determination of the Building Official / Inspector of	r Ordinance made				
CONSTRUCT NEW HOME/BUILDING ADDITION TO EXISTING HOME/BUILDING S	SIGNAGE				
ACCESSORY BUILDING USE OTHER					
VI. APPLICANT & PROPERTY SIGNATURES A. APPLICANT					
A. AFFEICANI					
	2/9/16				
Applicant Signature	Date				
B. PROPERTY OWNER					
If the applicant is not the owner, the property owner must read and sign below: The undersigned affirms and acknowledges that he, she or they are the owner(s) of the application, and is/are aware of the contents of this application and related enclosures.	property described in this				
() — 411	3.4.16				
Property Owner Signature	Date				
VII. FOR OFFICIAL USE ONLY					
DECISION ON APPEAL:					
☐ GRANTED ☐ DENIED					
The Building Inspector is hereby directed to issue a permit to the Applicant upon the following	owing conditions:				
Chairperson, Zoning Board of Appeals	Date				



NOVITOWN CENTER

A WASHINGTON PRIME PROPERTY

Telephone (248) 347-3830 jclear@simon.com

January 25th, 2016

City of Novi Zoning Board of Appeals 45175 W. Ten Mile Road Novi, MI 48375

Re:

Novi Town Center

43335 Crescent Blvd. (Primanti Bros.)

Sign approval request

To whom it may concern;

M.S. Management Associates Inc., managing agent for Novi Town Center Investors LLC, has reviewed and approved the Primanti Bros. sign package as attached. Further, we allow Primanti Bros. permission to install signage as attached if approved by the City of Novi & the Zoning Board of Appeal. M.S. Management Associates Inc., managing agent for Novi Town Center Investors LLC, also allows Foremark Real Estate Services, Ltd. to present, with a Landlord representative present, at the variance approval hearing pertaining to the signage approval process.

Thank you

James H. Clear

General Manager - Novi Town Center M.S. Management Associates Inc., as managing agent for

Novi Town Center Investors LLC

attachments



Daniel Smith Foremark dsmith@foremark.com

January 12, 2016 Via Email

Reference:

SIGN REVIEW

Primanti Bros Space #: 43335 Novi Town Center #7200

Novi, MI

Dear Daniel:

The sign drawings have been reviewed and are approved as noted. One set of plans marked with review comments is enclosed for your records.

Contact the appropriate Landlord Representative at the property to review check in procedures and all mall rules and regulations.

Sincerely,

Barb Lynn Senior Tenant Coordinator 317-685-7214

Copy: Mall Manager TC10.1/saa

Tenant Name: Primanti Brothers

Property Name: Novi Town Center

Corp #: 7200 Space #: 43355



225 West Washington Street Indianapolis, IN 46204 SimonTCTenantPlans@simon.com

Signage: Approved As Noted

Reviewer: lynnb Date: 1/11/2016

Landlord review is for design intent and compliance with mall criteria ONLY. The Tenant, Tenant's Architect, and Tenant's General Contractor's responsibility for project compliance with all local, state, and federal codes, act, regulations, permits, inspections, and reviews.

Return Drawings To:

dsmith@foremark.com

Additional Comments:

cc: james.clear@simon.com

Landlord's Signage Comments:

- •Landlord and Tenant responsibilities are as defined in the Lease.
- •All modifications to the Landlord approved drawings shall be resubmitted to the Landlord for re-approval. All construction completed without Landlord approval shall be corrected as approved by Landlord at Tenant sole expense.
- ·Tenant shall be responsible for all permits.
- •Plans reviewed and approved by Landlord shall be present on the job site and be accompanied by plans approved for permit. All proposed deviation from the Landlord approved plans shall be numbered and clouded on the plans, and then resubmitted by the Tenant to the Landlord for re-approval prior to any fabrication and / or construction changes taking place in the field.
- *Approval of Tenant's signage documents by the Landlord does not release the Tenant and or Tenant's contractors from complying with the lease agreement and all authorities having jurisdiction (AHJ) including but not limited to local, state, national, and mall criteria, acts, codes, and other requirements.
- All Landlord comments on this set of drawings shall apply to the entire document set, even if not repeated on every sheet.
- Tenant's signage contractor is responsible to comply with all Mall Rules and Regulations and as instructed on site by Mall Operations Team.
- •Tenant's signage contractor is required to check in with Landlord's Mall Operations Team prior to the start of Tenant construction.
- •All damage and / or downtime to Landlord's property or other tenant's property during construction (i.e. mall flooring, bulkhead, neutral piers, etc.) shall be repaired to "like-new" condition and reimbursed at Tenant's sole expense.
- •All Landlord equipment, component, and / or services feeding other tenant(s) that are existing in the space shall remain visible and accessible to the Landlord. Tenant shall install access panels as required to maintain access and shall be labeled to properly identify systems. Tenant shall coordinate location with Mall Operations Team.
- *The sign and its system of components and devices shall be UL approved and labeled, separately grounded, and in compliance with NEC, UL, and authorities having jurisdiction (AHJ) including but not limited to local, state, national, and mall criteria, acts, codes, and other requirements.

- *All signage transformers shall be exterior grade and concealed within the signage or located remotely concealed from view. Transformer noise shall NOT be audible from within the center.
- *LED lamping is preferred for all signage illumination and maybe required by Landlord's Design Criteria and / or authorities having jurisdiction (AHJ); neon tubing is strictly prohibited. Auxiliary signage, posters, and / or advertising banners are prohibited in "Design Control Zone", including but not limited to hours of operation, open signs, advertising, and DBA signs.
- *All illuminated storefront entry lights, show window lights, and show window receptacles shall be separately circuited and controlled by a time switch allowing 7-day / 24-hour programming. System shall be programmed for illumination during mall business hours and shall be coordinated with the Mall Operations Team.
- The sign and its system of components shall be securely fastened and concealed behind tenant's storefront or building facade.

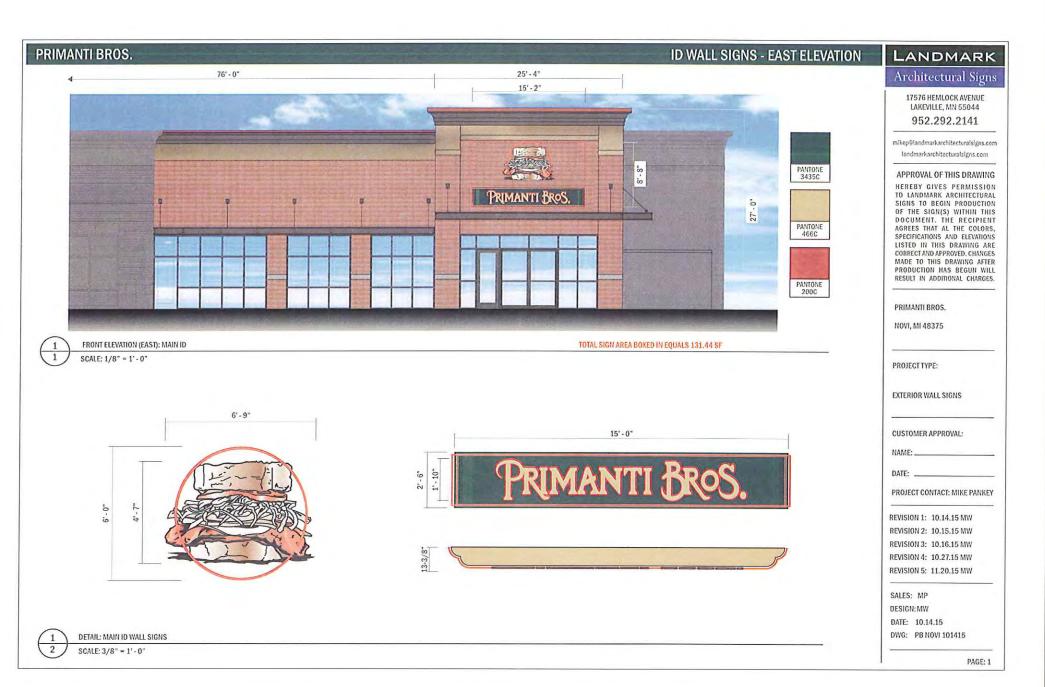
Interior Sigange Applications:

- Box or Cabinet signs will only be approved for interior application if they are recessed and flush with the storefront.
- Interior storefront signage shall be separately circuited and controlled by a time switch allowing 7-day / 24-hour programming.

Exterior Signage Applications:

- •Prior to installation of exterior signage, the sign installer shall be required to place a template on the storefront indicating the sign placement & light location(s), where applicable, and approved by Mall Operations Team prior to installation.
- •Exterior signage shall be manufactured from exterior grade materials, having semi-glass or matte finish, and be waterproof. All attachment systems shall be concealed stainless steel and all building penetrations shall be sealed with exterior grade systems.
- The sign and its system of components shall be securely fastened and concealed behind tenant's storefront or building façade.
- •All exterior illuminated storefront signage shall be separately circuited and controlled by a photocell.
- •All related roof work, including parapet walls, shall be done by Landlord's required roofing contractor, at Tenant's sole expense. Coordinate all work with Mall Operations Team.





PRIMANTI BROS. ID WALL SIGNS - WEST ELEVATION LANDMARK Architectural Signs 25'-4" 76'-0" 17576 HEMLOCK AVENUE LAKEVILLE, MN 55044 15' - 2" 952.292.2141 mikep@landmarkarchitecturalsigns.com landmarkarchitecturalsigns.com APPROVAL OF THIS DRAWING 9'-2" HEREBY GIVES PERMISSION TO LANDMARK ARCHITECTURAL SIGNS TO BEGIN PRODUCTION PRIMANTI BROS. OF THE SIGN(S) WITHIN THIS DOCUMENT. THE RECIPIENT PANTONE 3435C AGREES THAT AL THE COLORS, SPECIFICATIONS AND ELEVATIONS LISTED IN THIS DRAWING ARE CORRECT AND APPROVED, CHANGES MADE TO THIS DRAWING AFTER PRODUCTION HAS BEGUN WILL RESULT IN ADDITIONAL CHARGES. PANTONE 466C PRIMANTI BROS. NOVI, MI 48375 PANTONE 200C PROJECT TYPE: REAR ELEVATION (WEST): ID WALL SIGN FABRICATED ALUMINUM CABINET WITH 15MM RED NEON ILLUMINATION TOTAL SIGN AREA BOXED IN EQUALS 139.79 SF SCALE: 1/2" = 1'-0" EXTERIOR WALL SIGN 6'-9" 15' - 0" CUSTOMER APPROVAL: PRIMANTI BROS. DATE: 10, PROJECT CONTACT: MIKE PANKEY .0-.9 REVISION 1: 10.14.15 MW REVISION 2: 10.15.15 MW REVISION 3: 10.16.15 MW REVISION 4: 10.27.15 MW REVISION 5: 11.20.15 MW

DETAIL: ID WALL SIGN FABRICATED ALUMINUM CABINET WITH 15MM RED NEON ILLUMINATION

SCALE: 1/2" = 1'-0"

PAGE: 2

SALES: MP DESIGN: MW DATE: 10.14.15

DWG: PB NOVI 101415



2001 SE 10th Street Bentonville, AR 72716-5525 Phone 479.204.5362 Fax 479.204.0577 www.walmart.com

January 7, 2016

Via Email: kevin.jones@wpglimcher.com

Kevin Jones Sr. Leasing Representative CLC Division 111 Monument Circle, Suite 3500 Indianapolis, Indiana 46204

RE: Novi Town Center, Novi, Michigan/Walmart #5893 Building Design Waiver Request

Dear Mr. Jones:

This letter is in response to your email request on December 21, 2015 that Walmart waive certain restrictions against property within Novi Town Center. Pursuant to the Amended and Restated Operation and Easement Agreement recorded September 2, 2011 in Liber 43337, page 238, Oakland County Records ("the Amended and Restated OEA") affecting that real property commonly known as the Novi Town Center, Novi, Michigan, all building designs are restricted from the presence of "exposed neon lighting". You have requested that Walmart agree to waive that restriction for the Primanti Brothers development to be located on the pad identified on the attached site plan.

After reviewing your request Walmart agrees to grant that waiver. This waiver is granted strictly for the use of Primanti Brothers, as specifically shown in the attached imagery, on the identified pad only and for no other purpose. Should Primanti Brothers cease operation in this location, this waiver shall terminate and any future variations from the restrictions found in the Amended and Restated OEA shall require further consent from Walmart. Nothing herein is intended to amend the terms and conditions of the Amended and Restated OEA, the terms and conditions of which (including all rights and obligations of the parties) shall remain in full force and effect subject only to the consent expressly set forth above.

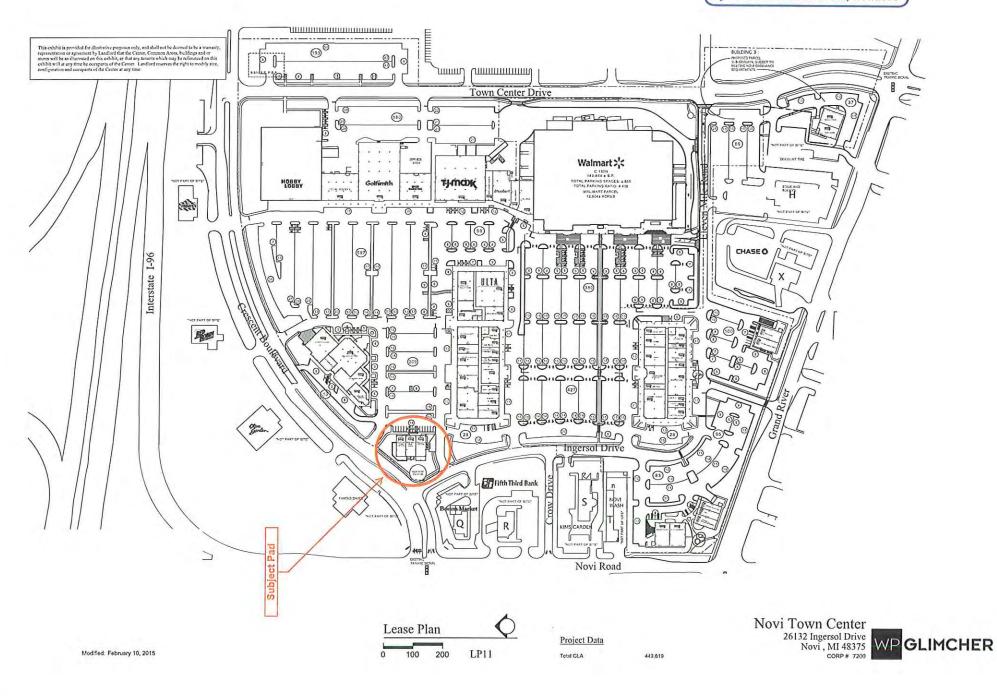
If you have any questions, please do not hesitate to contact me. I can be reached by phone at (479) 204-5362 or by email at ashelor@walmart.com.

Very Truly Yours,

Walmart Real Estate Business Trust, a Delaware Statutory Trust

By: Andrew Shelor

Its: Realty Manager



WALL SIGN DETAILS

PANTONE

3435C

PANTONE

466C

PANTONE

200C

LANDMARK

Architectural Signs

17576 HEMLOCK AVENUE LAKEVILLE, MN 55044

952.292.2141

mikep@landmarkarchitecturalsigns.com landmarkarchitecturalsigns.com

APPROVAL OF THIS DRAWING

HEREBY GIVES PERMISSION TO LANDMARK ARCHITECTURAL SIGNS TO BEGIN PRODUCTION OF THE SIGN(S) WITHIN THIS DOCUMENT, THE RECIPIENT AGREES THAT AL THE COLORS. SPECIFICATIONS AND ELEVATIONS LISTED IN THIS DRAWING ARE CORRECT AND APPROVED. CHANGES MADE TO THIS DRAWING AFTER PRODUCTION HAS BEGUN WILL RESULT IN ADDITIONAL CHARGES.

PRIMANTI BROS.

NOVI, MI 48375

PROJECT TYPE:

EXTERIOR WALL SIGN DETAILS

CUSTOMER APPROVAL:

DATE:

PROJECT CONTACT: MIKE PANKEY

REVISION 1: 10.14.15 MW

REVISION 2: 10.15.15 MW

REVISION 3: 10.16.15 MW

REVISION 4: 10.27.15 MW

REVISION 5: 11.20.15 MW

SALES: MP DESIGN: MW

DATE: 10.14.15

DWG: PB NOVI 101415

PAGE: 3

SIGN CONTRACTOR TO PROVIDE AND COORDINATE INSTALLATION OF REQUIRED CONDUIT WITH LANDLORD'S SHELL CONTRACTOR & ARCHITECT

TOP VIEW - CABINET



FRONT VIEW- CABINET PAINTED TWO COLORS WITH RED VINYL STRIPING



EXPOSED NEON - RED NEON TUBING



COMPOSITE - EXPOSED NEON OVERLAID ON CABINET DESIGN



TOP VIEW - CABINET WITH EXPOSED NEON



EXPOSED NEON WALL SIGN TYPICAL CABINET DETAIL

2'- 6" X 15'-0" ALUMINUM SIGN CABINET **RED EXPOSED NEON** PANTONE 466C: LETTERS, BORDERS, TOP & BOTTOM PANTONE 3435: BACKGROUND ORACAL 751-31 RED VINYL: BORDER STRIPS & LETTER PINSTRIPE 15000V OUTPUT - 120V INPUT NEON TRANSFORMERS MOUNTED INSIDE OF CABINET SILIFLEX GTO WIRING PORCELAIN FEDERAL BUSHINGS ULLISTED

THREE TRANSFORMERS AT 120V/60HZ - 3.60 AMPS TOTAL AMPS: 10.8





(UL)



-SILIFLEX GTO

GLASS TUBE SUPPORTS

SILICON

END CAPS

3MM ACM PANEL

WITH FULL COLOR DIGITAL PRINT

-RED NEON CIRCLE

SKELETON NEON SANDWICH RING

3MM ACM PANEL WITH FULL COLOR

15000V OUTPUT - 120V INPUT NEON

TRANSFORMERS INSIDE CONTAINMENT BOX

NEON TRANSFORMER TO BE REMOTE MOUNTED

WITHIN TENANT SPACE- REFER TO DRAWING PB NILES 091715 PAGE 1

FOR ADDITIONAL INFORMATION.

SIGN CONTRACTOR TO PROVIDE AND COORDINATE

INSTALLATION OF REQUIRED CONDUIT WITH LANDLORD'S

SHELL CONTRACTOR & ARCHITECT

TYPICAL MOUNTING DETAIL

DIGITAL PRINT

RED EXPOSED NEON

SILIFLEX GTO WIRING

SILICONE END CAPS

UL LISTED

GLASS TUBE SUPPORTS

TRANSFORMER

3MM ACM PANEL

WITH FULL COLOR

DIGITAL PRINT

-RED NEON CIRCLE

CONTAINMENT BOX

TRANSFORMER-

LANDMARK

17576 HEMLOCK AVENUE LAKEVILLE, MN 55044

952,292,2141

mikep@landmarkarchitecturalsigns.com landmarkarchitecturalsigns.com

HEREBY GIVES PERMISSION TO LANDMARK ARCHITECTURAL SIGNS TO BEGIN PRODUCTION OF THE SIGN(S) WITHIN THIS DOCUMENT, THE RECIPIENT AGREES THAT AL THE COLORS, SPECIFICATIONS AND ELEVATIONS LISTED IN THIS DRAWING ARE CORRECT AND APPROVED, CHANGES MADE TO THIS DRAWING AFTER PRODUCTION HAS BEGUN WILL RESULT IN ADDITIONAL CHARGES.

NOVI, MI 48375

EXTERIOR WALL SIGN DETAILS

DATE:

PROJECT CONTACT; MIKE PANKEY

REVISION 1: 10.14.15 MW

REVISION 2: 10.15.15 MW

REVISION 3: 10.16.15 MW

REVISION 4: 10.27.15 MW

DESIGN: MW

DATE: 10.14.15

APPROVAL OF THIS DRAWING

PRIMANTI BROS.

PROJECT TYPE:

CUSTOMER APPROVAL:

REVISION 5: 11.20.15 MW

SALES: MP

DWG: PB NOVI 101415



DETAIL: SECONDARY ID WALL SIGN WITH EXPOSED NEON

NOT TO SCALE

40.5 SF

PANTONE

3435C

PANTONE

PANTONE 2000

PAGE: 4