



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

Case No. PZ14-0056 West Oaks I

Location: 43741 West Oaks Drive

Zoning District: RC, Regional Center District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Sections 2400 to allow construction of an additional on the north and west sides of the existing center with a reduced north front yard setback of 69.96 ft. and a reduced west side yard setback of 67.73 ft., and Section 2507 to allow loading zone located on the side of the property. The property is located west side Novi Rd, South of 12 Mile Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES; Section 2400 requires minimum front and side yards setback of 100'. Section 2507, within the RC District, requires the loading zone be located in the rear yard or interior side yards.

City of Novi Staff Comments:

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

Standards for Granting Dimensional Variances:

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

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

Standards for Denying Dimensional Variances:

Petitioner has **not** established a practical difficulty because:

- Petitioner has shown no unique circumstance or physical condition of the property because petitioner can reasonably comply with the ordinance by_____.
- The difficulty described by the Petitioner is a personal or economic difficulty only in that Petitioner stated _____.
- The need for the variance is self-created because Petitioner _____.
- Conforming to the ordinance would not (either):
 - be unnecessarily burdensome because _____, or,
 - unreasonably prevent petitioner from using the property for _____, because_____.
- A lesser variance consisting of _____would do substantial justice to Petitioner and surrounding property owner's because_____.
- The proposed variance would have adverse impact on surrounding property because _____.



PLAN REVIEW CENTER REPORT

November 10, 2014

Planning Review

West Oaks I Renovation

JSP14-57

Petitioner

Ramco-Gershenson Inc.

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: 43741 West Oaks Drive (south of West Oaks Drive, west of Novi Road) (Section 15)
- Site Zoning: RC, Regional Center District
- Adjoining Zoning: North, East and West: RC; South: C, Conference District
- Current Site Use: Existing West Oaks shopping center
- Adjoining Uses: North, East and West: various retail and restaurant; South: retail and office
- School District: Novi School District
- Site Size: 20.12 acres
- Plan Date: 10-10-14

Project Summary

The applicant is proposing to demolish a portion of the existing West Oaks I shopping center and construct an additional 9,942 sq. ft. on the north and west sides of the existing center with associated parking and landscaping. Existing tenants will be relocated a new tenant has been proposed.

Recommendation

Staff recommends approval of the Preliminary Site Plan. There are minor planning related items to be addressed on the Final Site Plan submittal. Zoning Board of Appeals variances are required. A revised Preliminary Site Plan submittal is required for traffic review. Additionally, there are several façade issues to be addressed in the façade review letter.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 17 (Regional Center District), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant.

1. Building Setbacks: Required building setbacks in the RC District are 100 feet. The proposed setbacks in the northern and western yards are 95 feet and 68 feet. **The applicant has applied for variances from the Zoning Board of Appeals for the deficient setbacks.** Plans will not be stamped approved until variances are granted.
2. Loading Space: Loading space must be located in the rear yard or interior side yard. **The applicant has proposed a loading zone in the exterior side yard and has applied for a variance from the Zoning Board of Appeals for this deficiency.** Plans will not be stamped approved until this variance is granted.
3. Exterior Lighting: **A photometric plan with proposed lighting and manufacturer's details is required with the Final Site Plan submittal.**
4. Bicycle Parking: Bike parking spaces have been indicated on the east side of the proposed storefront. **The applicant should provide a detail of the bike parking layout consistent with the requirements outlined in the planning review chart.**

Planning Review

West Oaks I Renovation
JSP14-57

November 10, 2014

Page 2 of 2

5. Economic Impact: **The applicant should provide the total cost of the site improvements, proposed building and approximate number of jobs during and after construction in the response letter.**
6. Signage: Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

Site Addressing

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at www.cityofnovi.org under the forms page of the Community Development Department.

Please contact Jeannie Niland [248.347.0438] in the Community Development Department with any specific questions regarding addressing of sites.

Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

Chapter 26.5

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this and other review letters is required with the next plan submittal.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.



Kristen Kapelanski, Planner, 248.347.0586 or kkapelanski@cityofnovi.org

Attachments: planning review chart

OCT 24 2014



ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department

(248) 347-0415

CITY OF NOVI COMMUNITY DEVELOPMENT

For Official Use Only

ZBA Case No.

P214-0057

ZBA meeting date

December 10

Check# _____ Include payment with cash or check written to "City of Novi"

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

***Please submit one original full set of all documentation relevant to the appeal plus 14 additional complete sets.

Applicant's Name Charles E. Fosse Date 10/24/2014

Company (if applicable) Wah Yee Associates, Architects

Address* 37911 West 12 Mile Road City Farmington Hills

State MI Zip code 48331 *Where all case correspondence is to be mailed

Applicant's E-mail address cfosse@wahyeeassoc.com

Phone number 248-489-9160 Fax number No Fax

Request is for:

- Residential Vacant property Commercial Signage

Address of subject ZBA case 43741 West Oaks Drive Zip code 48377

Cross roads of property West Oaks Drive and Donelson Drive

Sidwell number 50-22- 15-200-101 May be obtained from Assessing Department (248) 347-0485

Is the property within a Homeowner's Association jurisdiction? Yes No

- Zoning (Please circle one) R-A R-1 R-2 R-3 R-4 RM-1 RM-2 MH I-1 I-2 RC TC TC-1 Other

Property owner name (if other than applicant) Ramco West Oaks 1 LLC, a Delaware Limited Liability Company

Does your appeal result from a Notice of Violation or Citation issued? Yes No

Indicate Ordinance section(s) and variances requested:

- 1. Section 2400 Variance requested Reduce required front yard setback from 100' to 94'
2. Section 2400 Variance requested Reduce required side yard setback from 100' to 67'
3. Section 2507 Variance requested Locate the loading zone in the side yard
4. Section Variance requested

Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
b. The location and dimensions of all existing and proposed structures and uses on property.
c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
d. Dimensions necessary to show compliance with the regulations of this Ordinance.

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

Due to this location at the intersection of West Oaks Drive and Donelson Drive what would otherwise be a side yard is classified as a front. Because of this unique location the only practical way to expand the existing building to accommodate the new tenant is to expand to the North. Together these unique site constraints create the practical difficulty which prevents conformance with the Zoning Ordinance.

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

The unique location of this development at the intersection of West Oaks Drive and Donelson Drive causes, in effect, the location to have two front yards (East and North) and one exterior side yard (West). Because of this there is no rear yard or interior side yard in which to locate the loading space, therefore strict compliance with the Zoning Ordinance is not possible.

Under these circumstances the best and logical location for the loading space is on the West side of the building (an exterior side yard) and because of the necessity to locate the loading space on the West side a reduction in the side yard setback is needed which prevents a strict compliance with the Zoning Ordinance.

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

SIGN CASES ONLY:

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

City of Novi Ordinance, Section 3107. - Miscellaneous

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

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.

PLEASE TAKE NOTICE:

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

- Construct new home/building
- Addition to existing home/building
- Accessory building
- Use
- Signage
- Other

C. E. Jones

Applicants Signature

10/24/2014

Date

Frederick A. Pontello, Esq. V.P.

Property Owners Signature

October 22, 2014

Date

DECISION ON APPEAL

_____ Granted

_____ Denied

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

Chairperson, Zoning Board of Appeals

Date



Wah Yee Associates
Architects & Planners
Since 1961

December 18, 2014

City of Novi
Community Development Department
45175 West Ten Mile Road
Novi, MI 48375
Attn: Tom Walsh

Re: ZBA Case No. PZ 14-0056
43741 West Oaks Drive

Dear Mr. Walsh,

Changes required by the potential tenants of this project have necessitated building footprint changes that will also require a revision to the previously requested front yard reduction. We are now requesting a reduction of the front yard from 100' to 69'. The requested reduction of the side yard will remain at 67' as will the request to locate the loading zone in the side yard.

The attached Site Plan Documents have been revised to reflect this change in the front yard reduction request.

Sincerely,

Charles E. Fosse, NCARB
Principal

REVISED

37911 West Twelve Mile Road
Farmington Hills, MI 48331
(248) 489-9160 FAX: (248) 489- 0133
E-Mail: wya@wahyeeassoc.com



BENCH MARKS
CITY OF NOVI DATUM

BM #300
N. RIM OF SANITARY MANHOLE AT THE 30'
SOUTH OF THE SOUTH CURB OF WEST OAKS
DRIVE AND 100' EAST OF THE EAST CURB OF
DONELSON DRIVE ELEV. 926.22

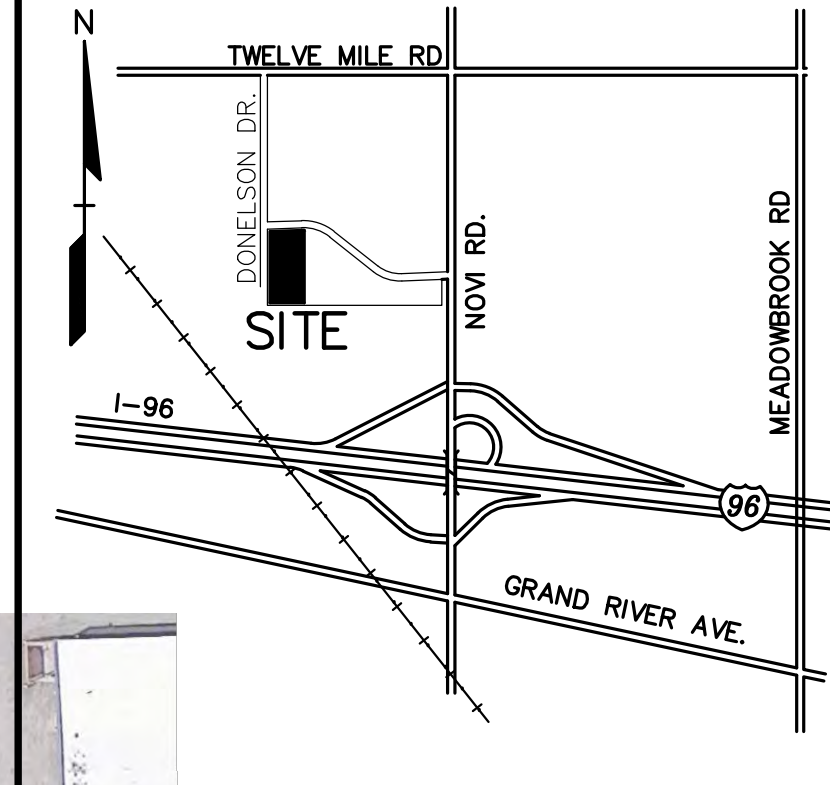
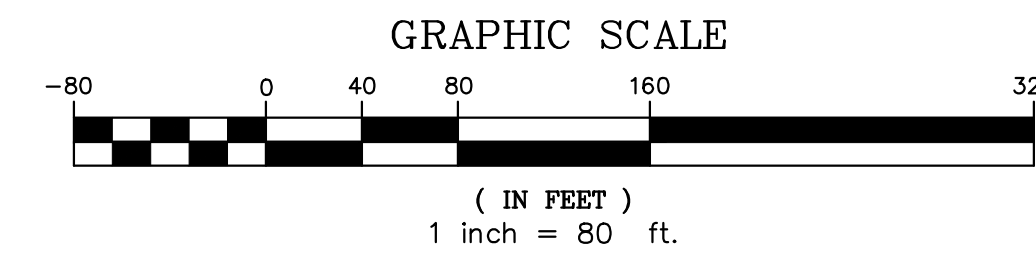
BM #301
N. RIM OF A SANITARY MANHOLE 20' NORTH
OF THE SOUTH PROPERTY LINE OF WEST OAKS
CENTER BEHIND (SOUTH) OF #43713 (DSW)
ELEV. 925.16

LEGAL DESCRIPTIONS

(Per First of American Title Insurance Company, Commitment No. 260335, in "ALTA/ACSM Land Title Survey - West Oaks, PEA Job #2000369)

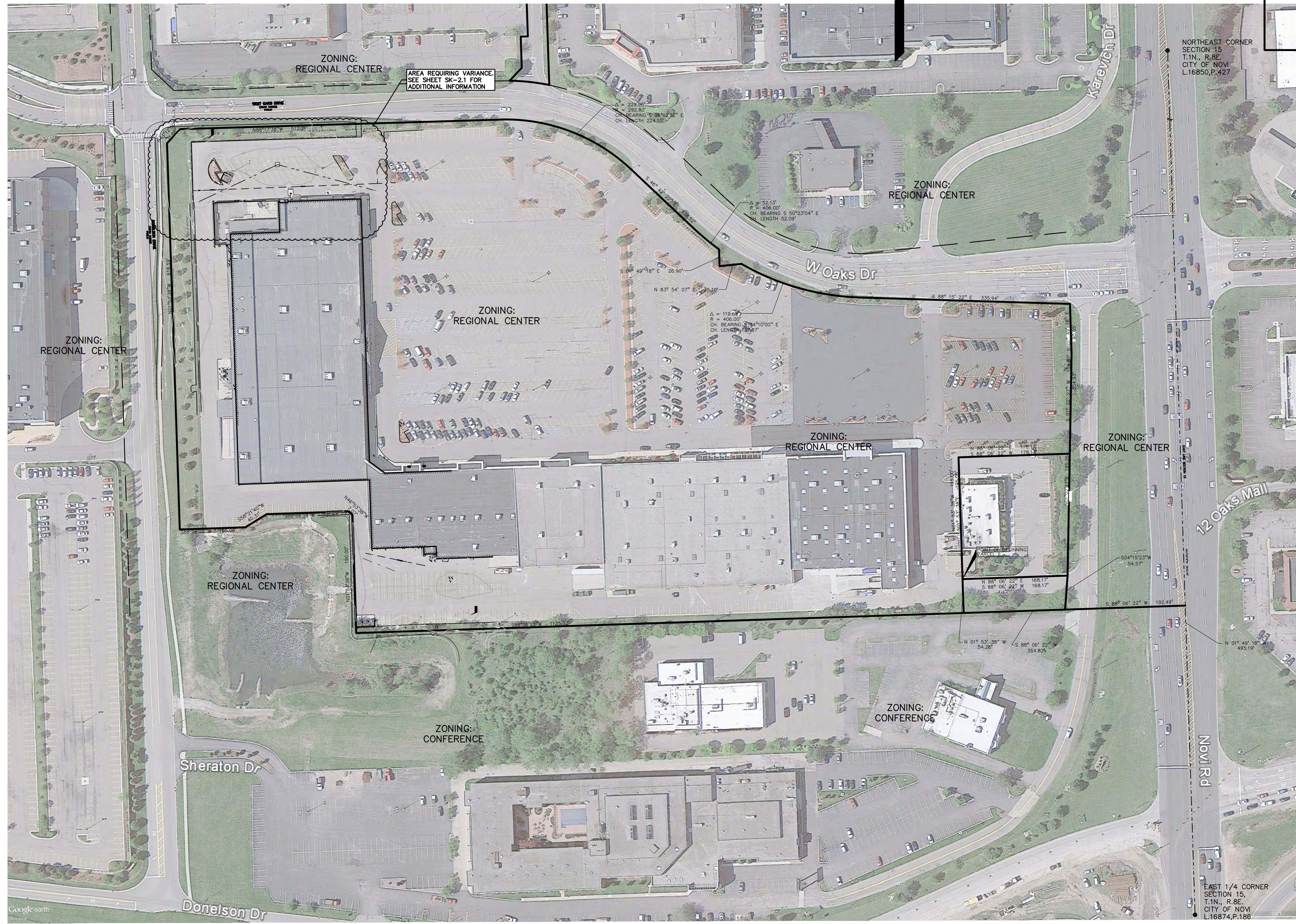
PARCEL NO 22-15-200-101

The following is the description of a parcel of land located in the City of Novi, Oakland County, Michigan, and being more particularly described as follows: Town 1 North, Range 8 East, Section 15, part of the Northeast 1/4, Beginning at point distant N01°49'18"W, 190.19 feet and S88°06'22"W, 192.49 feet from East 1/4 corner; thence S88°06'22"W, 1135.33 feet; thence N01°53'38"W, 190.00 feet; thence N46°53'38"W, 7.07 feet; thence S88°06'22"W, 131.67 feet; thence S58°21'40"W, 40.31 feet; thence S88°06'22"W, 105.00 feet; thence N01°53'38"W, 618.59 feet; thence N43°12'00"E, 31.05 feet; thence N88°17'38"E, 512.21 feet; thence along curve to right, radius 292.80 feet, chord bears S69°12'22"E, 224.10 feet, distance of 229.96 feet; thence S46°42'22"E, 138.52 feet; thence along curve to left, radius 406 feet, chord bears S50°23'04"E, 52.10 feet, distance of 52.13 feet; thence S01°49'18"E, 26.90 feet; thence N83°54'07"E, 35.10 feet; thence along curve to left, radius 406 feet, chord bears S74°10'00"E, 197.67 feet, distance of 199.68 feet; thence S88°15'22"E, 335.94 feet; thence S01°49'18"E, 80.05 feet; thence S01°02'27"W, 159.67 feet; thence S88°06'22"W, 178.17 feet; thence S01°53'38"E, 195.00 feet; thence N88°06'22"E, 168.17 feet; thence S04°15'23"W, 54.57 feet to the Point of Beginning.



No.	BY	CHK.	DESCRIPTION	DATE

REVISIONS



LOCATION MAP - NOT TO SCALE



CAUTION!
THE LOCATION AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE THE PROPERTY OF THE ENGINEER. EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF, THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

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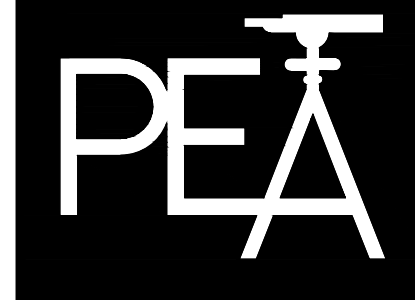
CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR SHALL BE REQUIRED TO MAINTAIN AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO THE CONTRACTOR BY THE DESIGN PROFESSIONAL AND SHALL BE LIMITED TO NORMAL WORKING HOURS AND CONSTRUCTION CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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Phone: (248) 689-9090
Fax: (248) 689-1044
website: www.peainc.com

RAMCO GERSHENSON
27600 NORTHWESTERN HWY., SUITE 200
FARMINGTON HILLS, MI 48334

TOPOGRAPHIC SURVEY - OVERALL
WEST OAKS I
PART OF THE NE 1/4 OF SECTION 15, T. 01N, R.08E
CITY OF NOVI, MICHIGAN

DES.	KJB	DN.	KJB	SUR.	GWC	P.M.	DNH
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ORIGINAL
ISSUE DATE: DEC. 18, 2014

PEA JOB NO. 2014-166

SCALE: 1" = 80'

DRAWING NUMBER:

SK-1.1

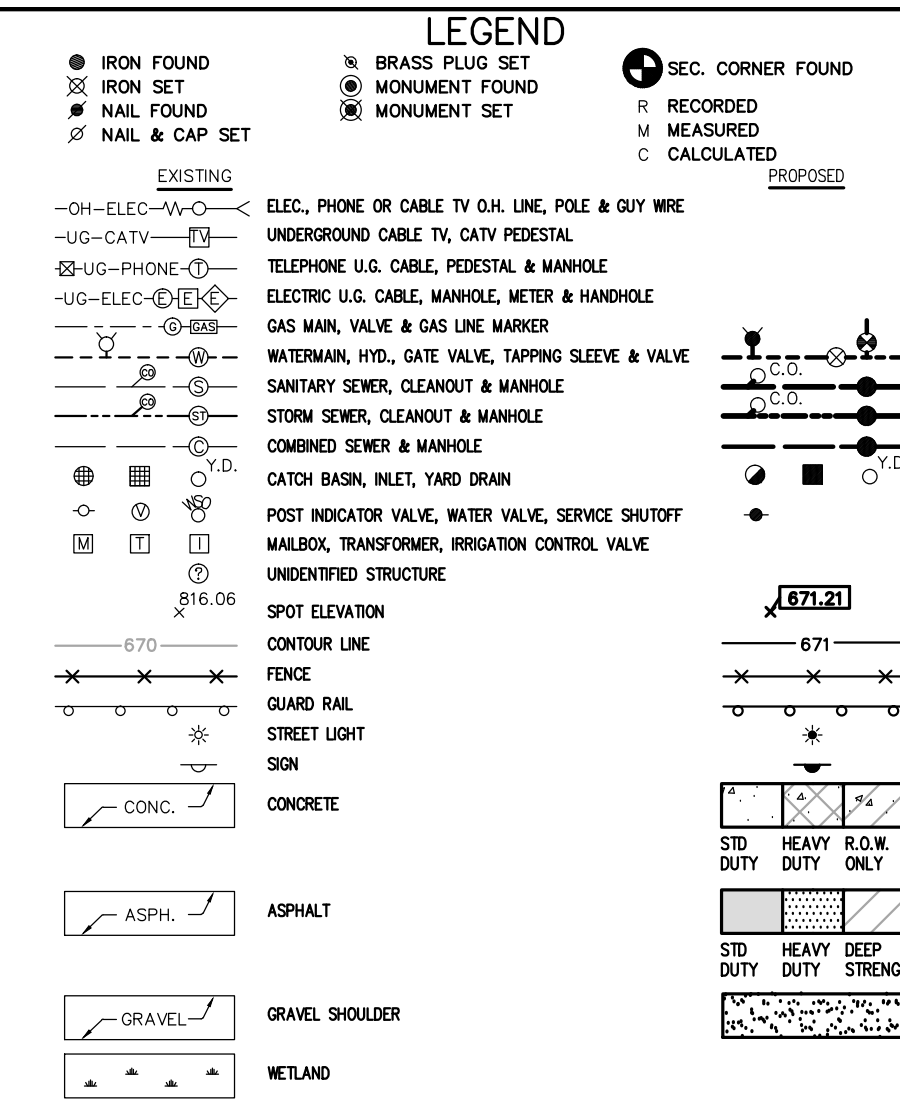
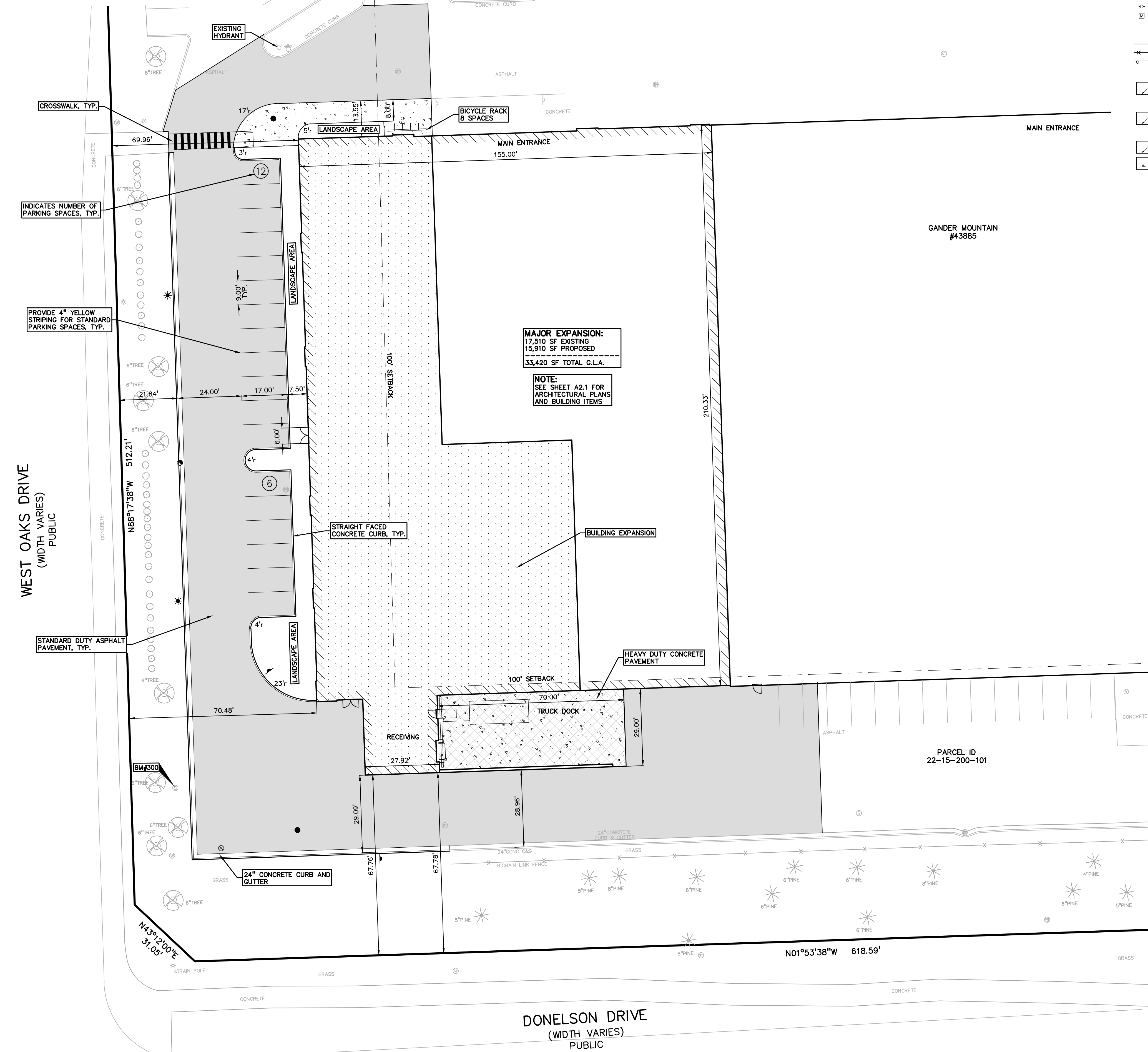
PRELIMINARY - NOT FOR CONSTRUCTION

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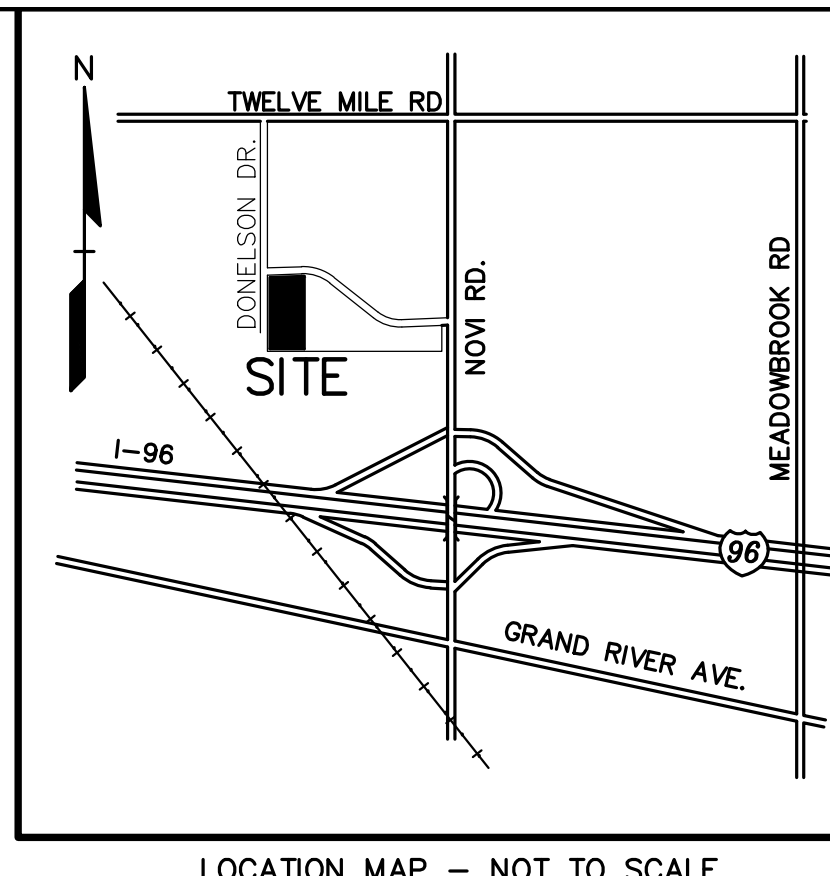
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REFERENCE DRAWINGS
WATER MAIN NOV GIS MAP NOT RECEIVED
SANITARY SEWER NOV GIS MAP NOT RECEIVED
STORM SEWER NOV GIS MAP NOT RECEIVED
ELECTRIC AT&T MAP CONSUMER'S MAP 01-58-15-1 NOT RECEIVED
GAS CATV



SITE DATA:
ZONING: RC - REGIONAL CENTER DISTRICT
(PER CITY OF NOVI GSI DATABASE)
PROPOSED USE: RETAIL STORE

BUILDING AREA (TOTAL SITE):
EXISTING: 17,510 S.F.
PROPOSED MAJOR EXPANSION: 15,910 S.F. (THIS SHEET)
PARTY CITY EXPANSION: 1,620 S.F.
PARTY CITY DEMOLITION: -239 S.F.
TOTAL EXPANSION: 17,291 S.F.
TOTAL BUILDING AREA: (MAJOR + PARTY CITY + PARTY CITY DEMO) 261,278 S.F.

PARKING (TOTAL SITE):
EXISTING: 4.0 SPACES/1,000 S.F. GLA = 976 SPACES
REQUIRED = 1,093 SPACES = 4.48 SPACES/1,000 S.F. GLA
PROVIDED = 1,069 SPACES = 4.09 SPACES/1,000 S.F. GLA

BARRIER FREE SPACES: 21 REQUIRED, 31 PROVIDED

REQUIRED SETBACKS (PER CITY OF NOVI CODE OF ORDINANCES, APPENDIX A, ARTICLE 17 AND 24.)
FRONT YARD: 100 FT
REAR YARD: 100 FT
SIDE YARD: 100 FT, EXCEPT IN A PLANNED DEVELOPMENT OF RETAIL COMMERCIAL OUTLETS. NO YARDS SHALL BE REQUIRED ALONG INTERIOR LOT LINES COMPOSED OF COMMON PARTY WALLS.

MAXIMUM BUILDING HEIGHT: 45 FT, 3 STORIES

PARKING SETBACKS: TWELVE (12) NEW PARKING SPACES ARE PROPOSED.

NOTES:
1) NO WETLANDS OR WOODLANDS WILL BE IMPACTED.
2) SITE OPEN SPACE WILL NOT BE IMPACTED.
3) TOTAL BUILDING AREA WILL INCREASE.
4) IMPERVIOUS AREA ON SITE WILL REMAIN UNCHANGED. (PERCENTAGE OF LOT COVERAGE WILL NOT INCREASE)
5) A TOTAL OF TWO (2) TREES ARE ANTICIPATED TO BE REMOVED. REPLACEMENT TREES WILL BE PROVIDED BASED ON THE CITY'S LANDSCAPING STANDARDS, AS REQUIRED.
6) NO NEW ROADS OR DRIVEWAYS ARE PROPOSED.

ENGINEERING NOTES:
1) TOTAL AREA OF IMPERVIOUS SURFACES ON SITE WILL BE REMAIN UNCHANGED. THEREFORE NO STORM WATER MANAGEMENT IMPROVEMENTS ARE REQUIRED ON SITE FOR THE NOVI REGIONAL SYSTEM.
2) ALL SITE WORK (UTILITIES, MATERIALS, PAVEMENTS, ETC.) WILL BE DESIGNED PER CITY OF NOVI DESIGN AND CONSTRUCTION STANDARDS.

CITY OF NOVI NOTES:
1. ACCORDING TO THE USDA NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY FOR OAKLAND COUNTY, THE SITE CONSISTS OF THE FOLLOWING SOIL TYPES:
10B - MARLETTE SANDY LOAM, 1 TO 6 PERCENT SLOPES
12 - BROOKSTON AND COLWOOD LOAMS
44C - RIDDLES SANDY LOAM, 6 TO 12 PERCENT SLOPES
2. DISTURBED AREA = ±0.87 ACRES

LANDSCAPE NOTE:
1. LANDSCAPE PLANS WILL BE SUBMITTED AS PART OF FINAL SITE PLAN SUBMITTAL.

NO.	BY	CHK.	DESCRIPTION	DATE



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2430 Rochester Ct, Suite 100
Troy, MI 48063-1872
Phone: (248) 689-9090
Fax: (248) 689-1044
website: www.peainc.com

RAMCO GERSHENSON
27600 NORTHWESTERN HWY., SUITE 200
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ZBA SITE PLAN SKETCH
WEST OAKS I
PART OF THE NE 1/4 OF SECTION 15, T. 01N, R. 08E
CITY OF NOVI, MICHIGAN

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ORIGINAL
ISSUE DATE: DEC. 18, 2014
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SCALE: 1" = 20'
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SK-2.1