

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: February 14, 2017

REGARDING: 26150 NOVI ROAD (50-22-14-351-057/50-22-14-351-058) PZ17-0003

BY: Larry Butler, Deputy Director Community Development

I. GENERAL INFORMATION:

Applicant

NOVI TOWN CENTER PLAZA, LLC

Variance Type

DIMENSIONAL VARIANCE

Property Characteristics

Zoning District: TC (town center)

Location: north of Grand River Avenue and east of Novi Road

Parcel #: 50-22-14-351-057 & 50-22-14-351-058

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance; Section 3.1.25 to allow parking setback reductions from 7.5 feet, south to 7.8 feet, and east to 10.4 feet. This property is zoned TC (TOWN CENTER).

II. STAFF COMMENTS:

The applicant is proposing to redevelop an existing site surrounded on (3) sides by public and private streets. Accommodating the required setbacks impacts the possible redevelopment due to the street frontages and existing shape and size of the lot. The proposed plan is improved from that presented previously. Staff supports the request.

III. RECOMMENDATION:

ı	he A	'onina	Board	of A	ppea	Is may	take	one of	t the to	llowina	actions:

1.	I	move	that	we	<u>grant</u>	the	variance	in	Case	No.	PZ17-0003	, sought	by fo
		ficulty re									oner has sh	nown prac	
	difficulty requiring (a) Without the variance Petitioner will be unreasonably prevented or limited wit to use of the property because								ed with res	spec			
		(b) The	e prope	erty is u	ınique b	ecaus	6e				······································		

(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							
mo	ve that we <u>deny</u> the variance in Case No. PZ17-0003 , sought by							
	because Petitioner has not shown							
aclic	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)								
(G)	The variance would result in interference with the adjacent and surrounding properties by							
	(d) (e) (f) mo or ractic (a) (b)							

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler Deputy Director Community Development City of Novi



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

ZONING BOARD OF APPEALS APPLICATION

RECEIVED

JAN 18 2017

APPLICATION MUST BE FILLED OUT COMPLETELY CITY OF NOVI

I. PROPERTY INFORMATION (Add	ress of subject ZBA Ca	ise)	Application Fee: $\frac{45}{3}$	300.00
PROJECT NAME / SUBDIVISION NOVI TOWN CENTER GARDENS		Meeting Date: 2	-14-17	
ADDRESS		LOT/SIUTE/SPACE #	Meeting Date:	
26150 NOVI RD.	2		BA Case #: PZ	7-0003
SIDWELL # 23 - 35 - 35 - 35 - 35 - 35 - 35 - 35 -	May be ob	otain from Assessing nt (248) 347-0485	.bA Cuse #. FZ	1 0000
50-22-19-3-7-0	Disparimen	111 (2:40) 047 0400		
IS THE PROPERTY WITHIN A HOMEOWNER'S ASS	SOCIATION JURISDICTION?	REQUEST IS FOR:		
☐ YES 🗹 NO		RESIDENTIAL COMM		operty U signage
does your appeal result from a not	FICE OF VIOLATION OR CI	ITATION ISSUED? YES	S 🗹 NO	
II. APPLICANT INFORMATION				
A. APPLICANT	EMAIL ADDRESS NSANDIHA@KEYSTON	IF COM	CELL PHONE NO.	
NAME	NOANDIIAGRETOTON	VE.OOW	TELEPHONE NO.	
NICK SANDIHA			(248) 406 7101	
ORGANIZATION/COMPANY NOVI TOWN CENTER PLAZA, LLC			FAX NO. (248) 539 9711	
ADDRESS	- 0	CITY	STATE	ZIP CODE
31000 NORTHWESTERN HIGHWAY		FARMINGTON HILLS	MICHIGAN	48334
	ERE IF APPLICANT IS ALSO 1	THE PROPERTY OWNER		
Identify the person or organization that owns the subject property:	EMAIL ADDRESS		CELL PHONE NO.	
NAME	70		TELEPHONE NO.	
ORGANIZATION/COMPANY			FAX NO.	
ADDRESS	10	CITY	STATE	ZIP CODE
III. ZONING INFORMATION	7 - 1 - 7 - 7			
A. ZONING DISTRICT			¬	
☐ R-A ☐ R-1 ☐ R-2			□ MH	
☐ I-1 ☐ I-2 ☐ RC	☑ TC ☐ TC-1	OTHER		
B. VARIANCE REQUESTED INDICATE ORDINANCE SECTION (S) AND	VADIANICE DECLIERTED.			
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2. SectionV				=======================================
3. SectionV	Variance requested 🚐			
4. Section\	Variance requested			
IV. FEES AND DRAWNINGS	- R - 14			
A. FEES				
Single Family Residential (Existing				
✓ Multiple/Commercial/Industrial S	\$300 \square (With Violati	ion) \$400 🗆 Signs \$300	\square (With Violation) \$	400
☐ House Moves \$300	☐ Special Me	etings (At discretion of Bo	ard) \$600	
	ITAL COPY SUBMITTED A			A managarah (Reserve
Dimensioned Drawings and PlansSite/Plot Plan		Existing & proposedLocation of existing		
 Existing or proposed buildings or or 	addition on the proper			applicable
Number & location of all on-site p		Any other information		riance 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 ten-(10) days before the schedule ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next schedule ZBA meeting, or cancelled. A mock-up sign is NOT to be 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.
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 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 establish within such a period; provided, however, where such use permitted is dependent upon the erection or alteration or 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 or Ordinance made CONSTRUCT NEW HOME/BUILDING
□ ACCESSORY BUILDING □ USE □ OTHER
APPLICANT & PROPERTY CICALATURES
VI. APPLICANT & PROPERTY SIGNATURES A. APPLICANT
1/18/17
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 property described in this application, and is are aware of the contents of this application and related enclosures.
Property Owner Signature Date
Property Owner Signature VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL:
Property Owner Signature VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL: GRANTED DENIED
Property Owner Signature VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL:
Property Owner Signature VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL: GRANTED DENIED
Property Owner Signature VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL: GRANTED DENIED
Property Owner Signature VII. FOR OFFICIAL USE ONLY DECISION ON APPEAL: GRANTED DENIED

REVIEW STANDARDS DIMENSIONAL VARIANCE

STANDARD #1 CIRCUMSTANCES OR PHYSICAL CONDITIONS.

a. SHAPE OF LOT

The unique circumstances/physical condition of this property is that it is one of the only properties of its small size, approximately 1.1 acre, that is surrounded on three sides by public and private streets in the Town Center district. These streets are designed to convey extensive traffic in and out of the Town Center while the stated intent of the TC District is to "promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office . . . uses. . . are permitted." The applicant has certainly proposed, and the Novi Planning Commission has approved along with the granting of several variances, a development that provides a pedestrian accessible site that provides commercial, office and restaurant uses. The key to this proposed development is that it achieves the stated intent of the TC District on this cite along with the elimination of yet another curb cut on Novi Road and eliminates a dangerous existing curb cut along Ingersol Drive. By routing all traffic into this cite from Crowe Drive and aligning that curb cut with the existing curb cut to the north (for Fifth Third Bank) this proposed development creates a much safer site. The existing site compounds the traffic problems along Novi Road. Currently, there is traffic constantly turning into the car wash to the immediate south and also traffic turning into the Town Center on Crowe Drive. The existing site adds yet another stream of traffic turning off Novi Road into this site. Indeed, the size and shape of this lot, bounded by three streets, is unique and the proposed development greatly improves the safety of the site by eliminating the curb cuts along Novi Road and Ingersol Drive. To provide the uses intended by the TC Zoning District parking setback variances are, therefore, required.

STANDARD #2 NOT SELF-CREATED.

The need for the parking setback variance is not self-created. The Applicant did not develop the Town Center and did not layout the streets or create this unique piece of property of such a small site surrounded on three sides by public and private streets. A parking setback variance is needed in order to develop this property in conformance with and to maximize all of the goals of the TC zoning district and to develop this piece of property to promote and integrate both pedestrian accessibility and safety of those pedestrians and motorists.

STANDARD #3 STRICT COMPLIANCE.

The applicant is striving to redevelop this site to maximize the development with the purpose of a TC zoning district and the surrounding Town Center development. The applicant's proposed development changes the existing

character of the site from a single use restaurant in a structure located in the middle of the site surrounded by parking to a multiuse building located immediately adjacent to Novi Road, aligned with and architecturally similar to the Town Center out lot buildings to the immediate south, i.e., Bagger Dave's. The proposed development encourages pedestrian use by creating a pedestrian plaza in front of the building along Novi Road and locating the parking behind the Novi Road fronted building to create a consistent architectural theme along Novi Road with the location and size of the building. This development is consistent with the purposes of the TC district and creates a "pedestrian accessible" development which includes a "variety of uses". Any further decrease in the size of this building would decrease the theme along Novi Road of multi-use buildings along the road with parking in the rear. Indeed, in support of the architectural goals of this development the planning commission has granted building setback reductions to promote the implementation of the applicant's design and use.

STANDARD #4 MINIMUM VARIANCE NECESSARY.

The requested parking variances are an improvement from the existing conditions and are the minimum variances necessary to achieve a functional, efficient and safe development which is consistent with purposes of not only the Zoning Ordinance but the Master Plan for Land Use. The proposed development would improve safety by eliminating the existing curb cuts along Novi Road to the west and Ingersol Drive to the east which is dangerously close to its intersection with Crowe Drive. The safety of the site is also improved by creating and aligning a curb cut on the north portion of the property directly across from the curve cut to the Fifth Third Bank parcel to the north. These conditions are compatible with the City engineering standards.

STANDARD #5 ADVERSE IMPACT ON SURROUNDING AREA.

The existing site is already non-conforming. The proposed development addresses such nonconformance. By eliminating the existing curb cut to the east along Ingersol Drive and in creating a curb cut along the north boundary line aligned with the Fifth Third Bank parcel safety is improved for vehicular traffic. By eliminating the curb cut along Novi Road traffic general along Novi Road is improved. The proposed development significantly improves the impact on surrounding property on all four sides. To the west, a pedestrian plaza is developed along Novi Road. To the north and to the east sidewalks will be installed with decorative brick walls topped with wrought iron railings. Thus, safe pedestrian walkways will be created by the applicant for pedestrian access to the entire Town Center area along Crowe Drive.

To the south, the current condition of the property is such that the asphalt parking lot actually protrudes over the south property line on to the property of the car wash to the south. The proposed development eliminates this encroachment.

It should also be recognized that the applicant has taken measures to further mitigate any parking variance by not only building the decorative brick walls along Crowe and Ingersol Drives but by also placing wrought iron railings on top of those brick walls. The total height of the brick wall and iron railings will be 5 feet. Moreover, 6 foot piers are also included. Thus, to motor vehicle traffic on Crowe and Ingersol Drives the parking will be somewhat "hidden". As the building is located close to Novi Road (with the elimination of the curb cut on Novi Road) the parking will be absolutely hidden from Novi Road.

MEMORANDUM



TO:

CHAIRPERSON GRONACHAN AND ZBA MEMBERS

FROM:

KIRSTEN MELLEM, PLANNER KM

THROUGH:

BARBARA MCBETH, AICP, CITY PLANNER

SUBJECT:

TOWN CENTER GARDENS JSP15-77 REVISED PLANS

DATE:

JANUARY 18, 2017

The City of Novi Planning Division was provided a copy of the proposed changes to the Town Center Gardens, JSP 15-77, located at 26150 Novi Road (Parcel ID 50-22-14-351-057). The preliminary site plan with several variance requests is under consideration by the Zoning Board of Appeals at the February 14, 2017 meeting. Planning staff has taken a cursory look at the site plan in order to verify that the proposed changes are consistent with the intent of the previously approved site plan. The preliminary site plan was approved by Planning Commission on May 25, 2016 with the condition of ZBA variance approvals. Changes to the site plan will be fully reviewed by City staff and consultants for adherence to applicable code when the applicant submits for Final Site Plan review. The cursory review by Planning staff has resulted in the following comments to be considered by the Zoning Board of Appeals.

Changes from Previous Variance Application

The applicant has stated that the following items were changed on the proposed site plan:

- 1. Decreased the building size from 9,013 square feet to 8,883 square feet. This is correct.
- 2. Conversion of one tenant space from retail to dental office. This is correct.
- 3. Parking setback to the East has been increased from 9.4 feet to 10.4 feet. This is correct.

All three items that were changed are accurately reflected on the site plan. While required parking is not under consideration in the ZBA variance application, Planning would like to note that the applicant has provided on site the required number of spaces for the proposed uses in each tenant space.

Parking Setbacks and Yards

This parcel is unique in that it has triple frontage: it fronts onto three different streets.

Parcel Lot Line	Street Name	Yard	Required Parking Setback	Proposed Parking Setback
West	Novi Road	Front	20 feet	89.5 feet
North	Crowe Drive	Exterior Side	20 feet	7.5 feet
East	Ingersol Drive	Exterior Side	20 feet	10.4 feet
South	None	Interior Side	20 feet	7.8 feet

The applicant is claiming that the east parcel lot line is a rear yard, but this is inaccurate since the east parcel lot line fronts onto a private road therefore it is considered an exterior side yard. The diagram in the Zoning Ordinance does not show a parcel with streets on three sides since it is unique to have this situation. Therefore, based on the Development Standards (Sec. 3.1.25.D) and the Required Conditions (Sec. 3.27.1.D) in the Town Center District the parking setbacks from all parcel lot lines is 20 feet, as stated in the Planning Review letter and chart dated May 16, 2016.

Parking Screening

In the TC Required Condition section of the Zoning Ordinance (Sec. 3.27.1.D) there are requirements for screening from "all public rights-of-way and internal roads by either (1) a 2.5 foot ornamental brick-on-brick wall or (2) a landscaped berm." The applicant is proposing an ornamental brick wall, 2.83 feet in height with a 2.08 foot iron railing on top for a total height of 5 feet. This screening is a requirement of the "TC and TC-1 Required Conditions" in order to prevent headlight glare onto adjacent roadways with the brick wall and to allow pedestrian and vehicular visibility into and out of the development with the iron railing.

C: Larry Butler, Community Development Deputy Director Monica Dreslinksi, ZBA Secretary



Title:

Project:

Landscape Plan

Town Center Gardens Novl, Michigan



Notes: No Regulated Woodlands Exist on this Property. Soils Information is Located on the Storm Water Management Plan





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Novi Road

ZONED: TC (TOWN CENTER)

Wall Planters

Crowe Drive

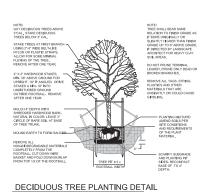
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Bench and Refuse Detail

10.

Sheet No.

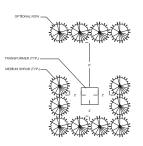
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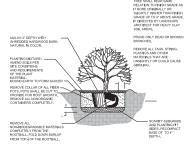
EVERGREEN TREE PLANTING DETAIL

PERENNIAL PLANTING DETAIL





TRANSFORMER SCREENING DETAIL



SHRUB PLANTING DETAIL

LANDSCAPE NOTES

- CITY OF NOVI NOTES

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THE SITE WILL BE MAINTAINED BY THE DEVELOPER IN ACCORDANCE WITH THE STANDWIDGS SET FORTH IN THE CITY OF MOVIZOMING ORDINANCE. THIS INCLUDES WEEDING AND WATERING AS REQUIRED BY MORAM, MAINTENANCE PROJECTION.

PLANT MATERIALS SHALL BE GUARANTEED FOR 2 YEARS AND SHALL BE MAINTAINED IN ACCORDANCE WITH CITY ORDINANCES. WARRISHTY PERIOD BEINGS AT THE TIME OF CITY APPROVAL, WATERING AS MCCESSARY SHALL OCCUR DURNO THE WARRANTY PERIO.





Landscape Details

Project:

Town Center Gardens Novi, Michigan

Prepared for:

Keystone Commercial 31000 Northwestern Highway, Suite 200 Farmington Hills, Michigan 48334 248,356,8000

Revision:	Issued:
Submission	March 29, 2016
Revised	May 6, 2016
Revised	November 18, 2016

Job Number:

Checked By:



Sheet No.

L-2



November 18, 2016

Mr. Rick Meader, Landscape Architect City of Novi Community Development 45175 West 10 Mile Novi, MI 48375

RE: **Town Center Gardens**

Dear Mr. Meader:

Below are our responses to your review of plans dated May 6, 2016.

Landscape Review

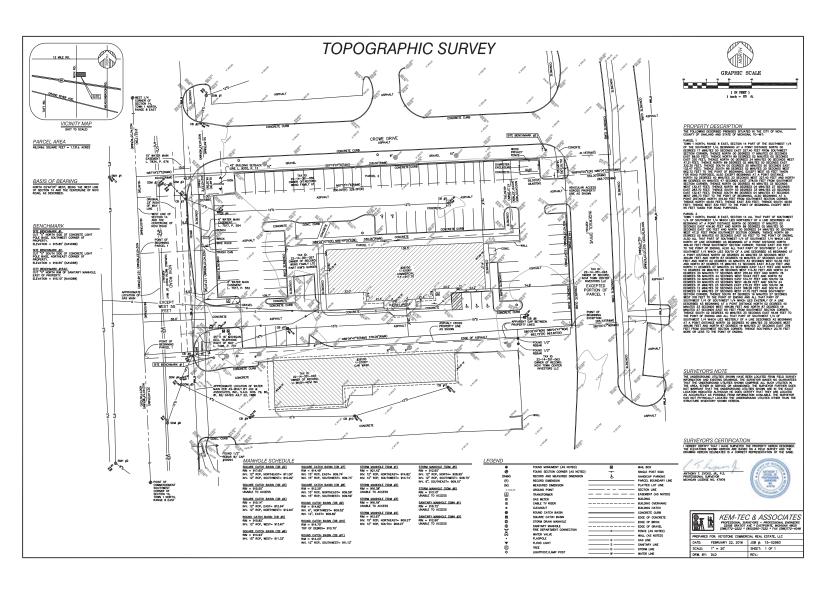
- Novi Road Greenbelt landscaping have been added to the plans.
- A waiver is requested for the required Novi Road sub-canopy trees due to limited planting area.
- A waiver is requested for the required Crowe and Ingersol tree and sub-canopy plantings due to limited planting area.
- The eastern endcap tree has been eliminated due to the proximity to the underground detention. Ornamental grasses have been added in its place.
- A waiver is requested for the parking lot perimeter trees to the limited planting area.
- The parking lot landscaping calculations have been revised using Category 1. This results in a shortfall of required trees. A waiver is requested.
- A waiver is requested for the building foundation plantings due to limited planting area.

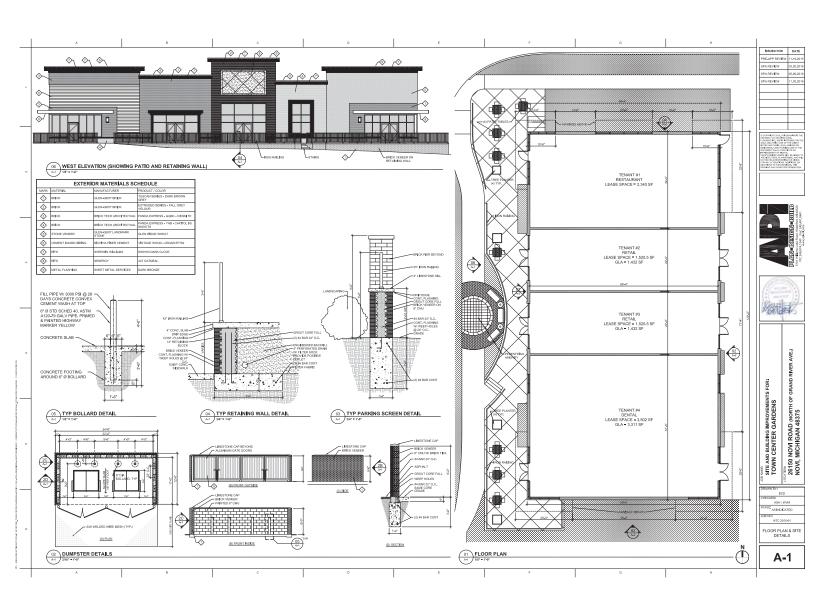
If you have any questions or comments regarding this response, please contact me at your convenience.

Sincerely.

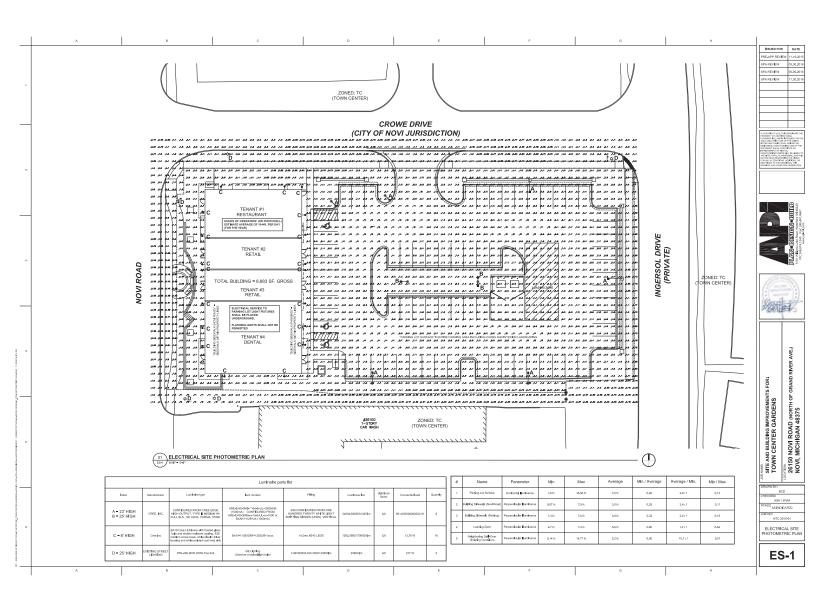
James C. Allen

Allen Design L.L.C.









Preliminary Facade Concept

December 5, 2016



Novi Town Center Gardens Novi, MI





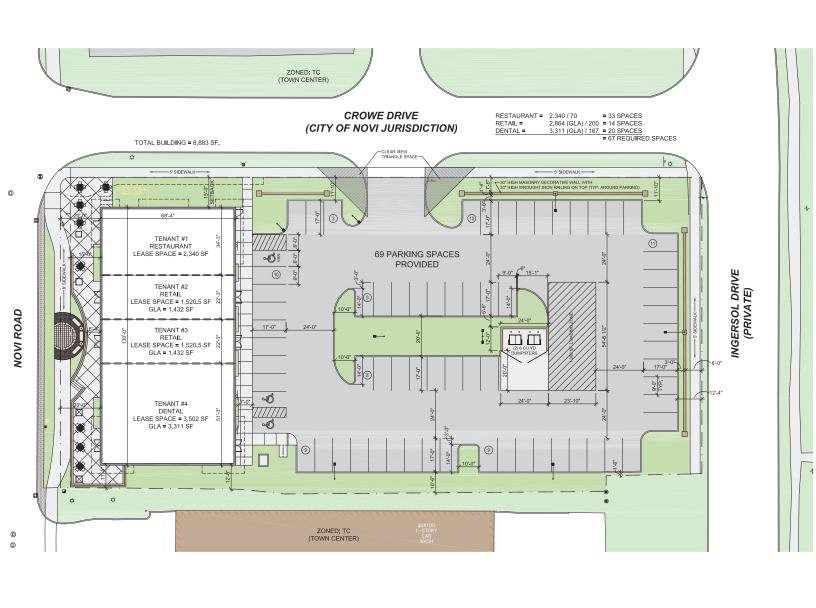
Preliminary Facade Concept

December 5, 2016



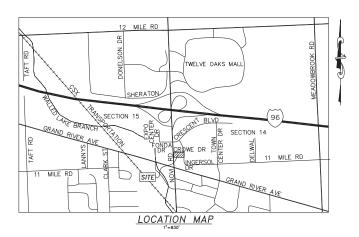






TOWN CENTER GARDENS

PRELIMINARY SITE PLAN CITY OF NOVI, OAKLAND COUNTY



APPLICANT/DEVELOPER:
NOW TOWN CENTER PLAZA, LLC
31000 NORTHWESTERN HIGHWAY,
SUITE 200
FARMINGTON HILLS, MICHIGAN 48334
PHONE: (248) 356-8000

ARCHITECT:
API PLAN DESIGN BUILD
5101 WILLIAMS LAKE ROAD
WATERFORD, MI 48329
PHONE: (248) 674—1340

LANDSCAPE ARCHITECT: ALLEN DESIGN 557 CARPENTER NORTHYILLE, MI 48167 PHONE: (248) 467–4668

CIVIL ENGINEER:
ALPINE ENGINEERING, INC.
46892 WEST ROAD, SUITE 109
NOVI, MI 48377
PHONE: (248) 926-3701



SHEET INDEX

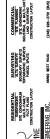
1 COVER SHEET
2 PRELIMINARY SITE PLAN
3 DEMONS PLAN
5 UTILITY PLAN
6 DETAIL SHEET
7 STORM WATER MANAGEMENT PLAN

ALLEN DESIGN LANDSCAPE PLAN LANDSCAPE DETAILS

API PLAN DESIGN BUILD BUILDING FLOOR PLAN AND DETAILS EXTERIOR BUILDING ELEVATIONS ELECTRICAL SITE PHOTOMETRIC PLAN

KEM-TEC & ASSOCIATES TOPOGRAPHIC SURVEY

NOTE:
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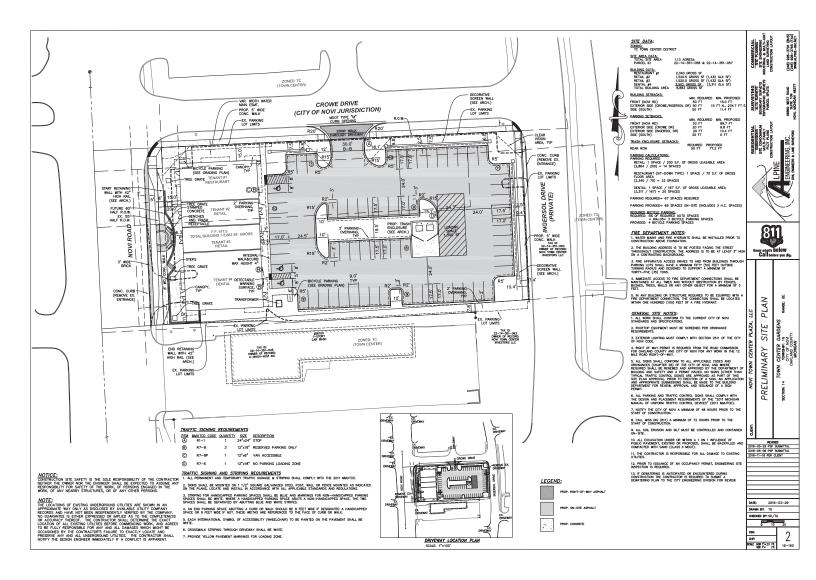


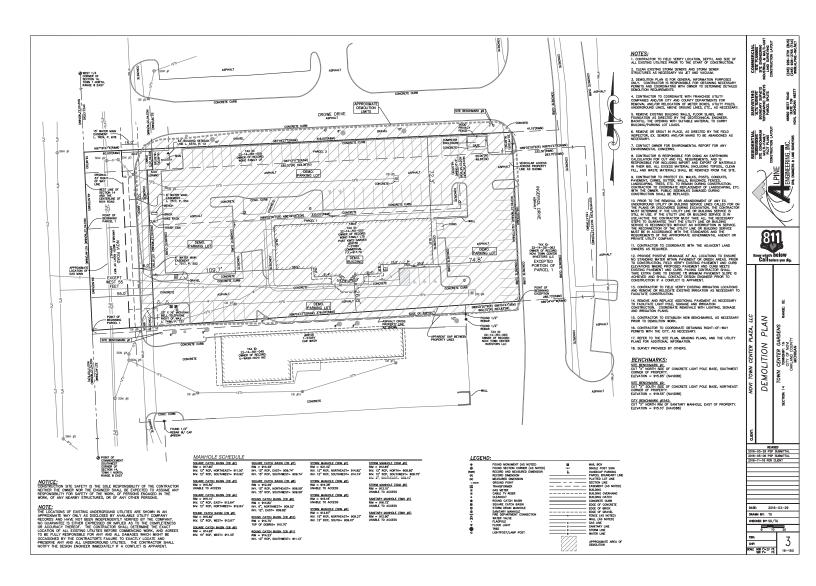


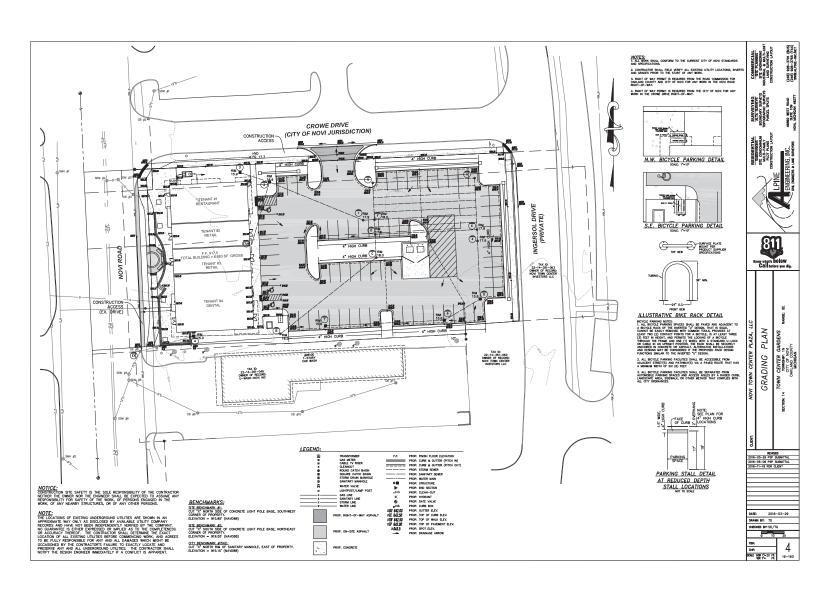


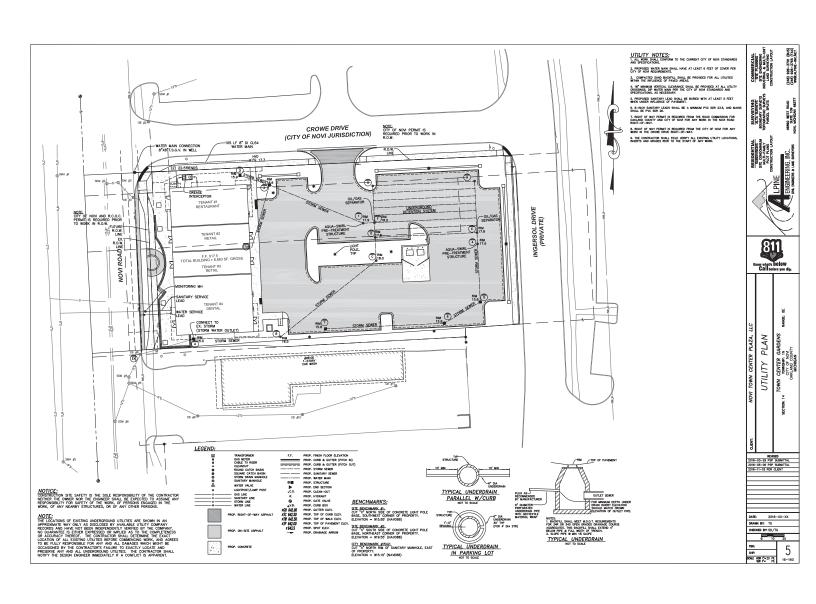
COVER SHEET REMSED 2016-03-29 PSP SUBMITTAL 2016-05-06 PSP SUBMITTAL 2016-11-18 PER CLIENT

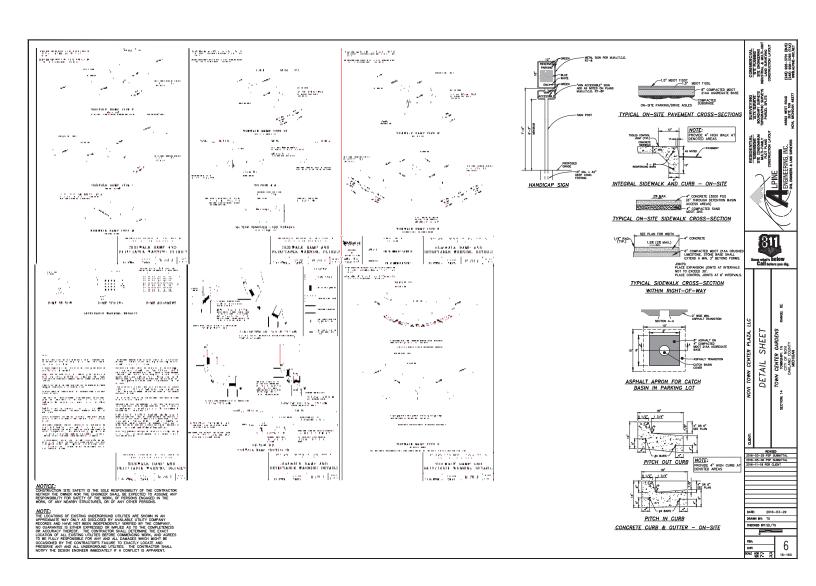


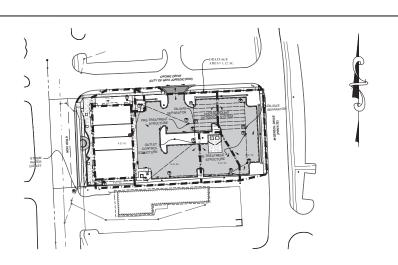
















EXISTING SOILS

PER USDA WEB SOIL SURVEY

59 - URBAN LAND

118 - CAPAC SANDY LOAM

12 - BROOKSTON AND COLWOOD

STORM WATER DETENTION CALCULATIONS

E PERSONAL SERVICES

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PLAN NOVI TOWN CENTER PLAZA, LLC

WATER MANAGEMENT P

TOWN CENTER CARBENS

TOWN CENTER PLAZA, LLC

STORM REVISED 2016-03-29 PSP SUBMITTAL 2016-05-06 PSP SUBMITTAL 2016-11-18 PER CLIENT





MODES TO SEE THE LIBERT SHEETSCHAP UPTILES ARE SHOWN IN AN APPROXIMATE WAY DIE'N AS DESCRIPTION OF THE MAN AS DESCRIPTION