



# CITY of NOVI CITY COUNCIL

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**Agenda Item I  
February 12, 2007**

**SUBJECT:** Consideration of a request from Northern Equities Group, applicant for Haggerty Corridor Corporate Park - Phase II, for a variance from Section 11-276(b) of the Design and Construction Standards requiring safety paths to be placed along the frontage of the arterial and collector street system in accordance with the Bicycle & Pedestrian Master Plan, to postpone construction of the safety paths along proposed Cabot and McKenzie Drives.

**SUBMITTING DEPARTMENT:** Engineering Division *RZ*

**CITY MANAGER APPROVAL:** *[Signature]*

<b>EXPENDITURE REQUIRED</b>	<b>N/A</b>
<b>AMOUNT BUDGETED</b>	<b>N/A</b>
<b>APPROPRIATION REQUIRED</b>	<b>N/A</b>
<b>LINE ITEM NUMBER</b>	<b>N/A</b>

### BACKGROUND INFORMATION:

Northern Equities Group, applicant for Haggerty Corridor Corporate Park Phase II, is requesting a variance associated with a proposed OST development to be located north of Thirteen Mile Road and west of Haggerty Road. The variance request, a site location map and the general site plan for the development are attached to provide additional background information.

The request is for a variance from Section 11-276(b) of the Design and Construction Standards to postpone the construction of the 5-foot wide safety path along both sides of the Cabot Drive extension and McKenzie Drive - both of which are proposed as part of this development. Instead, Northern Equities proposes to construct safety paths in piecemeal fashion as each lot is developed along Cabot and McKenzie Drives.

The Planning Department recommends approval of the request for the reasons stated in the attached memorandum (Tim Schmitt memorandum dated January 16, 2007), with the condition that the portions of the pathway that cross wetlands be constructed now (i.e., not be postponed) to prevent a delay in wetland crossing construction, as has occurred in Phase I. The Engineering Division recommends approval of the request for the same reasons, and although the proposal does not meet the minimum standards of the Design and Construction Standards now, it will once build-out of the development is completed. The City Attorney refers to the Planning and Engineering Department reviews, and the Fire Department, Landscape Architect, DPW and Building Department have no objections to this request.

In accordance with Section 11-10 of the Ordinance, the following three conditions must be met for a variance to be granted by Council:

- 1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
- 2) The alternative proposed by the applicant shall be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and

- 3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.

**RECOMMENDED ACTION:** Approval of a request from Northern Equities Group, applicant for Haggerty Corridor Corporate Park - Phase II, for a variance from Section 11-276(b) of the Design and Construction Standards requiring safety paths to be placed along the frontage of the arterial and collector street system in accordance with the Bicycle & Pedestrian Master Plan, to postpone construction of the safety paths along proposed Cabot and McKenzie Drives with the condition that pathways crossing wetlands are constructed concurrent with Phase II site work.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				



## Request for Variance Design and Construction Standards

### Applicant Information

Name: Northern Equities Group, Matthew Sosin, VP  
Address: 39000 Country Club Drive, Farmington Hills  
Michigan, 48331  
Phone No: (248) 848-6400

### Engineer Information

Name: AR Decker & Associates, Jason Sutton  
Address: 920 East Long Lake, Suite 200  
Troy, MI 48082  
Phone No: (248) 528-3779

### Applicant Status (please check one):

- Property Owner       Developer       Developer / Owner Representative  
 Other

Project Name Haggerty Corridor Corporate Park Phase II, Site Plan Number 06-41

Project Address/Location North of 13 Mile Road, between Haggerty Road and M5 Freeway

Variance Request to reduce amount of Sidewalk construction and postpone portion of required Sidewalk construction

### Justification (attach additional pages if necessary)

See Attached Letter

#### INTERNAL USE

Date Submitted: 12/13/06  
Code Section from which variance is sought: 11-276 (b)  
Submittal Checklist:  Twelve (12) sets of plans (folded and to scale)  
 One (1) copy of plan on 8.5 x 11 size paper  
 \$100 Filing Fee



**NORTHERN  
EQUITIES  
GROUP**

39000 COUNTRY CLUB DRIVE  
FARMINGTON HILLS, MI 48331  
(248) 848-6400 FAX (248) 848-6700

VIA HAND DELIVERY

December 13, 2006

City Council  
City of Novi  
45175 W. Ten Mile Rd.  
Novi, Michigan 48375-3024

Re: Haggerty Corridor Corporate Park Phase II  
Site Plan # 06-41  
Sidewalk Variance

Dear Councilmember:

On November 29<sup>th</sup>, Northern Equities Group received Preliminary Site Plan Approval for second phase of the Haggerty Corridor Corporate Park; more specifically, the Roads and Utilities. The Park will be a continuation of the public/private partnership that Northern Equities Group and the City of Novi have developed over the last decade. The first phase of the Park has been an enormous success, both from an economic and a community relationship perspective. We are very proud of our efforts to make the Park and Novi a hub of international and domestic research and development in Oakland County and south-eastern Michigan.

The site plan approval was subject to the receipt of a Design and Construction Standards Waiver related to sidewalk issues. As such, we are requesting the following waivers:

1. Sidewalks Along 13 Mile Road. Our property line along 13 Mile Road runs from the M5 Freeway to just west of Haggerty Road. Portions of this property line are part of buildable lots, upon which sidewalks will be constructed at the time buildings are developed. Approximately 544 feet of this property line is not buildable, and as such, we are required to construct sidewalks as part of the development of the Roads and Utilities. However, both the Seeley Drain and the large grade difference created by the raising of 13 Mile as it approaches M5 make the installation of sidewalks almost impossible. More importantly, a sidewalk in this location would be unsafe, given that the sidewalks would be constructed on a cliff approximately 15 feet above the wetland below.

Variance Requested – Waiver of requirement to construct 557 feet of sidewalk.


2. Sidewalks Along Haggerty Road. The first phase of the HCCP Phase II Roads and Utilities contains approximately 2,200 feet of frontage on Haggerty Road. As above, portions of this frontage are contained within buildable lots and sidewalks for those lots will be constructed at the time of the building's development.

Approximately 1,600 feet of this frontage is not buildable, and as such, we are required to construct sidewalks as part of the development of the Roads and Utilities. However, the majority of this frontage along Haggerty Road, south of McKenzie, is part of the Seeley Drain. The environmental impact of any sidewalk construction far outweigh any benefits that they would bring. It should be noted that across the street, where there are no wetland impacts, a sidewalk has been constructed and can be easily used by people wanting to go north or south on Haggerty Road. Besides the environmental impacts, which would be significant, any sidewalk constructed would be subject to MDEQ and Drain Commission

REAL ESTATE DEVELOPMENT,  
CONSTRUCTION AND INVESTMENT

jurisdiction and there is little likelihood of receiving a permit.

Variance Requested – Waiver of requirement to construct 1,599 feet of sidewalk.

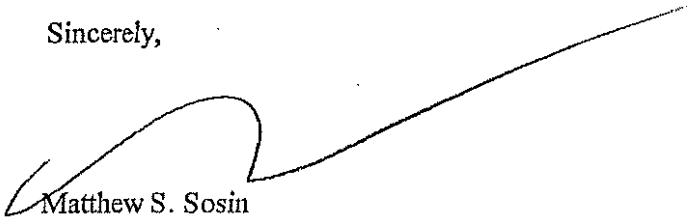
3. Sidewalks within the Park, along Cabot and McKenzie Drives. The first phase of the HCCP Phase II Roads and Utilities contain almost 4,000 feet of pavement. The majority of the roadway is adjacent to buildable sites. While the ordinance requires that the internal sidewalks be constructed as part of the development of the roads, we would request that this requirement be postponed until the individual lots are developed. The risk of damage to the sidewalks is very high given the construction which will take place in the future. In addition, we would be cutting the sidewalks for driveways and portions would need to be removed and replaced if the grades we pick for the sidewalks now do not work with the future development. 

Variance Requested – Postponement of requirement to construct sidewalks within the Park, along the roads, until development of each individual lot.

In consideration of the requested variances, Northern Equities Group would like to propose the following:

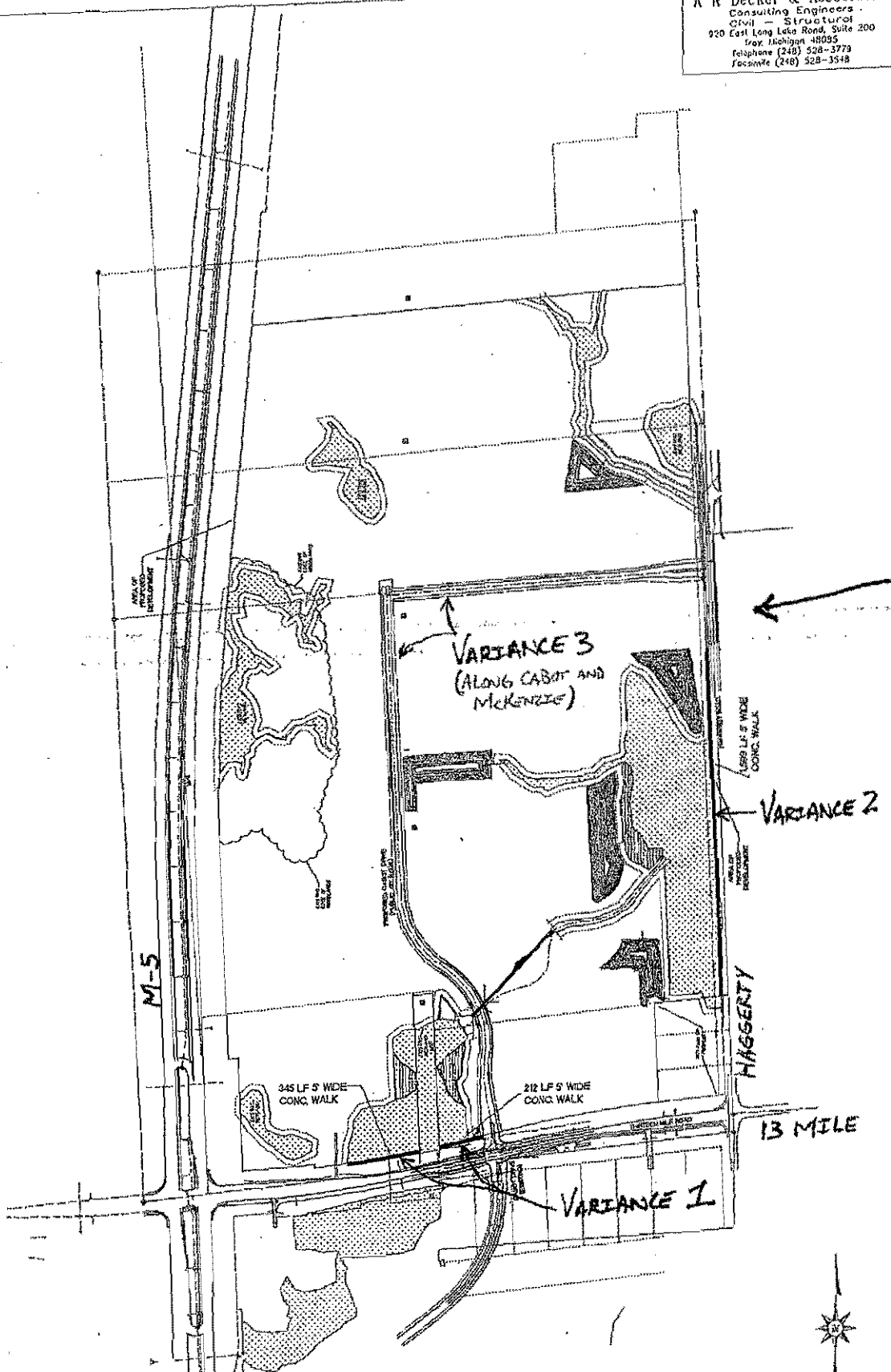
1. In lieu of constructing the sidewalks on 13 Mile and Haggerty Roads, we will construct, at our cost, 623 feet of sidewalk in the Haggerty Corridor Corporate Park, Phase I. This will fill in the gaps created by the power lines, detention basins and other non-buildable areas adjacent to the Cabot and Lewis Drives. We are aware that there is no ordinance requirement to construct these sidewalks, but we recognize that they are an asset to both the City and the Park. We see our tenant's using the internal sidewalk all the time during the spring and summer.
2. In addition, we would contribute to the City \$25,831.05, equal to 1,533 feet multiplied by a width of 5 feet, multiplied by \$3.37, the cost per square foot to build the sidewalks (the price is from an installation of sidewalks completed within the last two weeks in the City). This money can be used by the City to fill in sidewalk gaps throughout the City as directed by the appropriate committee or administrative personnel.

Sincerely,



Matthew S. Sosin  
Vice President

A R Decker & Associates  
 Consulting Engineers  
 Civil - Structural  
 930 East Long Lake Road, Suite 200  
 Troy, Michigan 48065  
 Telephone (248) 528-3779  
 Facsimile (248) 528-3518

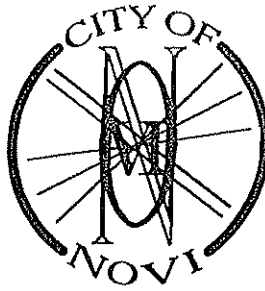


TOTAL SIDEWALK NOT TO BE CONSTRUCTED = 2,156 LF

→ VARIANCE FOR 3 SIDEWALK SEGMENTS (HIGHLIGHTED ABOVE)

HAGGERTY CORRIDOR CORPORATE PARK PHASE II  
 A NORTHERN EQUITIES GROUP DEVELOPMENT

1" = 450'  
 0' 200' 400'  
 12/12/06  
 SHEET 2 OF 2



## MEMORANDUM

TO: Benjamin Croy, PE, Civil Engineer

FROM: Timothy R. Schmitt, AICP, Planner

DATE: January 16, 2007

SUBJECT: **Haggerty Corridor Corporate Park Design and Construction Standards Variances**

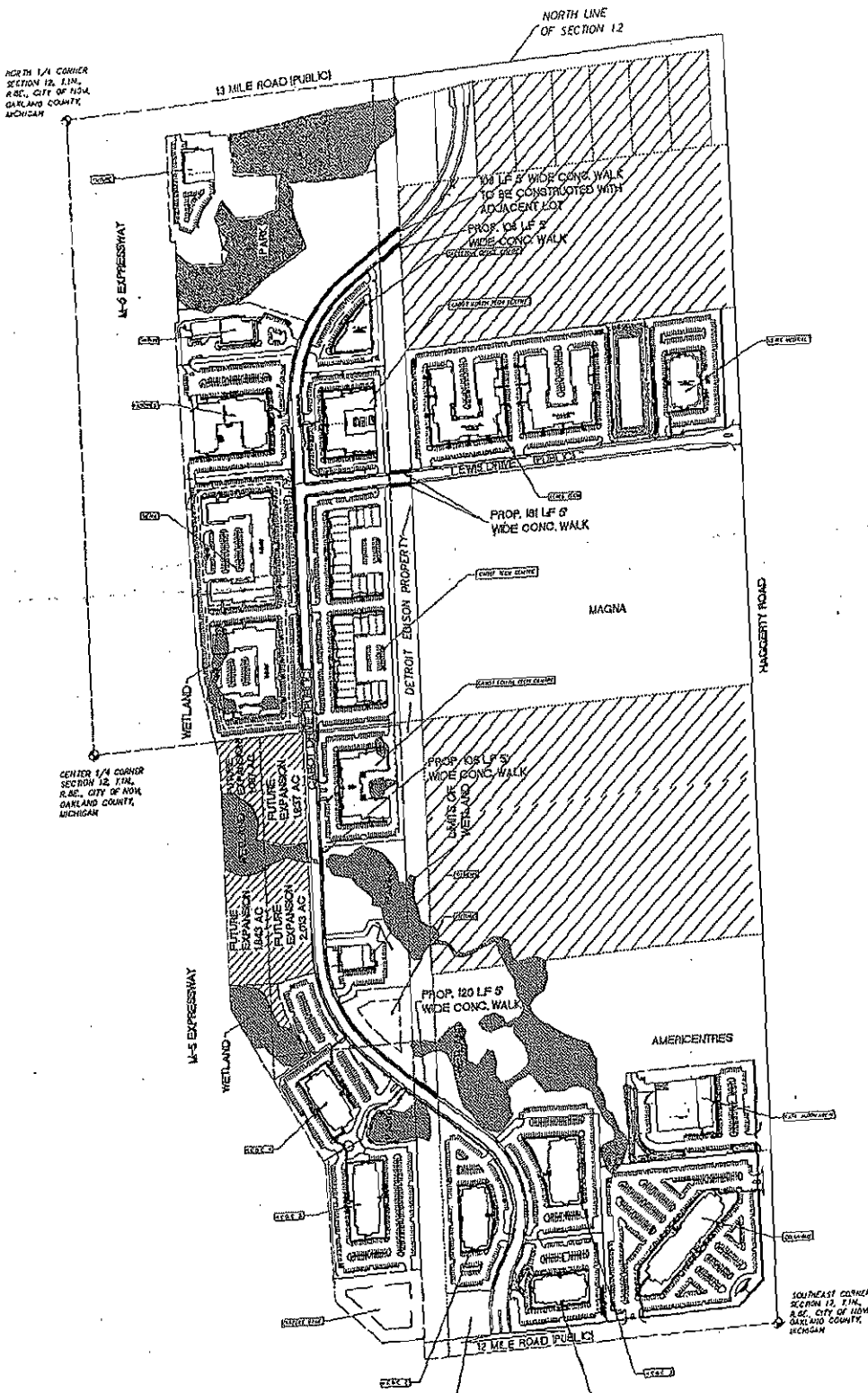
The Planning Department has reviewed the Design and Construction Standards variance being requested by the Northern Equities Group for the second phase of Haggerty Corridor Corporate Park. The applicant is requesting a variance for the following three items:

1. A variance to eliminate the sidewalk along Haggerty Road, from the southern terminus of the park to the point of beginning for Lot 7, which has frontage onto Haggerty Road and a new internal street, Mackenzie Drive.
2. A variance to eliminate the sidewalk along Thirteen Mile Road, from the Cabot Drive extension, across the Thirteen Mile frontage of the property to the point of beginning for Lot 1.
- \* 3. A variance to defer the internal sidewalks along Cabot and Mackenzie Drives until each individual lot in the park develops. \*

To mitigate the effects of numbers 1 and 2, the applicant is proposing to fill the gaps in Phase I of Haggerty Corridor Corporate Park, where no sidewalks have been constructed as of yet adjacent to detention basins, power lines, and wetlands. The applicant is also proposing to contribute \$25,831.05 towards the construction of sidewalks elsewhere in the community. This represents 1,533 lineal feet of 5 foot wide sidewalk at cost of \$3.37 per foot.

- \* The Planning Department **can support Item 3 if the applicant builds the wetland crossings in Phase II at this time.** This deferral would be similar to the approach in the first phase of Haggerty Corridor Corporate Park, where the individual sidewalks are being built with each lot. However, in Phase I, the wetland crossings are not constructed. The Planning Department **cannot support numbers 1 and 2.** These would create fairly sizable gaps in the sidewalk system that Novi is attempting to create, especially waiving the boardwalk along Haggerty Road. If the City were interested in building that section in the future, it would be a very expensive piece of the system to finish. \*

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 Consulting Engineers  
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TOTAL SIDEWALK PROPOSED = 623 LF

→ SIX SMALL SIDEWALK SEGMENTS PROPOSED (HIGHLIGHTED ABOVE) IN PLACE OF THE 3 SEGMENTS.

HAGGERTY CORRIDOR CORPORATE PARK PHASE I  
 A NORTHERN EQUITIES GROUP DEVELOPMENT



12/12/05  
 SHEET 1 OF 2





December 27, 2006

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Elizabeth M. Kudla  
Direct: 248-539-2346  
bkudla@secrestwardle.com

Benjamin Croy, Civil Engineer  
CITY OF NOVI  
45175 West Ten Mile Road  
Novi, Michigan 48375-3024

**Re: Haggerty Corridor Corporate Park II  
Variances from Design and Construction Standards  
Our File No. 55142.NOV**

Dear Mr. Croy:

We have reviewed the materials you forwarded with respect to three variances from the City's Design and Construction Standards that Northern Equities Group has requested with respect to the Haggerty Corridor Corporate Park II Development. The variances requested are from Chapter 11 of the City of Novi Code of Ordinances requiring the construction of pedestrian safety paths across the arterial and collector street system frontage for all projects in accordance with the Master Plan for Bicycle and Pedestrian Safety Paths, as well as at those locations specified in the City of Novi Subdivision Ordinance (Appendix C) and the City of Novi Zoning Ordinance (Appendix A). The first variance requested is Section 11-278(b) 5 of the Design and Construction Standards, which requires that all bicycle paths and pedestrian safety paths be located within one (1) foot of the existing or planned future rights-of-way lines. Due to the existence of a wetlands and a steep grade along 13 Mile Road between the M-5 freeway and just west of Haggerty Road, which the Applicant believes could create a dangerous condition, the Applicant is requesting to receive a waiver from constructing that 544 feet of safety along 13 Mile, and instead be permitted to construct the safety path within Haggerty Corridor Corporate Park I to provide greater accessibility to the park system within the project. Our office sees no legal impediment to granting the design and construction standard variance, subject to the Planning and Engineering Departments' approval of the plan, and subject to the condition that the Traffic Engineer has also reviewed and approved the proposed plan from an access and traffic safety standpoint.

The second variance requested is the requirement to construct a pedestrian safety path along 1,599 feet of the Applicant's Haggerty Road frontage. The Applicant is requesting the variance because the area is within the Seeley Drain and the Applicant asserts that it would cause a negative environmental impact and that it would likely be objectionable to the MDEQ and OCDC. Alternatively, the Applicant would like to construct part of the 1,599 feet of safety path within the

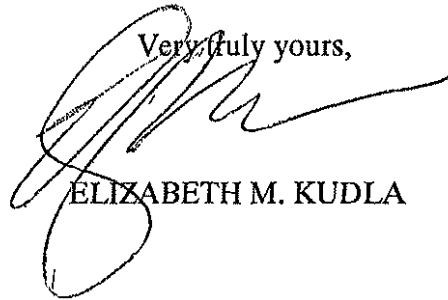
Benjamin Croy, Civil Engineer  
December 27, 2006  
Page 2

Haggerty Corridor I Development, and contribute funds to the City to construct pedestrian safety paths in other areas of the City. Again, our office sees no legal impediment to granting the design and construction standard variance, subject to the Planning and Engineering Departments' approval of the plan, and subject to the condition that the Traffic Engineer has also reviewed and approved the proposed plan from an access and traffic safety standpoint.

Finally, the Applicant has requested a variance from Chapter 11 of the Code to permit the construction of sections of pedestrian safety path within the Haggerty Corridor Corporate Park II Development at the time of development of each individual lot in order to prevent damage to the safety path due to on-going construction and to avoid changes due to grade changes. If the appropriate bonds are provided to guarantee construction, our office sees no legal impediment to granting the design and construction standard variance, subject to the Planning and Engineering Departments' approval of the plan, and subject to the condition that the Traffic Engineer has also reviewed and approved the proposed plan from an access and traffic safety standpoint.

If you have any questions regarding the above, please call me.

Very truly yours,

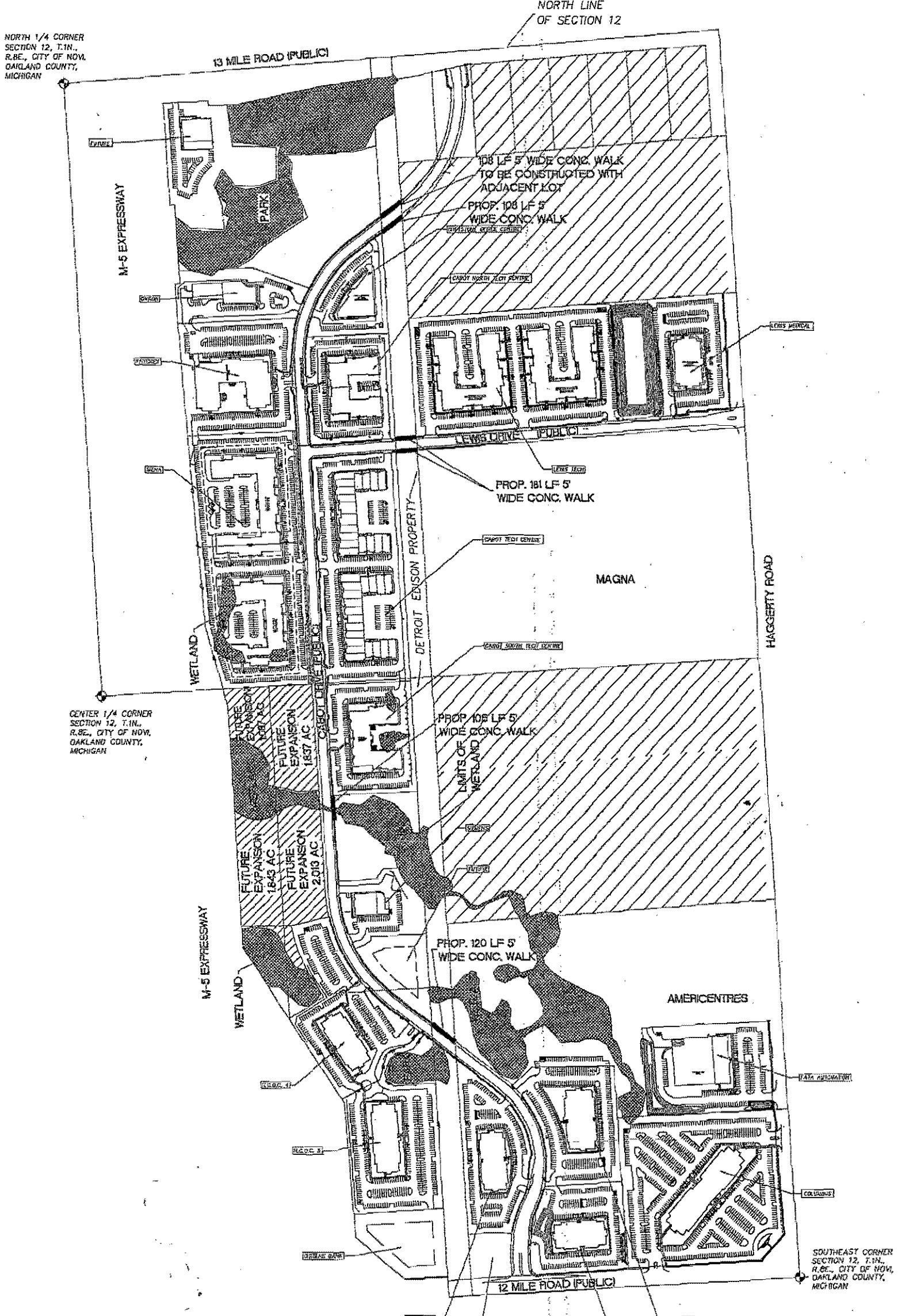


ELIZABETH M. KUDLA

EMK

cc: Maryanne Cornelius, Clerk  
Barb McBeth, Planning Director  
Benny McCusker, DPW Director  
Don Saven, Building Department  
David Beschke, Landscape Architect  
Frank Smith, Fire Department  
Thomas R. Schultz, Esquire

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TOTAL SIDEWALK PROPOSED = 623 LF

**HAGGERTY CORRIDOR CORPORATE PARK PHASE I**  
 A NORTHERN EQUITIES  
 GROUP DEVELOPMENT

T = 450'  
 0' 200' 400'

12/12/06  
 SHEET 1 OF 2