



CITY of NOVI CITY COUNCIL

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Agenda Item 5
July 23, 2007

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.218, to amend Appendix A of the City of Novi Code of Ordinances, Ordinance 97-18, as amended, known as the City of Novi Zoning Ordinance, at Article 10, EXPO, Exposition District, to clarify the intent and permitted uses within the District. **Second Reading**

SUBMITTING DEPARTMENT: Community Development - Planning

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The City has received inquiries over the last several years regarding the uses permitted in the EXPO District. The EXPO, Exposition District consists of an area that includes the former Novi Expo Center. Staff and the Planning Commission have discussed the need to update the Zoning Ordinance language for this District ever since the new EXO, Exposition Overlay District was conceived. Discussions to date have primarily involved only the long-term tenant of the existing buildings within the District in terms of a specific re-use. The tenant no longer has an interest in any properties in the District and Staff has had some discussions with representatives of the owners of the site on possible uses in the District.

In light of the lapse in discussion about a specific long-term re-use of the existing facilities in the District, the Planning staff reviewed the pertinent section of the Ordinance and drafted a proposed Ordinance amendment that confirms the continuing appropriateness of light industrial uses for the property within the District as principal uses, consistent with the City's long-term planning of the area. The attached sections of the I-I, Light Industrial zoning district show the permitted uses and the conditions that apply to those uses. Among the permitted uses are general and medical office buildings, research and development activities, warehousing and wholesale establishments, light manufacturing uses, trade schools, laboratories, greenhouses, public utility buildings, public or private indoor or outdoor recreational facilities, and other similar or accessory uses.

The Planning Commission reviewed the proposed text amendment and held a public hearing on the amendment on June 13, 2007. At this meeting the Planning Commission recommend approval of the text amendment to the City Council. At this same meeting, the Planning Commission also officially announced the opening of the Master Plan Amendment process and has asked its Master Plan and Zoning Committee to review the status the Master Plan regarding the Novi Road and I-96 area.

The proposed text amendment includes the following provisions:

- The intent section is proposed to be revised to include light industrial uses, that had been and will continue to be considered a Principal Use Permitted in the EXPO district, subject to certain standards.
- The proposed language removes the reversion clause attached to industrial uses
- The proposed language clarifies the approving body for the site plans in the district based on the use proposed, to be consistent with the typical approval processes detailed in other sections of the ordinance.
- The proposed language clarifies the submittal requirements.

The City Council approved the first reading of the text amendment at the meeting of July 2, 2007, requesting clarification of a couple of issues for the second reading.

Regarding the question of building setbacks and building height for an industrial use in the EXPO district, the ordinance language provided in Section 1001.3 identifies standards consistent with most of the standards for the I -1, Light Industrial district. Subsection b references the standards contained in Section 1905.9, which in turn refers to the Schedule of Regulations. The Schedule of Regulations is where the height and setback standards can be found. Therefore, staff's interpretation of the ordinance for light industrial uses in the EXPO district is that the uses would be subject to the same height and setback standards as required for the light industrial district.

Similarly, outdoor storage for light industrial uses is regulated by Section 1905.1, which limits outdoor uses in the light industrial district to parking and above-ground storage tanks. Section 1905.6 also provides further limitations for parking along a freeway right of way. These sections are not proposed to be changed at this time, but would be applicable to any light industrial use within the EXPO district. For reference, copies of the existing ordinance language for the Light Industrial district have been provided within this packet.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.218, to amend Appendix A of the City of Novi Code of Ordinances, Ordinance 97-18, as amended, known as the City of Novi Zoning Ordinance, at Article 10, EXPO, Exposition District, to clarify the intent and permitted uses within the District. **Second Reading**

	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				

**DRAFT MINUTES
CITY COUNCIL
JULY 2, 2007**

EXCERPT FROM

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
DRAFT MONDAY, JULY 2, 2007 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul-absent/excused

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Zoning Ordinance Text Amendment 18.218, to amend Appendix A of the City of Novi Code of Ordinances, Ordinance 97-18, as amended, known as the City of Novi Zoning Ordinance, at Article 10, EXPO, Exposition District to clarify the intent and permitted uses within the district. First Reading**

Mr. Pearson asked Ms. McBeth to describe the issue. He said it was an update to the EXPO zoning district language. It expanded the permitted uses. It was a positive recommendation from the Planning Commission that held a public hearing and reviewed the text.

Ms. McBeth said that was another issue where over the past several years they received a number of inquiries over the uses permitted there, the EXPO district, not to be confused with the EXO Overlay. It consisted of an area primarily surrounding the former Expo Center. Staff and the Planning Commission discussed the need to update the zoning ordinance language for the district every since the EXO Overlay district was conceived. Discussions had primarily involved only the long term tenant of the building, and they understood now that the tenant no longer had an interest in the property. There had been some discussions with the existing owners of the site and possible uses within the district. The text that was presented referenced the light industrial district, which had always been referenced in the EXPO district. The attached sections of the light industrial zoning district showed that there were a number of uses that would be permitted in addition to the exposition uses that were also recommended to be continued there. Among the permitted uses in the light industrial uses were general and medical office buildings, research and development activities, warehousing and wholesale establishments, light manufacturing uses, trade schools, laboratories, green houses, public utility buildings, and public or private indoor or outdoor recreation facilities, and uses that are similar to those. The Planning Commission reviewed this and held a public hearing and recommended favorable consideration to City Council. They pointed out that the intent section was proposed to be modified to include the light industrial uses it had been and will continue to be considered principle permitted use in the EXPO district permitted to certain standards. The language

removed a reversion clause that was associated with those industrial uses. The proposed language clarified the approving body for the site plans in the district based on the use proposed, that would be consistent with the typical approval process that are detailed in the other sections of the ordinance and it also clarifies the submittal requirements which were a little bit unusual.

CM-07-07-234 Moved by Nagy, seconded by Gatt; CARRIED UNANIMOUSLY: To approve Zoning Ordinance Text Amendment 18.218, to amend Appendix A of the City of Novi Code of Ordinances, Ordinance 97-18, as amended, known as the City of Novi Zoning Ordinance, at Article 10, EXPO, Exposition District to clarify the intent and permitted uses within the district. First Reading

Discussion

Member Mutch asked through the Mayor to Mr. Schultz for clarification on how the ordinance would work if the use becomes industrialized. It wasn't clear to him what standards would apply. He asked if the I-1 standards, in terms of things like setback and building height would apply to an industrial use, or would the standards under 1002, the required conditions apply.

Mr. Schultz said through the Mayor it would be the I-1 standards.

Member Mutch asked where the language was.

Mr. Schultz said 3B, all standards applicable.

Member Mutch said 1905, 1, 2, 3, 5, 6, 7, 8, and 9, do those cover things such as height and setback. He said he didn't need an answer tonight; just clarify that on the second reading. He didn't have the I-1 language with him; he didn't have an opportunity to compare them. His other question was in terms of outside storage. He didn't see any language that addressed the height or materials permitted for the screening walls or fences.

Mr. Schultz said through the Mayor there are other provisions in the ordinance that would govern the outdoor storage screening and heights. He asked for that to be clarified as well in a letter for second reading.

Roll call vote on CM-07-07-234

**Yeas: Gatt, Margolis, Mutch, Nagy,
Landry, Capello
Nays: None
Absent: Paul**

PROPOSED TEXT AMENDMENT
(strike through version)

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 2007 - 18 - 218

**AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS
AMENDED, THE CITY OF NOVI ZONING ORDINANCE,
TO PERMIT USES PERMITTED IN THE I-1 DISTRICT IN
THE EXPO DISTRICT SUBJECT TO CONDITIONS**

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 10. Expo, Exposition District, Section 1000 Intent, Section 1001 Principal Uses Permitted, is hereby amended to read as follows in its entirety:

ARTICLE 10. EXPO, EXPOSITION DISTRICT

Sec. 1000. Intent.

The EXPO, Exposition District is designed to accommodate the development of a planned exposition facility including exhibit halls, display floor area, meeting rooms, conference rooms, eating and lodging facilities, banquet, concession and catering uses, museums, theaters, recreational facilities, space for school and civic affairs, warehousing accessory to the preceding uses, and off-street parking and loading/unloading space.

The Exposition District is intended to encourage an exposition facility which is accessible from thoroughfares and freeways and has adequate site area. To permit quality design and sound economic value for the City, any exposition facility should have unified architectural and functional design and provide an overall master plan of all phases for the complete development.

The City also recognizes that in order to conserve the value of land and buildings in the district and adjacent districts, and to protect the City's tax revenue, a need to provide for alternative uses in the District may be warranted should the demand for an exposition facility in the District diminish due to changing conditions in the City. Therefore, the District is also designed to promote research, office and light industrial development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences and to help meet the needs of the City's expected future economy for all types of research, office, light industrial and related uses.

Sec. 1001. Principal Uses Permitted.

In an EXPO, Exposition District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. [Unchanged.]

2. [Unchanged.]

3. ~~In the case of premises which have been converted from a lawful light industrial use to usage as an exposition facility,~~ Uses permitted in the I-1 Light Industrial District in Sections 1901 and 1902, except greenhouses and pet boarding facilities, provided the following conditions are met:

~~a. The recommencing of light industrial usage occurs within ten (10) years of the granting of a certificate of occupancy for the conversion to use as an exposition facility;~~

~~b. a. All usage as an exposition facility ceases in the District; and~~

~~e. b. All standards applicable to such light industrial use are met subject to the conditions required in Section 1905 paragraphs 1, 2, 3, 5, 6, 7, 8 and 9.~~

4. [Unchanged.]

Sec. 1002. Required Conditions

Sec. 1003. . [Unchanged.]

1. [Unchanged.]

2. [Unchanged.]

3. [Unchanged.]

4. [Unchanged.]

5. *Relation to Other Buildings.* The proposed building(s) shall be designed to (1) relate to any other buildings in the District on the site, and (2) be visually compatible and reflect good urban design and building proportions as viewed from adjacent properties and street and freeway rights-of-way.

6. [Unchanged.]

7. [Unchanged.]

8. [Unchanged.]

9. *Outside Storage.* Except as permitted in Section 1905.1.b(2), ~~All~~ all uses, except for off-street parking or loading/unloading space shall be conducted within a completely enclosed building except that shipping or storage containers, pallets or other items related to an exposition function may be stored outside provided that areas for such storage shall be screened by an opaque fence or wall from view from adjacent property, from parking lots on site and from public rights-of-way. Recreational vehicles (RVs) and trucks used in transporting exhibit materials at scheduled exposition functions may be parked on site during the term of the

exposition and five (5) days preceding or following said exposition, provided they are parked in a location which is screened from view from any public right-of-way, and which is designed and striped for over-size vehicle parking.

10. *Special Findings and Requirements. Site Plan Review.* ~~Site plan and special land use determinations within the EXPO District~~ approval for exposition facilities, hotels and motels, museums and theaters shall be by the City Council following review and recommendation by the Planning Commission. For all other uses, the Planning Commission shall be the approving body unless the changes are minor in nature and meet the requirements listed in Section 2516 for administrative review. The City Council or Planning Commission may require appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of arenas, halls or auditoriums, shielding of floodlights, and surfacing of access roads or driveways.

11. *General Provisions.* See Article 25, General Provisions, relating to off-street parking, off-street parking design layout, off-street loading and unloading, landscaping and screening requirements and other sections of the article as they relate to uses permitted in the EXPO District.

Sec. 1003. Physical Design and Site Relationship.

~~A physical design and site relationship proposal shall be submitted at the time of the initial submittal of any new or expanded use~~ An overall site plan for the entire Exposition District that includes the proposed development is required with Preliminary Site Plan application. ~~depicting in the EXPO District.~~ The intent and purpose of requiring submission of such a document shall be to inform and aid the Planning Commission and the City Council in their decisions relating to the overall proposed development's physical, aesthetic and functional relationship. ~~Accordingly, a site analysis and a conceptual building development design proposal shall be submitted pursuant to requirements as established at Section 1604. Twenty (20) copies of documentation shall be submitted and an oral presentation shall be made before the Planning Commission and City Council. All drawings shall be drawn to scale as set forth in Section 2516. Models presented shall be of adequate size, scale and detail to clearly indicate design intent.~~

Part II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Part III. Savings. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

Part IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Part V. Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption

by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS ____ DAY OF _____, 2007.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

- 1. Date of Public Hearing _____
- 2. Date of Adoption _____
- 3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the _____ meeting of the Novi City Council held on the _____ day of _____, 2007.

MARYANNE CORNELIUS – CITY CLERK

PROPOSED TEXT AMENDMENT
(clean version)

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 2007 - 18 - 218

**AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS
AMENDED, THE CITY OF NOVI ZONING ORDINANCE,
TO PERMIT USES PERMITTED IN THE I-1 DISTRICT IN
THE EXPO DISTRICT SUBJECT TO CONDITIONS**

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 10. Expo, Exposition District, Section 1000 Intent, Section 1001 Principal Uses Permitted, is hereby amended to read as follows in its entirety:

ARTICLE 10. EXPO, EXPOSITION DISTRICT

Sec. 1000. Intent.

The EXPO, Exposition District is designed to accommodate the development of a planned exposition facility including exhibit halls, display floor area, meeting rooms, conference rooms, eating and lodging facilities, banquet, concession and catering uses, museums, theaters, recreational facilities, space for school and civic affairs, warehousing accessory to the preceding uses, and off-street parking and loading/unloading space.

The Exposition District is intended to encourage an exposition facility which is accessible from thoroughfares and freeways and has adequate site area. To permit quality design and sound economic value for the City, any exposition facility should have unified architectural and functional design and provide an overall master plan of all phases for the complete development.

The City also recognizes that in order to conserve the value of land and buildings in the district and adjacent districts, and to protect the City's tax revenue, a need to provide for alternative uses in the District may be warranted should the demand for an exposition facility in the District diminish due to changing conditions in the City. Therefore, the District is also designed to promote research, office and light industrial development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences and to help meet the needs of the City's expected future economy for all types of research, office, light industrial and related uses.

Sec. 1001. Principal Uses Permitted.

In an EXPO, Exposition District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. [Unchanged.]
2. [Unchanged.]
3. a. All usage as an exposition facility ceases in the District;
b. All standards applicable to such light industrial use are met subject to the conditions: required in Sections 1905 paragraph 1, 2, 3, 5, 6, 7, 8 and 9.
4. [Unchanged.]

Sec. 1002. Required Conditions

Sec. 1003. . [Unchanged.]

1. [Unchanged.]
2. [Unchanged.]
3. [Unchanged.]
4. [Unchanged.]

5. *Relation to Other Buildings.* The proposed building(s) shall be designed to (1) relate to any other buildings in the District, and (2) be visually compatible and reflect good urban design and building proportions as viewed from adjacent properties and street and freeway rights-of-way.

6. [Unchanged.]
7. [Unchanged.]
8. [Unchanged.]

9. *Outside Storage.* Except as permitted in Section 1905.1.b(2), all uses, except for off-street parking or loading/unloading space shall be conducted within a completely enclosed building except that shipping or storage containers, pallets or other items related to an exposition function may be stored outside provided that areas for such storage shall be screened by an opaque fence or wall from view from adjacent property, from parking lots on site and from public rights-of-way. Recreational vehicles (RVs) and trucks used in transporting exhibit materials at scheduled exposition functions may be parked on site during the term of the exposition and five (5) days preceding or following said exposition, provided they are parked in a location which is screened from view from any public right-of-way, and which is designed and striped for over-size vehicle parking.

10. *Site Plan Review.* Site plan approval for exposition facilities, hotels and motels, museums and theaters shall be by the City Council following review and recommendation by the Planning

Commission. For all other uses, the Planning Commission shall be the approving body unless the changes are minor in nature and meet the requirements listed in Section 2516 for administrative review. The City Council or Planning Commission may require appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of arenas, halls or auditoriums, shielding of floodlights, and surfacing of access roads or driveways.

11. *General Provisions.* See Article 25, General Provisions, relating to off-street parking, off-street parking design layout, off-street loading and unloading, landscaping and screening requirements and other sections of the article as they relate to uses permitted in the EXPO District.

Sec. 1003. Physical Design and Site Relationship.

An overall site plan for the entire Exposition District that includes the proposed development is required with Preliminary Site Plan application. The intent and purpose of requiring submission of such a document shall be to inform and aid the Planning Commission and the City Council in their decisions relating to the overall proposed development's physical, aesthetic and functional relationship.

Part II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Part III. Savings. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

Part IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Part V. Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS ____ DAY
OF _____, 2007.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

- 1. Date of Public Hearing _____
- 2. Date of Adoption _____
- 3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the
_____ meeting of the Novi City Council held on the _____ day of
_____, 2007.

MARYANNE CORNELIUS – CITY CLERK

STAFF MEMO TO PLANNING COMMISSION

June 4, 2007



MEMORANDUM

TO: Members of the Planning Commission

FROM: Mark Spencer, AICP, Planner *Mark Spencer*

DATE: June 4, 2007

SUBJECT: Proposed Amendment to the EXPO, Exposition District

As you may be aware, the City has received inquiries over the last several years regarding the uses permitted in the EXPO, Exposition District. Staff and the Planning Commission have discussed the need to update the Zoning Ordinance language for this District ever since the new EXO, Exposition Overlay, District was conceived. Discussions to date have primarily involved only the long-term tenant of the existing buildings within the District in terms of a specific re-use. The tenant no longer has an interest in any properties in the District.

In light of the lapse in discussion about a specific long-term re-use of the existing facilities in the District, the Planning staff reviewed the pertinent section of the Ordinance and drafted a proposed Ordinance amendment that confirms the continuing appropriateness of light industrial uses for the property within the District as principal uses, consistent with the City's long-term planning of the area. Staff suggests that the Planning Commission review the proposed text amendment and recommend approval to the City Council.

The proposed text amendment includes the following provisions:

- The intent section is proposed to be revised to include light industrial uses, that had been and will continue to be considered a Principal Use Permitted in the EXPO district, subject to certain standards.
- The proposed language removes the reversion clause attached to industrial uses
- The proposed language clarifies the approving body for the site plans in the district based on the use proposed, to be consistent with the typical approval processes detailed in other sections of the ordinance.
- The proposed language clarifies the submittal requirements.

The Planning Commission is scheduled to hold a public hearing on this matter on June 13, 2007. Following the hearing, the Commission may forward a recommendation to the City Council on the proposed text amendment.

A marked-up and clean version of the proposed text amendment is attached for your review. If you have any questions or comments, please feel free to contact me or Barb McBeth.

Attachments

PLANNING COMMISSION MINUTES

June 13, 2007



Excerpt from
PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JUNE 13, 2007 7:00 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, Michael Lynch, Michael Meyer, Wayne Wrobel

Absent: Members David Lipski (excused), Mark Pehrson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Tim Schmitt, Planner; Mark Spencer, Planner; David Beschke, Landscape Architect; Ben Croy, Civil Engineer; Kristen Kolb, City Attorney

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.218

The Public Hearing was opened for Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, for modifications to Article 10, EXPO, Exposition District.

Deputy Director of Community Development Barbara McBeth said that with the development of the EXO Overlay, the City knew that at some point it would have to revisit the Ordinance language of the EXPO District. Ms. McBeth said that the City has spoken to the long-time tenant of the Expo Center and understands he is no longer interested in pursuing any use of that building. The City reviewed the EXPO language and has determined to clean up the language regarding Industrial uses on that site. The Staff recommends that the Planning Commission send a positive recommendation to City Council on this text amendment.

The intent section has been revised to include Light Industrial Districts. The reversion clause has been removed, though Light Industrial uses are still allowed. The new language names the Planning Commission as the approving body for Light Industrial uses, and City Council would maintain review of exposition-type reviews. Submittal requirements have been clarified.

No one from the audience wished to speak.

Chair Cassis said that the four-page letter from the Clark Hill law firm, signed by Scott Smith, was received by the City. This is the attorney for Kevin Adell, owner of the Expo Center. Ms. McBeth said that acknowledgement of the letter is sufficient for the minutes; City Council will receive a copy of this letter for their review.

Chair Cassis closed the Public Hearing.

Member Avdoulos said this text amendment was discussed back when Rock Financial Showcase plan came forward. The Master Plan and Zoning Committee did brainstorm different options for this site. They then concentrated more on the Gateway East language. Novi Road and Grand River is a dynamic corner, and there is a lot going on there. The Committee thought about how cultural activities sometimes strap the Civic Center, and how this corner could be a venue for that and the performing arts. The economic situation of the State brought the Committee to consider how Research and Technology firms could be interested in this corner. This text amendment is not meant to negate the use of this parcel, rather it provides for the original use of this property again. The City will look to see what else happens in the area.

Things are happening across the expressway. The Committee talked about the Conference Center District. This site has nice access from the expressway. There is existing Industrial along Grand River that is constantly under review. Member Avdoulos did not know if another exposition-type center in the area would be viable, considering what is going on to the west of this site. He supported the text amendment. He thought this language provided the City with some flexibility.

Member Gutman wished to ensure that the legal issues in the Clark Hill letter had been addressed. City Attorney Kristen Kolb responded that the issues found in the letter do not relate to this text amendment but other future planning issues on the property. The statement in the letter is that the attorney has not had a chance to digest the text amendment. She said he is not stating an objection or support.

Moved by Member Gutman, seconded by Member Burke:

In the matter of Zoning Ordinance Text Amendment 18.218, motion to send a positive recommendation to City Council for modifications to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, for modifications to Article 10, EXPO, Exposition District.

DISCUSSION

Chair Cassis said this property was once an industrial use, when the traffic in the area was limited. When this building became vacant and stood empty, a committee met and tried to decide what to do with this vacant building. A gentleman came forward with the Expo Center concept. The City and this gentleman had no idea what that idea would become. The Expo Center came as did mass traffic jams. The location of that building did not lend itself to that kind of function, mainly because of the traffic situation. This is where the City should go back and consider whether that was the proper thing for that particular building. He thought that this text amendment allows the City some leeway for ensuring this building has a use that will accommodate and complement its size and location. He found this text amendment to be acceptable. He supported the language.

Member Avdoulos agreed that the use of this building has to be complementary. This is part of the Master Plan process and this area is one that the City is taking under consideration. The road extension may create a ring road to accommodate the traffic. This information is good for City Council to review. This area will be revisited by the Master Plan and Zoning Committee.

ROLL CALL VOTE ON TEXT AMENDMENT 18.218 POSITIVE RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BURKE:

In the matter of Zoning Ordinance Text Amendment 18.218, motion to send a positive recommendation to City Council for modifications to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, for modifications to Article 10, EXPO, Exposition District. *Motion carried 7-0.*

**EXCERPT FROM
ZONING ORDINANCE
I-1, LIGHT INDUSTRIAL DISTRICT**

**(PERMITTED USES
IDENTIFIED IN SECTIONS 1901 AND 1902
AS REFERENCED IN THE
EXPO TEXT AMENDMENT)**

trances and exits. Occupancy permits shall not be issued until monies have been deposited with the City.

In determining which entrances and exits will be permanent and which will be temporary, the Planning Commission shall generally be guided by a minimum distance of six hundred (600) feet between entrances and exits and the location of existing drives on the opposite side of the street.

3. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and shall be subject to approval by the Planning Commission prior to issuance of a building permit.

4. See Article 25, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements.

5. See Article 24, Schedule of Regulations, limiting the height and bulk of buildings and providing minimum yard setbacks.

6. See Section 2520 of this Ordinance regarding exterior building wall facade treatments, where applicable.

ARTICLE 19. I-1 LIGHT INDUSTRIAL DISTRICT

Sec. 1900. Intent.

The I-1 Light Industrial District is intended to encourage innovations and variety in type, design and arrangement of land uses, but at all times to protect neighboring residential districts from any adverse impacts. The I-1 District is designed so as to primarily accommodate research, office and light industrial uses, including wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The District is designed to encourage unified complexes of research, office and light industrial uses, with high tech and multi-use facilities characterized by office, light industrial and warehousing activities in a planned environment. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compound-

ing, processing, packaging, assembly or treatment of finished or semifinished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of research, office, light industrial and related uses.
2. To protect abutting residential districts by separating them from manufacturing and related activities by limiting uses which may locate adjacent to such residential districts, by setbacks for buildings and off-street parking, by limitation of location of off-street loading/unloading areas, and by landscape planning/berm/wall screens, and by prohibiting the use of such industrial areas for new residential development.
3. To promote research, office and light industrial development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the City's tax revenue.

Sec. 1901. Principal Uses Permitted.

All uses in the Light Industrial District shall be subject to the Site Plan requirements as set forth in Section 2516. No building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Office buildings, offices and office sales and service activities for any of the follow-

ing occupations: executive, administrative, professional, accounting, writing, clerical, steno graphic, drafting, sales and engineering, data processing and for activities related to laboratories research and development; corporate offices and headquarters and office support functions, such as conference rooms, dining facilities, photographic facilities and storage facilities.

2. No accessory buildings, structures and uses shall be permitted unless granted pursuant to Section 1902.14.
3. Publicly owned and operated parks, parkways and outdoor recreational facilities.

Sec. 1902. Principal Uses Permitted, Subject to Special Conditions When Abutting a Residential District.

The following uses shall be permitted as principal uses permitted. However, when such uses abut a single-family residential district, they shall be treated as special land uses subject to approval by the Planning Commission in accordance with the additional requirements of Section 2516.2(c) for special land uses, and subject to the public hearing requirements set forth and regulated in Section 3006 of this Ordinance:

1. Research and development, technical training and activities which include medical, computer, robotic, and pharmaceutical research, development, instruction or application, and any uses charged with the principal function of design of pilot or experimental products.
2. Data processing and computer centers including computer programming and software development, training, and data processing services; laser technology and application; communications equipment and the repair, service and sales of such equipment; display and showroom facilities for equipment and products.
3. Warehousing and wholesale establishments.
4. The manufacture, compounding, processing, packaging, or treatment of products such as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, but not including tool, die, gauge and machine shops.
5. The manufacture, compounding, assembling, or treatment of articles of merchandise from previously prepared materials; bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
6. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
7. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps.
8. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
9. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
10. Industrial office sales, service and industrial office related uses when located within an existing office building portion of an industrial use.
11. Trade or industrial schools.
12. Laboratories Experimental, film or testing.
13. Greenhouses.
14. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations, other than outside storage and service yards.
15. Public or private indoor recreational facilities, including, but not limited to, health and fitness facilities and clubs, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities,

soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities.

- 16. Other uses of a similar and no more objectionable character to the above uses.
- 17. Accessory buildings and uses customarily incident to any of the above permitted uses and uses in Section 1901.

Sec. 1903. Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions.

The following uses shall be permitted where the proposed site does not abut a residentially zoned district, subject to approval by the Planning Commission in accordance with the additional requirements of Section 2516.2(c) for special land uses, and with the public hearing requirements set forth and regulated in Section 3006 of this Ordinance:

- 1. Auto undercoating shops when completely enclosed.
- 2. Metal plating, buffing, polishing and molded rubber products subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- 3. Uses which serve the limited needs of an industrial district, including:
 - a. Banks, savings and loan associations, credit unions, union halls, and industrial trade schools or industrial clinics.
 - b. Industrial tool and equipment sales, service, storage and distribution.
 - c. Eating and drinking establishments and motels, subject to the following conditions:
 - (1) Such uses shall be on a major thoroughfare and at least five

hundred (500) feet from any residential district. Freestanding restaurants shall be located on the periphery of an industrial district at the intersection of either two (2) major thoroughfares or one (1) major thoroughfare and an industrial street serving the district and shall be located no closer than one thousand (1,000) feet from any other freestanding restaurant on the same side of the street.

- (2) Such uses shall be on parcels with a minimum area of two (2) acres and a minimum frontage of two hundred (200) feet on a major thoroughfare. The frontage requirement may be satisfied by two hundred (200) feet of frontage on a side street where the use has some frontage on a major thoroughfare.
- (3) Eating and drinking establishments must be of a sit-down, fast food sit-down, or fast food carryout type and shall have a seating capacity of at least one hundred (100) seats. A restaurant may have a single drive-through window for carryout service, provided that drive-in restaurants serving food and beverages for consumption in motor vehicles while on the premises shall be precluded.
- 4. Automobile service establishments and public garages for vehicle repair and servicing, engine tune-ups, brake service, electrical repair, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement, and engine and transmission service, but not including

10. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building.
11. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, acid all other municipal buildings and uses.

(Ord. No. 99-18.149, Pt. VIII, 4-5-99)

Sec. 1904. Nonconforming Office, Commercial and I-1 Light Industrial Uses.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use:

1. If there exists a lawful office, commercial or I-1 light industrial use of land that would not be permitted because of an amendment rezoning the land to an I-1 District, or as a result of this amendment, this use and uses accessory thereto, may be continued and enlarged on the same lot, provided the following conditions are met:
 - a. The identical office, commercial or I-1 light industrial use must be used on the lot (examples of identical office, commercial or industrial use would be a real estate office replaced by a real estate office, a drugstore replaced by a drugstore and a metal plating [plating] operation replaced by a metal plating [plating] operation. A real estate office replaced by a medical office or a drugstore replaced by a shoe store would not be identical replacement); and
 - b. Any enlargement of the use shall conform with the height, bulk and area requirements of the I-1 District, and the required conditions of Section 1905. Off-street parking shall comply with the locational requirements of the I-1 District, and with the applicable office, commercial or industrial use requirements of Section 2505 and Section 1905 of the Zoning Ordinance, whichever is more restrictive.

Sec. 1905. Required Conditions.

All uses within the I-1 District shall comply with the following required conditions:

1. a. Except as provided in subpart (b), below, all uses shall be conducted wholly within a completely enclosed building.
- b. The following uses may be conducted outside of a completely enclosed building:
 - (1) Off-street parking.
 - (2) Outdoor placement of an above-ground storage tank of not more than a six hundred-gallon capacity where outdoor placement is necessary for compliance with Chapter 15 of the Novi Code of Ordinances.

All such storage tanks must be enclosed or screened from public view. Such screening shall consist of a wall not less than one (1) foot higher than the height of the storage tank placed therein, which completely conceals the tank from public view. The inside dimensions of the enclosure shall be such as will permit adequate access to the tank, as well as completely enclose the tank so that it does not project outside of the enclosure.

Screening materials shall consist of masonry, consisting of those materials permitted under the exterior building wall material standards contained in Section 2520, herein, or reinforced concrete. Other materials may be used for the gate or doorway to the enclosure.
2. Unless otherwise provided, dealing directly with consumer at retail, is prohibited.
3. See Section 2520 of this Ordinance regulating exterior building wall facade treatments, where applicable.

4. Where a permitted use abuts a residential district the following special conditions apply:

a. No truck well, loading dock or door, shall be permitted on or in the wall of the building which faces the abutting residential district and only pedestrian exits or emergency doors shall be allowed on such wall. All loading/unloading docks and truck wells shall be placed on or in the wall of the building that is opposite the boundary of the residential district or on the wall that lies approximately at a ninety (90) degree angle to the residential district boundary. If such dock, truck well and/or dock faces the front street, then such dock, truck well or door shall be recessed by not less than sixty (60) feet from the front wall of the building in order to provide that a semitrailer truck tractor and cab shall not, when in place for loading or unloading at the dock or well, project past the front wall of the building. Also the site plan and driveways shall be designed in such a manner to discourage semi-trailer truck traffic access to that portion of the lot or site that is adjacent to a residential district.

b. The following provisions shall apply to refuse pick-up, off-street parking and areas used for vehicular repair, delivery, loading/unloading and transport:

(1) No outside storage of any materials, equipment, trash or waste shall be permitted, except that dumpsters may be permitted outdoors where properly screened pursuant to the requirements of this Ordinance and Ordinance No. 83-88.01 [Code of Ordinances, Section 16-16 et seq.], as amended, or revised. Refuse pick-up shall be

limited to the hours of 7:00 a.m. to 5:00 p.m., prevailing time.

(2) All off-street parking and areas used for vehicular repair, delivery, loading/unloading and transport shall be not closer than one hundred (100) feet from the boundary of a residential district and effectively screened from view from said residential district by landscaping, walls or berms pursuant to requirements of Section 1904.4.e. Notwithstanding the restriction of Section 2400, footnotes (h) and (i), the Planning Commission may permit front yard and side yard parking where necessary to maintain the separation required by this subsection.

c. The maximum heights of any building constructed on a lot or site adjacent to a residential district shall be twenty-five (25) feet, except where there is a street, road, highway or freeway between said lot or site and the abutting residential district.

d. Exterior site lighting as regulated by Section 2511. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.

e. For I-1 Districts, adjacent to any residential district, an earth berm and plantings are required, except that no additional berm shall be required along a street, road, highway or freeway that lies between said use and an abutting residential district. The requirements supersede standards at Secs. 2509, provided, however, that pursuant to Section 2509.6.g. the Planning Commission may waive or modify the require-

ments for an earth berm or obscuring wall when adjacent to a woodland. Woodland areas shall be of sufficient width and density to provide the visual and audio screening that the berm or wall would provide. Generally, berms shall be of a continuous undulating, serpentine form. They shall have a maximum slope ratio of three (3) feet horizontal to one (1) foot vertical. A flat horizontal area at the crest is required to be six (6) feet in width. Berms shall be no less than from ten (10) feet in height. Opacity requirements are to be eighty (80) percent in winter and ninety (90) percent in summer within two (2) years after planting.

If existing trees are six (6) inches d.b.h. or greater, the berm may be designed in a natural format. The berm itself may be divided and formed on either side or continue around the existing trees. The plantings are to be primarily evergreen trees on the crest of the berm. These may be supplemented with shrubs that regenerate on each side of the berm; (i.e. *Red Twig Dogwood*, *Fragrant Sumac*, *Arrowood viburnum*). The berm shall be hydroseeded.

If there are no existing trees the berm is to be sodded and irrigated. The plantings are to be primarily evergreen trees with supplemental deciduous trees, shrubs, and evergreen shrubs. The landscape screening method shall be developed to protect the needs of the adjacent residential area. The minimum sizes of all plants when planted are to be seven (7) feet in height for evergreen trees, three (3) inch caliper for deciduous trees, two (2) inch caliper for small deciduous trees, thirty (30) inch—thirty-six (36) inch for large deciduous shrubs, twenty four (24) inch—thirty (30) inch for small shrubs. Spacing to be in a triple

spacing or equilateral triangle format. Evergreen trees shall be a minimum of ten (10) feet on center, deciduous trees thirty five (35) feet O.C., small deciduous trees fifteen (15) feet O.C., large deciduous shrubs four (4) feet O.C., and small shrubs three (3) feet O.C. All plants are to be mulched with four (4) inch shredded hardwood bark.

- f. Windows and doors of non-office use areas of structures in an I-1 District may not be left open.
5. For all uses permitted in the I-1 District, there shall be a finding by the Planning Commission that:
 - a. The scale, size, building design, facade materials, landscaping and activity of the use is such that current and future adjacent residential uses will be protected from any adverse impacts.
 - b. The intended truck delivery service can be effectively handled without long term truck parking on site.
 - c. The lighting, noise, vibration, odor and other possible impacts are in compliance with standards and intent of this article and performance standards of Section 2519.
 - d. The storage and/or use of any volatile, flammable or other materials shall be fully identified in application and shall comply with any city ordinances regarding toxic or hazardous materials.
 - e. There is compliance with the City's hazardous materials checklist for required submittal data.
6. Where a permitted use abuts a freeway right-of-way the following special conditions apply:
 - a. Licensed motor vehicles related to activities of a permitted use, such as repair, delivery, loading/unloading and transport may be parked on site pro-

vided they shall be parked not closer than twenty (20) feet from any free-way right-of-way and shall be screened by a four and one-half (4.5) foot brick-on-brick wall or landscaped berm pursuant to requirements at Section 2509.

- 7. Site plans shall be prepared in accordance with the requirements of Section 2516 of this Ordinance and shall be subject to approval by the Planning Commission prior to issuance of a building permit.
- 8. See Article 25, General Provisions relating to off-street parking, off-street parking layout, landscaping and screening requirements, performance standards and other sections of the Article as they relate to uses permitted in the district.
- 9. See Article 24, Schedule of Regulations limiting the height and bulk of buildings and providing minimum yard setbacks.

(Ord. No. 99-18.153, Pt. II, 12-6-99; Ord. No. 99-18.156, Pt. VIII, 12-20-99)

ARTICLE 20. I-2 GENERAL INDUSTRIAL DISTRICTS

Sec. 2000. Intent.

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials.

Sec. 2001. Principal Uses Permitted.

In a General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

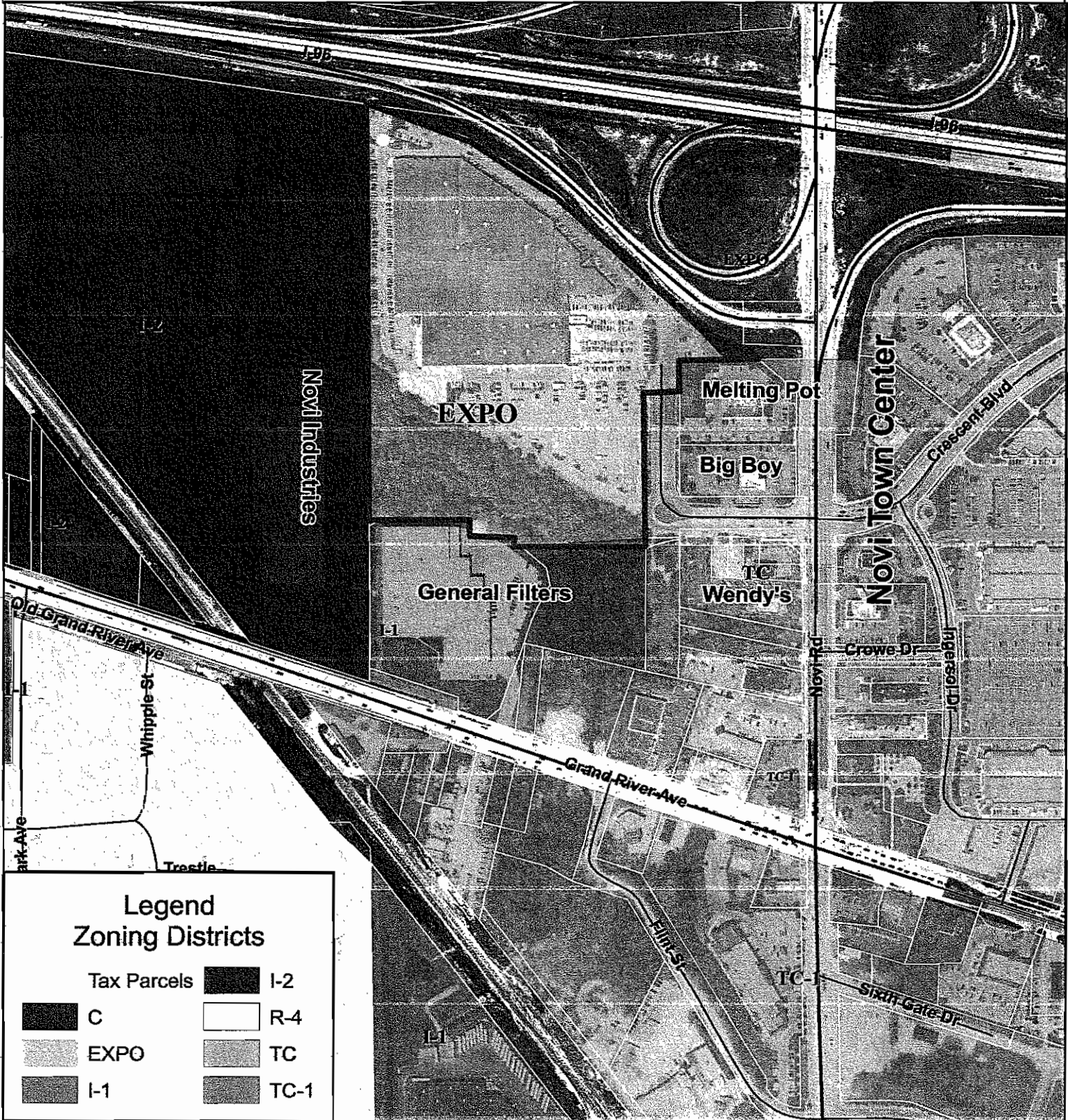
- 1. Any use permitted in an I-1 District and as regulated in that District with regard

to special conditions, provided, there shall be no necessity for a public hearing (as set forth in Section 3006) and approval as a special land use by the Planning Commission. Provided further, uses permitted under Section 1903 shall be permitted within the I-2 District irrespective of adjacency to a residentially-zoned district.

- 2. Heating and electric power generating plants.
- 3. Outdoor storage yards either as principal use of a site or as a use accessory to a principal use of a site when such yards are totally obscured by a masonry wall, landscaped earth berm, chain link fence with heavy screen plantings, or combinations thereof, the height, location and extent of which shall be according to the requirements of Section 2509 and Section 2514 of this Ordinance, except as hereinafter exempted in Section 2002.1 for a location within a planned industrial park. Whenever outdoor storage is the principal use of the parcel, no outdoor storage shall extend into the required front yard setback of the district and no wall, fence or other screening devices shall extend into the required front yard setback.
- 4. Commercial sale of new and used heavy trucks and heavy off-road construction equipment such as but not limited to: track laying machinery, graders, earth moving or earth hauling vehicles. The outdoor storage of any such equipment shall comply with the outdoors storage requirements of the Section, except that up to five (5) such pieces of new or rebuilt equipment may be displayed within any yard when placed on concrete pads and made an integral part of the yard's landscaping.
- 5. Any of the following production or manufacturing uses provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
 - a. Junkyards, provided such are entirely enclosed within a building or

EXPO Zoning District Map

City of Novi Expo Zoning District



Legend Zoning Districts

Tax Parcels		I-2	
	C		R-4
	EXPO		TC
	I-1		TC-1



CITY OF NOVI PLAN REVIEW CENTER
 Created by Mark Spencer
 6/7/07
 NOVI PLANNING DEPARTMENT
 45175 W. TEN MILE ROAD
 NOVI, MI 48375-3024
 (248) 347-0475
 WWW.CLNOVIMI.US



0 50 100 200 300 400
 FEET

/expozoning.mxd

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.

LETTERS FROM PROPERTY OWNER'S ATTORNEY

June 8, 2007

June 12, 2007

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June 12, 2007

BY ELECTRONIC MAIL AND FED-X

Planning Commission
City of Novi
c/o Ms. Barbara E. McBeth
Planning Director
City of Novi
45175 W Ten Mile Road
Novi, MI 48375

Mr. Thomas Schultz
Secret Wardle
30903 Northwestern Highway
PO Box 3040
Farmington Hills, MI 48333-3040

Re: Proposed Amendment to the EXPO, Exposition District

Dear Planning Commissioners:

Thank you for forwarding to me yesterday the proposed amendment to the EXPO, Exposition District zoning provisions. While I haven't had extensive time to review it, we would, on behalf of the property owner, like to offer a few observations, comments and requests.

Initially, it might be helpful to offer some corrections to and elaborations on Mr. Mark Spencer's Memorandum dated June 4, 2007. Contrary to what is stated in that memo, there have been some conversations and correspondence with representatives of the property's owner about the future use of the property. The property owner wishes to rename the property the "Novi Trade Center" and to use it as detailed in our letter dated June 8, 2007, a copy of which is attached. As stated in that letter, while the owner contends the property could be used as described in that letter under the current zoning provisions, the owner wishes to cooperate with the City and is amenable to working with the City toward that end.

In addition, contrary to the second paragraph of Mr. Spencer's Memorandum, light industrial uses do not seem to be consistent with the City's long-term planning for the area. The City's 2004 Master Plan for Land Use (page 113) identifies the Adell property and the adjacent Comau Pico property as the "Downtown West District" about which it states, "This land use is designated for further study to develop a commercial, entertainment and cultural connection to the core shopping area." When I inquired of Ms. McBeth and Mr. Schultz about this statement, they indicated the planning had yet to occur. On behalf of the property owner, we have expressed the property owner's willingness to participate in that process in any of a variety of ways depending on the City's preferences.

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The additional uses allowed by the proposed amendment do not further the property's redevelopment as envisioned by the 2004 Master Plan for Future Land Use. Research, office, light industrial and related uses do not correspond to the "commercial, entertainment and cultural" uses identified in the Plan.

As indicated in the attached letter, the property owner is concerned that as City staff currently interprets the current zoning and even if the zoning regulations are amended as proposed, the property cannot be used under current zoning in an economically viable manner. Use as an exposition center as the City staff interprets the applicable provisions would lead to direct competition with the Rock Financial Showplace. There may not be a market in Novi to sufficiently support two exposition centers. Moreover, while the proposed amendment would remove the 10-year limitation on light industrial uses within the expo zoning district, it is unlikely to improve the economic viability of the building's use.

The building is not suitable for most industrial uses. Ceiling heights, the numerous support posts and other design limitations are incompatible with the larger open spaces desired by most current industrial users. In addition, the building does not currently comply with building code provisions applicable to industrial uses. Accordingly, it would take a major investment to ready it for industrial uses which could pay off only with a longer-term industrial use of the site. More importantly, any industrial tenant is likely to want secure occupancy over a longer period of time (likely, at least 20 years) in order to recoup investment in bringing it up to code, moving equipment to and installing equipment within the building. This seems well beyond the City's desired horizon for the property's redevelopment.

Of course, given the huge surplus of industrial buildings and sites available in Michigan and in the Wayne, Oakland and Macomb County area, it would be difficult to market it at all for light industrial uses.¹ Most market projections are not forecasting an improvement in the industrial real estate market in Michigan for the foreseeable future.

You can see from the enclosed letter the details as to how the property owners wish to see the site used. You could include language in the proposed amendment expressly allowing that use.² The amendment could even limit its duration without further action of a City official or body and could provide for conditions to be placed on the use. This would be more compatible with what the Master Plan designates for the property.³

¹ I spoke at length with a client yesterday who is looking for an industrial site in that area (this site is not suitable for that client) and he found that a call to a broker netted a list of many dozens of available sites, most of which were far newer and better suited for current industrial uses.

² This suggestion would eliminate any further differences of opinion on the issue between the property owner and City officials.

³ It might not be exactly what is envisioned by the drafters of the Master Plan for Future Land Use, but moves closer to that than would a reversion to a light industrial use.

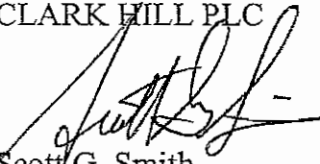
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Thank you for your consideration.

Sincerely,

CLARK HILL PLC



Scott G. Smith

SGS/bjh

cc: Mr. Kevin Adell

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June 8, 2007

BY ELECTRONIC AND FIRST CLASS MAIL

Mr. Thomas Schultz
Secrest Wardle
30903 Northwestern Highway
PO Box 3040
Farmington Hills, MI 48333-3040

Ms. Barbara E. McBeth
Planning Director
City of Novi
45175 W Ten Mile Road
Novi, MI 48375

Re: Adell Site

Dear Mr. Schultz and Ms. McBeth:

Thank you for meeting on Wednesday, May 23, 2007. You asked that we submit more details about the "Novi Trade Center" concept for the former "Novi Expo Center" on Expo Drive, west of Novi Road, immediately south of and adjacent to the I-96 Expressway. While it remains the owner's position that the Novi Trade Center could operate under the current zoning, we acknowledge the City has a different view and we desire a cooperative, rather than confrontational, relationship with the City. Accordingly, we are writing this letter enclosing additional information to give the City more information about the property owner's desires and to seek further guidance from the City.

We understand the City is in the process of refining its master land use plan to more particularly address this property and the adjacent property to the west. Until that refinement is completed, the City's long-term vision for this property is a bit amorphous. Accordingly, it is also unclear how the property will be zoned in the future. Thus, re-development is not possible until that master plan refinement and, perhaps, the rezoning needed to implement is completed.

The property owner would be interested in redevelopment of the property when City planning and zoning, as well as market conditions would make such redevelopment feasible and rewarding. While it is not possible to judge market conditions for any proposed use until that proposed use is identified as part of the master plan refinement, the property owner is cognizant of the stagnating real estate and development market in much of Michigan, the overall forecasts for Michigan's economy, the need for developers and investors, and other factors that make the owner wary of the feasibility of redevelopment in the next few years.

Accordingly, as we discussed, the property owner is concerned that as the City interprets the current zoning regulations, the property cannot be used under current zoning in an

Mr. Thomas Schultz
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economically viable manner. If it could be used as the City interprets the provisions covering the current zoning, it would be in direct competition with the Rock Financial Showplace and there is not likely a market in Novi that would sufficiently support two exposition centers competing for the exposition business the Rock Financial Showplace is seeking to attract.

While we understand the City may simultaneously be acting to remove the 10-year limitation on light industrial uses within the expo zoning district, as indicated in our meeting, we think that is unlikely to improve the economic viability of any use under the current zoning as the City interprets the zoning ordinance. And, if it were viable, it is likely only viable if the property owners would commit to such industrial uses over a 15 to 20 year time frame. A 15 to 20 year time frame seems to be well beyond the time in which the City wishes to see the redevelopment of the site.

The building is not suitable for many industrial uses. Ceiling heights, the numerous support posts and other aspects of its design are indicative of its age and are incompatible with the larger open spaces desired by most current industrial users. In addition, the building does not currently comply with building code provisions applicable to industrial uses. Accordingly, it would take a major investment to ready it for industrial uses which could pay off only with a longer-term industrial use of the site. More importantly, any industrial tenant is likely to want secure occupancy over a longer period of time in order to recoup investment in moving equipment to and installing equipment within the building.

The property owner is amenable to working with the City on its master plan refinement. Owner representatives would attend meetings and/or periodically offer thoughts in writing, depending upon the City's preferences.

As explained in our previous letter the concept for the "Novi Trade Center" would include a number of small vendors showing and selling antiques, handcrafted items and collectibles from "booths" set up in the former Novi Expo Center building from Friday evening through Sunday evening, using Thursday as a set-up day. Again, all of it would occur within the building. It will not involve personal services such as haircutting, body piercing or tattooing. Other than the antiques and collectibles, no used items would be sold.

"Collectibles" could include anything that is collected such as, for example, coins, stamps, toys, stuffed animals, glass items, china, jewelry, figurines, artwork, dolls, books, comic books, magazines, guns and other weapons, sports memorabilia (like baseball cards and autographed balls), movie and entertainment memorabilia, musical instruments, phonographic records, etc. "Antiques" is a fairly well understood term. Handcrafted items would include anything personally produced by the sellers and could include items such as, for example, small wooden items like waterfowl decoys, bird feeders, yard ornaments, etc; furniture items; quilts, aprons, and other sewn items; specialized embroidery items; metal work; photographs; paintings; sculpture; small lamps; flags and banners; etc. The items would be displayed and sold by those who have personally produced them or who personally own them. In addition, a small portion of

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the area might be used for closeout sales by affiliates of Southeast Michigan retailers of clothing, furniture and floor coverings.

Items would be sold from built-in, standardized "booths" as depicted in the enclosed drawings. Booth areas and, perhaps, aisles will have standard carpeting. If a seller wants to do so, two or more booths could be combined for a larger sales area. The enclosed drawing shows approximately 1,200 booths. Aisles will be sufficiently wide to provide accessibility. The layout would be as depicted on the enclosed drawings. We would like to show you a "mock-up" of a booth that has been constructed on site. We suggest arranging an on-site discussion so you can visualize it better.

Food and beverage sales will occur in the area of the building depicted toward the center of the drawing and will be controlled by the building owners. No alcohol will be sold on the premises.

To control crowds and dissuade loitering, a fee would be charged to patrons for parking. It is estimated as many as 30,000 patrons might visit the site over a busy weekend. We are tracking down information about the number of parking spaces on site and the owner is seeking additional arrangements to provide additional parking. I will forward additional information to you as I receive it.

In addition, the owner would consider making the office area available without charge to a non-profit, community organization during the week. The owner would also consider allowing Boy Scouts, and other community groups to meet in the facility during the week without charge or at only a nominal charge.

While the "trade center" concept might not be exactly what the City envisions for the property over a longer term, it could function well as an interim use while plans are undergoing refinement, while the Michigan economy mends, and while other actions and cooperation needed for the eventual redevelopment of the site are lined up. The trade center makes use of the site in a manner that continues the weekend use envisioned with the trade center zoning. The use is entirely contained within the building. It will bring people to the area on weekends and should result in spillover use of lodging, restaurant and other facilities. As nuanced in this proposal, it is intended not to compete with the Rock Financial Center and might even complement the uses there. It will result in the upkeep of the building and grounds that will better ensure it is "presentable" from the expressway. Because minimal capital is needed to ready the facility, there is no need for long term use to recover that investment, making it more readily available for redevelopment as plans and market forces make that possible.

During our conversation last week, we discussed possible courses of action. A re-zoning, a use variance or an appeal of you interpretation of the limitation of the current zoning might be the least appealing from the City's perspective for a variety of reasons. It would seem that a temporary use under section 3004 would be the most desirable. It can, with imposed conditions,

CLARK HILL PLC

Mr. Thomas Schultz
Ms. Barbara E. McBeth
June 8, 2007
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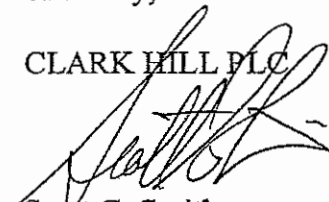
be specifically tailored to the situation and would be (unless the City later decided the use is appropriate over a longer term and rezoned the property) of a limited duration.

However, before applying for such approval, we would appreciate your responsive feedback to this letter so we can, to the extent it seems feasible, address remaining concerns or provide additional desired information as part of the application. The owner truly desires a cooperative relationship with the City. Your candid feedback is needed so we can work toward that end.

Thank you for your consideration. We look forward to your response.

Sincerely,

CLARK HILL PLC



Scott G. Smith

SGS/bjh

encls. Site Survey
Interior Lay-out Plan

cc: Mr. Kevin Adell