



CITY of NOVI CITY COUNCIL

Agenda Item 4
November 24, 2008

SUBJECT: Consideration of the request to vacate Karevich Drive right of way, a frontage road in the West Oaks II shopping center, and approval of a resolution to set a public hearing for the December 15, 2008 City Council meeting.

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Brick}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

This matter is being brought back to the City Council for further consideration, since the applicant has supplied additional information addressing the concerns expressed at the September 24, 2007 City Council meeting when this matter was last considered. The submitted information addresses Council's previous comments (summarized below) while showing a possible future plan for constructing a new store with parking lot and landscape improvements on part of the vacated Karevich Drive property. Staff reviewed the information supplied and found one additional issue relating to the renaming of one of the West Oaks drives which may be of concern to the adjacent property owner. Staff asked the applicant to follow up by notifying the property owner adjacent to the drive with the suggested name change. In October, the applicant supplied a letter received from Ramco-Gershenson addressing this issue. Below is a summary of the status of the project.

September, 2007 City Council meeting discussion

1. Get rid of the power lines. *Applicant researched this request, but indicates this is not feasible due to costs.*
2. 8 foot sidewalk. *Eight foot wide sidewalk is now provided on the plan.*
3. All the extra landscaping per staff recommendations, i.e., the Canopy Buffer Trees, the Sub-Canopy Buffer Trees and additional shrubs. *Landscaping and landscape amenities are in keeping with the ordinance requirements and staff recommendations. With the addition of a small amount of shrubbery and perennials along the Novi Road frontage at the time of Preliminary Site Plan Review, the landscape plan would be complete.*
4. A corner seating area. *A pedestrian plaza is proposed for the corner of Novi Road and West Oaks Drive, which includes a brick seat wall, benches, trash receptacle, bronze people sculpture, special paving, with an assortment of trees, shrubs and annual flowers is now shown on the submitted plans.*
5. A non-pedestrian architectural feature on the corner, i.e., a low brick wall with something that would focus on the building or buildings. *A pedestrian plaza is proposed on Novi Road frontage, which is accessible from the proposed 8 foot wide sidewalk, and provides attractive seating, special paving, concrete planter curbs, ornamental trees, shrubs and annual flowers.*
6. Meet landscaping standards, flex on trees and possibly a cash contribution to the Tree Fund. *The landscape standards are more clearly addressed on this submittal of plans. Cash into the tree fund is no longer an issue as the applicant has located all required plantings on the site.*
7. Possibly an artist design relating to Karevich at the architectural feature. *Bronze "people" sculpture is proposed.*
8. Architectural feature on the corner. *Brick seating wall, three benches, one sculpture and a concrete planter is proposed on the corner of West Oaks Drive and Novi Road.*

Also discussed at the September City Council meeting was the City Council's desire to see the proposed building moved closer to Novi Road, with green space between the building and the road. This modification is now shown on the proposed plans, and would be reviewed at the time of Preliminary Site Plan consideration.

New designation for Karevich Drive

One remaining issue requested of the Art Van representatives related to the applicant's suggestion that West Oaks Drive II (an unnamed drive that runs east/west along the north side of Art Van) to Karevich Drive. The City's GIS system shows that this drive is owned by the City of Novi and the Future Land Use map designates the drive as a part of the local street system. The City's Street Naming Committee (members include representatives from the Police, Fire and Community Development Departments) have recommended approval of the requested street name change, provided that the owners of West Oaks II shopping center were in agreement with that designation.

The applicant has provided a letter indicating that contact was made with the owners of the center, Ramco-Gershenson, which states the following: *"In response to your letter dated July 18, 2008, although Ramco-Gershenson, Inc. is not adverse to renaming the West Oaks II Drive, approval to do so shall not be considered until full disclosure for the intent of the adjacent Art Van property is provided."* The Committee has reviewed the letter and has no further concerns at this time, particularly since no street addresses will need to be changed.

Current request

The applicant has requested that the matter return to the City Council for further discussion.

Various city staff members reviewed the plans accompanying the request. The City's landscape architect reviewed the conceptual landscape plan and noted that the plan is an improvement over the previous conceptual plan submittals, and that an additional 16,000 square feet of green space is being added from an earlier submittal. The proposed plantings are generally in accord with the ordinance standards, and the proposed site amenities are appropriate for the request. Please see the attached review letter from the city's landscape architect.

Previously, Engineering, Building, DPW, and the Fire Department took no exception to the street vacation request, with several staff members noting that easements will be needed to maintain existing utilities in the area if the street vacation is approved by City Council. The Planning review indicated that staff does not believe the abandonment of Karevich Drive would compromise access for public safety to the site or surrounding properties, nor would it have a negative effect on site circulation. Planning also notes that the proposed sidewalk and landscaping would enhance the pedestrian access and aesthetics of the area.

Since it has been nearly two and a half years since the public hearing was held for this street vacation, a new public hearing should be held on the matter. On November 24th, the City Council will be asked provide further comment on the request and consider approval of the attached "Resolution to Set Public Hearing to Consider Vacation of Karevich Drive" in order to set the public hearing for December 15, 2008.

With positive direction from the City Council, administration will bring the actual vacation resolution back to Council at a subsequent meeting along with a finalized conveyance agreement containing the terms and conditions of the transfer and future use of the vacated area.

RECOMMENDED ACTION: Consideration of the request to vacate Karevich Drive right of way, a frontage road in the West Oaks II shopping center, and approval of a resolution to set a public hearing for the December 15, 2008 City Council meeting.

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

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

RESOLUTION TO SET PUBLIC HEARING
TO CONSIDER VACATING
KAREVICH DRIVE

CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION TO SET PUBLIC HEARING TO CONSIDER VACATING
KAREVICH DRIVE IN THE CITY OF NOVI**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on the ____ day of _____, 2008, at the City Hall, 45175 West Ten Mile Road, Novi, Michigan 48375.

The following resolution was offered by _____ and supported by _____.

WHEREAS, a request has been received by the City Council seeking the vacation, discontinuance, or abolition of a public road within the City of Novi, lying west of Novi Road and north of West Oaks Drive, known as Karevich Drive, retaining an 80-foot half-right-of-way on Novi Road;

WHEREAS, the request for vacation asserts that the portion of Karevich Drive sought to be vacated is not needed for public road purposes because of the availability of other improved access to adjacent properties;

WHEREAS, the City Council has considered such request and has determined to proceed to further consideration of such action in accordance with the requirements of the applicable statutory, charter, and ordinance provisions, and pursuant to the terms of the attached proposed resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Novi City Council that:

1. That the City Council deems it advisable to consider the vacation, discontinuance, or abolition of the portion of Karevich Drive located north of West Oaks Drive, south of Twelve Mile Road, and west of Novi Road, within the City of Novi, County of Oakland, State of Michigan, reserving a half right-of-way on Novi Road of 80 feet.
2. That the City Council will meet and hear objections, if there are any, to such vacation, discontinuance, or abolition on the 15th day of December 2008, at 7:00 p.m. at the City of Novi City Hall.
3. The City Clerk is hereby directed to publish notice of such meeting in the newspaper of general circulation in the City, not less than seven days before the time appointed

for such meeting. The City Clerk shall also give notice by first class mail to the owners of all property abutting the portion of such platted public road that is legally described in paragraph 1, as shown upon the assessment rolls of the City.

AYES:

NAYS:

ABSTENTIONS:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, MARYANNE CORNELIUS, the duly-qualified Clerk of the City of Novi, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at a duly-called meeting held on the ___ day of _____, 2008, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ___ day of _____, 2008.

MARYANNE CORNELIUS
Clerk, City of Novi

LETTER FROM CITY ATTORNEY



November 17, 2008

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretwardle.com

Thomas R. Schultz
Direct 248-539-2847
tschultz@secretwardle.com

Barb McBeth, Planning Director
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

RE: ***Karevich Drive – New Resolution Setting Public Hearing (2008)***
Our File No. 55142 NOV

Dear Ms. McBeth:

Attached is a **new** resolution setting a public hearing to vacate a portion of Karevich Drive, should the Council determine to proceed with that action following the November 24, 2008 City Council meeting. As you know, there was a public hearing held on this issue back in 2006, and while the City Council expressed some interest in proceeding with the vacation, the process was never completed for various reasons.

The matter is now returning for discussion, with some revisions to the proposed plans for the use of the property to be vacated and other area improvements. We are recommending that the process be started anew, and that the matter be set for another public hearing. Not only has a significant amount of time passed since the last public hearing, there have been changes in the plans and further discussions regarding the renaming of the existing West Oaks Drive.

If the Council determines to move forward with the proposal, the next step would be preparation of legal descriptions for both the portion of the roadway to be vacated and any necessary easement areas, and adoption of a resolution of vacation. We have a draft of the vacation resolution prepared from the last round of discussions. We also have prepared a draft of an agreement with Art Van to cover the various improvements (mostly landscaping) that are expected to be installed after the vacation, and a quit claim deed from the City to Art Van. Those documents would be presented to the City at the next meeting at which this is considered, if the City Council determines to move forward with the resolution.

Ms. Barb McBeth

Page 2

Let me know if you have any questions regarding the form of the attached vacation resolution or the process we are contemplating.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas R. Schultz". The signature is written in a cursive style with a horizontal line extending to the left.

Thomas R. Schultz

TRS/jes

828050

LOCATION MAP
SHOWING
PROPOSED RENAMING OF
UNNAMED DRIVE
TO KAREVICH DRIVE

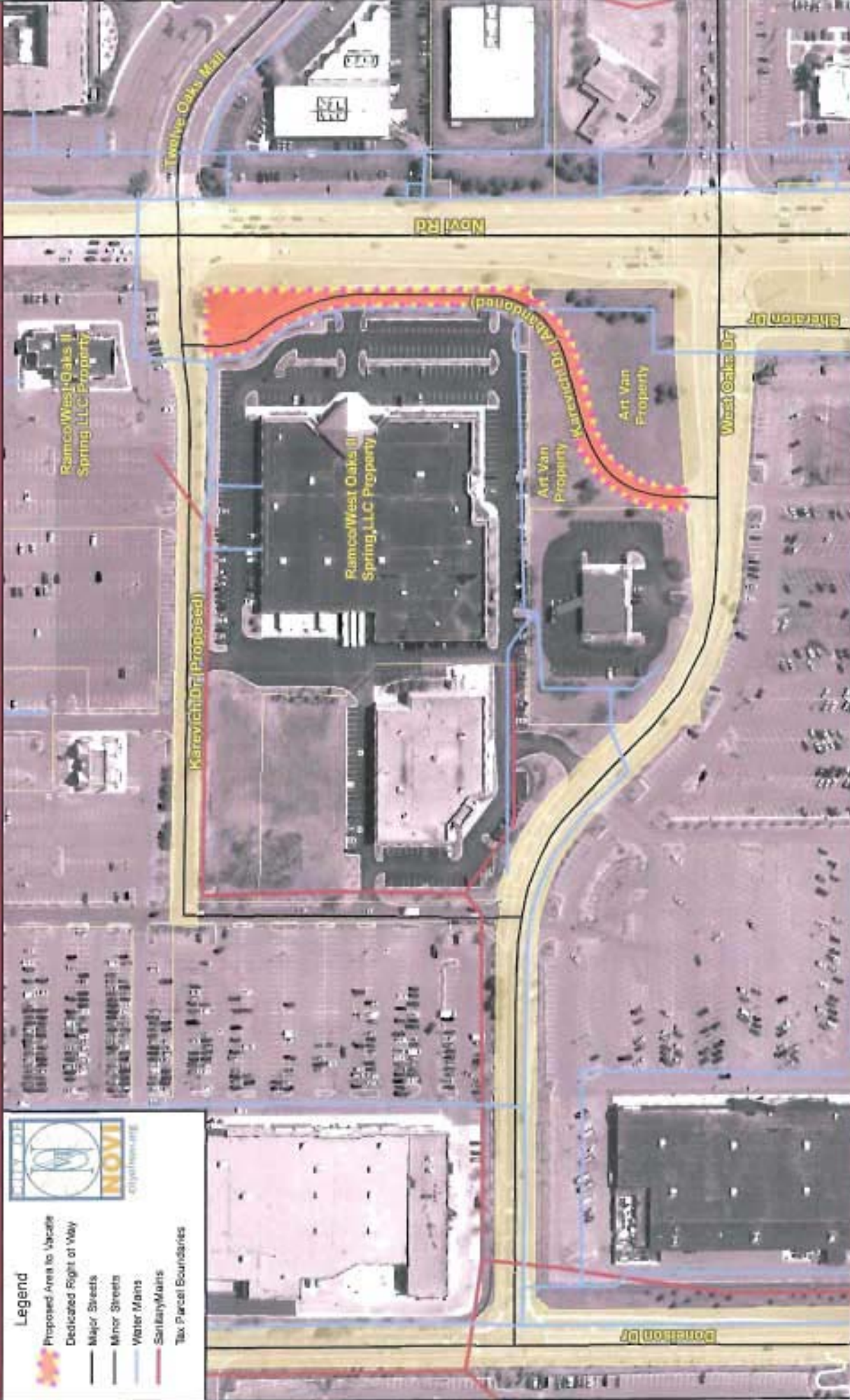
Vacated Karevich Drive Right-of-Way

West Oaks Shopping Complex Area



Legend

-  Proposed Area to Vacate
-  Dedicated Right of Way
-  Major Streets
-  Minor Streets
-  Water Mains
-  Sanitary Mains
-  Tax Parcel Boundaries



CITY OF NOVI
 GEOGRAPHIC INFORMATION SERVICES
 DEPARTMENT OF INFORMATION TECHNOLOGY
 4175 W. TOWNHALL ROAD
 NOVI, MI 48235-3024
 (248) 342-3879
 MAP AUTHOR: CHRIS BLOUGH
 CITY GIS MANAGER

SOURCES OF INFORMATION FOR THIS MAP
 2009 Aerial Orthophotography, Oakland County
 Local Government Records, Oakland County
 Street Coordination System, City of Novi
 Proposed Aerial to Aerials, Aerials from Site Plan
 (2011) 22208

Map Scale: 1:10,000
 Map File: 2011_08_01

MAP INTERPRETATION NOTICE
 Map information depicted is not warranted to be accurate or suitable for any official or primary purpose. This map was created to assist in the review of proposed projects and is not intended to be used for any other purpose. Boundary measurements and area calculations are approximate and should not be used for any legal or financial purposes. A licensed surveyor should be consulted for any boundary information. The City of Novi is not responsible for any errors or omissions in this map. The City of Novi is not liable for any damages, including consequential damages, arising from the use of this map. The City of Novi is not responsible for any damages, including consequential damages, arising from the use of this map.

WEST LANE & ALABAMA DRIVE
(TO BE RENAMED TO KAROVICH DRIVE)

ART VAN
FURNITURE

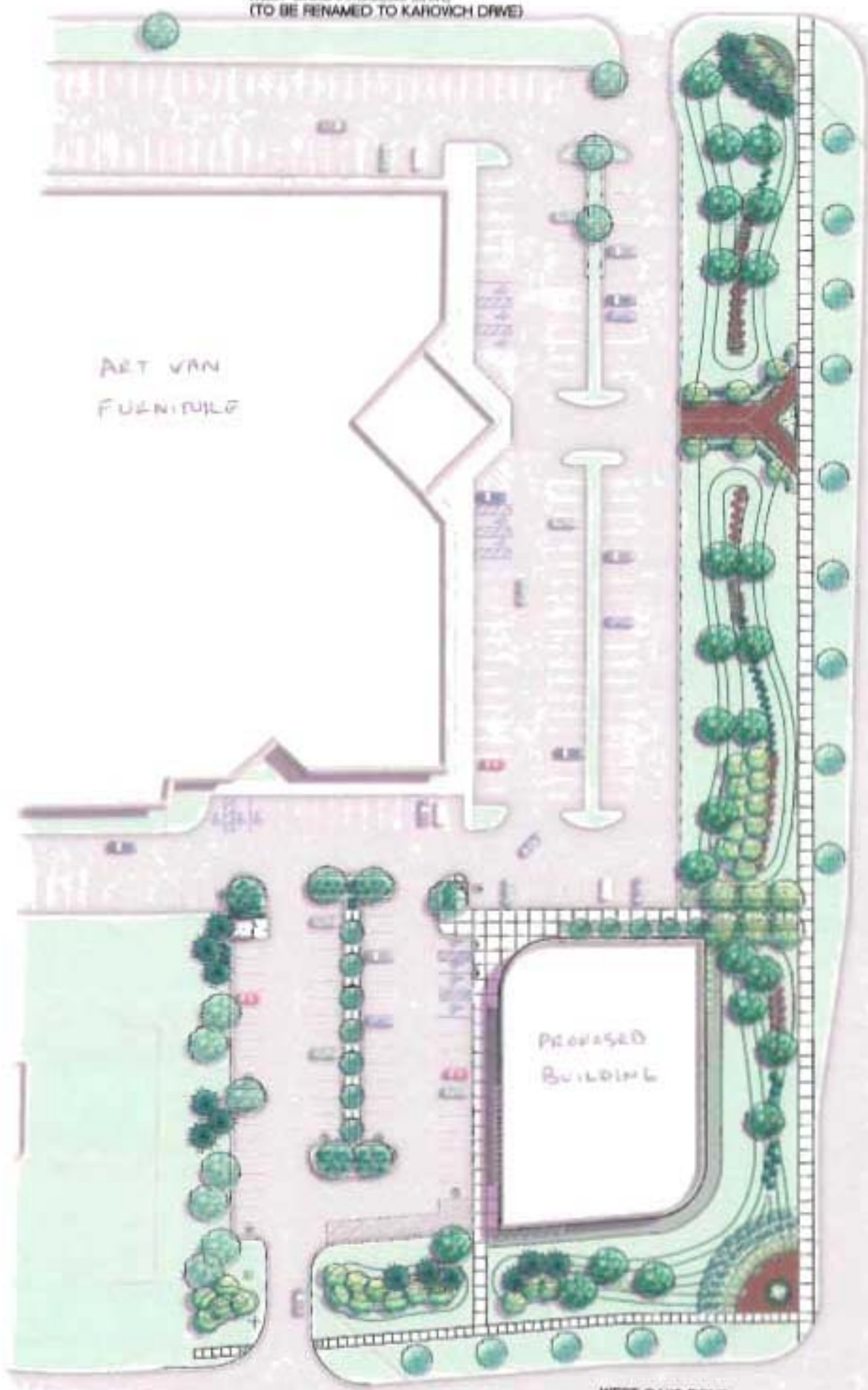
PROPOSED
BUILDING

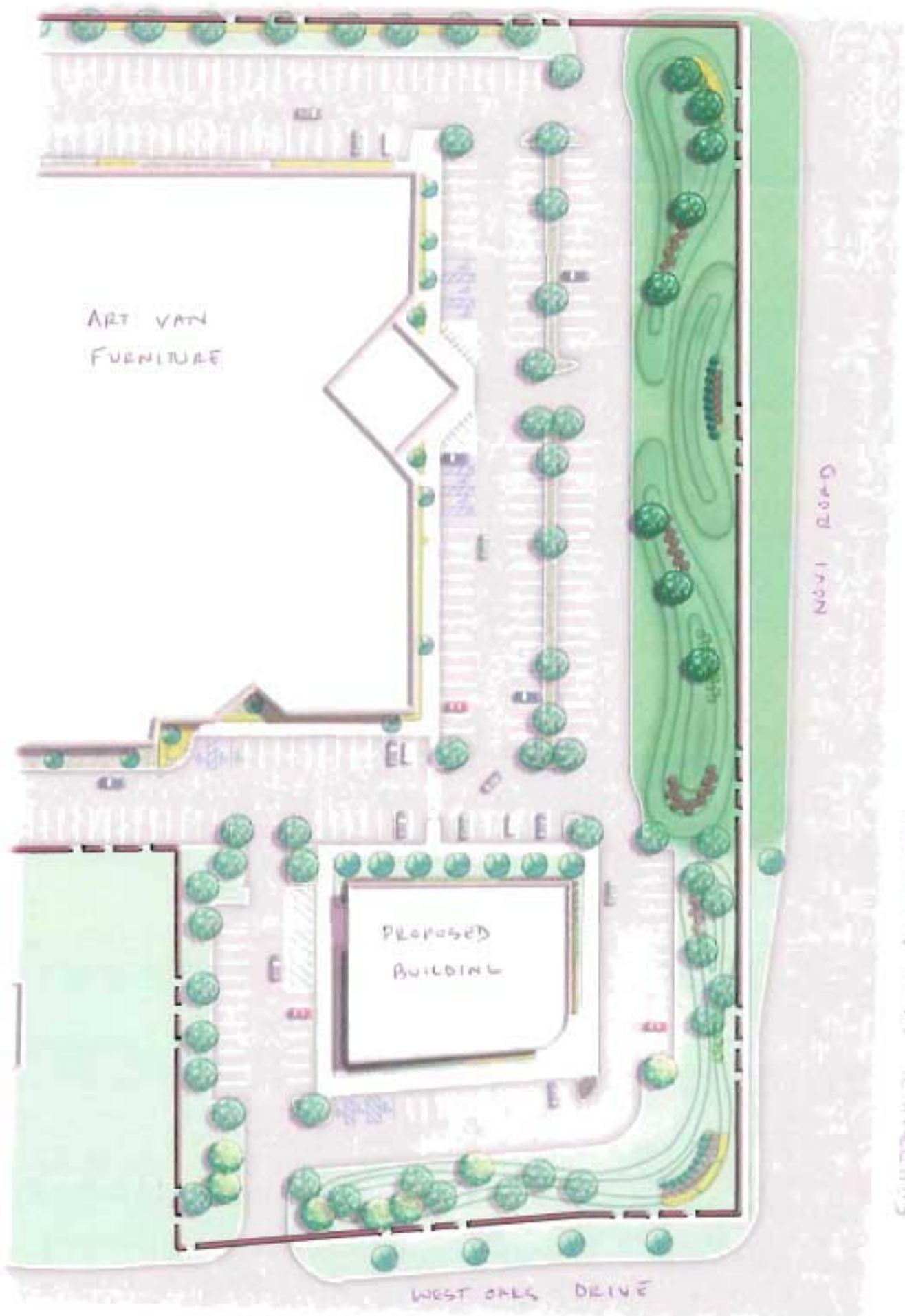
NOV ROAD

WEST OAKS DRIVE

6-11-11

NOVEMBER 2011 SUBMITTAL
LANDSCAPE PLAN





ART VAN
FURNITURE

PROPOSED
BUILDING

WEST OAKS DRIVE

NOVI ROAD

SCHUBERT, LLOYD & ASSOCIATES
LANDSCAPE PLAN

PREVIOUS

**LETTER FROM
RAMCO GERSHENSON
SEPTEMBER 17, 2008**



A New York
Stock Exchange Company
(RPT)

31500 Northwestern Highway
Suite 300
Farmington Hills, MI 48334
248-350-9900 Phone
248-350-9925 Fax

46532

September 17, 2008

Michael T. Zambricki
General Counsel
ART VAN FURNITURE
6500 Fourteen Mile Road
Warren MI 48092

**Re: West Oaks II Drive
West Oaks II Shopping Center, Novi MI**

Dear Mr. Zambricki

In response to your letter dated July 18, 2008, although Ramco-Gershenson, Inc. is not adverse to renaming the West Oaks II Drive, approval to do so shall not be considered until full disclosure for the intent of the adjacent Art Van property is provided.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Grysko".

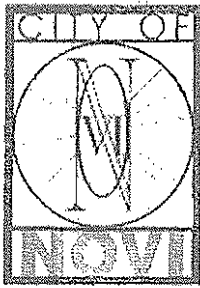
Sandy Grysko
Property Manager

Cc: Michael McBride

SG/ca

**JUNE 24, 2008 MEMO
UPDATE ON THE
STATUS OF THE PROJECT**

MEMORANDUM



cityofnovi.org

TO: Clay Pearson, City Manager
FROM: Barbara McBeth, AICP, Community Development
SUBJECT: Update on the Karevich Drive Street vacation
DATE: June 24, 2008

6/26/08
To: Mayor and City
Council Members
Update/Item for future.

Recently, Art Van Furniture submitted revised plans showing the proposed vacation of Karevich Drive in the area adjacent to Art Van's property in the West Oaks Shopping Center. The City Council last reviewed this request in September 2007, and requested that additional information be provided with the next submittal.

Since that time, staff has met again with the representatives from Art Van Furniture and discussed modifications to the plan including an improved landscape plan for the modified Novi Road frontage, provision of additional streetscape and landscape amenities, as well as the possibility of enhanced landscaping on other parts of the site. While there was discussion at the City Council meeting regarding a contribution to the tree fund for any landscaping shortfalls, staff believes that the enhanced landscaping and streetscape amenities would be preferable to a contribution to the tree fund in this instance.

The plans have been revised to detail the proposed 17,168 square foot building, which has been moved within 50 feet of Novi Road. New parking areas are shown as well as landbanked parking spaces along the Novi Road frontage in front of the existing Art Van furniture store. The plans also propose two landscaped pedestrian plazas, and more extensive detail of the proposed landscaped berms along Novi Road and West Oaks Drive.

At the September City Council meeting, the discussion of the request was narrowed down to a list of items the City Council was considering. A list of the items and the staff comments regarding the latest submittal is as follows:

1. Get rid of the power lines. *Applicant researched this request, but indicates this is not feasible due to costs.*
- ✓ 2. 8 foot sidewalk. *Eight foot wide sidewalk is now provided on the plan.*
- ✓ 3. All the extra landscaping per staff recommendations, i.e., the Canopy Buffer Trees, the Sub-Canopy Buffer Trees and additional shrubs. *Landscaping and landscape amenities are in keeping with the ordinance requirements and staff recommendations. With the addition of a small amount of shrubbery and perennials along the Novi Road frontage at the time of Preliminary Site Plan Review, the landscape plan would be complete.*
- ✓ 4. A corner seating area. *A pedestrian plaza is proposed for the corner of Novi Road and West Oaks Drive, which includes a brick seat wall, benches, trash receptacle, bronze people sculpture, special paving, with an assortment of trees, shrubs and annual flowers is now shown on the submitted plans.*
- ✓ 5. A non-pedestrian architectural feature on the corner, i.e., a low brick wall with something that would focus on the building or buildings. *A pedestrian plaza is proposed on Novi Road frontage, which is accessible from the proposed 8 foot wide sidewalk, and*

provides attractive seating, special paving, concrete planter curbs, ornamental trees, shrubs and annual flowers.

- ✓ 6. Meet landscaping standards, flex on trees and possibly a cash contribution to the Tree Fund. *The landscape standards are more clearly addressed on this submittal of plans. Cash into the tree fund is no longer an issue as the applicant has located all required plantings on the site.*
- ✓ 7. Possibly an artist design relating to Karevich at the architectural feature. *Bronze "people" sculpture is proposed.*
- ✓ 8. Architectural feature on the corner. *Brick seating wall, three benches, one sculpture and a concrete planter is proposed on the corner of West Oaks Drive and Novi Road.*

Also discussed at the September City Council meeting was the City Council's desire to see the proposed building moved closer to Novi Road, with green space between the building and the road. This modification is now shown on the proposed plans, and would be reviewed at the time of Preliminary Site Plan consideration.

The applicant has suggested the renaming of West Oaks II Drive (an unnamed drive that runs east and west along the north side of Art Van) to Karevich Drive. The City's Street Naming Committee (members include representatives from the Police, Fire, and Community Development Departments) have recommended approval of that street name change, provided that the owners of West Oaks II shopping center are in agreement with that designation. The Committee also indicated that they would not support changing any of the street addresses within the shopping center at this time, as there has been a long-standing assignment of addresses off of West Oaks Drive for most of the tenants in the shopping center. While this east/west drive is not a dedicate street right of way, the property is owned by the City of Novi and acts as a part of the circulation system within the West Oaks shopping centers.

At this time, the applicant is in discussion with Ramco Gershens, the owners of West Oaks II shopping center, regarding the renaming of the driveway to Karevich Drive. When that issue is resolved, the matter will be placed on the City Council agenda for further discussion and consideration of the street vacation. Additionally, it should be noted that, if the City Council approves the street vacation, the applicant will need to submit for Preliminary Site Plan review of the proposed retail building.

Attachments Details of the street vacation plans

- C Pam Antil, Assistant City Manager
- Tom Schultz, City Attorney
- Steve Ruple, Community Development Director
- David Beschke, Landscape Architect

**CORRESPONDENCE FROM
ATWELL HICKS
MAY 5, 2008**



May 5, 2008

Ms. Barb McBeth
Director of Planning
City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48377

RE: The vacation of Karevich Drive right-of-way

Dear Ms. McBeth,

Enclosed please find 13 reduced copies of the revised Site Plans to be reviewed for the proposed vacation of the Karevich Drive right-of-way.

We've made significant improvements to the previous plan by moving the building forward and adding additional landscaping and pedestrian plazas along the road frontages as recommended by City Council.

The following is a summary of those changes:

- The building has been moved southeast and is now 50' from Novi Road and the West Oaks Drive right-of-ways and the parking has been relocated to the back of the building.
- An 8' wide sidewalk is now provided along Novi Road.
- All of the landscaping recommended by City staff is provided.
- An attractive pedestrian plaza is proposed for the corner of Novi Road and West Oaks Drive. The plaza features amenities and architectural elements that include a brick seat wall, benches, trash receptacle, bronze people sculpture, special paving, planter curbs, trees, shrubs and annual flowers.
- An additional pedestrian plaza is proposed along the Novi Road frontage east of Art Van. This plaza is accessible from the proposed 8' wide Novi Road sidewalk and provides attractive seating, special paving, concrete planter curbs, ornamental trees, shrubs and annual flowers.
- The proposed renaming of West Oaks II Drive to Karovich Drive.



ATWELL-HICKS
DEVELOPMENT CONSULTANTS

Art Van is not proposing to relocate the overhead utility lines to below grade. The Utility Company provided a preliminary estimate of approximately \$700,000 to accomplish this, at this cost it is not economically feasible to relocate the lines.

We believe we've addressed all of City Council's concerns regarding additional landscaping and site amenities. We've moved the building toward the road frontages and relocated the parking to the rear creating a significantly more 'green' development. Combined, these improvements provide for an aesthetically pleasing greenway with buffered parking areas and filtered views of storefronts.

In consideration of vacating the Karevich Drive right-of-way, Art Van is willing to install the proposed landscaping and pedestrian plazas or something similar, as subsequently determined during the site planning process with the Planning Commission.

On behalf of Art Van, Inc. we hope City Council, as well as you and your staff find the proposed improvements along Novi Road pleasing and acceptable.

If have any questions or need any additional information please contact us.

Sincerely,
ATWELL-HICKS

Bill Knighton, RLA
Planning and Land Design

Cc: Michael Rupert, Art Van



Art Van Furniture

April 28, 2008

Honorable Mayor David Landry
Novi City Council
45175 W. Ten Mile Road
Novi MI 48375

Re: Karevich Drive vacation

Dear Mayor Landry and City Council Members:

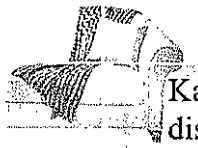
Art Van Furniture is interested in developing the property that it purchased from the City of Novi several years ago (the "Property"). The Property is adjacent to the Art Van store located at the northwest corner of the intersection of Novi Road and West Oaks Drive. Because the Property is currently bisected by Karevich Drive, we are requesting the vacation of that portion of the road that runs through the middle of the Property. The following is a brief history of some of the details pertinent to the Property:

1. The City of Novi offered to sell the Property to Art Van Furniture in 1999. The Property consisted of 0.556 acre of land, which Art Van agreed to purchase for the sum of \$1,160,000.00.

2. The City of Novi and Art Van Furniture entered into a purchase agreement in June, 1999. The City requested that the agreement include a 5 year use restriction: for 5 years from the date of closing, Art Van Furniture would be prohibited from erecting any building on the Property. The closing on that parcel of land occurred in December, 1999. The 5 year moratorium for construction on that property ended in December, 2004. A copy of the purchase agreement is attached.

3. In 2005, Art Van developed a site plan to construct a store at the site. Because Karevich Drive currently runs through the middle of the Property, Art Van Furniture began discussions with the City in early 2006 to vacate Karevich Drive.

4. In 2006, the City requested that a traffic study be performed to determine the volume of traffic using Karevich Drive. That traffic study showed that the traffic use on Karavech Drive was minimal.



Karavech Drive was minimal.

Honorable Mayor David Landry
Novi City Council
April 25, 2008
Page 2

5. Art Van appeared before the City Council on two occasions to review a proposal for the vacation of Karavech Drive, and turning the majority of the current roadway into green space. During those sessions, City Council members provided feedback to Art Van regarding the development of the site.

6. Art Van has incorporated most of the ideas brought up by the members of the City Council as well as the planning department into its new site plan which is being submitted with this letter. The essential ingredients of the revised plan being submitted at this time are as follows:

- Art Van will remove the Karavech Drive pavement and turn the majority of the current roadway into green space.
- Art Van will infill the area with dirt, sod, trees, lawn irrigation, pedestrian paths, landscape and architectural elements, sculptures, etc. as noted on the attached site plan.
- Art Van will land bank an additional 36 parking spaces which will increase the green space (landscaping) along Novi Road.
- Art Van has agreed to move the building pad closer to Novi Road, and to move parking to a location “behind” the building to decrease the parking visibility from Novi Road.
- In addition to the “greening” of the vacated roadway, Art Van has agreed to spend a minimum of \$50,000 in amenities and architectural features such as park benches, sculptures, planters, etc.
- All landscaping recommended by the city planning department has been incorporated into the site plan.
- The proposed sidewalk along Novi Road has been widened to 8 feet in width.
- The amenities and architectural elements for the pedestrian plaza proposed for the corner of Novi Road and West Oaks Drive include brick pavers, a brick seat wall, benches, planter curbs and landscaping. A bronze sculpture is also proposed for that location.
- An additional pedestrian plaza is proposed along the Novi Road frontage directly in front of the existing Art Van store. This place is accessible from the proposed 8 foot wide Novi Road sidewalk and provides additional seating, landscaping, special paving, and concrete planter curbs.

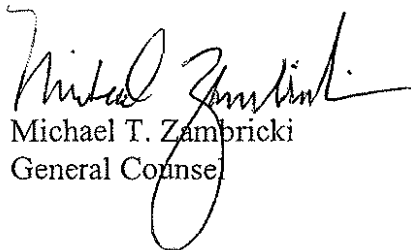
Honorable Mayor David Landry
Novi City Council
April 28, 2008
Page 3

7. In addition to the plan submitted, Art Van proposes the renaming of West Oaks II Drive to Karevich Drive in honor of Mayor Emeritus Patricia Karevich. Renaming that road will not only serve to memorialize her office through a more important and frequently used road, but it will have the additional benefit of eliminating confusion that some customers experience due to the confusingly similar names of the two existing roads (West Oaks II Drive and West Oaks Drive) in the same vicinity.

We believe that the vacation of Karevich Drive and approval of the enhancements proposed by Art Van Furniture will provide a significant aesthetic improvement. As always, we welcome any additional constructive thoughts that you may have regarding Art Van's proposal.

We look forward to working together with you regarding this proposal and its development.

Very truly yours,



Michael T. Zambricki
General Counsel

MTZ/dz
Encs

c: Barbara McBeth, Planning Department
Michael Rupert, Corporate Architect
Art VanElslander
Gary VanElslander
Ken VanElslander

OFFER TO PURCHASE REAL ESTATE

PARCELS A & B

THE UNDERSIGNED hereby offers and agrees to purchase the following land situated in the City of Novi, Oakland County, Michigan, described as follows:

Parcel A

Part of the NE 1/4 of Section 15, T.1N., R.8E., City of Novi, Oakland County, Michigan, described as beginning at a point located N02°24'08" W 1103.75 feet along the East line of said Section 15 and S87°35'52" W 75.00 feet from the East 1/4 corner of said Section; thence continuing S87°35'52" W 93.99 feet; thence S83°19'17" W 204.58 feet; thence N02°24'08" W 14.85 feet to a point of curve; thence along the arc of a curve to the right 163.07 feet to a point of tangency, said curve having a radius of 124.00 feet, a central angle of 75°21'03", and a long chord bearing N35°16'23" E 151.57 feet; thence N72°56'55" E 105.98 feet to a point of curve; thence along the arc of a curve to the left 117.95 feet to a non-tangent point, said curve having a radius of 146.00 feet, a central angle of 46°17'20", and a long chord bearing N49°48'15" E 114.77 feet; thence N88°08'05" E 12.13 feet; thence S02°24'08" E 216.59 feet to the point of beginning. Containing 0.955 acres. Subject to a signage easement beginning at a point located S87°35'52" W 23.00 feet from the southeast corner of above described parcel "A"; thence continuing S87°35'52" W 10.00 feet; thence N42°35'52" E 14.14 feet; thence S02°24'08" E 10.00 feet to the point of beginning. Said signage easement containing 0.001 acres. Also subject to a landscaping, sidewalk and utilities easement over the East 23.00 feet of said parcel "A". Said easement containing 0.112 acres. Bearings based on the N.A.D.83(1985) Michigan State Plane Coordinates South Zone.

Parcel B

Part of the NE 1/4 of Section 15, T.1N., R.8E., City of Novi, Oakland County, Michigan, described as beginning at a point located N02°24'08" W 1103.75 feet along the East line of said Section 15 and S87°35'52" W 168.99 feet and S83°19'17" W 236.67 feet and N02°24'08" W 17.24 feet from the East 1/4 corner of said Section; thence continuing N02°24'08" W 217.98 feet; thence N87°42'48" E 279.75 feet to a point on curve; thence along the arc of a curve to the right 73.77 feet to a point of tangency, said curve having a radius of 114.00 feet, a central angle of 37°04'36", and a long chord bearing S54°24'36" W 72.49 feet; thence S72°56'55" W 105.98 feet to a point of curve; thence along the arc of a curve to the left 205.16 feet, said curve having a radius of 156.00 feet, a central angle of 75°21'03", and a long

chord bearing S35°16'23" W 190.69 feet to the point of beginning. Containing 0.444 acres. Bearings based on N.A.D.83 (1986) Michigan State Plane Coordinates South Zone.

being identified for tax purposes as portions of Parcel No. 50-22-15-200-092, together with all improvements and appurtenances, if any, now on the premises (hereafter the "property"), and to pay therefore the sum of One Million One Hundred Sixty Thousand Dollars (\$1,160,000.00), subject to the existing building and use restrictions, easements, and zoning ordinances, if any, upon the following conditions:

1. **Cash Sale** - Delivery of the usual warranty deed conveying a marketable title to the property and as may be more particularly described based upon a survey that may be performed on the property on behalf of the Purchaser. Payment of purchase money is to be made in cash or certified check.

2. **Sanitary Sewer Easement** - At the closing of the conveyance of the subject property, upon delivery by the Seller of a warranty deed to the Purchaser, the Purchaser shall convey to the Seller an easement for the construction, operation, maintenance and/or repair of a sanitary sewer system in, over, upon and through the following described premises situated in the City of Novi, Oakland County, State of Michigan:

A 20-foot wide easement for sanitary sewer located in the NE 1/4 of Section 15, T.1N., R.8E, City of Novi, Oakland County, Michigan, the centerline of which is described as follows:

Beginning at a point distant N02°24'08" W 1103.75 feet (recorded as N01°49'18" W 1103.75 feet) along the East line of Section 15 (nominal C/L Novi Road) and S87°35'52" W 168.99 feet (recorded as S88°10'42" W 168.99 feet) and S83°19'17" W 236.67 feet (recorded as S83°54'07" W 236.67 feet) and N02°24'08" W (recorded as N01°49'18" W) 224.10 feet from the East 1/4 corner of Section 15; thence N86°31'12" E 53.90 feet; thence S30°49'30" E 119.29 feet to the point of ending.

3. **Use restriction** - For a period of five (5) years from date of closing, Purchaser shall not erect any building on the subject property. This restriction shall not preclude utilization of the property for signage in accordance with Chapter 28 of the Novi Code of Ordinances, or for off-street parking or land banking for off-street parking in accordance with the City of Novi Zoning Ordinance. This restriction shall survive the closing of the transaction contemplated herein.

4. **Evidence of Title** - As evidence of title, Seller agrees to furnish Purchaser as soon as possible a Commitment for Title Insurance issued in an amount not less than the purchase price bearing date later than the acceptance hereof with policy pursuant thereto to be issued insuring Purchaser. The Seller shall be responsible for payment of the applicable title insurance premium for the title insurance policy at the closing.

5. **Time of Closing** - If this offer is accepted by the Seller, if title can be conveyed in the condition required hereunder, and all of the conditions contained in this Agreement are fulfilled, Purchaser agrees to complete the sale on or before July 15, 1999.

6. **Purchaser's Default** - In the event of default by the Purchaser hereunder, the Seller may, at its option, elect to enforce the terms hereof or rescind and terminate this Agreement.

7. **Seller's Default** - In the event of default by the Seller hereunder, the Purchaser may, at its option, elect to enforce the terms hereof or rescind and terminate this agreement.

8. **Title Objections** - If objection to the title is made in the Commitment for Title Insurance or based upon a written opinion of Purchaser's attorney that the title is not in the

condition required for performance hereunder, the Seller shall have 30 days from the date it is notified in writing of the particular defects claimed, either (a) to fulfill the requirements in said commitment or to remedy the title defects set forth in said attorney's opinion or (b) to terminate this agreement if unable to furnish satisfactory title. If the Seller is able to comply with such requirements or remedy such defects within the time specified as evidenced by written notification, revised commitment or endorsement to commitment, the Purchaser agrees to complete the sale within thirty (30) days of receipt thereof or within the time stated in paragraph 5, whichever is greater. If the Seller is unable to furnish satisfactory title, purchaser may, at its option, either rescind and terminate this agreement.

9. **Possession** - The Seller shall deliver and the Purchaser shall accept possession of the property on the date of the closing.

10. **Taxes and Prorated Items** - All taxes and assessments which have become a lien upon the property at the date of this agreement shall be paid by Seller. Current taxes, if any, shall be prorated and adjusted as of the date of closing in accordance with due date basis of the municipality or taxing unit in which the property is located. Interest, rents and water bills shall be prorated and adjusted as of the date of closing. For this purpose taxes shall be considered as being paid in advance.

11. **Environmental Representations** - Seller represents that Seller has not, and agrees that it will not, engage in or knowingly permit any other party to engage in any activity on the land that could result in the land or the owners thereof incurring liability under the Natural Resources and Environmental Protection Act of 1994, as amended, any rule or regulation promulgated thereunder, or any other law or rule of any federal, state or

local government, or agency, concerning releases or threatened release of hazardous substances, public health and safety or pollution or protection of the environment (collectively the "Environmental Statutes").

Further, the Seller represents that, to the best of the Seller's knowledge, during the Seller's ownership of the property, there has not been and agrees that, prior to the closing date, the Seller shall not knowingly cause there to be discharged, emitted, stored, spilled, buried or released on, in, at, or under the property, any pollution, contamination, hazardous, or toxic substances, effluent, polychlorinated biphenyl, methylene chloride, trichloroethylene, 1, 2, - transdichloroethylene, dioxins, dibenzofurans, asbestos, asbestos-containing materials, radioactive materials or other environmental hazards, including but not limited to, those included in the Environmental Statutes.

12. **Seller's Representations** - Seller represents and warrants to Purchaser as follows:

- a. Seller is the fee owner of the property.
- b. Except as otherwise specifically stated herein, to the best of Seller's knowledge, no person or legal entity, other than Seller, is using or has any right to use, or is in, or has right to possession of, the property or any part thereof.
- c. Seller has granted, or is in the process of granting, an easement over a portion of the property to permit the construction and maintenance of an identification sign for the purpose of identifying the business located upon an adjacent parcel of property. Purchaser's acquisition of the subject

property shall be subject to such easement.

13. **Seller's Representations Survive Closing** - All of Seller's representations contained in this Agreement shall survive the Closing of the transaction contemplated herein.

14. **Closing** - The closing of this sale shall take place at the office of the Seller.

15. **Construction**. Each party acknowledges that the parties participated equally in the drafting of this Agreement, and accordingly, no court construing this Agreement shall construe it more strictly against any party hereto.

16. Except as otherwise represented and provided herein, Purchaser acknowledges that it is purchasing the property "AS IS".

17. The Purchaser shall be responsible for payment of the recording fee for the warranty deed to be delivered to Purchaser by Seller at closing. Purchaser shall also be responsible for payment of the applicable county and state real estate transfer taxes at the time of closing.

18. **Time of the Essence** - Time is of the essence of this Agreement.

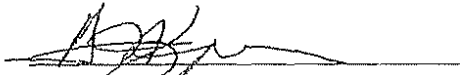
19. **Binding on Personal Representatives, Successors or Assigns** - The covenants herein shall bind and inure to the benefit of the personal representatives, administrators, successors and assigns of the respective parties.

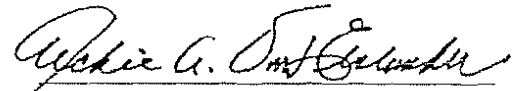
20. **Entire Agreement** - The foregoing constitutes the entire agreement between Seller and Purchaser with respect to the property, and supersedes any and all prior and contemporaneous written or oral promises, representations or conditions in respect thereto. The terms and conditions set forth herein may not be changed, modified or

revised orally, but only by an agreement in writing signed by both parties.

IN THE PRESENCE OF:

PURCHASER:


FREDERICK I. KEYWELL

By: 
ARCHIE A. VAN ELSLANDER,
Trustee under an agreement of
Trust dated November 26, 1982,
as amended, with Archie A. Van
Elslander, Settlor



Dated: JUNE 14, 1999

ACCEPTANCE OF OFFER

The foregoing offer is hereby accepted and the Seller agrees to sell said premises upon the terms stated. By execution of this instrument, the Seller acknowledges the receipt of a copy of this agreement.

IN THE PRESENCE OF:

SELLER:

CITY OF NOVI, a Michigan municipal corporation

Susan Blumer
Susan Blumer

By: Kathleen McLallen
Kathleen McLallen
Its: Mayor

Mary Ann Cabadas
MARY ANN CABADAS

By: Tonni Bartholomew
Tonni Bartholomew
Its: City Clerk
45175 West Ten Mile Road
Novi, MI 48375
(248) 347-0576

Dated: OCT. 1, 1999

PURCHASER'S RECEIPT OF ACCEPTED OFFER

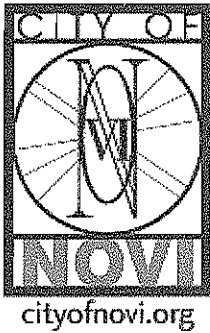
The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing Offer to Purchase.

PURCHASER:

Dated: 10-13, 1999

By: Archie A. Van Elslander FOR
ARCHIE A. VAN ELSLANDER,
Trustee under an agreement of
Trust dated November 26, 1982,
as amended, with Archie A. Van
Elslander, Settlor

LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

Karevich Road Vacation

November 12, 2008

Project Zoning

R-C Regional Center

Overview

The Applicant wishes the City of Novi to consider a vacation of Karevich Drive in order to facilitate the addition of a Drexel Heritage Furniture store and additional parking. Proposed buffer landscape and a berm would be added along Novi Road for both Art Van and Drexel Heritage, and Drexel Heritage would receive additional foundation landscape plantings as required under the Ordinance and Landscape Design Manual. At this time the Applicant has submitted conceptual plans for the site landscape and not submitted the full set of Landscape Plans. This review is in reference to the concept plan and plant list dated 5/2/08 as prepared by Atwell-Hicks. **Improvements have been made over a previously submitted plan, including additional landscape and site amenities. Staff notes that the applicant has included landscape amenities, including raised planters, bench seating, trash receptacles and artwork / statuary. Overall it does appear that the Applicant would be able to meet all Landscape Ordinance requirements. Staff supports the vacation of Karevich Drive as a part of the conceptual landscape plan proposal. A full landscape plan will be required once all details of the proposed building and paving installation are available.**

Ordinance Considerations

Residential Adjacent to Non-Residential (Sec. 2509.3.a)

1. The property is not adjacent to residential zoning or uses.

Adjacent to Rights-of-Way (Sec. 2509.3.b)

1. The vacation of the existing drive has allowed the Applicant opportunity to increase overall landscape area by 55% for over 16,000 square feet of additional green space. This is quite an improvement over current site conditions and allows for parking to be shifted further from the Novi Road frontage.
2. A 3' high berm with a 2' crest is required along the road frontages. The Applicant has adequately proposed the berm.
3. Additional plantings would be necessary to meet opacity requirements and the intent of the landscape buffer along Novi Road. Ordinance requirements are for 80% opacity in winter and 90% in summer. The use of mixed trees, shrubs and perennials are required.
4. Canopy Buffer (Deciduous or Evergreen) Tree requirements are met for West Oaks Drive and Novi Road frontages.
5. Sub-canopy Buffer Tree requirements are met for West Oaks Drive and Novi Road frontages. These trees should be spaced further apart to provide necessary opacity and to allow adequate room for growth.
6. Shrubs and perennial plantings are included on the plan. These will be reviewed upon submittal of the preliminary site plan to assure required opacity.

7. A 20' wide greenbelt must be shown on the plans. Adequate space is available for the greenbelt.

Parking Area Landscape Requirements (Sec. 2509.3.c)

1. Parking Area Landscape Requirement Calculations have been provided for Drexel Heritage. Please provide required calculations for Art Van. It appears requirements can be easily met.
2. Required calculations per Sec. 2509.3.c.(3) for Interior Parking Area Landscape Islands and Canopy Trees have been provided for Drexel Heritage. However, these calculations do not appear to be correct as they must include access aisles. Interior Parking Lot Landscape Islands must be located within the parking areas, and must be a minimum of 10' wide and 300 square feet to qualify. Please clearly delineate those areas qualifying as interior parking lot landscape islands under the Ordinance and label each with its square footage.
3. Parking Lot Canopy Tree requirements have been met for Drexel Heritage. Please provide Canopy Tree information for Art Van directly on future plans. The Applicant has stated that there will be no net loss of Canopy Trees for the Art Van parking area.
4. Perimeter Canopy Trees are required at a minimum average of 1 per 35' around the entire parking area. This requirement has been met for Drexel Heritage. Additional Perimeter Canopy Trees would be necessary for the Art Van store.

Building Perimeter Landscaping (Sec. 2509.3.d)

1. Foundation Planting Areas are required for Drexel Heritage (8' x entire perimeter of building). This requirement has been met.
2. A 4' wide landscape bed is required around all building foundations with the exception of access areas. This requirement has been met for Drexel Heritage.

Storm Basin Landscape Requirements (LDM)

1. The project is part of an overall storm control plan for the development. As such, no basin is proposed on the project site.

Plant List (LDM)

1. The Plant List as required meets City of Novi Ordinances and standards. Any additional plantings called for by this review, including those at the Art Van location, must be included on future plans.
2. Please provide plans and the estimated cost for site irrigation with future submittals.

Plan Notes & Details (Sec. 2509. 4. 5. 6. & 7.)

1. Plan notations and details meet City of Novi Ordinances and standards. Staff appreciates the inclusion of the City of Novi Landscape Details sheet.

General Requirements

1. It shall be the responsibility of the developer to assure the survival of all existing trees to remain or to be relocated. Proposed transplant trees must be warranted and any trees lost will be required to be replaced.
2. Please clearly delineate the location(s) for any proposed tree protection fencing, if any.

Please follow requirements of the Zoning Ordinance and Landscape Design Manual. This review is a summary and not intended to substitute for any Ordinance. The appropriate section of the applicable ordinance is indicated in parenthesis. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification.

Please note that estimated landscape review fees, financial warranty costs, inspection fees, etc. are included with the Final Site Plan Review provided that landscape cost estimates provided by the Applicant are correct and complete. Incorrect or incomplete cost estimates during the time of Final Site Plan Review must be corrected at time of Final Stamping Set submittal. All expected fees, warranties, etc. will be provided at that time. Permits can be issued once all cost estimates are submitted and reviewed.

Plan Review by: David R. Beschke, RLA
City of Novi Landscape Architect

**CITY COUNCIL MINUTES
SEPTEMBER 24, 2007**

based on what had already been put into place. Member Mutch said he was fully in support of this.

Mayor Landry said he would support this because he thought it balanced the general desire to go green in building with the realities of development. It made a statement that Novi encouraged LEEDS but didn't make it mandatory or cost prohibitive, and it committed the City to studying further changes in Novi's ordinances, which would assist green development.

Mayor Landry said when this first came before Council it was different than this, and there was discussion that perhaps Novi was behind the curve with other municipalities by not having such a policy. He said they decided to wait and poll other municipalities to find out who had such a formal policy, and found that virtually nobody did. He said the City of Auburn Hills was the only City that had such a policy. There was also a question about the effect this would have on the cost of building, if it was mandatory and they decided to canvass developers in the area. He said they had some interesting comments. Northern Equities commented that "while most people familiar with the LEEDS program were aware of possible increases in the construction costs related to a LEEDS building, they were not aware of the other higher costs that must be incurred to achieve even the lowest level of certification. The construction costs were increased by between 8% and 15% with a corresponding increase in architectural costs". Mayor Landry said they found out from architects that, in stating that there could be a 20% decrease in operational maintenance costs and a 30% decrease in energy consumption, it might mislead a person unfamiliar with the LEEDS rating system to believe that these savings were easily or likely to be achieved.

Mayor Landry said this was a different LEEDS program than was originally placed before Council. He thought it was the right one as they would encourage but would not require all of the development community to abide by this standard. Mayor Landry thought they should look at this further, with other encouragements, and see how the development community latched on to this. The approach being taken tonight was exactly the approach that should be taken, and he would support this.

Roll call vote on CM-07-09-284

**Yeas: Margolis, Mutch, Nagy, Paul, Landry,
Capello, Gatt**

Nays: None

3. Consideration of proposed vacation of Karevich Drive and review and comments on submitted landscape plan, and subject to future finalization of a conveyance document.

Mike Zambricki was present to bring Council up to date regarding the site. He said they had been at that site since 1981 and a part of the City for over a quarter of a century. He said they had made modifications to the site. They had taken another building and modified it in the late 90's and built the current building, which was in compliance with all the ordinances including the Landscaping Ordinance at that time. They purchased an additional parcel of property subsequent to that time, which was adjacent to the existing Art Van property and there was a five year moratorium on developing that parcel of property. He said their desire, at that time, was to build an out lot store adjacent to the Art Van store that was currently on that site. He said the plan was to put a Drexel Heritage store there and their desire was to build a store that

wouldn't need any kind of variances. He commented that in order to do that, they would have to modify the existing roadway that currently went through that parcel of property. Mr. Zambricki said the original conversation with their home office was to try to reconfigure the road and then bring a proposal. He said the conversation went from reconfiguration of the tail end of the southern end of Karevich Dr. to vacating the road itself. He said they began conversations with the City last year. A City study was done to study the traffic count and it was determined that the traffic was relatively low, and it made sense to begin talking with Art Van about the possibility of vacating Karevich Drive. He said they had three meetings between that time and this spring, and this spring they suggested that Karevich Drive be vacated and that Art Van pay for all the cost associated with tearing out the road. Mr. Zambricki said they would improve the landscape, install a berm, plant the lawn, and shrubs and keep all existing trees, and pay a \$50,000 award to the City for those modifications. He said there had been discussion regarding whether there should be additional park benches and they would ask Council for their guidance, if that was amenable to the City. He commented that the submitted plan was compliant with the ordinances that were in place when the building was developed. So today they wanted to strike a final deal and were looking for a win win situation for the City and Art Van Furniture, for them to be able to build an out lot store adjacent to the existing store. He said it would give the City a finished product that enhanced the City. Mr. Zambricki said architect Mike Rupert, and landscape architect Bill Knighton were present to answer questions.

Mr. Pearson said this was coming back before Council for additional guidance and confirmation. He said they had taken this as far as they could and were looking for direction from Council on whether the amount of landscaping was sufficient with the current ordinances, etc.

Mayor Pro Tem Capello said he had been opposed to this from the start. He commented he was very comfortable with having a little more of a setback in that area. However, when they came to Council he said he would look at it, and he did look at it and had given them some suggestions. He noted he was perfectly clear that he wasn't just looking for them to meet the minimal standards of the ordinance in regard to landscaping. He said if they were going to take away the passive open area, he would like to see some type of architectural amenity such as a low wall that dressed up the street a little bit. He said he wasn't happy with the new building having parking on Novi Road, and thought they could have the building and bring it up closer to the road with landscaping and amenities to make that corner look nicer. He said park benches looked comforting even though they might not be used. Mayor Pro Tem Capello said with the Drexel Heritage building where it was and where Art Van was, he didn't think it would disrupt the movement and the flow for their customers to park between the Drexel Heritage building and Art Van. He thought it would look much nicer up front. Mayor Pro Tem Capello commented that looking at the landscape plan, especially the overview, it looked like there was a lot of landscaping there. However, when driving by the building he wondered where it all went. He said he looked at their plan from the overview, and wondered where it all went before it even began. He said he would be looking for a lot more.

Member Margolis said she would echo some of the things Mayor Pro Tem Capello said. She said it was very clear to Council that the reason a City would vacate a drive or street was because there would be public benefit back to the City. She said from what she saw and their comment that the landscaping fit the ordinances at the time the building was built, however,

the City had come a long way since then. She said what they were proposing was not even up to the current ordinances and she would need to see what the benefit would be for that area, which was concrete, streets and stores. She felt it needed architectural pieces and landscaping, and that was what she would be looking for.

Member Paul said when they had come before Council, Council said they would like at least an 8 to 10 ft. sidewalk; they proposed a 5 ft. wide concrete sidewalk, and north of them was 8 ft. She would not settle for anything less than eight, and would propose possibly a 10 ft. bike path. She said they were down 13 Canopy Buffer trees to meet the ordinance, 69 Sub-canopy Buffer trees, and was down 41 of the additional shrubs in the right-of-way. She didn't feel they even came close to meeting the ordinance. She said she would not support this in any way. Member Paul said they had previously met with the applicant and had shared their thoughts, so it was disappointing to have this come back and not have Council's thoughts completely in perspective here. Member Paul said she knew there were financial difficulties this time, but if they were moving to make this project and wanted Council to help them, that was what Council was expecting. She said they could have a fountain or a statute, etc., for the front of the building to improve the area.

Member Nagy concurred with many of the previous speaker's comments. She thought she would be amenable to an 8 ft. sidewalk or bike path. She would like to see the additional Canopy Buffer Trees and the shrubs, which would make Drexel Heritage look better and more expensive. She said without those additions she could not support their concept.

Member Gatt said in April 2006 they were before Council and it seemed like they disregarded everything that Council requested, which was in the minutes of that meeting. He said he would not be in favor of any vacation of Karevich Drive without a City plan to rename a street for former Mayor Pat Karevich.

Member Mutch pointed out to Council members that he felt they were dealing with two separate issues. He stated as much the last time they met because he felt the discussion was going back and forth between those issues that were site plan issues, and the landscaping that came along with having a site plan in place. He said he wasn't clear himself whether that kind of landscaping fell within the scope of the discussion, and what was landscaping that was tied into this agreement. He asked for clarification. He wanted someone to show Council, on the overhead, what the landscaping was that was going in place with this agreement and what fell within the scope of a site plan.

Ms. McBeth showed Council the plan that was proposed on the overhead. She pointed out the proposed store, and the landscaping issue. She said they were proposing a berm along the Novi Road frontage and continuing with the new store and along West Oaks Drive. She said the City landscape architect reviewed the standards of the current Zoning Ordinance regarding what was being proposed, and noted it was an improvement over the last plan but did not meet the City's minimum ordinance standards. She said the question came up on whether the landscaping would be required as a part of this vacation or a part of the site plan. Ms. McBeth said it would typically be required as part of a site plan review.

Member Mutch asked what the scope of the area they were talking about was, if they were just looking at this as a site plan. He asked if they would be talking just about the Drexel Heritage site, or would they be talking about the entire Novi Road frontage. Ms. McBeth said for the

Drexel Heritage store they would be talking about the landscaping that was along the frontage, but there was another plan that showed where the street vacation would take place. She said they would expect to see a plan for the modifications that would take place along the Novi Road frontage as well, because the road would be coming out and something new would need to go into that location. Member Mutch said it would be fair to say that discussion about the ordinance standards and where they were not meeting them pertained specifically to the Drexel Heritage site. Ms. McBeth said the numbers provided in the report pertained to the entire frontage. He said in terms of where they were deficient, were they treating this as a single site on both properties and looking at that as far as numbers went. Ms. McBeth responded that was how the report was prepared this time, taking a look at the entire frontage. Member Mutch said currently in front of the Art Van Store there was the roadway, and he asked what other landscaping was there. Ms. McBeth said there were some shrubs and she thought there were some existing trees. However, on this plan they were proposing to remove some of those shrubs.

Member Mutch said to address the issue of the Drexel Heritage site, he agreed with Mayor Pro Tem Capello's sentiments regarding how the building should be located on the site. The challenge for the applicant would be to bring forward a site plan that would meet the ordinance standards. He said if Council told him to put the building on the corner and the ordinance standards didn't allow that, he wouldn't have a way of doing it unless there was a separate agreement, such as a ZBA variance or a rezoning vehicle. If that was what Council wanted to see on that corner, and the applicant was amenable to that, Council would have to be cognizant of the fact that the City ordinance didn't allow it. In terms of the landscaping ordinance in the area, any plan would have to meet the Zoning Ordinance standards. So, to the degree that a potential site plan was deficient, whether that was addressed now or at the time of site plan, they would have to meet that standard. Member Mutch said what Council had to do was give clear direction to the applicant regarding these items. He said some of these items were brought forward in a general sense saying Council wanted more landscaping, and based on the staff review they had not met that. He said if Council wanted an architectural amenity or fountain, etc. they needed to be clear, and say up front what they were looking for from the applicant when they returned before Council. He thought the applicant had asked Council for guidance on what they wanted, and Council as a body needed to be clear about that.

Member Mutch said the items he would be looking at as potential public benefit would be the overhead power lines on that stretch of Novi Road. He commented that they were quite high and unattractive, and were not on the other side of the road because Twelve Oaks Mall went through the expense of burying them. He said regarding 8 ft. sidewalks, he agreed. He knew there was discussion that the Master Plan talked about 5 ft. sidewalks but to the north it was consistently 8 ft. and it was the only place in the City where there were 5 ft. sidewalks designated on the west side of the road. He thought that was an error on the City's part that needed to be corrected. Member Mutch said regarding additional landscaping, some Council members had stronger feelings about some of the landscaping issues. He said the one area that stuck out at him and needed to be addressed would be the potential for having right-of-way trees along Novi Road between the sidewalk and the curb, if possible. He recognized they were trying to balance putting an attractive landscape plan in and not completely block the visibility of their store. He thought if Council gave the applicant clear direction tonight, there would be a much better chance of them coming back with a plan they could all agree on.

Mayor Landry said in order to vacate a public road there had to be some benefit to the City, and that was what he was looking for. He didn't consider something that didn't meet the current landscaping ordinance as a benefit to the City. He said there were 202 trees and shrubs they would need to add. Mayor Landry understood they wanted a visible store and if they put all the trees and shrubs in front of it, they would probably be in danger of blocking the Art Van store. He said if just looking at this from an ordinance standpoint, he wanted the other 202 trees and shrubs and some amenity on the corner. However, understanding that they had to balance this because there was a business there, he would at least want an amenity on the corner, a wall or fountain, etc. He said it had to be something more than just the bare bones minimum because otherwise it would not be a benefit to the City, and that was the key in order for Council to rationalize vacating the road. Mayor Landry said if they vacated the road without a benefit to the City, someone else would ask them to vacate roads all over the place, and Council had to establish there was a benefit to the City to do that. He stated he would not be in favor of this and would like to see an amenity on the corner.

Member Nagy said she would be looking for them to get rid of the power lines, put in an 8 ft. sidewalk, 13 Canopy Buffer Trees along the rights-of-way, 69 Sub-Canopy Buffer Trees along the two right-of-ways, and an estimated 120 additional shrubs along the rights-of-ways. She said if that road was vacated, it was wide and long, and she didn't think the planting material would hide Art Van at all.

Member Nagy said regarding the corner and a decorative wall or seating area, she realized there was maintenance to these things. Therefore, she would prefer to see seating areas in there because the maintenance would be easier in the long run for Art Van.

Mayor Pro Tem Capello said perhaps if they did some type of architectural decoration at the corner, it could be utilized to focus the visual attention right to their Drexel Heritage store. He said if they did the same thing in front of the Art Van store, and had some kind of a feature there, instead of having landscaping across the entire front, it would direct the attention to the Art Van store. He thought the developer had the same idea at the corner of Novi Road and Grand River. It was supposed to be an open seating/park area that would attract attention to the Town Center area so people would see there were additional stores back there. He thought they could use the same benefit with their design.

Mayor Landry asked Mr. Schultz if a yea or nay motion was needed or were their comments sufficient. Mr. Schultz said either would work, Council could take no action and allow Mr. Zambricki to take the information with him or a table motion to allow Art Van time to submit more information, if they chose. He thought it would be better to have the tabling motion.

Mr. Zambricki said he was hearing a couple of different things, and asked Council to zero in on what it was they wanted, and he would take it back and get a yea or nay on it. He said the bottom line was they wanted to make the site buildable because right now it was not. He said they were trying to achieve something that was good for Art Van Furniture and the City of Novi. He said it really wasn't their intent to not live up to what Council's expectations were; it was just that they didn't honestly know what those expectations were. He said first of all this was fully compliant and there was nothing that was out of compliance with any of the ordinances. He noted what was being suggested was that the vacation of the road somehow invoked a new ordinance, and he didn't think that was correct. He thought the landscape was fully compliant with the ordinance the store was built under. He said what they were talking about was what

could Art Van and the City do to make this a workable agreement for both parties. Mr. Zambricki said when they have expensive frontage on Novi Road they didn't want to obscure the store from the visitors. He said they would plant as many shrubs, within reason, as the City wanted and they would plant more small trees. He said they didn't want to plant 70 or 80 additional large trees because 20 years from now they wouldn't be able to see the store. He said the sidewalk was not a problem and they would put in an 8 ft. sidewalk, and benches, but he wasn't quite sure about the amenity and what the intent of Council was. He said with more specific guidance on that and how important that was, it would allow them to take it back to explore it. He appreciated the conversation but they were looking for a way to make this a workable site, so they could build an additional store there and come up with a project that made sense. Mr. Zambricki said, regarding the new store, they wanted to comply with all the ordinances and were not asking to shirk any landscaping plans with respect to that new ordinance. He said they had an existing store that was compliant, and to go back and put a new standard on that store, which had been in place for almost a decade wasn't quite fair. He thought that removing a lot of concrete and putting green space in would be a benefit, and there seemed to be a question as to whether it was lawn and shrubs or tall trees. He hoped they weren't arguing over some of those points.

Mr. Schultz said Mr. Zambricki had mentioned a couple of times that the existing building was compliant, and that was probably true. However, he said their advice to the Planning Commission regularly was when someone came in to do work on a compliant property, if it was non-conforming because the ordinance had changed as in this case; they would have to bring it up to today's standards. Mr. Schultz stated he understood Council's point but thought his position from, a staff perspective and a Planning Department and Commission perspective, was that those ordinance standards that exist today were the ones that would apply, if work was done on the Art Van property.

Mayor Pro Tem Capello commented that a lot of staff, legal and Council time was taken to look at this project. He thought in previous meetings and today, Council had given them enough direction to at least come back with something Council could be more specific with. He said what was brought back today took nothing into account regarding the previous comments Council had given to them. He asked Mr. Zambricki to look at his comments today about trying to maintain the 1981 standards there; he didn't think they were going to reach an agreement and was about ready to make a motion to deny this. He said if they were going to maintain that position, and wanted to do nothing more for Art Van and meet the minimum requirements on the corner, he didn't want to waste anymore of the staff, legal counsel's, or Council's time.

Mr. Zambricki said that was not where they were suggesting they should end up. He said what they were suggesting was they wanted to build an additional store and make that site workable, and he wasn't sure how to do that.

Mayor Pro Tem Capello said he had heard all of the comments tonight and from the April 2006 meeting. He suggested they look at all the items Council was looking for, and if they needed a variance or waivers they might be able to do it under some type of contract zoning. He advised Mr. Zambricki to come back with something that incorporated Council's comments. If they didn't want to do that, then they were wasting all of their time and the City's time because Council would not just accept the minimal landscaping requirements along that road. They would rather keep the road and the open space.

Member Nagy said she had given a list of five things for them that she assumed most of the Council agreed with. She offered to give him a list right now to aid him. The list was:

1. Get rid of the power lines
2. 8 foot sidewalk
3. All the extra landscaping per staff recommendations, i.e., the Canopy Buffer Trees, the Sub-Canopy Buffer Trees and additional shrubs.
4. A corner seating area
5. A non-pedestrian architectural feature on the corner, i.e., a low brick wall with something that would focus on the building or buildings.
6. Meet landscaping standards, flex on trees and possibly a cash contribution to the Tree Fund.
7. Possibly an artist design relating to Karevich at the architectural feature.
8. Architectural feature on the corner.

Member Mutch agreed with the list and he would add an architectural feature on the corner. He said he didn't feel a pedestrian oriented feature was what they would be looking for based on the location, but thought a low brick wall with something that would focus someone passing by on the building or buildings. Also, meet the landscaping standards. He thought they were flexible as far as the trees go and thought there was a way to work that out whether on the site or a cash contribution to the Tree Fund.

Mayor Pro Tem Capello said he agreed with all of those items. He said there would be some features there, he didn't like to see the front row parking and they might be able to work through a waiver or variance. He said a low brick wall like the one at Grand River and Novi Road looked nice. He suggested, to meet Member Gatt's concern, that at the architectural feature there could be some type of an artist design and it could be Karevich Plaza or whatever. Then they wouldn't have to worry about the name of the street anymore. He said whatever they did he was sure they could utilize the benefit to draw attention to their stores; they were putting the money in and they should get that advantage.

Member Margolis said she understood they were looking for specifics but she didn't want to be too specific with them because this was their business. She thought they all understood that they needed to draw attention to their business. She said she didn't like designing at the Council table but thought Mr. Zambricki had gotten some information tonight. Member Margolis said the City staff was good at divining, from the seven opinions they hear at the Council table on a regular basis, what Council might be addressing. She said her direction to them was that they had given him a list and she was looking for something that was over and above what was there now. She said she expected them to run their business and wouldn't expect them to put 12 trees, if that didn't work, to get attention to their business.

**CM-07-09-285 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
 To table the vacation of Karevich Drive**

Roll call vote on CM-07-09-285

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

AUDIENCE PARTICIPATION - None