

## PLAN REVIEW CENTER REPORT

March 5, 2008

### Planning Response to

Meadowbrook Office Building – Revised Façade  
SP #07-68

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#### **Petitioner**

Hefco Properties

#### **Review Type**

Preliminary/Final Site Plan

#### **Property Characteristics**

- Site Location: Southwest corner of Twelve Mile and Meadowbrook Roads
- Site Size: 4.68 acres
- Zoning: OST (Office Service Technology)  
North: RA (Residential Acreage)  
West, East, South: OST (Office Service Technology)
- Proposed: Façade review only - Existing façade was constructed of different materials than what was on the approved Stamping Sets (SP01-04)
- Plan Date: 10.8.04 Site Plan; 12.2.05 Approved Façade; 12.22.06 Constructed Façade for review

#### **Project Background and Summary**

Meadowbrook Office Building (SP01-04) was approved by the Planning Commission on November 5, 2003. The façade met the Zoning Ordinance standards, and therefore did not require a Section 9 waiver. The Stamping Sets for the Meadowbrook Office Building were stamped for façade approval on December 9, 2005 (the approved façade drawings are dated December 2, 2005 by the architect). However, when the building was constructed, it was not built with the materials approved on the Stamping Sets. Also, the change in façade materials resulted in additional color changes from the approved façade. The applicant indicates the approved brick materials were no longer available from the manufacturer at the time of construction, and they were unaware additional reviews would need to be conducted by the Planning Division for the revised materials. Therefore, since the existing façade materials were not approved, this is a review of the façade and associated screening of the rooftop units.

The Planning Commission reviewed this matter earlier this year, and requested additional information from both the Community Development Department and the applicant. A review of the Planning Division and Building Division records regarding the

façade for the Meadowbrook Office Building was conducted. We note that correspondence between the applicant and the Building Division, not directly relating to façade issues, was not included with this review. The following includes a synopsis of the timeline of reviews, as well as details of the façade elevations provided with each plan.

### **Timeline**

1. January 15, 2003 – Planning Commission tables consideration of Preliminary Site Plan. The Planning Commission first considered the subject site plan at their meeting on January 15, 2003. The plan was tabled with the following motion:

*Motion to table SP 01-04A, Meadowbrook Office Building, to allow the developer to work with the City Planning Department to look at reducing the building size, which will, in turn, reduce the number of required parking, allow additional space for the loading zone, look at the parking stall depths, which could eliminate a need for a waiver for the parking setback. There may be additional room for the required interior parking lot landscaping. Coming forward to the most available Planning Commission meeting. The berm is going to be a recommendation to the ZBA. So it will be in their hands. We can say we approve no berm, but I've been on the ZBA, and there's a very good chance that they will enforce the ordinance. That's a chance that you take. We do make a recommendation to the ZBA. That's your decision with the City. We cannot guarantee whether or not you'll get that waiver for that variance. That's my motion. Motion passes 7 to 2.*

2. November 5, 2003 – Planning Commission approves the Preliminary Site Plan, subject to ZBA variances for the required landscape berm or wall along 12 Mile Road and part of the Meadowbrook frontage and for interior parking lot landscaping. Planning Commission noted a number of reasons why these variances could be justified throughout the minutes.

Please note the minutes reflect several comments related to members being willing to recommend approval of the landscape waivers, as they concluded the building was designed to be very attractive. The Planning Commission passed the following motion:

*In the matter of the request of HEFCO Properties, SP01-04, motion to grant approval of the Preliminary Site Plan subject to: 1) City Council waiver of the eight-foot wide safety path on Twelve Mile, west of proposed driveway, with the appropriate money put in escrow, bond or other means to secure [future] construction at the cost of the developer; 2) ZBA variance for required berm or wall along Twelve Mile and part of Meadowbrook Road; 3) ZBA variance for required interior parking lot landscaping; 4) The comments in the attached review letters being addressed at the time of Final Site Plan review; and 5) Continued evaluation of handicapped parking placement depending on the tenant configuration that occurs within the building; for the reason that the plan*

*is in accordance with the parcel's zoning and Master Plan of the City. Motion carried 6-1 (Yes: Avdoulos, Kocan, Markham, Papp, Ruyle, Sprague; No: Shroyer).*

3. April 6, 2004 – Zoning Board of Appeals approves the variances after considerable discussion.
4. August 26, 2004 – Letter from Planning Department to Howard Friedlaender indicating that change in use to medical office building may be reviewed administratively.
4. October 13, 2004 – Planning Commission approves a Preliminary Site Plan extension for one year.
5. October 26, 2005 – Planning Commission approves a Preliminary Site Plan extension for one year.
6. December 2, 2005 - Stamping Sets approved administratively. Façade elevations indicate the proposed building was approved with brick, stone elements (limestone), and a limited quantity of corrugated metal panels and prefinished metal panels, with the balance spandrel glass. The final NSA Façade review letter for SP01-04D (Final Site Plan approval) was written on August 23, 2005.
7. August 13, 2006 – Ron Jona & Associates (architects) transmittal to Building Division. Item #1 in the transmittal letter noted the glazing (glass windows) was removed on the North and South exterior walls of the stairwells, per fire rating issues. Glazing remained on the East and West sides. The transmittal did not note any other changes were proposed to the façade.

*These elevations, modified from the Stamping Sets, were not submitted to the Planning Division for review.*

8. September 5, 2006 – Applicant provides a “hold harmless” letter to Building Department to begin construction on the footings and foundation walls prior to final approval of the building permits.
9. September 7, 2006 – Plans submitted to Building Division for Starting Permit - Approved on September 10, 2006
  - *Submittal included a copy of the Stamping Sets, which would not have reflected the facade changes to the stairwell areas, as noted in the August 13, 2006 transmittal letter referenced above.*
  - *Façade modifications were made to the elevations between submittal to the Building Division for the starting permit (9.7.06) and the building shell (9.14.06). Again, these changes were not submitted to the Planning Division for review and were not indicated on any correspondence.*

- 10a. September 14, 2006 – Ron Jona & Associates transmittal to Building Division. Similar to August 13<sup>th</sup> transmittal – Item #1 noted the glazing was replaced with brick veneer and concrete. The transmittal did not note any other changes were proposed to the façade.
- 10b. September 14, 2006 – Plans submitted for Building Shell - Approved September 17, 2006 (B06-0433). The façade elevations included with the plans for the building's shell were modified from the Stamping Sets (dated December 2, 2005). The Planning Division did not receive a set of these revised façade plans for review. While it is difficult to detail every change to the façade between the Stamping Sets and these building shell plans, since the percentage of each material was not provided on the elevations submitted with the building shell plans, the following includes a brief comparison of the difference in materials:

*Materials approved on Stamping Sets:*

- Brick (37.7%-66.5% on each façade)
- Stone (24.7%-43.6% on each façade)
- Corrugated metal panels (4.5% on west façade)
- Prefinished metal panels (1.5%-5.0% on each façade, excluding the northern facade)
- Spandrel glass – combination of tinted vision glass, reflective vision glass, and reflective spandrel glass (8.8% on north; 21.5% on south)

*Materials on Shell Plans (percentages not provided):*

- Utility/Closure Brick
  - Cast stone - bullnose and split-faced
  - Tinted vision glass
  - Reflective glass
11. December 22, 2006 is noted as the final revision dated on the elevation plans recently submitted by applicant. No record can be found in the Building Division for any façade-related submittals after September 2006. We are assuming that this is the final façade, as it is constructed.

The following highlights the most important changes to the façade materials – the differences between the Stamping Sets and the façade that was constructed on the building. (Also, we note the façade, as it was built, differs from the elevations provided with the building shell plans). Again, this change in material and quantity was not reviewed by the Planning Division prior to construction (see attached review by METCO dated January 8, 2008).

1. Brick color changed (from tan to brown).
2. Precast stone changed to quarried limestone/marble.

3. Spandrel glass (combination of tinted vision glass, reflective vision glass, and reflective spandrel glass) modified to include a combination of tinted vision glass, reflective glass, and clear glass.
4. Prefinished metal panels on roof canopy and canopy columns were removed and replaced with quarried limestone/marble.
5. Corrugated metal panels on roof canopy were removed and replaced with quarried limestone/marble.

The constructed building is composed of the following materials:

- Natural Brick (78.2%-86.8% on each façade)
- Stone (8.3%-17.4% on each façade)
- Flat Metal Panels (4.0%-4.9% on each façade)

As noted earlier in this report, the materials approved on the Stamping Sets (dated 12.2.05) are as follows:

- Brick (37.7%-66.5% on each façade)
- Stone (24.7%-43.6% on each façade)
- Corrugated metal panels (4.5% on west façade)
- Prefinished metal panels (1.5%-5.0% on each façade, excluding the northern facade)
- Spandrel glass - combination of tinted vision glass, reflective spandrel glass, and reflective vision glass (8.8% on north; 21.5% on south)

*NOTE: Revision notes on the elevations for the Façade (as it was built) – dated December 22, 2006 - indicate there were changes made to the plans on the following dates and for the indicated reason. However, Planning files do not indicate any of these plans (including the Façade – as it was built) were submitted for review by the Planning Division:*

- 6.13.06 – City Comments*
- 6.26.06 – Rev per Client*
- 7.24.06 – Rev per Client*
- 8.18.06 – Addendum #1*

In summary, the percentage of brick and stone on the built façade increased from what was noted on the Stamping Sets. Corrugated metal panels and prefinished metal panels were shown on the Stamping Sets, and flat metal panels were used in the constructed building.

Most importantly, when the as-built façade drawings are compared to the approved façade in the Stamping Sets, there is a significant difference in materials, colors and overall architectural design.

12. September/October 2007 – Façade inspection requested, and discrepancy noted by Façade consultant. Meeting held with applicant to discuss. Determination made by Planning Division that review of rooftop units and review of façade materials will be required.

13. January 8, 2008 – Metco Services letter was prepared.
14. January 23, 2008 – Planning Commission considered the modifications to the façade and requested additional information.

### **FAÇADE REVIEW PROCESS**

The following includes the portion of Section 2520 of the Zoning Ordinance, Exterior Building Wall Façade Materials, which explains the procedure for review and approval of facades, as well as the standards for building material inspections:

4. *Submittals.* The following shall be submitted to the Department of Planning and Community Development. These shall be minimum requirements and the applicant may present other items, as may be deemed necessary by the applicant. All materials submitted shall be retained by the Department of Planning and Community Development, shall become part of the approval documents for the project and may be used by the Department of Community Development at a later date to determine compliance of the completed building.

- a. *Facade Drawings.* Architectural drawings (blueprints) not less than twenty-four (24) inches × thirty-six (36) inches in size, not less than one-eighth ( 1/8) inch per foot scale, consisting of elevation views of all regulated structures (north, south, east and west) drawn to scale, showing the location and extent of all materials. Each material shall be identified as to type and color by drawing notes, and shall be cross-referenced to the sample board described in paragraph d. All roof appurtenance screening shall be indicated on the facade drawings. All gateway structures, canopies and dumpster enclosures shall be indicated on the facade drawings.
- b. *Floor Plans.* Architectural drawings (blueprints) not less than twenty-four (24) inches × thirty-six (36) inches in size, not less than one-eighth ( 1/8) per foot scale, for all regulated structures on the project site. Separate phases of construction shall be clearly indicated if proposed.
- c. *Landscape Plan.* A copy of the landscape plan prepared pursuant to other Sections of this Ordinance.
- d. *Sample Board.* A sample board(s) not greater than twenty-four (24) inches × thirty-six (36) inches in size showing physical samples of all facade materials including window glass if tinted other than bronze or grey, and window frames if colored other than white, bronze or natural aluminum. For materials without texture, such as flat metal surfaces, paint chips not less than four (4) inches × four (4) inches may be provided in lieu of physical samples. Each material and color on the sample board shall be key to the facade drawings using a symbol system.

- e. *Facade Rendering.* An architectural rendering (3-dimensional preferred) accurately depicting the colors of all facade materials using an appropriate permanent artistic medium. This drawing may consist of a colored-in version of the elevation views described in paragraph 4.a., above.
8. *Review.* A determination will be made by the Planning Commission whether the facades comply with this Ordinance. The Planning Commission may request the review of a consulting architect to assist in this determination, and may establish a fee for this review. A written report shall be issued to the Planning Commission and the applicant evaluating the compliance of the facade with this Section. If it is determined that the drawings do not comply with the Ordinance, the applicant will be so notified, and shall have the option to (1) revise the design to comply with this ordinance and resubmit for another review; or (2) request a waiver per Section 2520.9 of this Ordinance. All new buildings, building alterations and building additions shall be subject to this review. For a description of certain projects that qualify for administrative approval refer to Section 2516.1 and 2516.4 of this Ordinance.
9. *Facade Waiver.* When a particular building design and the materials and colors or combination of materials and colors proposed to be used in the exterior walls are found by the Planning Commission to be in keeping with the intent and purpose of this Section, but may differ from the strict application of Section 2520.2 and the Schedule Regulating Facade Materials of this Section (e.g., use of new materials not covered in the Facade Materials Schedule), the Planning Commission may waive the requirements of this Section. When a waiver is requested under this subsection, the drawings shall be accompanied by a more definitive description of the building design consisting of a written design statement which shall describe how the selected facade materials and/or colors and material combinations will be consistent with and will enhance the building design concept and how the materials and/or colors properly relate to the buildings in the surrounding area. When necessary the Planning Commission may as part of its review request the report and recommendation from a consulting architect as to the proposed waiver, and may establish a fee for this report.
10. *Revisions After Approval.* Changes to the facade drawings, sample board or rendering at any time after approval by the City, shall be submitted to the Department of Planning and Community Development for approval. A determination will be made whether the revisions qualify for administrative approval as in Section 2516.1 and 2516.4 of this Ordinance, or whether they necessitate repeating the facade review process described above.
11. *Facade Material Inspections.* Where facades have been reviewed and approved by the City, all facade materials subject to this Ordinance shall be inspected prior to installation. The inspections shall serve to verify that the facade materials delivered to the project site match those approved by the City. It shall be the responsibility of

the applicant to request said facade inspection at a time appropriate to the construction process (after delivery, but before installation of facade materials). The City Council may by resolution establish a fee for such on-site facade inspections.

The following is an excerpt of the Site Plan Review standards in the Zoning Ordinance, outlining the procedure for review of new projects. References pertaining to the review of facades is underlined for ease of reference.

**Sec. 2516. Site Plan Review (All Districts).**

1. a. Site plans shall be submitted to the City for review. All site plans and accompanying documents shall be submitted together with an application form available through the City Clerk's office. All site plans shall be prepared in accordance with the requirements of this Ordinance and the City's Site Plan Review Procedures Manual.

b. Unless administrative review is permitted pursuant to subparts (c) or (d), below, or subsection 2516.4, all site plans shall be reviewed for approval by the Planning Commission, or where required within this Ordinance, by the City Council after receipt of a recommendation by the Planning Commission. Site plan approval is required prior to conducting any of the following activities:

- (1) Building of any structure(s) or additions, including carports, other than single family homes to be used as a residence.
- (2) Improvements or modifications to, or expansion of, off-street parking areas unless determined by the Planning Department that same can be reviewed by the Engineering Department.
- (3) A change in use within an existing freestanding building or the interior modification of an existing use which results in an increase in off-street parking needs.
- (4) The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility-related lines or easements (including oil and gas production facilities), unless determined by the Planning Department that same can be reviewed by the Engineering Department.
- (5) Establishment of any site condominium or condominium development.
- (6) Any plan showing the construction of new public or private roads.
- (7) Revisions made to any previously approved site plan including, but not limited to, the following:
  - i. Approved landscape plans.
  - ii. Modification of the location of buildings.
  - iii. Changes to the facade design or sample board.
  - iv. Revisions in any phasing plan.
- (8) Any special land use (principal use permitted subject to special conditions).
- (9) Any of the above items that would intrude or cause impact on



regulated woodlands or wetlands either on previously approved plans or alterations to existing structures and parking facilities.

- c. A site plan may be reviewed for approval administratively without formal review by the approving body under the following circumstances:
- (1) When the plan only proposes improvements to or expansion of an existing off-street parking area;
  - (2) When the plan only proposes modifications to a previously approved off-street parking lot layout, provided the proposed modifications do not reduce the number of approved parking spaces to less than the minimum number of spaces required by the Ordinance;
  - (3) When the plan only proposes a change of use within an existing freestanding building or an interior modification of an existing use where such change results in an attendant increase in off-street parking need;
  - (4) When the plan only proposes the improvement, expansion, extension or abandonment of any utility line or easement;
  - (5) When the plan only proposes revisions to a previously approved landscape planting layout, provided that the revision does not compromise any applicable minimum standards of this Ordinance; or
  - (6) When the plan only proposes changes in the location of previously approved buildings, provided the proposed relocation does not displace approved off-street parking areas and has no significant impact on the site or adjacent properties.
  - (7) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes the construction of an accessory building or accessory structure, where otherwise permitted, for the containment of hazardous chemicals for compliance with Chapter 15 of the Novi Code of Ordinances, or for any other customary accessory use provided that the accessory building or structure does not exceed [one thousand] (1,000) square feet in total (gross) floor area, and does not require a new or revised woodlands permit or a nonadministrative wetlands permit.
  - (8) When the site already the subject of an existing and previous approved site plan and the revised plan only proposes to add a pay telephone structure or delivery service drop box.
  - (9) When the site is already the subject of an existing and previously approved site plan and the revised plan only proposes an addition totaling [one thousand] (1,000) square feet or less to an existing building or structure, provided the addition does not require a new or revised woodlands permit or a nonadministrative wetlands permit.
  - (10) When the plan only proposes a change to a previously approved facade plan and the proposed facade revision conforms with the provisions in this Ordinance.

- (11) When an existing restaurant use proposes an outdoor seating area, provided the addition does not require a new or revised woodlands permit, a non-administrative wetlands permit, or where such change does not result in a deficiency in off-street parking demand.

If during any administrative review process authorized under this subpart or subpart (d) it is determined that changes or modifications to a site plan may significantly impact the site or adjacent areas, the site plan shall be forwarded to the Planning Commission for review and approval.

### **OTHER PROCEDURES**

Internally these safeguards are in place in the Community Development Department to ensure approved materials are used:

- The Façade Review Process (starting on page 6 of this report) includes language from the Zoning Ordinance indicating how the approved façade drawings and sample board become a part of the record of approval, and may be used to verify compliance with the approved plans. Following the applicant's site plan submittal and approval by the Planning Commission, it is the applicant's responsibility to inform the City of any changes proposed to the plans, in order to verify that the plan will still be in conformance to ordinance standards. If revisions are made to approved plans, the Zoning Ordinance outlines the review process that the applicant must undergo for consideration of approval of all revised plans [see Site Plan Review (All Districts) starting on page 8 above].
- At the preconstruction meeting, the applicant is notified that an inspection of the façade materials is required prior to installation of the materials.
- Inspectors remind Construction Managers that a façade inspection is required by the city's façade consultant.
- Building plan examiner confirms Stamping Sets match building submittal.

### **LANDSCAPE APPROVAL**

Attached is the TCO Landscape Inspection Report by David R. Beschke, RLA, dated October 29, 2007. In summary, it notes the following:

- 7 replacement trees should be provided for trees that have suffered damage.
- 1 approved tree was not installed and must be installed.
- Staking must be reviewed and corrected where necessary.
- Mulch in some areas is missing or inadequate.
- The limestone wall not installed on North side of building.
- Tagging must be removed from plantings.
- Additional plantings were installed and not on the plans. These must be accounted for on the as-built landscape plan.
- The next landscape inspection will need to review lawn areas that have not been fully established.

The applicant has also stated that some landscape improvements are proposed for the front of the building in the Spring to accommodate some beautification efforts.

## **BRICK INFORMATION**

A representative from BrickTech noted the approved brick was manufactured by Stone Creek in Ohio, which stopped production in December 2004. Please see attached memo regarding the approved materials, as well as information for a couple of brick examples similar to the one that was approved, which were given to us for reference. However, it is unknown whether or not either of these samples would have been available at the time the building was approved or constructed.

## **Conclusions:**

To conclude, in this instance, the Planning Division notes that revisions were made to the plans submitted to the Building Division through the process, and the façade modifications were not identified until the building was fully constructed and a facade inspection was requested. The Community Development Department will increase the vigilance in the plan reviews and construction phases to attempt to identify inconsistencies early in the process. The Community Development Department will reinforce the attempts to notify applicants that façade inspection must take place before the materials are applied to the building through review letters and in the pre-construction meetings. The applicant has indicated verbally to the Planning Division on several occasions the reasons the materials were modified, and the Planning Division requests that this written verification be provided for consideration by the Planning Commission.

## **Recommendation:**

Approval of the Preliminary/Final Site Plan is recommended, subject to the applicant:

1. The applicant providing a written statement for consideration by the Planning Commission detailing the reasons the façade materials were modified.
2. The applicant providing appropriate screening of the rooftop equipment units to meet the standards noted in the façade consultant's review letter. A sample of the proposed screening materials has been submitted and reviewed by the city's façade consultant and will be acceptable to meet the screening requirements of the ordinance.
3. The applicant to continue to work with the Planning Division to enhance the landscaping at the north side of the building, as indicated in recent conversations with the department with then intent to install additional landscaping as a front entry feature, with follow-up to be completed by the City's Landscape Architect this Spring.
4. The applicant to address the few remaining landscaping concerns noted by the City's Landscape Architect in the site review this Spring.

Review prepared by:

Barbara McBeth, Deputy Director of Community Development B. McBeth

Karen Reinowski, Planner Karen Reinowski

**APPLICANT RESPONSE LETTER(S)**



March 7, 2008

City of Novi Planning Commission  
45175 W. Ten Mile Road  
Novi, MI 48375

Re: Meadowbrook Office Building (SP-07-68)

Dear Planning Commission Members:

As you know, I last appeared before the Planning Commission on January 23, 2008, and the matter concerning various façade changes to the project was tabled pending my further discussion with the City about the issues raised at that meeting. It was anticipated that I would return to the Planning Commission the following month to avoid any further delay in the Commission taking action regarding my prior request to have the revised building façade approved as built.

On January 24<sup>th</sup>, I filed a FOIA Request with the City Clerk's Office (copy attached) to obtain the record from the January 23<sup>rd</sup> meeting to make sure that I did not miss anything significant in my follow-up activities. On February 1<sup>st</sup>, I was notified that the City needed a ten-day extension to respond to the FOIA Request. That meant I should have received the requested information by February 14<sup>th</sup> (since that would have been the outer limit for the City to respond under Michigan law). Based on that expectation, Barb McBeth and I had planned on my returning to the Planning Commission on February 27<sup>th</sup>.

Unfortunately, only a portion of the requested information was timely provided by the City due to an unintended oversight. Since I needed all of the requested information to come back to the Planning Commission fully prepared, I notified both the City Clerk's Office and Barb via letters dated February 18<sup>th</sup> (copies attached) that a delay had been caused and I would not be able to attend the Planning Commission meeting on February 27<sup>th</sup>. I then promptly received all of the requested information in time to come back to the Planning Commission at the upcoming meeting on March 12<sup>th</sup>.

My review of the record from the January 23<sup>rd</sup> meeting highlights many of the issues that need to be addressed concerning the façade changes made to the project following the issuance of the Stamping Set of approved plans. While it is now clear that all of these changes should have been brought to the attention of the Planning Department before construction of the project, this did not occur due to an unintended oversight. As soon as this oversight was detected after

construction, I promptly furnished the updated material sample board and as-built elevation drawings requested by the Planning Department for immediate review of the façade changes.

While there was much discussion at the January 23<sup>rd</sup> Planning Commission meeting about the unapproved façade changes in this case and the need to have effective procedures to identify such situations before construction, there was little discussion at that meeting about the reasons for the particular changes made to this project. Therefore, I would like to offer an explanation about these changes, all of which came about for good reasons and for the purpose of enhancing the project.

The following information is presented to share the reasoning behind the most significant façade changes and to address some of the related issues raised at the January 23<sup>rd</sup> meeting, but not necessarily in chronologic or any particular order. I apologize in advance if I miss anything here, but will be glad to provide further information or answer any questions at the Planning Commission meeting. Also, please keep in mind that some of the items presented below interact with each other. So, what follows should be read as an integrated whole.

### **Brick:**

Material Selection – The approved brick selection was manufactured by the Stone Creek Brick Company; it was beige in color (with a limited range of variation from brick-to-brick) and would have been the larger utility size. When we learned that this brick was unavailable at the time of construction, we tried to locate, but could not find a similar alternative that was acceptable. Based on the question that arose at the January 23<sup>rd</sup> meeting, I have obtained a letter from our brick supplier (copy attached) confirming the unavailability of the Stone Creek brick selection.

While looking for a suitable brick alternative, I observed the new brick selection on another building and came to like it better. This brick is manufactured by Glen-Gery Brick; it is reddish brown in color (with a wide range of variation from brick-to-brick), but it is only available in the smaller standard modular size and it involves a more expensive manufacturing process than most other brick. We tried to locate something similar that would be available in the utility size and/or a more economical manufacturing process to avoid a price increase, but could not find an acceptable alternative. So, even though this brick would be more expensive, we felt the building would look more elegant using this particular brick. Also, the reddish brown brick color is a more traditional selection and we believed this would give the building a more enduring and timeless beauty as a result. Therefore, I concluded the additional expense was worthwhile and the change provided an overall enhancement from an architectural viewpoint.

### **Stone:**

(A) Material Selection – The approved stone selection was precast stone by Arriscraft (with limited variation in color). With a concern about the lasting beauty of the material selections, we looked into how this type of product would look after many years of exposure in the Michigan climate. We searched and found some local installations of this product, and I was able to

confirm by direct observation that the precast stone tends to become weathered in appearance and discolored after several years in the field, especially when used at grade level. This problem is a consequence of the material absorbing dissolved salts; and, once this occurs there is really nothing that can be done about it.

So, we looked into alternative stone products and found the new selection. It is not precast stone, but rather, it is a natural quarried limestone/marble by Arriscraft (with substantial variation and veined appearance). It is less porous than typical limestone products and is specifically recommended for installation at grade level and in climate regions where dissolved salts are prevalent. As with the brick, this change in stone material was more expensive than the original selection. However, I found the natural stone to be more attractive, and since it is more functional than the precast stone, I concluded that this upgrade was worth the additional cost.

(B) Side Stairwells – The approved façade includes stone masonry on the side stairwells (as well as more stone in the center of the north and south elevations of the building). The original brick and stone selections were more similar in color to each other than the new selections. Even though the new brick and stone selections are harmonious with each other in color, there is a more distinct contrast between these two masonry products than there was before.

After learning from the Building Department that we needed to substitute masonry for the glass on the north and south sides of the stairwells (further explained in item C of the Glass section below), we were afraid that such a strong contrast in color of the solid stone walls next to the brick might stick out like a sore thumb. With this in mind, we also considered the rhythm of the architecture along the north elevation toward both ends of the building. At these locations, the building displays a saw-tooth pattern of 12 foot intervals, and that pattern extends right into the stairwells. So, we concluded that it would be more aesthetically pleasing to use the brick masonry on the stairwells instead of stone and let that architectural theme continue without interruption to its logical conclusion. This change also highlighted the stone used in the center of the north and south elevations, tending to make it more special in those locations.

(C) Canopy – The approved façade shows pre-finished silver metal fascia panels on the roof canopy with brick veneer on its supporting piers. Upon further study of the canopy and the decision to use stone masonry only in the center of the north and south elevations (and not on the stairwells), it seemed logical to let the stone flow all the way across the canopy and down its supporting piers. This change would add a significant cost to the canopy -- not just for the stone, but also for the massive amount of additional steel required to carry the weight of it structurally. In the end, this is another instance of deciding to carry an architectural theme to its logical conclusion and enhance the project, despite an additional cost.

(D) Rooftop Design Element – The approved façade shows the stone masonry in the center of the building on the north and south elevations extending vertically above the roofline and then extending horizontally across the entire rooftop from north to south. This was intended to create a decorative belt that would also serve as an HVAC unit screen. However, several issues arose upon further evaluation of this concept.

First, I learned that the horizontal portion of this design element was not intended to be made of real stone, since that would weigh too much to structurally support over such a long span. The design intent was to use stone for the vertical portion and then switch to a lighter weight material that would resemble limestone for the horizontal portion – however, I didn't like that idea because it might look fake. Another possibility would be to use real stone for the horizontal portion, but discontinue it when no longer visible from the ground – but, I didn't like that idea either because it might not work out as planned. Separately (but related), we were planning the design of the HVAC system, and it became clear that to maximize energy efficiency of the system and to achieve optimal interior climate control, the rooftop HVAC units should not be clustered in the center of the building. Also, clustering the HVAC units in the center would create more structural support issues on account of their weight. Moreover, we had decided to change from the precast stone to the natural limestone/marble, so there would be no way to match it with a lighter weight material.

Putting all of this together, it became clear that the horizontal stone element was not such a good idea in practice, despite looking good on paper. So, we lowered the vertical portion of the stone used in the center of the building to be continuous with the roofline, while retaining the basic design concept of a stone picture frame. We also liked the balance of having the same size masonry picture frames at the north as well as the east and west elevations. And, the picture frame at the north elevation would still be unique because now it is the only one made of stone.

(E) Horizontal Bull-nose – The approved façade shows a series of subtle horizontal bull-nose stone rings wrapping around the building at constant vertical intervals through the brick. With the original brick and stone selections, these rings were not intended to stand out prominently since there was very little color contrast between the two adjacent materials. However, this design concept changed drastically with the new brick and stone selections due to their strong color contrast. We never intended to have prominent stripes wrapping around the building because we believe that kind of look will become dated (if it isn't already), and that would be contrary to the goal of achieving lasting architectural beauty. So, we retained the same size rings at the same intervals, but kept the look subtle and classic. We achieved this by making the rings going through the brick areas out of the same brick material, but changed the coursing to be rowlock, which provides depth and variation to these masonry surfaces. Since the brick rowlock is flush on the same plane as the masonry above and below, we did the same thing with the stone rings going through the stone areas, and the bull-nose feature was eliminated.

(F) Colonnade – The approved façade shows a stone colonnade projecting from both sides of the vestibule on the south elevation. The length of these projections was originally scaled to the larger 48,000 sf building that received preliminary approval from the Planning Commission. Although the building was subsequently down-sized to accommodate medical use (which was approved administratively by the Planning Department and contained in the Stamping Set), the original colonnade was not scaled down along with the building. We revisited this and concluded that the colonnade was too long, so we made it shorter and more proportional.



## **Glass:**

(A) Color Selection – The approved glass color was green. But, that color would not be harmonious with the new brick and stone selections, so we changed the glass color to gray. However, we decided to use clear glass at the main entry to allow better visibility into the building from the exterior approach (and there is no disadvantage in using clear glass at the main entry since this area is protected underneath the canopy).

(B) Spandrel Glass – The approved façade included portions of decorative spandrel glass on the south elevation. Upon researching the energy efficiency of the HVAC system and having the desire to maintain a consistent temperature within different areas of the building, I learned that the spandrel glass would require more gas and electricity to run the HVAC system and it would probably tend to increase unpleasant temperature variations within the building. Therefore, we eliminated the spandrel glass and replaced it with brick to make the building systems more energy efficient and the interior temperature more comfortable for the occupants.

(C) Side Stairwells – The approved façade has glass on all three exterior elevations of the side stairwells.

(1) Fire Code – The Building Department advised us that the glass on the north and south elevations would be in violation of the fire code. Therefore, we replaced this glass on the north and south sides with masonry based on the code requirement.

(2) Frit Pattern – The stairwells in the approved façade show tinted glass on the east and west elevations containing a circular frit pattern. This circular feature seemed to go with the original brick and glass selections, but did not seem to fit with the new selections for a variety of reasons. The new brick provides a more classic architectural look, which seems out of harmony with the modernistic circles. I was concerned that the circles would look dated in the future and be contrary to the goal of enduring beauty. The frit pattern also raised a maintenance question, namely, what happens if a portion of this glass pattern gets damaged and needs to be replaced? Surely, it would be a challenge to properly match it, especially later on. In addition, we had established a theme in our use of reflective glass, ie, we had used it everywhere else that there is a masonry picture frame, regardless of whether the frame is made of brick or stone. Also, using reflective glass in the stairwells would not be as energy efficient, especially in the west stairwell which gets the afternoon sun. So, for all of these reasons the circular pattern was eliminated in favor of consistently using the reflective glass.

(D) Window-frames – The approved façade has anodized aluminum bull-nose profile window frames. To harmonize with the other material changes, the window-frames are now black aluminum where we have gray glass (both tinted and reflective) and stainless steel where we have clear glass. In addition, the bull-nose feature was also eliminated in the window-frames to be consistent with the masonry and to solve various constructability issues that arose concerning the use of aluminum bull-nose.

### **Coping:**

Color Selection – The approved façade shows the metal coping in a color to match the precast stone. This color selection was changed to black so that it would match the window-frames and better harmonize with the adjacent brick and all of the other façade colors.

### **Building Address:**

Material Selection – The approved façade shows the building address to be made of prefinished metal numbers. We decided it would look better to have the address engraved into a masonry stone block insert.

### **Landscape Approval:**

Limestone Wall – The approved landscape plan shows a limestone block retaining wall framing a raised central planting area in front of the north elevation. This block wall was intended to match the original precast stone to be used on the building, creating a mirror image on the ground of the masonry picture frame on the building. The planting area extended all the way up to the stone on the building.

Along with the masonry changes to the building, we studied this raised planting area and concluded that it should be modified to eliminate the limestone wall for several reasons. First of all, the limestone block would no longer match the stone on the building. Regardless, we realized that the block wall contained a serious design flaw. The wall would create a raised planter that would put soil right up against the building. This would not only hide the bottom portion of the decorative stone picture frame on the building (and compromise an important design element), but it would also create a drainage problem and probably damage the stone over time. Although the natural stone is intended to be used at grade level, it would not be a good idea to use it as a retaining wall for an irrigated planting area. So, we decided to eliminate the retaining wall for this planting area and maintain a continuous grade. Also, the approved plan does not contain any trees at this location, but we believe it would enhance the view to add some type of ornamental tree(s) here.

The City's Landscape Inspection Report prepared by David Beschke noted that the limestone retaining wall was not installed, but he did not find this problematic. I met with Mr. Beschke recently to discuss the matter and explain that we would like to add the ornamental tree(s). I suggested either River Birch or Serviceberry as possibilities. He thought either would be a good choice and there might be other candidates. Sometimes these decisions are ultimately based on what kind of healthy plant material is available from the nursery at the time. I would request that the Planning Commission allow me to work with Mr. Beschke and the Planning Department administratively to resolve this and all of the other outstanding landscape issues.

### **Miscellaneous Issues:**

(A) Rooftop Screening – I still believe that the rooftop HVAC units will look better with no screening added. At the January 23<sup>rd</sup> meeting, it was suggested that screening might be needed to shield the rooftop units from the potential second floor view of surrounding buildings. However, if I'm not mistaken, I think the operative viewing location for the screening issue is from ground level. Regardless, I am willing to add the screening if the Planning Commission desires it in this case. I have been advised by the Planning Department that the screening I proposed in the louver panel design and shadow gray color is acceptable if such screening is required.

(B) Building Height – The meeting minutes from January 23<sup>rd</sup> states that "a comparison of the old and new elevations reveals a slight variation in the building height". However, that is not the case – there is a variation in the labeling of the plans, but there is no inconsistency. One plan shows the height of the building from grade level to the top of coping as 31' 8". The other plan shows the height from grade level to finished first floor level as 8" and the height from finished first floor level to the top of coping as 31' 0" – added together this plan shows the same 31' 8" from grade level to the top of coping.

(C) Architect – The Planning Commission requested that I bring my architect with me when I next return. Unfortunately, my architect has a scheduling conflict and cannot attend the March 12<sup>th</sup> meeting (see attached letter). Regardless, I will be prepared to answer any questions that might arise about the project, even though I am not an architect. I have participated fully in all of the architectural design issues involved.

(D) Plan Review Center Report – On page 9 of the March 3, 2008 report, three procedural safeguards are identified as being "in place in the Community Development Department to ensure approved [façade] materials are used". These safeguards are listed as follows:

- At the preconstruction meeting, the applicant is notified that an inspection of the façade materials is required prior to installation of the materials.
- Inspectors remind Construction Managers that a façade inspection is required by the city's façade consultant.
- Building plan examiner confirms Stamping Sets match building submittal.

I whole-heartedly agree that the listed procedures are good safeguards, but only if they are kept in place. In my experience here, these safeguards were not followed. I think that I attended the preconstruction meeting, but do not recall being notified that a preconstruction façade material inspection was required. Upon inquiring about this, my construction contractor has advised me that they did not receive any reminders from inspectors about the requirement of a façade inspection before construction. Also, the building plan examiner did not advise us of any discrepancies between the Stamping Set and the building submittal.

Any of these safeguards would have been effective in this case if they had been in place. However, it appears that there have been three more unintended oversights. I would urge the Planning Commission to use its influence to make sure these important safeguards are kept in place.

(E) Personnel Changes – I would like to point out that during the course of this project, there were key personnel changes that took place at both my architectural firm and construction contractor.

(1) Architect – There was a change in lead architect between preparation of the Stamping Set and the construction drawings. The original architect decided to leave the firm and relocate to another state.

(2) Contractor – There was a change in project manager during the course of obtaining the building permits. I believe that the original project manager was laid off due to a company down-sizing because of the local economic downturn.

While these personnel changes were out of my control, it is possible that either or both may have been contributing factors in not bringing the façade changes at issue now to the Planning Department at the proper time. Regardless of the cause, I apologize for the oversight – it was not intentional.

I will be glad to further clarify any of the information presented here and answer any questions at the meeting on March 12<sup>th</sup> so that we may resolve the entire situation concerning my project.

Sincerely,



Howard Friedlaender – President

Atts



NOVI CITY CLERK'S OFFICE  
 45175 W. TEN MILE ROAD  
 NOVI, MI 48375  
 (248) 347-0456  
 Fax (248) 347-0577

**FREEDOM OF INFORMATION REQUEST**

**Description of public records requested (please be very specific)**

Please furnish all records from the Planning Commission meeting held on January 23, 2008, pertaining to the Meadowbrook Office Building, Site Plan Number 07-68 (identified on the Agenda as item 1 under Matters For Consideration), specifically including, but not limited to: video, audio, meeting minutes, action taken, and any documents furnished to the Planning Commission from any other department or consultant that was part of their review packet for the meeting.

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Number of copies 1

**Statement of Applicant**

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CITY OF NOVI  
 CITY CLERK'S OFFICE  
 2008 JAN 24 P 2:50

  
 \_\_\_\_\_  
 Signature

January 24, 2008  
 \_\_\_\_\_  
 Date

Name: Howard Friedlaender, President - HEFCO Properties

Address: 33533 W. 12 Mile Road, Suite 190, Farmington Hills, MI 48331

Phone: 248-994-1500 Fax: 248-994-1505

E-mail Address: howard@hefcoproperties.com



CITY OF NOVI  
CITY CLERK'S OFFICE  
2008 FEB 19 P 1:37

February 18, 2008

Ms. Sue Troutman  
Freedom of Information Act Coordinator  
City of Novi  
City Clerk's Office  
45175 W. Ten Mile Road  
Novi, MI 48375

Re: FOIA Request - Submitted 1-24-08

Dear Ms. Troutman:

This is a follow-up to my Freedom of Information Request ("FOIA Request") submitted in person to the City Clerk's Office on January 24, 2008 (date-stamped copy attached), concerning critical information that I need in connection with my appearance before the Planning Commission on January 23<sup>rd</sup>. At its meeting, the Planning Commission delayed taking action on my project, and I must have all of the records pertaining to that meeting before I can return to the Planning Commission to pursue the matter. The FOIA Request specifically stated:

Please furnish all records from the Planning Commission meeting held on January 23, 2008, pertaining to the Meadowbrook Office Building, Site Plan Number 07-68 (identified on the Agenda as item 1 under Matters For Consideration), specifically including, but not limited to: video, audio, meeting minutes, action taken, and any documents furnished to the Planning Commission from any other department or consultant that was part of their review packet for the meeting.

On February 1<sup>st</sup>, you notified me that the City had taken the following action in response to my FOIA Request: "Extension of 10 days to **Thursday, February 14, 2008** – additional time needed to research requested information". On February 8<sup>th</sup>, you issued a statement of costs for the duplication of 14 pages and 2 audio tapes, indicating that "upon receipt of fee, material will be mailed". I remitted the fee via mail that same day, and subsequently received only a portion of the requested information, along with a receipt showing that the payment was received by the City Cashier on February 12<sup>th</sup>.

Although I received a copy of the draft meeting minutes and audio tapes, I received nothing else. Surprisingly, there was no acknowledgment or explanation given as to why the FOIA Request was not being fully satisfied. Under the Michigan Freedom of Information Act (the

"Act"), the City is not permitted to provide only a partial response to a legitimate FOIA Request. All of the requested information must be furnished, and failure to do so is a violation of State law. While I could take legal action against the City to compel compliance with the Act, and also recover any legal fees incurred to do so, I hope that the City does not put me in a position where I must do this. The Commissioners obviously received a review packet for the meeting, and the City has not presented any reason why that information or any other relevant information that I requested should be denied under the Act.

Based on my expectation of receiving the requested information no later than February 14<sup>th</sup>, I had planned on returning to the Planning Commission at its upcoming meeting on February 27<sup>th</sup>. However, the City's failure to furnish the requested information by the statutory deadline will now cause a delay in my ability to return to the Planning Commission.

Accordingly, please furnish all of the requested information, so that I may avoid any further delay.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Friedlaender", written in a cursive style.

Howard Friedlaender, President



NOVI CITY CLERK'S OFFICE  
 45175 W. TEN MILE ROAD  
 NOVI, MI 48375  
 (248) 347-0456  
 Fax (248) 347-0577

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CITY OF NOVI  
 CITY CLERK'S OFFICE  
 2008 JAN 24 P 2:50

  
 \_\_\_\_\_  
 Signature

January 24, 2008  
 \_\_\_\_\_  
 Date

Name: Howard Friedlaender, President - HEFCO Properties

Address: 33533 W. 12 Mile Road, Suite 190, Farmington Hills, MI 48331

Phone: 248-994-1500 Fax: 248-994-1505

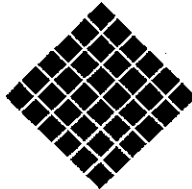
E-mail Address: howard@hefcoproperties.com



**RECEIVED**

FEB 19 2008

CITY OF NOVI  
COMMUNITY DEVELOPMENT



**HEFCO**  
Properties

February 18, 2008

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

Re: Meadowbrook Office Building (SP-07-68)

Dear Barb:

As you know, I submitted a FOIA Request to the City pertaining to the January 23<sup>rd</sup> Planning Commission meeting. You also know that I needed the requested information and expected to have it in time to prepare for and return to the Planning Commission on February 27<sup>th</sup>.

Unfortunately, I did not receive all of the requested information from the City by the statutory deadline. Therefore, my return to the Planning Commission has been delayed until such time as I receive that information and have time to prepare for the next available Planning Commission meeting.

I have submitted a letter to the City Clerk's Office about the City's failure to provide all of the requested information (copy attached). I will keep you posted on my progress, so that we may minimize any further delay in advancing my project.

Sincerely,

Howard Friedlaender, President



February 18, 2008

Ms. Sue Troutman  
Freedom of Information Act Coordinator  
City of Novi  
City Clerk's Office  
45175 W. Ten Mile Road  
Novi, MI 48375

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Sincerely,

A handwritten signature in black ink, appearing to read "Howard Friedlaender", written in a cursive style.

Howard Friedlaender, President



NOVI CITY CLERK'S OFFICE  
 45175 W. TEN MILE ROAD  
 NOVI, MI 48375  
 (248) 347-0456  
 Fax (248) 347-0577

**FREEDOM OF INFORMATION REQUEST**

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CITY OF NOVI  
 CITY CLERK'S OFFICE  
 2008 JAN 24 P 2:50

  
 \_\_\_\_\_  
 Signature

January 24, 2008  
 \_\_\_\_\_  
 Date

Name: Howard Friedlaender, President - HEFCO Properties

Address: 33533 W. 12 Mile Road, Suite 190, Farmington Hills, MI 48331

Phone: 248-994-1500 Fax: 248-994-1505

E-mail Address: howard@hefcoproperties.com

# General Shale Brick

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6556 Whitmore Lk. Rd. Whitmore Lake, MI 48189 (734) 665-8800 FAX (734) 665-9977  
[www.generalshale.com](http://www.generalshale.com)

January 29, 2008

Ron Jona & Associates  
29000 Inkster Road  
Suite 120  
Southfield, Mi. 48034

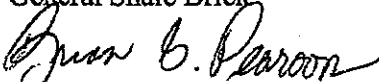
Attention: Dino Giulietti

Re: Meadowbrook Office Building  
Hefco Properties  
Novi, Michigan

The original brick specified for the Meadowbrook Office Building project was Stone Creek Brick #865. Unfortunately, Stone Creek Brick Company turned their brick kilns off and went out of business in December of 2004. When the Meadowbrook project finally went forward, the Stone Creek brick was no longer available.

If you need any further information please do not hesitate to contact me.

Respectfully Submitted  
General Shale Brick

  
Brian G. Pearson



Ron Jona & Associates  
Architecture • Planning • Interiors

March 4, 2008

Howard Friedlaender  
HEFCO Properties  
33533 W. 12 Mile Road, Suite 190  
Farmington Hills, MI 48331

Re: Meadowbrook Office Building  
Novi Planning Commission Meeting

Dear Howard:

In my capacity as the registered architect on your project, you have requested that I join you at the City of Novi Planning Commission meeting on March 12, 2008. Unfortunately, I am not available to attend the scheduled meeting. I have also checked with Ron Jona to see if he might be available to attend in my absence, but he is also not available on that date either.

If anything comes up at the meeting that requires my assistance, I will be available to follow-up afterward. I am sorry about the scheduling conflict.

Sincerely,

Dino Giuliatti

**EXCERPT FROM PLANNING COMMISSION MINUTES  
JANUARY 15, 2003  
PRELIMINARY SITE PLAN CONSIDERATION – MEADOWBROOK OFFICE  
BUILDING**

*Excerpt From*

NOVI PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, JANUARY 15, 2003, 7:30 P.M.  
COUNCIL CHAMBERS - NOVI CIVIC CENTER  
45175 W. Ten Mile Road, Novi, Michigan 48375  
(248) 347-0475

Proceedings had before the NOVI PLANNING COMMISSION, taken before me, Maureen A. Haran, CSR-3606, a Notary Public, within and for the County of Oakland, State of Michigan, at 45175 W. Ten Mile Road, Novi, Michigan, on Wednesday, January 15, 2003.

PRESENT:

Chairperson: Antonia Nagy

Commission Members: Lowell Sprague, Lynne Paul, Tim Shroyer, Gwen Markham, Lynn Kocan, Larry Papp, David Ruyle, John Avdoulos

1. MEADOWBROOK OFFICE BUILDING

CHAIRPERSON NAGY: The first item on our Agenda is Meadowbrook Office Building, Site Plan Number 01-04. Consideration of the request of HEFCO Properties for approval of a Preliminary Site Plan. The subject property is located in Section 14, on the southwest corner of Twelve Mile Road and Meadowbrook Road in the OST, Office Service Technology district. The developer is proposing a two-story office building. Subject property is 4.68 acres. Ms. McBeth.

MS. MCBETH: Thank you, Madam Chair. I'll put a location map up that will identify the site, which is located at the southwest corner of Twelve Mile Road and Meadowbrook Road. Subject property is currently developed with one single family home and the remainder of the property is vacant. The property to the south is developed single family homes which run onto Meadowbrook Road. To the east and to the west is vacant land, to the north across Twelve Mile Road is the Michigan State University Toll Gate Education Center. The Master Plan shows that the property outlined here in yellow is Master Planned for office uses, as are the properties to the west, to the east, and to the south. To the north, the property is Master Planned for the MSU Toll Gate Education Center. The zoning map identified -- here again the property is outlined in yellow -- subject property is zoned OST, Office Service Technology, as are the properties to the west, to the south, and to the east across Meadowbrook Road. And to the north across Twelve Mile Road, the property is zoned RA, Residential Acreage.

We have a small version of the Site Plan, which I'll orient, with north being up. And again, Twelve Mile Road is located on the top part of the page; Meadowbrook along the right side of the page. The proposed Site Plan shows the two-story office building, containing a total of 46,595 gross leasable square feet. Two driveways are shown to enter the site, one from Twelve Mile Road and the other from Meadowbrook Road. The west part of the site contains a wetland area, which continues off the property to the west. The storm water detention area is shown at the southwest corner of the property.



During review of the proposed Site Plan, the City staff and consultants determined that the following items should be brought to the Planning Commission's attention. The Planning review indicated that a Planning Commission waiver is necessary for screening of the loading area from the adjacent properties. The loading area is identified right here by the main building to the north of the building. The ordinance requires trucks, service, and loading areas to be screened from adjacent properties by a courtyard design of the building, by an ornamental wall, or by a berm. The loading area in this case is shown to have a landscaped island on either side of this loading area, which may partially screen the loading area from the adjacent properties. A second Planning Commission waiver is needed for insufficient parking setback on the south side of the property, right in this area. They would be required to have 20 feet of parking lot setback, and only 19.7 feet is proposed. The Planning Commission may modify that requirement if it found that there is excess parking setbacks or another property line, and the Planning review letter did point out that the west property line does have an excess of that 20 feet of setback, with approximately 124 feet of setback provided on the west property line.

A third issue from the Planning review letter is that the required eight-foot wide safety path, is not provided on this section of Twelve Mile Road, west of the proposed driveway. There is a wetland and there is grade change in that area. A City Council waiver of the design and construction standard is required if that safety path is not installed.

The wetlands review indicated that a minor Use Permit is needed for a temporary disturbance of approximately 600 square feet of wetland buffer in order to construct a retaining wall 19 in this area of the plan. Restoration of the wetland buffer will take place following the construction of that retaining wall. Administrative approval of the permit can be granted if the Preliminary Site Plan is approved. There are no woodlands existing on the site.

The Landscaping review revealed two Zoning Board of Appeals variances will be needed. The first variance is for the lack of the berm or wall along Twelve Mile Road and along part of Meadowbrook Road. These arteries needing the variance are adjacent to the building, and where the wetland exists on the property. The second variance is for the required interior parking lot landscaping. The submitted plans are deficient in parking lot landscaping by approximately 1,650 square feet.

The Traffic Engineers review indicated only items that need to be addressed at the time of Final Site Plan Review.

The Engineering review repeated that need for the Council waiver of the safety path along the west part of the Twelve Mile Road frontage and other items that may be addressed at the time of Final Site Plan Review.

The Fire Department review indicated items that need to be addressed on the next submittal of plans. And we do have a small version of the facade here. I think there is a large one on display in front of the podium, as well as the facade board is located in front of the podium.

The Facade review indicated that the proposed building will be constructed primarily of brick with cast stone. Spandrel glass is also proposed, and it's shown on the facade board, mostly on the south building elevation, is where that Spandrel glass will be located. The application is in compliance with the facade ordinance, and the facade review indicated that a Section 9 waiver is

not required. And I would like the Planning Commissioners to note there is a letter from the Applicant which was included in the Planning Commission's packets, that addresses each of these waivers and variances that were highlighted in the various review letters. Thank you, Madam Chair. That concludes my presentation.

CHAIRPERSON NAGY: Thank you, Ms. McBeth. Yes, Mr. Ruyle.

MEMBER RUYLE: Can we get a clarification, please?

CHAIRPERSON NAGY: Would you like to ask Ms. McBeth-

MEMBER RUYLE: (Interposing) Yes, I would. Would you put up the zoning map again, please, overhead. In their infinite wisdom the City Council decided to go against one of our decisions. Where is the new condominium site going in, that's residential now. Is that further down, or is it right next to this?

MS. MCBETH: The proposed Singh development that was discussed?

MEMBER RUYLE: Off of Meadowbrook.

CHAIRPERSON NAGY: Further down.

MS. MCBETH: It is further down. It would be back in -- I don't have the exact line, but it would be around this vicinity, in here.

MEMBER RUYLE: Okay, but it does not abut this property.

MS. MCBETH: It does not abut this property.

MEMBER RUYLE: Thank you.

CHAIRPERSON NAGY: Thank you, Ms. McBeth. Would the Applicant like to add anything further? If you would please state your name and spell it for our court reporter.

MR. FRIEDLAENDER: Yes. Good evening. I'm the Applicant. Howard Friedlaender, F-r-i-e-d-l-a-e-n-d-e-r. The address is 5138 Village Commons Drive, West Bloomfield. Along with me this evening are Dan Miron, the Building Architect from Ron Jona & Associates. Jim Ludwig, the landscape architect, Dennis Chegash the engineer with Landtech. They're available to answer any questions that you might have.

After I give you an overview of these issues, Dan is going to add some information about the building itself. And he's going to help me, as I go through this, and point to the plan that we've got up there to make sure that you understand what areas we're talking about. As indicated, I sent you a letter identifying the items for consideration. I'd like to give you an overview of the planning issues that we went through, and the building and site features that are involved in each of these items. Unlike the typical OST project in this zoning district, we are proposing here a pure office building. So it's not going to be like many of the projects that have office and shop in the same facility. This is going to be a pure office building.

The likely occupants will be professionals or corporate activities. So one of the issues which is the screening for the loading area, the ordinance seems to be geared towards protecting against the view of overhead doors, busy loading/unloading activities, that may require large trucks. We aren't going to have any of those at this project. The typical truck is going to be a Fed Ex or UPS type of truck coming in and out quickly.

Those folks usually park near the door, so after, you know, attempting to put the loading area in various places, we concluded that it should be near the door, where they're going to park anyhow. Landscape it as well as we can to screen it and provide a safe area that isn't in the way.

We've also been asked by JCK during the planning, to deal with the right-of-way on the Meadowbrook Road side, by designing to the future right-of-way rather than the existing right-of-way. We've done that as they requested, however a couple of issues have arisen. One, it wasn't mentioned earlier but was in the Traffic review, suggested that we would need a City Council waiver as a result of having the safety path along Meadowbrook Road be located four feet within the future right-of-way. By putting it there, it is outside of the existing right-of-way, where ordinance says it should be. We wanted to maintain the 20-foot buffer though, so if we placed it one-foot within the right-of-way as usually is done, we would have had a smaller green belt on the side. So in discussion with JCK, Victoria Webber, she agreed with the concept that we're proposing. We maintained the 20-foot buffer and berm, and then located the sidewalk, which then ends up being four feet, inside the future right-of-way.

So I don't know if not mentioning that earlier means that contrary to what the review letter said, we don't need a City Council waiver. If we do, then we're requesting your favorable recommendation to pursue that.

Next issue, related to that same right-of-way, by designing to the future right-of-way we have a shortage of interior parking lot landscape. The review stated that the amount that we're short is 1,554 square feet. I think we had an error in some of the information we provided. We've recalculated it. We are still short, we believe, 1,188 feet. I don't think the size of the shortage matters, because if we were to redesign this to the existing right-of-way, and then move that extra landscape that would have been on Meadowbrook into the parking lot, which we could do, we would pick up 1,764 additional available feet of green space in the parking lot. So we would definitely satisfy the ordinance.

However, if the road at Meadowbrook is widened and some of that green belt taken, we'd be concerned, as I think the City might, it would be inadequate. We would rather leave the green belt at Meadowbrook. We feel that we have a nice buffer all the way around the parking area. There is plenty of landscape there. We still have a generous amount of landscape islands in the parking lot. So we would be looking for your favorable recommendation for a ZBA variance that we would seek.

In designing the site the way we did, one of our earlier layouts was more typical with the building set back further from the road frontages and parking all the way around the building. After looking at that, we decided that the traffic circulation would be somewhat confusing. It requires four different entrances to the building, because you've got parking all the way around it, and it takes away from having a central entranceway where you can make a statement and be sure that this is the right place to have your central

entrance. Because the building is not too large, we were able to consolidate the parking all on one side, put the building right up at the setback on both road frontages, so that we allow the building to be seen. We think it's attractive architecture. We've got nice landscaping, we thought why hide the building, why set it back, why surround it with parking, let's put it right up at the street and let everybody see it and not block it with parking. So by doing that, have three entrances instead of four, so we have a cleaner view of the building along Twelve Mile. The main entrance is clearly the one facing the parking area, although we still have secondary entrances on the sides. So that's what's behind that decision.

However, that raises the issue, another one of the potential variance issues, concerning the berm. We have provided the berm around the parking area at Meadowbrook Road. We've also provided it on the west of the driveway at Twelve Mile where we have parking area, however we have not placed it around the building along Twelve Mile and Meadowbrook.

In reading the ordinance, it states there's two reasons to have these berms in the intent of the ordinance. One is to screen parking areas - which doesn't apply around the building; and the second is to provide kind of a nice scenery from the road when viewing the site from the right-of-way.

We've got nice architecture. We've got a lot of beautiful landscaping. I don't think it would add anything and would actually detract to put a berm up that would hide some of that. It could be done, but we feel that the intent of the ordinance is satisfied. We are screening our parking where we have it and we're providing a nice, interesting, view from the rights-of-way.

So concerning the berm around the building, we seek your favorable recommendation to pursue that with the Zoning Board. Lastly, we've got a couple of site features. We have a wetland area at the northwest corner of the site, and there are also a couple of retaining walls. So while we've provided the safety path everywhere else on the site, we do not have a safety path west of the Twelve Mile entranceway. We talked to the City engineers about this, and what we provided was evidence that the existing grade, if you try and locate a safety path between these, if you've gone out there, there are a couple of retaining walls in what appears to be a path that you could walk down. However, in terms of the City's engineering standards, they are not satisfactory. The grades drop off too steeply there to be safe, and the space, the width of it at the narrowest spot is not wide enough to satisfy the standards.

So the only way to have a safety path in this area, would be to build something up on stilts over a wetland area, and it would dead-end in mid-air because there is no safety path continuing westerly. So we've left that out, and I believe that would be a City Council waiver that we would ask you to support.

Mentioned earlier, is also this 19.7 feet of setback along the south property line instead of 20 feet. That results because we set the building and site up to be parallel to Twelve Mile, which is where we front. This site is not perfectly square, so we do achieve 20 feet of setback for a portion of that area, but at the narrowest it goes down to 19.7 feet because that rear property line is not exactly parallel to the front property line. So hopefully, the excess setback that we provided on the west will allow you to grant us a waiver there.

I think I've covered everything that's in my letter. Dan can tell you something more about the building itself, and then any questions that you might have for any of us, we'll be glad to answer. Thank you.

CHAIRPERSON NAGY: Thank you very much.

MR. MIRON: Good evening. My name is Dan Miron, M-i-r-o-n. I'm a senior architect at Ron Jona & Associates, and I'd like to give you a little tour of our design. As Howard mentioned, we desired to place the building up against the setbacks on Meadowbrook and Twelve Mile, primarily because we think the building is very attractive, and we didn't want to surround the building with parking. We purposely kept the parking to the back of the site so that the views from Twelve Mile would be more attractive. One of the features of the building that we particularly like -- and I apologize for stepping away from the podium.

CHAIRPERSON NAGY: If you would take the hand mike, sir, then you can move and talk at the same time.

MR. MIRON: Is it on? Okay. On the south side of the building, we've got an entrance colonnade, which you can see -- I'll hold this up. You can see on the bottom elevation, that large curved element, which will welcome visitors into the building. That is the main entrance into the building. We've got secondary exits on the west and east elevations, and on all four elevations, we have used what we refer to as a superframe elevation that creates focal points on each elevation. And we've used on the two stair elements, two different types of glass. A reflective -- not a reflective. A translucent and a transparent glass, to create that sort of eye on the world, as we like to call it.

And then on the Twelve Mile frontage, we've got an area of reflective glass, and then we have tinted glass that continues on down. We've stepped the corners of the building, which you can see on the Site Plan. Both corners of the building step back, and that was done for a couple of reasons. One, to respond to the site geometry. We have got a slight chamfer on the corner, so we had to set that side back. And we wanted the front to be symmetrical, so it creates a lot of interest as you're traveling down Twelve Mile, the sawtooth effect. It also will create valuable office space on the inside for corner offices.

We've used, primarily, an earth tone brick on the building, which you can see here. And then we've got the superframes are made of this rough textured cast stone, and then we've got pin striping that goes on the building, with a bull nose edge on it to soften the more square geometry of the building. We've shielded the rooftop units by incorporating screens that tie the superframe on the front and the back of the building together. So when you see this element, it continues back to the south elevation. And the roof top units are all screened in that area, so we think we've achieved that successfully.

The rendering that you're looking at does not accurately depict all the landscape material that we've included on the landscape plan. That rendering was prepared in advance of when the landscape plan was finished, so it really doesn't depict how lush the landscaping is going to be. We believe it's going to be very beautiful when it's finished and that's part of the reason why we don't believe the berm or a screen wall is desirable along Twelve Mile or Meadowbrook. Because we've gone to such effort to make both those elevations attractive, we think it would be counter-productive.

And in closing, I guess I would say that we think we've designed a building that is timeless and that it won't fade in its appeal over time. It's not trendy. We didn't want to do anything that was not in keeping with the character of the community. We believe the colors, the textures of the material are complementary to the context, which has more of a rural character with the property across Twelve Mile being kind of a large open area, so we believe it will be an asset to the community and will complement the context.

CHAIRPERSON NAGY: Thank you. Does the Applicant have anything else to add? If not, I'll turn this over to the Commission. Do I have any questions from any of the Commissioners? Who would like to start? Commissioner Paul.

MEMBER PAUL: I do not have any concerns about the south side and the rear setback being only 19.7 when it's supposed to be 20 feet. I'm in agreement with that. I have a question for, I think, Ms. McBeth, for the gross leasable. When I read Mr. Arroyo's letter, I just want to clarify it again for my specifications. 48,696 square feet was mentioned on one section. And another section was 41,388. And my guess is two different people did the review, and so there was a slight variation. Can you tell me which is being utilized?

MS. MCBETH: Yes. For the parking calculations they used the 46,595 square feet figure, which is, of course, less than the gross leasable area of 48,000 but it's more than the 41,000 that you saw on another plan.

MEMBER PAUL: Which is the gross leasable area? There are two numbers.

MS. MCBETH: Right. We would like to have that clarified at the time of Final Site Plan Review. At this point, we're going with the 46,595 square feet.

MEMBER PAUL: I can't support that. I would like to know what that's going to be now because that very much is important to us at this moment to look at the parking lot spaces. There is a question in the parking lot area, and I really would like to have that result before I can go any further. Could the Applicant maybe clarify which one is the accurate space?

MR. MIRON: Okay. 46,595 square feet is the gross leasable floor area, which we used to determine the parking requirement. That is an accurate number. The 48,696 square feet is the total square footage of the building, but that's not the number you use to determine parking.

MEMBER PAUL: Okay. How does 48,398 come in there?

MR. MIRON: I do not know.

MEMBER PAUL: Okay. So we're going to go by the 46, and that's your parking calculations.

MR. MIRON: Yes.

MEMBER PAUL: With that, how many -- are there 69 parking spaces -- I'm sorry, I'm thinking of the previous site. For the 46,000 square feet, the parking lot spaces that are provided, are you happy with the number, Ms. McBeth?

MS. MCBETH: Yes, we are. The number that are required, based on the square footage of the 46,595 is 210 spaces, and 210 spaces are provided.

MEMBER PAUL: For the Applicant: How many employees are going to be using this building, because 210 spaces is a lot. Is that what you need for the employees, or can you give me a specific number of employees that you will have?

MR. FRIEDLAENDER: At this point, we don't know how many employees there would be in the building, because we haven't leased it. We provided 210 under the ordinance, feeling that that's sufficient. And when we do lease the building, we would be sure that we didn't lease to any mixture of tenants that would exceed that number, you know. There are some businesses that could potentially need additional parking, and that would be a nightmare that, you know, I don't expect to get myself into.

MEMBER PAUL: So currently you do not have a tenant for this building.

MR. FRIEDLAENDER: Correct.

MEMBER PAUL: I was very pleased to see that the Applicant resolved all of Mr. Arroyo's lighting questions. All of those issues were answered on the 1-9-03 letter. I really appreciate the building on a corner part of this site being Twelve Mile and Meadowbrook corner. I appreciate this building being in the front of the property, instead of the parking lot being in the front. I also appreciate the berm in the rear of the parking lot screening the parking lot that is existent, so that the corridor on Meadowbrook will be screened. Also between the two OST buildings it will be screened.

I do have concerns that eight parking lot islands are not on the plan. I also have a problem with the wetland buffer. The wetland buffer is just barely encroached upon, but when you're doing the engineering for this plan, I think we need to ask, you, Mr. Coburn, I know that we can take some real serious measures to be wary of the wetland buffer, but there are ten spaces that are right on that buffer. Is there a necessity for those ten spaces?

MR. EVANCOE: I think if it's okay, I might be able to answer that. It's difficult to say, since they don't have a tenant, whether those are necessary or not, but unfortunately the ordinance requires 210 spaces to be provided on the site, and otherwise they would have to prove some type of hardship as to why they cannot provide that, and go for the ZBA variance. Whether that -- you know, in that particular location it's hard to say if they're needed. It would certainly appear that the parking that is most needed is in the main parking lot, not so much as along this entry drive coming off of Twelve Mile. But due to the existing wetlands, the need for the detention pond, they ended up having to place some parking along that driveway to achieve the

MEMBER PAUL: I don't have a problem, again, with the berm being eliminated on the corner of Twelve Mile and Meadowbrook with the copious amount of landscaping provided on the plan. But if it was in the middle of Twelve Mile, I would have a problem with it being a break. But to accentuate this corner, I think, it is a good landmark. There is a comment I'd like to address to the Applicant. Just when you're going to build this site, when I looked at the interior -- and this is not reflecting the decision at all about the plan, I just want to make a comment. When you open the door to the rest rooms, it is -- on one of the rest room doors, you can clearly see the urinals, or you can clearly see the mirror to the women's rest room. There is a way to put a slight little hallway door to get to that, to eliminate that visibility. I think it would just be a suggestion for you.

MR. MIRON: We would be glad to supply that.

MEMBER PAUL: That's all for right now. I think I'd like to turn it over for more people to comment on the parking lot islands and the size of the square footage of this building. Thank you.

CHAIRPERSON NAGY: Thank you. Mr. Ruyle.

MEMBER RUYLE: Thank you. Mr. Friedlaender, just for my own clarification, you do not have a tenant for this building. Are you seeking a one-tenant occupancy or are you seeking multi-tenant?

MR. FRIEDLAENDER: Either. Right now the building site is listed with Freedman Real Estate and we're seeking a tenant or tenants. If I had 50 percent of the building preleased, I would be able to finance the construction of it, and then fill up the remainder of it. So if we got somebody to take one floor, we'd proceed with the building. If somebody wanted the whole building, we'd proceed. If we had a couple of different tenants that assembled 50 percent of the space, we would proceed. The market place is going to determine that.

MEMBER RUYLE: Once again, clarification. I know the answer, but I'm going to ask it anyway. This is strictly office? There is nothing strange about it; I mean, we're not going to have a workshop in there or anything like that, right?

MR. FRIEDLAENDER: Not to my knowledge. We designed it as an office building and expect to get an office tenant. If somebody came with an unusual use that had, you know, some ancillary use that went along with office, as long as it worked in the building and under the ordinance, you know, I don't see why we'd preclude it, but I don't really expect anybody, you know. The kinds of businesses that go into the single story buildings with office and shop are a different type of tenant. So I would expect we're going to see professionals or corporate activities, either big corporations looking for a local headquarters, or a regional office for some corporate activity, but I can't tell you that they wouldn't do something that, when you say funny, you know -- I'm expecting, you know, 100 percent office type usage.

MEMBER RUYLE: I have no problem with it. That was just for clarification purposes, and I agree with Commissioner Paul about the fact that where the building is located at Twelve Mile and Meadowbrook, I'd like to see that berm eliminated and get the ZBA waiver for that also, and do the proper landscaping. That's all I have now, Madam Chair.

CHAIRPERSON NAGY: Thank you. Do we have anyone else? Mr. Sprague.

MEMBER SPRAGUE: Thank you. Sort of a follow-up with the question for the Planning Department. If we -- what protects us from the use of the building not being completely office, such that it would necessitate a loading area beyond what they envision currently with UPS trucks and stuff?

MS. MCBETH: Typically what happens is when the tenant comes in for a Certificate of Occupancy, the Building Department would make sure that was a permitted use, oftentimes checking with the Planning Department to make sure that was a permitted use. They wouldn't necessarily check to find out if it was a use that required a lot of loading and unloading, and those type of uses, but I believe the way the building is being designed, that's likely how it's going to be marketed towards those types of tenants. If they needed to have an



additional loading space supplied, then they would have to come back to the Planning Department for a review of that loading area for the Planning Department to take a look at.

MEMBER SPRAGUE: So if they had a tenant that needed more loading -- I mean they haven't built out the business, the building, of course. If they had a tenant come to them and, say, they wanted half the building, but they needed to be able to bring bigger trucks in, you're saying they would have to come back to get permission to do that?

MS. MCBETH: Yes. If they needed an additional loading zone, or a loading bay door or something like that, that would be considered a revision to the approved Site Plan, they would have to come back to the Planning Department and we would make a determination whether it needed to come back to the Commission for review.

MEMBER SPRAGUE: Who decides if they need loading capacity beyond what they have?

MS. MCBETH: I imagine the Applicant would ask the City for that additional provision if the tenant in the building said that they needed to have that additional loading area.

MEMBER SPRAGUE: Is there any way we could -- I don't know that it's an issue. I mean, if it's an office building and it's just UPS trucks, I really don't have an issue with the loading area. What I don't want to see happen, is us approve it with the variance and then find out that there's a tenant that's bringing in, not a huge truck, but a big truck periodically, parking it there and we've already given them permission to do that, and there's nothing we can do about that.

MS. MCBETH: Perhaps, other than asking the Applicant to put something on the record stating what kind of tenants he would be looking for, or maybe making that a condition of approval -- those could be avenues, I think.

MEMBER SPRAGUE: So we can make that a condition of approval?

CHAIRPERSON NAGY: Mr. Fisher?

MR. FISHER: Yes, I think you can clarify that in some form, such as that the waiver would contemplate the absence of trucks other than customary delivery trucks such as UPS and the like. If that's satisfactory with the Applicant.

MR. SPRAGUE: Thank you.

MR. FRIEDLAENDER: If I could-

CHAIRPERSON NAGY: (Interposing) Excuse me. It's still the Commission table. Could you wait until you're asked a question, and then you could come up here so we can all hear you.

MEMBER SPRAGUE: The other is the issue of the safety path to the west side of the street. Can you describe to me what is planned for all of that stretch along Twelve Mile? I don't think it makes sense to build a path that hangs out in the middle of nowhere. That's just now. I don't know what's going into the

properties next to it, and what it would look like. If that's an environmentally sensitive area, are we not going to put up boardwalks, or what is the plan at this point for that little stretch?

MR. COBURN: The stretch on the west side of the site, you're talking about on the south side of Twelve Mile. That's a tough stretch. You've got a culvert coming underneath the street, you've got a wetland area there. I'm not quite sure what will happen with that. Master Plan says we'll have a pedestrian or a bike path there, however I'm not sure how we're going to do that at this point.

MEMBER SPRAGUE: What do we have, you know, starting with the mall, moving down Twelve Mile, do we have a bike path off of Twelve Mile to the mall. We've got a PD-2 development coming in there, and then you've got the DMC. What does that whole stretch got in front of it now?

MR. COBURN: Most of that area is under construction now with the Twelve Mile Gap Project. I'm not quite sure if they're putting in bike paths as part of that or not.

MS. McCLAIN: I'm stealing the microphone from him. I'll identify myself for the court reporter. My name is Nancy McClain, M-c-C-l-a-i-n, the City Engineer. And yes, there will be an eight-foot bike path along that part of Twelve Mile Road when that is completed this summer.

MEMBER SPRAGUE: Okay. Thank you. Those are my major questions. I'm sure the Commission will deal with other items. I do like the placement of the building and the look of the building, and think that that's a good spot for that exact type of building. So overall, I support the development, and I just want to make sure some of these other issues are dealt with. Thank you.

CHAIRPERSON NAGY: Thank you. Mr. Evancoe, did you want to say something?

MR. EVANCOE: Yes. Thank you, Madam Chair. Yes, just to follow-up Commissioner Sprague's comments about the bike path. I think that that is a serious issue, because I think that if the Applicant does not provide this gap to the west of their driveway, then I suppose the City someday would be expected to come in with its funds and provide that. And really, the obligation for that kind of an installation, despite the fact that it's quite expensive at times, does fall to the developer that owns that property. So I just wanted to make that statement.

CHAIRPERSON NAGY: Thank you very much. Is there anyone else who would like to address their comments. Mr. Shroyer.

MEMBER SHROYER: Thank you. Do we know who owns the property to the immediate west of that, and has there been any discussion at all of development of that property?

MS. MCBETH: I don't know without checking who the owner of that property is, and to my knowledge, we haven't had any meetings with that property owner to discuss development of that parcel.

MEMBER SHROYER: So at this point, no preliminary discussions. That's fine. Anyone that follows the Planning Commission, and I know not many people do because it's boring, but -- tell it like it is -- those who do follow it know that when I see waivers and variances, my ears turn red. It really concerns me. This building, however, and the way the Applicant wrote the letter of

explanation to the waivers and the variances, and his very, very, adequate explanation verbally this evening, I am in favor -- and you won't hear me say that much -- but I am in favor of the majority of the waivers and variances. I do, however, have to say even though the building is gorgeous, I love it -- I'm not the architect on the Commission, but I know what I like, and I like it. Maybe the architect does too, we'll hear from him later perhaps, but I agree with Commissioner Sprague that the concerns of the safety path is very serious. And what I'd like to ask our attorney, is what is the best method of assuring that when the property to the west is developed, that the Applicant would be required to fulfill his obligation of that section at that time. In other words, I'm not -- we may not require him to do it right now, but when that property is developed and the path has somewhere to go, I want it to be able to go somewhere. Can we do that, and if so, how do we do it?

MR. FISHER: In other words, not require it at the moment, but defer it?

MEMBER SHROYER: Until such time as the property to the adjacent western border is developed.

MR. FISHER: Well, what we could do in that event, is require the establishment of a covenant that would be recorded with the Registrar of Deeds, that would essentially be a petition for an assessment of this property, to get that done. And then it would provide that the property owner would have the right to do it, but failing the property owner undertaking this project within a specified period of time on notice from the City, then the City would have the right to do it and assess the property owner.

CHAIRPERSON NAGY: Excuse me. If I might interject. I believe that we already went through something like this at Haggerty and Fourteen.

MR. EVANCOE: North Novi Medical. We alked about it.

CHAIRPERSON NAGY: Right.

MR. FISHER: Something very similar, that's right.

CHAIRPERSON NAGY: And didn't we use some sort of a bond? Mr. Evancoe, do you recall?

MR. EVANCOE: Yes. I'm trying to remember that as well. We may have talked about placing money in escrow for that. The downside, of course, of that was taking in today's dollars with an unknown future expenditure. Even though we can take in more than just today's dollars, you almost always underestimate your costs when you do that. The advantage, I think, of Mr. Fisher's proposal is that we determine the cost at that time, and make an accurate assessment against the property.

CHAIRPERSON NAGY: Thanks.

MEMBER SHROYER: Okay. Turning back to the Applicant, do you understand what we're discussing here? And in throwing that out, my question would be would you rather spend the money currently, and have a bike path that goes nowhere, a safety path that goes nowhere, in today's dollars, or be in a position of a potential assessment down the road along the lines of assurance that that would be connected, knowing that that property may not be built for 15 years, and the money will be inflated substantially between now and then?

CHAIRPERSON NAGY: Mr. Friedlaender, would you please approach the podium. I think the Commissioner addressed the question properly to you.

MEMBER SHROYER: Yes.

MR. FRIEDLAENDER: Well, philosophically, I guess I would be in favor of Mr. Fisher's proposal. That to guess what it should cost today, we don't really know what needs to go there. Maybe nothing will ever go there, maybe something different than we might imagine should go there, will end up going there, so it makes sense to earmark the obligation to participate in the future event if and when that takes place.

I guess my only reluctance is that I would hope that there's some obligation for it to be reasonable under the circumstances that are reviewed at that time. You know, not knowing what reasonable would be, or what beyond reason would be. But it's, you know, a little scary to think about a future obligation that's not specified. You know, it shouldn't end up costing more than a bike path should cost in the future. Given that it's going to navigate some difficult terrain, or have something unusual perhaps, you know, above and beyond just regular concrete or whatever they're supposed to be made of.

CHAIRPERSON NAGY: Mr. Fisher might have something to add to your concern.

MR. FISHER: I would say if we put it within a reasonable discretion of the City, so that you can challenge it if you think it was being abused.

MR. FRIEDLAENDER: That sounds fine to me.

MEMBER SHROYER: There may even be a possibility of going around the wetland and making a connection here or there or something as opposed to that construction, and that will be reviewed at that time.

MR. FRIEDLAENDER: I would hate to, you know, get into having to rip out the retaining walls, rebuild, you know, this the entire area. We do have a wetland though. I mean, perhaps, you know, some allowance may need to be made to cross it somehow in a reasonable fashion. Again, the City would be, you know, able to grant some permission if it made sense to get the bike path over there.

MEMBER SHROYER: We've done that before. Thank you. With those comments, I am in favor of this proposal, or this application I should say. But only with the support of Mr. Fisher's recommendation. Thank you, Madam Chair.

CHAIRPERSON NAGY: Okay. Commissioner Kocan.

MEMBER KOCAN: I think I'm in the minority here when I'm going to talk about the things that I'm concerned about, because there are a number of things. And the very first thing is the loading area. I do not consider the main entrance to this gorgeous office building to be a loading dock. And not a loading dock, but a loading zone area. It will completely block the entrance. I do not believe the intent of our ordinance is such that it's supposed to be a drive-up kind of a spot.

And I could be wrong, but I listened to other commissioners from previous Commissions, who have stated you may not think that there's going to be deliveries, but there will be moving vans to move in office furniture. There

could be -- there could be a number of trucks that will required to be in an office building, particularly the size of this building.

I will not support the loading dock at the front entrance. I believe it needs to be -- to have its own parking spot, perhaps on the west side of the building, where there's an entrance. An unpopular comment would be maybe we need to reduce the size of the building to allow for less parking spots required by the office structure itself, and to allow for a larger loading area on the side of the building. I mean, it's minor, but it's a major concern to me. I do not think the employees should have to walk around a delivery truck to get into a building.

My second concern is I've heard a lot of support for the waiver for the berm. My concern is we have an ordinance and the ordinance states you have to have a berm. Typically, when we send something to the ZBA, it is because there's hardship. There is absolutely no hardship in this particular development. If we, as a Commission, feel strongly that there are certain areas in the city that do not require berms, then I think we have to handle it a different way, and that's to send it to Implementation, and then have the ordinance changed.

I would have a hard time supporting not putting in a berm, when I'm trying to enforce the ordinances equally to everyone who comes in front of us. So it's difficult because it is an esthetic thing, but it is a requirement in our ordinance that you have a two and a half foot berm along the right of way.

I heard this evening that Lauren McGuire was very big on the berms and that she found those to be especially esthetic, so I would have to support a berm. Of course, you know, there's always the option of going to the ZBA. The other option is we could permit a wall instead of a berm, and I would not be in support of that.

The other question that I have, and I'm still not clear, and I apologize if the staff has gone over this over and over again, is with regard to the interior parking lot landscaping, that it requires a variance. And I believe I had a discussion that said that -- or someone had said that because they're proposing the additional berm along the south property line, which is technically not required, does that count towards the interior landscaping?

And my other question is, when we talked about, if I heard this correctly, the developer is building to the future right-of-way. And if he didn't develop to the future right-of-way, there would be green space between the road and the parking lot. And my question to the staff is, does that green belt along the right-of-way area, count as interior parking landscaping?

MR. EVANCOE: And I'll address that. Thank you for the question. It's a difficult one to say. The practice -- any ordinance, zoning ordinance provision, has to be interpreted. So the way that the Planning Department has interpreted this portion, has been to not include the area around a parking lot as counting toward the area requirement for the interior landscape islands. But on the other hand, we have interpreted that landscape plantings that are adjacent, do count towards meeting the interior landscape count.

And if you look at this site, for example it requires approximately, I believe, 56 trees for interior parking lot landscaping -- Mr. Ludwig is acknowledging that that is correct. There's no way you could provide 56 trees within the interior of a parking lot of this size. So you end up, you provide your

islands, and you landscape those islands, and the remaining trees can be placed around the perimeter and counted. So if you look at Mr. Ludwig's landscape plan, you'll see a number of trees around the perimeter that have a P; and that's because he counted those as parking. And Mr. McGinnis has agreed that that's acceptable, and that's consistent.

In terms of along the Meadowbrook frontage, if they had designed their setback based on the current right-of-way as opposed to future, yes, they would have ended up with more area of buffer instead of just 20 feet. But we still would not have counted that area towards the interior landscape requirement, but that wasn't the only way to solve that. They also could have taken the extra area and actually provided that as long islands running north and south. They could have provided two more eight-foot islands that would have run north/south somewhere within that parking lot. It still maintained the 20 feet on the east side, along Meadowbrook. So we were never looking at having a bigger buffer on the right, or on the east, counting towards interior requirements. I hope that's clear. I'll further explain if need be.

MEMBER KOCAN: If you're saying that you think that they could have put eight-foot long north/south landscaping, where would the parking go?

MR. EVANCOE: It would have gone on each side of those long islands.

MEMBER KOCAN: You're saying they would have had 16 extra feet, but they set back that extra 16 feet because of future right-of-way.

MR. EVANCOE: That's right. And that decision was arrived at in consultation with both our Engineering Department as well as Mr. Arroyo, and we determined that you really do have to account for the possibility of a road widening in the future, and that's why we wanted them to set back from the future instead of the current.

MEMBER KOCAN: Do we know how far in the future it might be before Meadowbrook would be widened?

MR. EVANCOE: I talked with Mr. Coburn about that, and he indicated that there is no funding for any project there, and no current plan to widen that.

MR. COBURN: If I can jump in. I've heard from the City Engineer that it is in the fiscal year 2003 plan to do some work on Meadowbrook. However, at this point, plans have not been developed, and the width has not yet been determined. So that's all still to come in the future.

MEMBER KOCAN: And so Twelve Mile is expected to be -- I don't think there's going to be any more impact to this developer from Twelve Mile being widened.

MR. COBURN: That's correct.

MEMBER KOCAN: There's not going to be.

MR. COBURN: No more impact.

MEMBER KOCAN: So because it's on the books for the year 2003, are we saying that it's in our judgment that he should do it this way, or should we as the Planning Commission look at this as being a requirement that you need to take

into consideration that there's a future right-of-way so we can't give you credit for something that you're required to do anyway -- I don't know if I'm making sense or not. Mr. Fisher, please.

MR. FISHER: I think we have to make a suggestion, and I don't believe we're authorized to require a setback for a future right-of-way.

MEMBER KOCAN: That was my question.

MR. FISHER: Yes.

MEMBER KOCAN: Okay. I'll listen to hear what my other Commission members have to say. Thank you.

CHAIRPERSON NAGY: Mr. Avdoulos. It's about time.

MEMBER AVDOULOS. First of all, I'd like to echo Commissioner Kocan's concerns with regards to the loading area. I, personally, have no problem with an office building and having UPS and Staples and Fed Ex and the mail truck come by. The concern I do have is if and when it sits there, as cars come in through Meadowbrook, they'll have to be steered, you know, through some of the islands. They won't be able to cut across, and that may, you know, cause a problem. But, you know, hoping that it maintains just an office capacity, I don't know -- and I really can't predict if it's going to be a problem or not, but I do have that concern, and I think it also echos Commissioner Sprague's concern with, you know, what type of use that building is going to have.

The 19.7 feet versus the 20 feet, that's not as big an issue. The one thing that I was going to ask, and I know in the past Ron Arroyo has worked with applicants where there was an overhang that was allowed, so you could pull back the curb because I think the curb gets reduced to four inches rather than six inches high. But that will gain an extra two feet of landscape, if you can have 17 feet and two feet overhang. If that can be done around the whole perimeter, then two feet times the length of that, you can gain back 1500 square feet, if you want to approach it that way, since we're kind of tight on the spacing.

The safety path to the west of the site, I was never in favor of building something that dead ends. I'd rather see something, as we indicated, either in escrow or some other decision by the City once there's a Master Plan developed, because to me it's just a waste of money, and if it's one of these wooden decks that I keep seeing all over the place, they'll rot before they even get used.

That's a City Council waiver, but I like the way that Commissioner Shroyer phrased it. The berm along the front, I think the intent of the ordinance was to enhance the right-of-ways along major thoroughfares and at the same time create a visual block for seeing asphalt in parking. But I think the way this building was sited up towards the corner, I'm very pleased to see it that way, and that's something that I would do. I'm not a big fan of spending a lot of time and energy, money, on materials and design, and then pushing a building all the way to the back of property and loading it up with cars in the front, and really not making a statement. I think this is a good location for the City. It's a nice spot. I think it's going to enhance that corner. And so I was also debating, and I knew Commissioner Kocan was going to be adamant about the berm, but in a way it sort of breaks up the monotony of this homogeneous berm

for many, many, miles and you bring in buildings that have character, I think it's a benefit and an asset for the City.

The other concern I had was with the parking. And I know we have a building that has X-amount of square feet, and we do the calculations and we come up with however many parking spaces are required. 210. And we do show 210, but it would be nice if there was a way to add a strip of landscape islands right in the middle, just to break it up and even soften up the parking area even more, and that would entail losing eight spaces, and I don't know if the math can be done to reconfigure the building. At least, see if they can get pushed back a couple of feet in order to accommodate that, and maybe even take a look, if a loading zone could be taken away from the front of the building and just pushed off to the side and not -- it would be dedicated as a loading zone, but they would still have to go to the front of the building, or to the main entrance of the building to access it. But all in all, I think the project that is presented is a very good project, and I give it my support. Thank you.

CHAIRPERSON NAGY: Do we have any other comments? Mr. Papp.

MEMBER PAPP: Thank you, Madam Chair. I was just looking at the loading zone and there is 12 feet of space on the west side of the building, that they could just put a little drive there, something to park the vehicles.

MEMBER AVDOULOS: Yeah, and if -- I know there's also a requirement for a sidewalk and stuff that goes around the building. But maybe that's something that we could start looking at with the City, to see if something could be accommodated.

MEMBER PAPP: I have one other question about the design up front. Is there a City ordinance regarding that design up front or sculpture that's up front, as far as height?

MR. EVANCOE: I don't believe that that sculpture is a part of the Site Plan, I think that's just for rendering purposes on the elevation. Is that correct, I mean we can ask the Applicant.

CHAIRPERSON NAGY: Mr. Friedlaender, if you could step to the podium and answer that question for us, we'd really appreciate it.

MEMBER PAPP: The sculpture on the front, is that just on the drawing or is-

MR. FRIEDLAENDER: The sculpture that we're showing right now is a concept. We intend to have some sort of a sculpture or decorative piece there, but not necessarily the one that you see. We took the one that you see out of an architectural magazine. It seemed to fit. We don't know if it will be available, but it's an illustration.

CHAIRPERSON NAGY: Thank you very much.

MEMBER PAPP: Just be aware that there's a sign ordinance. Be aware if it fits into the ordinance or not, whatever you put out front. But the building looks very nice. Very nice design. Thank you.

CHAIRPERSON NAGY: With that -- Commissioner Kocan -- I mean, Commissioner Markham.



MEMBER MARKHAM: I'm going to weigh in, although I don't have a lot of difference from my fellow commissioners. I too am concerned about the loading, especially things like furniture. Yes, you're going to have, you know, Fed Ex trucks bringing envelopes and that sort of thing, but when you fill this office building, you're going to have furniture, and I agree that I'd like to see some adjustment, either to the west entrance or something else, so that bigger deliveries can be handled not at the front door. And as far as the Twelve Mile roadside 16 walk/bike path goes, philosophically for the City, I think it's important that every time we have a 18 development we put these bike paths/sidewalks in.

I'm married to a runner, and every time he goes out to run, I hear all about the way he has to run on a path, run out in the street, run on the gravel. I'd like to see bike paths throughout the City, and I do believe that it's on the shoulders of the developers to help us with that. And therefore, I would -- I'm glad you asked, Mr. Shroyer, what could we do to make sure that we will have a path over there at some point. I like the idea of waiting, because we may get a nice creative design in the future that if we put a boardwalk there now, and the next person comes along and develops the property for six, eight years, from now and want to do something completely different, we're stuck with this funny looking boardwalk out in the middle. So I like the idea of waiting to incorporate it with whatever gets done around the wetlands.

I, too, think the building's a little big for the site. I think a lot of the problems we have and a lot of waivers we're asking for, could be resolved if this building had a smaller footprint. That being said, I like the design, I like it up close to Twelve Mile. I'm not in favor of a berm up there for exactly the reason Mr. Avdoulos stated. I think this is esthetically very pleasing to the roadway. And that's all I have.

CHAIRPERSON NAGY: Thank you. We'll take a minute break here while the court reporter changes her paper. (A brief recess was taken.)

CHAIRPERSON NAGY: We're back on the record. Thank you very much. I'd like to add my two cents worth here, if I could. I agree with my fellow Commissioners. I really like the design of this building. I am not -- I'm willing to support a waiver for the berm. I think the idea of having the building on Twelve Mile is very attractive. I think the big concern that I see here, and maybe some of the Commissioners might want to even think about this, and I'm saying this to the Applicant with all due respect. I love your concept, the building looks great, I agree with no berming, you know, we can make a covenant regarding the future bike path on your west side.

However, the problem as I see it, your building is a little too big for the amount of property you have. The loading zone is an issue with us because we have the ordinance requirement, and it's your obligation to meet that requirement. Also, from a practical point of view, I just happened to be in an office building where they had that very same thing. I spent most of my day in Auburn Hills, and they had the loading zone as part of the entranceway, and there was a truck there for hours on end in idle. So as I was taking the deposition, I heard this truck for hours on end, and it was a larger truck, like a stake truck, and then when you left the building, you were continually maneuvering around the truck. So I have a concern because it just happened to me.

Also by the loading area, you also have your handicap area, handicap parking. And, yes, I see that you have the sidewalk there, and yes, they can walk on the

sidewalk. But I really would like to ask the Applicant, it's not my place to make any kind of motion whatsoever, but would you be amenable to maybe making a few of these changes because I think you hear the Commission. We like your idea, we like your building, we're willing to work with you for some of the changes regarding the berming, and maybe a little adjustment on your part, and we could come out with a win-win situation all the way around. What do you think, Mr. Friedlaender?

MR. FRIEDLAENDER: What I'm hearing is -- I'm pleased with the general feedback about the project. The loading area, we have moved it a couple of times. We're willing to look at it, study it, and see if we can come up with something more acceptable. We could put it over on the west side of the building and delete some of the landscaped area over there, you know.

CHAIRPERSON NAGY: (Interposing) I don't think that's what you're hearing from the Commission. And I don't mean to interject or be rude to you, that's not what the Commission was saying. You know, you could -- what they're saying to you, I think basically is if you reduce the size of your building, you wouldn't require all that parking space. You could make the changes and they'd be willing to waive the berm in the front. And that's what I was hearing them say, I mean, either the Commission can make a motion and vote or they can table it. And tabling, would be where you could go back to our Planning Department, work some things out, to come and meet more of the requirements of the ordinance and, you know, come back for the first available date with the Commission. So I'm just kind of giving you an idea, a synopsis of what everyone is saying here. Basically everyone likes your design and agrees with a lot of things.

MR. FRIEDLAENDER: So you're asking me if I think you should go ahead and vote in light of these concerns or table it and see if we can make some adjustments?

CHAIRPERSON NAGY: Yes.

MR. FRIEDLAENDER: If you take a vote and it's negative, are we precluded from addressing this -- I'm a little confused on the procedure.

CHAIRPERSON NAGY: Well, obviously, some of the waivers that we're requiring are beyond the Planning Commission, such as those that are required by the Zoning Board of Appeals, where you are going to show that you have some sort of a hardship. Obviously, there are some waivers that only the City Council can give you. But our recommendation can be one to either approve or to deny. So whatever our motion would be, either to approve with certain conditions, or to deny, it would go to all those areas, so that the City Council would receive the minutes, you know, with our denial, or the ZBA, and our reasons stated in there. I mean, if it's denied, it's done with us.

CHAIRPERSON NAGY: Mr. Fisher, if we deny it, it's denied all total; right?

MR. FISHER: As I understand it, this is recommendation to Council?

CHAIRPERSON NAGY: No. This is a motion to either deny-

MR. FISHER: If you deny, you deny, that's right.

CHAIRPERSON NAGY: I'm sorry, I was thinking recommendation. If we deny your Site Plan, then you have to start from the very beginning. If we table your Site Plan, the major concerns that the Commission had, you can work with Ms.

McBeth, our planner; our engineer, Mr. Coburn, and make the adjustments and then come back for approval. I apologize. I thought this was like a-

MR. FRIEDLAENDER: Well, when you say if there's a vote and it's a denial, we start over. I'm-

CHAIRPERSON NAGY: (Interposing) The process starts over. With your money, with the time, with the site plans. It sounds like you're starting afresh with a new set of site plans.

FRIEDLAENDER: Why don't we go ahead and table it then.

MR. EVANCOE: If I may, Madam Chair.

CHAIRPERSON NAGY: Mr. Evancoe.

MR. EVANCOE: I'm not trying in any way to steer the Commission in a particular direction, but one other option, of course, that you would have would be to approve it as a Preliminary Site Plan with various conditions, and then have the staff work with the Applicant towards that Final Site Plan, to work out those details. But again, I'm not trying to tell you what you should do, but that is a third option.

MEMBER RUYLE: You also have an option for bringing it back.

CHAIRPERSON NAGY: You're not on the -- Mr. Ruyle, nobody heard you. You didn't have your mike on.

MEMBER RUYLE: Don't we also have the option of bringing it back for Final Site Approval?

CHAIRPERSON NAGY: All right. Commissioner Markham.

MEMBER MARKHAM: I just want to be clear on this. If we approve it with conditions, we have the authority to do that, and it has to be submitted with those conditions being met; is that correct?

MR. EVANCOE: Submitted to the staff?

MEMBER MARKHAM: Yes.

MR. EVANCOE: That's right. And if they are not to meet that, then we would probably kick it right back to you, and say here's the Final Site Plan, but it's not what you had ordered.

MEMBER MARKHAM: My concern, I think, is alleviated because -- all I want to make sure of is that when we make these recommendations that all the hard work that goes into this, is not negated because someone decides it's not important or doesn't agree with the Commission. If we vote that way, that becomes the required condition in this case, because it's not a special land use -- or no, that doesn't have anything to do with this.

MR. EVANCOE: Right. You would be making a conditional approval, and those conditions would stick. And if they can't be met, they would have to come back to the Commission.

MEMBER MARKHAM: Okay. I understand. Thank you.

CHAIRPERSON NAGY: Commissioner Sprague.

MEMBER SPRAGUE: With this project, I can see it with conditions, but it doesn't seem to me that a condition can be reducing the size of the building. Is that a fair statement?

MR. EVANCOE: And I might defer to Mr. Fisher, but I would just say this, that it's probably better to state what your end desired result is, as opposed to the exact method to get there. So if your desire is more internal landscaping or a different location for the loading area, that's what I would say instead of reduce the building, because there might be some other way to achieve that result.

CHAIRPERSON NAGY: Could I make a comment? I don't think it's our job as commissioners to design the building or redesign the building at the table. I think as the developer and our planners, I think that's why tabling would seem to me the proper way to go. Mr. Sprague.

MEMBER SPRAGUE: If we table it, do we provide direction as to what we would like to see approved, as opposed to approving with conditions which are specific about what we would like to see?

CHAIRPERSON NAGY: Right.

MEMBER SPRAGUE: So either way, we can convey the issues we'd like to see addressed.

CHAIRPERSON NAGY: Right. Mr. Ruyle.

MEMBER RUYLE: Thank you, Madam Chair. Just for the record, if we make a motion to table, I will vote against it. If we make a motion to deny, I will vote against it.

CHAIRPERSON NAGY: Thank you, Mr. Ruyle. Commissioner Kocan.

MEMBER KOCAN: Okay, I'll be the bearer of bad news. I make a motion to table SP 01-04A, Meadowbrook Office Building, to allow the developer to work with the City Planning Department to look at reducing the building size, which will, in turn, reduce the number of required parking, allow additional space for the loading zone, look at the parking stall depths, which could eliminate a need for a waiver for the parking setback. There may be additional room for the required interior parking lot landscaping. Coming forward to the most available Planning Commission meeting. The berm is going to be a recommendation to the ZBA. So it will be in their hands. We can say we approve no berm, but I've been on the ZBA, and there's a very good chance that they will enforce the ordinance. That's a chance that you take. We do make a recommendation to the ZBA. That's your decision with the City. We cannot guarantee whether or not you'll get that waiver for that variance. That's my motion.

CHAIRPERSON NAGY: Thank you. Is there a second to that motion?

MEMBER MARKHAM: Second.

CHAIRPERSON NAGY: Seconded by Commissioner Markham. Is there any further discussion?

MEMBER AVDOULOS: Madam Chair?

CHAIRPERSON NAGY: Yes. Mr. Avdoulos.

MEMBER AVDOULOS: I just wanted to make sure that the Applicant was informed or sure with what Member Kocan had indicated, the areas that we were looking at. And the things that we have to take responsibility for are Planning Commission waivers, not ZBA waivers. So ZBA, as was indicated, looks at us for direction, and could do with it whatever they want to do.

The waiver, I think the most critical waiver is the one for the screening of the loading area from adjacent properties, but it's not so much the screening as it is right now the location, and the location has concern with safety and welfare of people entering the building, and also with handicap access.

And the other issue is there are requirements for interior landscaping, so that's where the size of the building comes in. Although we can't tell you how and what to design in order to meet the requirements, there has to be a little bit of mathematics to go along with that. As you get that going and have your discussions with the City, then I think we'll have, you know, a good project. But as indicated, we want to work with you, and we don't want to go through the effort of denying and then having to resubmit. I think, you know, what we've got is a fantastic step forward and it's by no means a negative reaction to the project. It's just that we want to make sure that we do what the zoning ordinance asks us to do.

CHAIRPERSON NAGY: All right. Any further discussion? Mr. Sprague.

MEMBER SPRAGUE: I just have a question; it's probably for the attorney. I think that tabling this is the right thing to do in conveying what we want. I'm a little troubled with saying you need to reduce the building. That's one solution to it, but it sounds to me like we're prescribing that solution. And I'm wondering, are we in the business of prescribing solutions, or should it more be a motion to say we want to table it but it's to address the loading zone issue, or specific issues, leaving how they're addressed to the Applicant.

CHAIRPERSON NAGY: Go ahead, Mr. Fisher.

MR. FISHER: Thank you. It would be my understanding that the motion would essentially direct that these matters be considered.

CHAIRPERSON NAGY: Right.

MR. FISHER: And then be brought back.

MEMBER KOCAN: Did I say consider?

CHAIRPERSON NAGY: Yes.

MEMBER RUYLE: You said look at. You said look at this and look at that, and I thought that was good wording.

CHAIRPERSON NAGY: Yes.

MEMBER KOCAN: I meant to say consider reducing.

MEMBER SPRAGUE: Maybe I just need to hear it again. I understood the basic premise to be reduce the size of the building so that we can achieve -- you know, reducing the number of parking spaces, reducing the depth, you know, looking at the loading zone. It sounded to me like we're telling him to reduce the size of the building to accomplish these things, which is, you know, where I'm having an issue. I don't know want to prescribe how he has to do it. I agree with all of these things as goals, I just don't want to prescribe the solution.

MR. FISHER: It's all a consideration.

CHAIRPERSON NAGY: It is, and it's really late and I'm not going to ask the court reporter to read back at ten-thirty at night. But it's the intent, to look at these things. It's not prescribing, it's not telling him what to do. We never do that when we table. However, the only thing that I think that was addressed in the motion that was important is our loading zone area, we have a specific ordinance. That's got to be looked at, and that's what she said, look at these things. If there's no further comment, can we call the roll, please, Mr. Schmitt?

MR. SCHMITT: Thank you, Madam Chair. Chairperson Nagy.

CHAIRPERSON NAGY: Yes.

MR. SCHMITT: Commissioner Papp.

MEMBER PAPP: Yes.

MR. SCHMITT: Commissioner Paul.

MEMBER PAUL: Yes.

MR. SCHMITT: Commissioner Ruyle.

MEMBER RUYLE: No.

MR. SCHMITT: Commissioner Shroyer.

MEMBER SHROYER: No.

MR. SCHMITT: Commissioner Sprague.

MEMBER SPRAGUE: Yes.

MR. SCHMITT: Commissioner Avdoulos.

MEMBER AVDOULOS: Yes.

MR. SCHMITT: Commissioner Kocan.

MEMBER KOCAN: Yes.

MR. SCHMITT: Commissioner Markham.

MEMBER MARKHAM: Yes.

MR. SCHMITT: Motion passes 7 to 2.

CHAIRPERSON NAGY: Thank you very much. And we will make sure that when you meet with the Planning Department, you will be brought back for the first available meeting. Did you have a question, sir?

MR. LUDWIG: When will the minutes be available? Either could they restate the motion, or when would the minutes be available?

CHAIRPERSON NAGY: Well, the minutes won't be available for 30 days. You want the court reporter to read back your motion?

MR. LUDWIG: Your motion, yes.

MR. SCHMITT: I can restate the motion. I have it written down. The motion was to table the project to allow the developer and the City to look at, consider, reducing the building size, moving the loading zone, looking at the depth of the parking stalls, the amount of parking in order to get more interior landscaping.

MR. LUDWIG: Thank you.

CHAIRPERSON NAGY: And you know what, I didn't catch your name for the court reporter.

MR. LUDWIG: Jim Ludwig. Landscape architect.

CHAIRPERSON NAGY: And that's 11 L-u-d-w-i-g; correct?

MR. LUDWIG: Yes.

CHAIRPERSON NAGY: Thank you, Mr. Ludwig. Do you have any further questions?

MR. FRIEDLAENDER: No.

CHAIRPERSON NAGY: And they have everything written down, and they'll work with you, and you'll come back.

MR. FRIEDLAENDER: I'm satisfied. I'm willing to work with you. Thank you.

CHAIRPERSON NAGY: Thank you. We really appreciate it.

**EXCERPT FROM PLANNING COMMISSION MINUTES  
NOVEMBER 5, 2003  
PRELIMINARY SITE PLAN CONSIDERATION – MEADOWBROOK OFFICE  
BUILDING**



**PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 5, 2003, 7:30 P.M.  
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 7:30 p.m.

**ROLL CALL**

**Present:** Members Avdoulos, Kocan, Markham, Papp, Ruyle, Shroyer, Sprague

**Absent:** Members Nagy (excused), Paul (excused)

**Also Present:** David Evancoe, Director of Planning; Barbara McBeth, Planner; Darcy Schmitt, Planner; Brian Coburn, Civil Engineer; Lance Shipman, Landscape Architect; Tom Schultz, Attorney

**PLEDGE OF ALLEGIANCE**

Member Shroyer led the meeting in the recitation of the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Member Shroyer asked that Committee Membership be added under Matters for Discussion.

Moved by Member Papp, seconded by Member Kocan:

**Motion to approve the Agenda of November 5, 2003 as amended.**

**Motion carried 7-0.**

Chair Markham congratulated Members Nagy and Paul on being elected to City Council on November 4, 2003. They are not present at this meeting under the advice of the City Attorney, who suggested that because they will be reviewing issues from this Agenda at the City Council level in the near future, they should instead prepare for that review. The Officer positions will be reviewed by the Planning Commission in two weeks.

**AUDIENCE PARTICIPATION**

Wayne Hogan, Novi: Requested that the Developer of the Meadowbrook Office Building relocate a south-side handicapped space to the west side where the

main entrance off Twelve Mile is located. He offered to assist the Developer with designing the bathroom stalls in an ADA-compliant manner.

## **CORRESPONDENCE**

There was no Correspondence to share.

## **COMMUNICATIONS/COMMITTEE REPORTS**

There were no Communications or Committee Reports to share.

## **PRESENTATIONS**

Mr. Evancoe indicated he would be sharing some reports during the Special Reports portion of the meeting.

## **MATTERS FOR CONSIDERATION**

### **1.MEADOWBROOK OFFICE BUILDING, SITE PLAN NUMBER 01-04**

Consideration of the request of HEFCO Properties for approval of a Preliminary Site Plan. The subject property is located in Section 14 on the southwest corner of Twelve Mile and Meadowbrook Road in the OST (Office Service Technology) District. The developer is proposing a two-story office building. The subject property is 4.68 acres. This case was postponed by the Planning Commission on 1/15/03.

Planner Barb McBeth located the property on an aerial photo. It is located in Section 14 on the southwest corner of Twelve Mile and Meadowbrook Road. This matter last appeared before the Planning Commission in January of this year. A number of concerns were expressed about the proposed plan by the Planning Commission at that time. The matter was tabled to allow the Petitioner to continue working on the proposed development plans to resolve those issues. The Applicant has met and discussed the site plan with the Plan Review Center on several occasions since that meeting in January and a number of the concerns expressed at the Commission have been resolved. There are three items still remaining for possible waiver or variance. Among the issues resolved are the elimination of the Planning Commission waiver for inadequate parking lot setback along the south side of the property and the relocation of the proposed loading area.

Ms. McBeth said that the subject property is currently developed with one single family home. The property to the south is developed with single family homes fronting on Meadowbrook Road. To the east and west is vacant land. These properties are zoned OST, Office Service Technology, and master planned for office uses. To the north, across Twelve Mile Road, is the Michigan State

University Tollgate Education Center. It is zoned R-A, Residential Acreage, and the Master Plan describes the property as a Quasi-public use, designating the land use as the MSU Tollgate Education Center.

The proposed site plan shows a two-story office building containing a total of 46,659 square feet. The plan that was presented to the Planning Commission in January of this year contained 46,595 gross leasable square feet, approximately 64 square feet less than the proposed office building now under review. The one change made to the building is a modification of the front of the building with different material, and has technically expanded the size of the building by the 64 square feet. Two driveways are proposed, one from Twelve Mile and the other from Meadowbrook Road. The west part of the site contains a wetland area which continues off-site. The stormwater detention area is proposed to be located at the southwest corner of the property.

Ms. McBeth said the Planning Review indicates that a City Council waiver of the required eight-foot wide safety path along Twelve Mile will be required for the area west of the proposed driveway on Twelve Mile. The elevation naturally drops away in this area because of a large wetland system that exists on this site and further to the west.

Previously there was considerable discussion regarding the screening and location of the proposed loading area. The proposed loading area has been moved from the area just south of the main entrance on the south side of the building to an area further away from the main door and out of the drive aisle (just south of one of the traffic control islands). The Planning Commission may wish to make a determination whether the intent of the OST Ordinance has been met for screening of the proposed loading area. The OST Ordinance encourages the screening of truck service areas by either a courtyard building design or an ornamental wall or berm. The proposed plan does provide landscaping along the north side of the loading area, and along the east, west and south sides of the property.

The Wetlands Review indicated that a Minor Use Permit is needed for temporary disturbance of approximately 600 square feet of the wetland buffer in order to construct a retaining wall. Restoration of the wetland buffer will take place following construction of the retaining wall. Administrative approval of the permit is possible and will be granted following approval of the site plan. There are no Regulated Woodlands on the site.

The Landscaping Review indicated that two ZBA variances will be needed. The first variance is for the lack of the required berm or wall along the Twelve Mile frontage and part of the Meadowbrook Road frontage and is necessary since the plan is being reviewed under the previous Landscape Ordinance. These areas are adjacent to the building and where the wetland exists on the west side of the

property. The second variance is for the required interior parking lot landscaping; the submitted plans are deficient by approximately 1,554 square feet.

The Traffic Review indicated items that may be addressed at the time of Final Site Plan review. The Engineering Review contained a number of items that may be addressed at the time of Final Site Plan Review. The Façade Review recommended approval of the plan subject to two items being addressed at the time of Final Site Plan review. Ms. McBeth showed the Planning Commission the façade board. The proposed building will be constructed primarily of brick with cast stone. Spandrel glass is also proposed. The Fire Marshal's Review indicated items that need to be addressed on the next submittal of plans. The Applicant provided a letter addressing the waivers and variances discussed in the review letters and in this presentation.

Howard Friedlander, 5138 Village Commons Drive, West Bloomfield, represented the Applicant at the meeting. He acknowledged that stone material was added to an area that was previously submitted in brick. This change resulted in a larger building footprint, as the window and wall connection had to be redesigned to alleviate a potential problem of standing water.

Mr. Friedlander said the loading area was moved and alleviated the concerns that the entrance or handicapped spaces may get blocked. He had confirmed with the Planning Department that the screening he provided on this OST site plan would have been sufficient in the other Office Districts. This screening requirement contemplates a more intense use than what is proposed – an office building with professionals and no shop area.

Mr. Friedlander said that the safety path near the Twelve Mile entrance could be installed as a bridge-like structure on stilts and would dead-end in mid-air. It seems more appropriate to construct this path when a plan is presented for the adjacent property. He would agree to this as a future obligation, as long as the cost is reasonable under the circumstances.

Mr. Friedlander said that the eight-foot safety path along Meadowbrook Road was designed in accordance with the City's request to observe the future ROW rather than the existing ROW. Civil Engineers Brian Coburn and Ben Croy have agreed that having the safety path within the future ROW would not violate anything in the Ordinance and is therefore not an issue.

Mr. Friedlander said that the berm has been removed from around the building. The area between the building and public streets is exposed. The Ordinance says the screening is meant to obscure parking areas and provide an aesthetically pleasing view from the road. He said that there is no parking in that area; they felt it was a better design to put the building at the setback on such a prominent corner. The berm would detract from the landscaping. He

acknowledged that this is a judgment call and that a berm could be added if requested.

Mr. Friedlander said that the interior parking landscaping was previously reviewed and agreed to by Mike McGinnis, even with its deficiencies. He was not sure how Landscape Architect Lance Shipman's number is different, but Mr. Friedlander admitted there is a shortage of landscaping. If this plan was redesigned to the existing ROW that shortage would disappear. Again, this Ordinance could be satisfied but it would slide the parking area further to the east and would only be removed when Meadowbrook Road is widened. The landscaping that is being left out there for the road widening could be relocated to the parking area, a sketch of which was provided to the Planning Commission as Exhibit B. This plan would create a new landscaped island and remove thirteen feet of greenbelt that would result in a twelve-foot wide strip of grass. While that could be done, Mr. Friedlander did not think it was the better way to go forward.

Mr. Friedlander asked for the Planning Commission's approval and favorable recommendations for the City Council and ZBA issues. He said he is willing to change the plans if his suggestions are not found to be acceptable.

Member Sprague confirmed that the additional 64 square feet is the result of an additional 2'x32' area. He did not think that the safety path that led to nowhere was necessary at this time; he confirmed with City Attorney Tom Schultz that the Planning Commission only needs to forward their recommendation to City Council regarding this plan's failure to meet the City's Design and Construction Standards. Mr. Schultz said that a financial mechanism can ensure that this work will ultimately be done, and would be created with input from the Engineering, Finance and Treasury departments. The need for the mechanism will be set forth in City Council's motion if the plan is approved. The Planning Commission's motion should include the language similar to, "subject to the waiver by the City Council of that Design and Construction Standard." Member Sprague was concerned that it would not be taken care of to the extent that the Planning Commission desired. Mr. Schultz said their recommendation could include their opinion on how they would like the waiver to proceed. He said that he would not expect the Planning Department to recommend that the waiver remove the standard altogether; the issue is determining what the mechanism will be that guarantees the work will ultimately be completed.

Member Sprague asked Mr. Evancoe what the Planning Department's recommendation would be. He responded that they will recommend that the sidewalk be constructed at the appropriate time with an escrow or bond attached to the stipulation to assure that the developer maintains the financial responsibility for the completion of the work. He explained that the amount that would be escrowed or bonded would be determined at today's dollars plus a

percentage increase to reflect the future construction of the path. A cash escrow would also gain interest over the years.

Member Sprague asked whether there is any additional information regarding the property located to the west. Ms. McBeth responded that the City did not have any additional information on that parcel. She said that it could not be estimated when that parcel would be developed.

Member Sprague was inclined to agree with the request to waive the berm from an aesthetic point of view. He asked how the Planning Commission defends their granting of waivers when it is their charge to ensure that Applicants comply with the Ordinance standards. Mr. Shipman thought one of the considerations must be the effect or intent of the proposed landscaping – would it be affective by some other means, and still be within the spirit of the Ordinance? Aside from that, he said he was unsure how this would be handled on a broader basis for other sites.

Member Sprague asked Mr. Shipman if it was his opinion that the site was more aesthetically pleasing without the berm. He responded that the question was rather subjective; he did believe the Applicant has proposed a reasonable amount of landscaping. Whether their plan serves a better purpose than the berm or rolling landscape is subjective and Mr. Shipman asked that the Planning Commission make the determination based on their own opinion, with acknowledgement of the other projects where the berm has been required. Member Sprague concluded that he may agree to waive the berm and he certainly did not want a wall in its place.

Member Sprague thought the relocation of the loading area was an improvement. He felt the Applicant's parking lot landscaping plan made sense and he would support their request for a waiver. He asked the Applicant about putting handicapped parking spaces along the west side of the building. Mr. Friedlander responded that the problem with that request is the intent of the plan is to have a field of parking and a main entrance. There are two side entrances but they are not intended to be used as often. Depending on how this building is used or who the tenants will be, it may not be practical to have handicapped spaces on the west side because that entrance may not have access to all of the tenants. It will ultimately depend on the final interior design. By keeping the handicapped parking by the main entrance, patrons of the building will enter where they have access to all tenants (both first and second floors), the rest rooms, etc. Mr. Friedlander also commented that this same consideration applied to their reasoning for not shifting the loading area to a location that did not adequately serve the entire building. He concluded that while he is not adverse to moving the parking places, he does not consider it wise until the interior buildout has been determined.

Member Papp agreed that it did not make any sense for the City to require the path and subsequently maintain it when it isn't going to be functional until the next parcel is developed. He supported the idea of requesting a financial guarantee.

Member Papp asked whether the loading and unloading would occur through the front entrance and whether the moving trucks would be blocking entry into the building. Mr. Friedlander responded that the moving trucks would park where it is most convenient, on a temporary basis. He previously discussed this with the Planning Department and was told that moving trucks are an occasional event and a necessary short term inconvenience. He felt enough area was provided for maneuvering around a moving truck. Mr. Friedlander said there was no freight elevator.

Member Papp confirmed with Mr. Friedlander that the side entrances would be available for emergency building evacuation, for all tenants.

Member Papp thought the building was attractive and that a berm would detract from its appearance. He felt the landscaping proposed on the plan looked good.

Member Shroyer liked the building and felt that it would look good on the proposed corner. He was also in favor of waiving the berm requirement because the building is attractive and the landscaping is sufficient. He felt that the Planning Commission had come to terms with the path issue.

Member Shroyer was not convinced that the loading area meets the intent of the Ordinance. He asked if the use of the building changes would the City have any recourse regarding the loading area. Mr. Schultz responded that the short answer is no; the Planning Commission is determining this evening whether the proposed building layout and plan meets the Ordinance requirements. A change of tenant would not typically require a change to a site plan. If a new tenant needs a different kind of physical layout, then the Planning Commission may well have the site plan back before them at some point in the future. Member Shroyer agreed that the new loading location was better but he was not convinced of new plan's worthiness.

Member Shroyer's biggest concern was that there were two issues that the Staff gave negative recommendations on. He said the plan was postponed the first time so that the Applicant could reduce the size of the building, thereby reducing the parking lot allowing more space for a better loading location and interior lot landscaping. He said the Applicant has had nine months to reduce the size of the building and instead, he returns with a larger one. The other issue – the parking spaces and increased landscaping – may have been discussed but they weren't adequately addressed. At this time Member Shroyer was not in favor of the plan.

Member Avdoulos was also concerned for the same reasons. He said that at the last meeting the Planning Commission determined there were landscaping deficiencies, loading area issues, and building issues. He was uncomfortable with the loading area being shown as four crossed out parking places. He felt the loading area should be safe and not be a hindrance to any other traffic in the parking area or to any pedestrians. Member Avdoulos felt that the UPS and Fedex drivers will likely park in front of the building and run in and out with their deliveries. He would be more comfortable with the loading area being placed where it would not be an interference.

Member Avdoulos felt that the lobby area would be used for transporting up and down in the building. This ties into how the parking lot circulation is going to be. With the large footprint of the building, the parking is being adversely affected and is causing landscaping issues. He felt that something has to give.

Member Avdoulos was also concerned about the HVAC screening because of the proximity of the building to the street. Mr. Friedlander responded that the super frame stone material runs all the way to the back of the building and the mechanical equipment will be located where it is hidden from view.

Mr. Friedlander also stated that both Mr. Evancoe and the Traffic Consultant had looked at the loading area and they found that it was safe and harmonious. Member Avdoulos was considering the issue based on the intent of the Ordinance. He felt the proposed location is not providing the access that the Ordinance was looking to provide.

Member Avdoulos did not have an issue with the berm or path requests. He was concerned about the loading area not being in close proximity to the building and not meeting the Ordinance's intent and the deficiencies in the landscaping issues in the middle of the site. He assumed that the new Landscaping Ordinance did not apply because of the timing of this plan's submittal.

Member Avdoulos asked what ROW is on record with the City. Civil Engineer Brian Coburn said that the intent is to plan for the future – the sixty-foot half ROW. That's what the City has asked the Applicant to do. He did not think they were offering to dedicate the land to the City at this time.

Member Avdoulos asked if the actual square footage of the building has been determined since there seemed to be some confusion. Ms. McBeth said she agreed that the number must be clarified and that can be done at the time of Final Site Plan review.

Member Ruyle said that when this plan came before the Planning Commission in January he did not have a problem with it. He has no problem with the additional 64 square feet because the aesthetics are better and it alleviates a potential maintenance problem. He had a problem with the loading area. He sells office



furniture for a living and he knows how lazy his people are – they would go right to the front door. He suggested that the Applicant have a traffic cop/building manager at the building to request that trucks park in the loading area. He said that ultimately it is the Applicant's responsibility to manage this problem.

Member Kocan agreed with many comments made thus far. She was most disappointed with the fact that the downsizing of the building was not even addressed, which was the biggest issue of the January review. She noted that it was a beautiful building. She said that although this plan does not fall under the new Landscape Ordinance, the Planning Commission does have the discretion of looking at aesthetics as one of the determining factors for a berm, and because the intent of the new Ordinance takes this into consideration, she felt comfortable making a positive recommendation to the ZBA to grant this variance.

Member Kocan was trying to determine whether there was a deficiency in green space, landscaping or parking islands. She determined from Staff that it is not the island; she asked if the Applicant was taking the thirteen feet that they are providing between the potential new Meadowbrook setback and the current Meadowbrook setback and using it to their advantage in calculating. Mr. Shipman responded that if the developer were to develop to the current ROW situation that would afford them the opportunity to push their parking lot out further and actually add an island space between bays of parking, down the center of two head-in parking spaces. It would provide them an opportunity to provide more interior landscape space. It is their contention that since they're bringing the parking back thirteen feet to stay out of a proposed ROW, they have lost their ability to provide that landscaped space. What they are deficient in is the square footage of landscaped space that would typically be required. He confirmed that thirteen feet of greenbelt is being used as part of the landscaping calculation, although it typically would not be used.

Mr. Schultz said that in Novi setbacks are measured from the existing ROW, not from the future ROW. The Applicant could build to the existing ROW and everything would be interior to his site, but he pulled everything back at the request of the City. This is throwing off the calculations. The Applicant has to go to the ZBA for a variance; the issue at hand is whether the Planning Commission accepts this proposal such that they could forward a positive recommendation.

Member Kocan noted that this configuration will ensure that when the road is widened, this parking lot is not abutting the road. Mr. Shipman responded that building to a future ROW removes the potential for a scenario like Novi Road Big Boy where the parking lot is up against the road.

Member Kocan understands that the Planning Department has recommended the waiver of the Design and Construction Standards; she thought that historically the Planning Commission has asked for an escrow or, as the City Attorney suggested, the establishment of a covenant to be recorded for the

possible future conception of a bike path, with an obligation that would be deemed appropriate and reasonable by the City and the Developer at that time. She is more comfortable with a covenant or a bond than she would be to recommend a waiver, because she doesn't want this path to fall by the wayside and never be completed. She commented that the City has to have a lot of bike paths that lead to nowhere - all of which will eventually connect. She felt that the City needs to be consistent in this matter. Member Kocan wished the building were smaller and that there were fewer parking spaces.

Chair Markham was happy to see the Applicant back. She liked the building the first time they came before the Planning Commission. The question of the new vs. the old ROW is answered by the fact that the Applicant is only required to work with the old ROW. By working with the new ROW they are actually doing the City a favor – preventing future problems. Good planning outweighs the desire to have the landscaping internal to the parking lot. It is conceded that they could meet the intent of the Ordinance if they design to the old ROW, but that doesn't make long term sense.

Chair Markham thought the Applicant should be financially obligated to build the bike path. How this is ultimately phrased is of no consequence to her, but the path is definitely needed. Eventually all the paths will be connected throughout the Community.

Chair Markham agreed that the Twelve Mile berm should be waived. The intent of the Ordinance was to screen parking, and this is being accomplished by the building. It defeats the purpose of the building as it has been designed.

Chair Markham does not see a good solution to the loading problem. She felt the Applicant made an attempt to solve the problem but it is not optimal. She also thought that it wasn't such an issue that it couldn't be worked out with the tenants. She said that the design meets the intent of the Ordinance, but in a very minimal way.

Moved by Member Sprague, seconded by Member Ruyle:

**ROLL CALL VOTE ON MEADOWBROOK OFFICE BUILDING, SP01-04,  
MOTION MADE BY MEMBER SPRAGUE, SECONDED BY MEMBER RUYLE:**

**In the matter of the request of HEFCO Properties, SP01-04, motion to grant approval of the Preliminary Site Plan subject to: 1) City Council waiver of the eight-foot wide safety path on Twelve Mile, west of proposed driveway, with the appropriate money put in escrow, bond or other means to secure [future] construction at the cost of the developer; 2) ZBA variance for required berm or wall along Twelve Mile and part of Meadowbrook Road; 3) ZBA variance for required interior parking lot landscaping; 4) The comments in the attached review letters being addressed at the time of**

**Final Site Plan review; and 5) Continued evaluation of handicapped parking placement depending on the tenant configuration that occurs within the building; for the reason that the plan is in accordance with the parcel's zoning and Master Plan of the City.**

**Motion carried 6-1 (Yes: Avdoulos, Kocan, Markham, Papp, Ruyle, Sprague; No: Shroyer).**

**EXCERPT FROM ZONING BOARD OF APPEALS MINUTES  
APRIL 6, 2004**

EXCERPT FROM

CITY OF NOVI  
ZONING BOARD OF APPEALS  
TUESDAY, APRIL 6, 2004

NOVI CIVIC CENTER - 45175 W. Ten Mile Road  
Novi, MI 48375 (248) 347-0475

The NOVI ZONING BOARD OF APPEALS taken before me, Darlene K. May, CSR-6479, a Notary Public, within and for the County of Oakland, State of Michigan, at 45175 West Ten Mile Road, Novi, Michigan, on Tuesday, April 6, 2004.

PRESENT:

Members: Frank Brennan, Cynthia Gronachan, Sarah Gray, Justin Fischer, Brent Canup, Gerald Bauer, Mav Sanghvi

ALSO PRESENT:

Donald Saven, Building Official; Denise Anderson, Recording Secretary; Thomas Schultz, City Attorney, Timothy Schmitt, Planner; Alan Amolosch, Code/Compliance Officer

Case No. 04-024

2 CHAIRPERSON GRONACHAN: Let's call

3 our next case 04-024 filed by HEFCO Properties

4 proposed Meadowbrook Office Building.

5 Mr. Friedlander is requesting two

6 variances to the landscape standards for the

7 projection of a property known as Meadowbrook Office

8 Building.

9 Are you Mr. Friedlander?

10 MR. FRIEDLAENDER: Yes, I am.

11 CHAIRPERSON GRONACHAN: Will you

12 please raise your right hand and be sworn in by our

13 secretary.

14 MEMBER BAUER: Do you solemnly swear

15 or affirm to tell the truth regarding Case 04-024.

16 MR. FRIEDLAENDER: I do.

17 MEMBER BAUER: Thank you.

18 CHAIRPERSON GRONACHAN: Go ahead.

19 MR. FRIEDLAENDER: Howard

20 Friedlander, 51378 Village Coats (ph) Drive, West

21 Bloomfield.

22 I brought some boards. I didn't

23 know you were going to have an overhead. The two

24 variances that I'm requesting, the first is to

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1 eliminate the berm around the building in these areas

2 along Meadowbrook Road and Twelve Mile. Those

3 locations have no parking to screen it. My

4 understanding is the ordinance is that the berm or

5 wall is to screen parking areas from visibility and to

6 provide an interesting view from the rights of way.

7 If we did that in this case and we do have the

8 required berm over here and over here, it's simply

9 around the building where there is no parking that we

10 want to eliminate it. If we put the berm there I

11 believe we would be frustrating the purpose of the

12 ordinance. We would be hiding or obscuring attractive

13 architecture. We deliberately placed the building up

14 right at the road frontages to highlight the

15 architecture. We have a lot of nice landscaping

16 designed around it. If we put a berm there, which  
17 could be done, we would be hiding part of the  
18 building. We would have to adjust the landscaping and  
19 make it less attractive. So that's the reason for  
20 requesting a variance of the berm in those areas.

21 Should I go on to the second item?

22 CHAIRPERSON GRONACHAN: Please.

23 MR. FRIEDLAENDER: The second item

24 that is being requested is a reduction of 1,554 square

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1 feet of required interior parking landscape. We could

2 meet the interior landscape requirement by designing a

3 site to the existing right-of-way. By doing that,

4 over here along this area right now at the City's

5 request, we designed it to the future right-of-way.

6 By doing so, we have 13 feet of extra landscape buffer

7 along Meadowbrook Road. We could relocate that 13

8 feet, put it in the parking area, making a long island

9 right here of landscaping. We would pick up more than

10 1,700 additional square feet.

11 However, when Meadowbrook Road is

12 widened as it is scheduled this evening, the sidewalk

13 that we would have placed out further to the east

14 would have to be removed at City cost and we would

15 lose -- we would have about three area feet of

16 landscaping outside of the parking lot. There would

17 not be enough room for a berm so the parking area  
18 would be highly visible. So to avoid those problems  
19 we designed this to the future right-of-way. We  
20 maintain a 20 foot landscape buffer over here. We  
21 have the ability to install a berm, which is in the  
22 plans, and we avoid the problem that would occur when  
23 Meadowbrook Road is widened.

24 I would also like to point out that

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1 the south area around the parking while we are not  
2 required to have the berm, we've put one in the plan  
3 just to make the parking area more private around this  
4 area. And, as you can see, although we are a little  
5 under in the parking area, the site has ample  
6 landscaping. We have a wetland area over here that  
7 needs to be preserved as well as our detention ponds.  
8 So the entire site is surrounded with landscape.

9 If I would answer any questions, I  
10 put the other board up in front there, which shows the  
11 elevations of the building. If you have any questions  
12 I'll answer them.

13 CHAIRPERSON GRONACHAN: Thank you.

14 Is there anyone in the audience that wishes to make  
15 comment with regards to this case.

16 Ma'am, you can come down.

17 Before you start can we please have



18 your name and address and tell us who you're speaking  
19 on behalf of.

20 MS. S'GEPPERT: Sue Ann S'Geppert.

21 I live at 27563 Meadowbrook Road. I am speaking for  
22 myself, my mother, Marjorie S'Geppert, same spelling,  
23 and Mrs. Mary Louise Taylor who lives at 27551  
24 Meadowbrook Road, which is the property next to ours.  
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1 Right here. This is my property  
2 right here along their southern border and then my  
3 aunt's property is the next property down. We have  
4 long, narrow lots. She says, "Since I cannot attend  
5 Mrs. S'Geppert is to speak for me. A wall, a berm is  
6 necessary to relieve the noise and debris from the  
7 Meadowbrook office building. The wall to run west of  
8 Meadowbrook. We would like assurance that we will not  
9 have a water problem from the construction proposed."  
10 In that we weren't given much in  
11 the letter that we were sent. We would -- and we  
12 didn't know that there was a berm plan and then my  
13 response and my mother's response, "A reduction in  
14 landscaping trees and shrubs will result in an  
15 increase in noise along Twelve Mile Road and  
16 Meadowbrook Road and for our property which is just  
17 south of the building site. We request that trees  
18 evergreens be planted along a continuous berm or

19 continuous wall which will run along their south, our  
20 north boundary line to ameliorate the noise and any  
21 possible blowing trash from the parking lot. We also  
22 request that if any of their plans for water runoff  
23 away from our property should fail, that the condition  
24 be corrected. We should not have to pump away any

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1 extra water from them. Also during construction we  
2 desire a temporary water trench to handle any water  
3 runoff and to hire debris fence to catch all their  
4 building debris. Additionally, we are concerned about  
5 possible light pollution. It would effect us on the  
6 north, east and west sides and intrude into our  
7 privacy."

8 Thank you.

9 CHAIRPERSON GRONACHAN: Thank you.

10 Okay. Anyone else?

11 Seeing none. ~~There were ten notices~~  
12 ~~sent, zero approvals.~~ Building department?

13 MR. SAVEN: Just to point out that  
14 during the course of construction of these buildings  
15 it's built the issue of the ordinance requirements  
16 will be handled through neighborhood services. What  
17 is before you today are the issues regarding the berm  
18 and the landscaping requirements and I believe  
19 Mr. Schmitt can answer or address those particular

20 questions.

21 MR. SCHMITT: Just briefly to the  
22 board through the chair. Both of these items are  
23 items that have been taken care of in the new  
24 landscape ordinance that become more of a design  
123

1 criteria. Hopefully the board will see very, very few  
2 of these in the future. What essentially is being  
3 requested is along the two main right-of-ways around  
4 the building is to give the landscape architect on the  
5 project some design leeway to do a little bit  
6 different frontage thereby requesting a waiver of the  
7 berm and as Mr. Friedlaender pointed out because of  
8 the designs of the future right-of-way the reduction  
9 in the interior building landscaping.

10 I can also say that I've spoken with  
11 the city engineer, civil engineer on this project has  
12 reviewed it and this homeowner maintenance plan has  
13 been approved. Ultimately the water for this  
14 projection is going to be draining to the north out of  
15 an outlet that is detention based. The rear of this  
16 property is close to being at the highest point. But,  
17 ultimately, the project is designed to go to the  
18 detention basin in the southwest corner and then  
19 outlets into the wetland. Thank you.

20 CHAIRPERSON GRONACHAN: Thank you.

21 Mr. Schultz?

22 MR. SCHULTZ: Very briefly. This is

23 one of those unusual instances, I guess, like the one

24 before it where the property owners have acknowledged

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1 that he can meet the ordinance if he had to. I don't

2 have a preference as to what the board ought to do but

3 remember that in reviewing the variance request you

4 look at that as one issue that they're complying with

5 the ordinance, but you also have a couple of other

6 issues that you look at. For example, would a

7 variance do substantial justice to the city and the

8 public and would a variance do justice to the

9 adjacent property owner. If you need to evaluate it,

10 in this case, just to make sure you've given a full

11 view as to is there any benefit to the city and to the

12 public and to the adjacent landowners even though he

13 could comply if we come out. You know, if we come out

14 and widen the road and he's going to remove

15 landscaping is that an issue that you need to take

16 that into consideration and it's permissible for you

17 to do that.

18 CHAIRPERSON GRONACHAN: Okay. Thank

19 you. Member Brennan?

20 MEMBER BRENNAN: I want to address

21 two things. I want to address what's before us in the

22 variance and I want to address the homeowner. I heard

23 three issues raised. One, berming --

24 And you understand, ma'am, now that

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1 they are proposing to put a how tall, six foot berm.

2 MR. FRIEDLAENDER: Three feet, I

3 believe, is what the ordinance requires along

4 Meadowbrook Road and the berm that we're putting on

5 The south is not required. We're going to have--

6 MEMBER BRENNAN: I understand. I

7 just wanted to be clear on height.

8 So along your property line --

9 MS. S'GEPPERT: The entire property

10 line?

11 MEMBER BRENNAN: The entire property

12 line he's going to put a three foot berm and have

13 landscaping on top of that.

14 MR. SAVEN: Excuse me. I don't think

15 that's correct. I believe her property is directly to

16 the north and his south property line. I don't think

17 that's what he has. He's looking at the Meadowbrook

18 Road.

19 MEMBER BRENNAN: No. No.

20 MEMBER BAUER: Down south.

21 MR. SCHMITT: Along the southern

22 frontage there is a berm proposed roughly in the

23 center of the site and the remainder of the site will  
24 be graded as normal. It's fairly obvious landscaping.

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1 MEMBER BAUER: It's going south.

2 MR. SCHMITT: Yes. The berm is not

3 on the southern property line. The berm does not run

4 the entire length.

5 MEMBER GRAY: And how high is that

6 berm on the south?

7 MR. FRIEDLAENDER: I'm not sure.

8 It's on the plan.

9 MEMBER BRENNAN: I don't know how

10 this got so complicated. Let me start over again.

11 This is north. This lady's property

12 sits right here. Are you putting a berm across that

13 entire property line?

14 MR. FRIEDLAENDER: Not a typical berm

15 that is completely mounted all the way across. We

16 have provided berming. There is, you know, some

17 contouring. We have added some additional material

18 that amounts to a berm that I can't say it's a

19 continuous berm that's three feet high across that

20 entire property line. But we have provided additional

21 screening that isn't required under the ordinance.

22 MEMBER BRENNAN: Okay. Let me move

23 on to the next item. The next item raised was water

24 drainage. It's been presented the water in the

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1 parking lot drains north, not south. Correct?

2 MR. SCHMITT: It starts by going

3 southeast to the detention basin and then goes north.

4 MEMBER BRENNAN: Okay. I'm trying

5 to address this lady's concerns here. Third item is

6 lighting, we've had in the past year a lot of parking

7 lots lighting issues that were brought up that were

8 solved with a particular design of lighting that was

9 directed light straight down and there wasn't a lot of

10 parallel lighting. Are you familiar with that from an

11 architect side?

12 MR. FRIEDLAENDER: Somewhat.

13 MEMBER BRENNAN: Do you know if

14 that's what you plan on implementing here?

15 MR. FRIEDLAENDER: I don't.

16 MR. SCHMITT: Yes, it is. My

17 apologies for jumping in. Yes, the applicant is

18 proposing full cutoff lighting. Full cutoff is,

19 actually, required under the ordinance. So the site

20 does meet ordinance requirements under the lighting

21 ordinance.

22 MEMBER BRENNAN: Hold on, ma'am. I'm

23 trying to address your questions, all right.

24 I don't know if I'm personally

1 completely satisfied with the berming issue to the  
2 south. I'm satisfied that the development can go in  
3 as proposed and take care of drainage and lighting. I  
4 didn't have any initial problem with either of the  
5 variance requests but I want to satisfy the neighbor.

6 MR. SCHMITT: The applicant's

7 proposing to plant 15 White Spruces and -- I'm drawing  
8 a blank on the other species of trees. Five Lindens  
9 on the southern property. Spruces are partially on  
10 the berm that he's been discussing. Partially not.  
11 That is the most heavily landscaped area in the site  
12 in all reality. Spruces will grow relatively quickly  
13 and should fill in and provide very adequate  
14 screening. I believe that the majority of those  
15 spruces aren't necessarily required under the  
16 ordinance. It's something the applicant's done to  
17 attempt to screen it better because of what minimal  
18 space they have in that area a full berm would not be  
19 able to be put in but they have done a fairly good job  
20 to attempting to screen and should be a factor once  
21 the landscaping is maintained.

22 In addition to the entire Meadowbrook

23 corridor is zoned OST. While we do take into

24 consideration existing, quote, unquote, nonconforming



1 houses, they are still existing OSD. There isn't a  
2 substantial screening requirement Between light zoned  
3 properties. Specifically the OST is called out where  
4 properties that are zoned OST or master planned for  
5 this type of use do not necessarily have to provide  
6 the specific screening. This applicant has chosen to  
7 do so because they're basically the first one in this  
8 part of this corridor and try to set some sort of a  
9 precedent in standard and design. I'm done.

10 CHAIRPERSON GRONACHAN: Member Gray?

11 MEMBER GRAY: I initially had no  
12 problems with your variance request because the first  
13 one for the landscape buffer and berm provided for the  
14 property's right-of-way. I had no problem with that  
15 because the initial intent of providing the berm wall  
16 is not present on your site plan. So it doesn't make  
17 sense to ask you to provide something that's going to  
18 screen what's not going to be there from the view. So  
19 I didn't have a problem with that and I also didn't  
20 have a problem with the variance on the parking lot  
21 because it sounds like this is something that we as  
22 the City are asking you not to do so that's -- you  
23 know, it's not a hardship. Other than it's city  
24 imposed. And I also understand that you're putting

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1 berming along the south property line where you don't

2 have to and while residents do live there, you know,  
3 it's a catch 22 situation.

4 Can you meet with your neighbors and  
5 see if there is a compromise? I mean, short of  
6 putting a wall along there which may not be required.

7 MR. FRIEDLAENDER: I think we are  
8 there. You know, we planned it this way for a couple  
9 of reasons, one knowing that it is currently used as  
10 residential next door even though it's zoned OST and  
11 under the OST ordinance, there can be shop areas that,  
12 you know, receive very big deliveries, trucks and so  
13 forth and this building, even though it's an OST is a  
14 pure office building. So it's -- we want it to be  
15 screened from our future neighbor who might be a  
16 heavier, you know, a little more of a, you know,  
17 technology user and didn't want to be looking at  
18 that. So, you know, it seemed like a good solution,  
19 you know, as pointed out. It's a very, thick green  
20 belt and I think we've done as much as we could and we  
21 did that deliberately to satisfy everyone, including  
22 ourselves.

23 CHAIRPERSON GRONACHAN: Anyone else?

24 Is there any other board members that

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1 wish to make any comment?

2 Is there a motion?

3 MEMBER GRAY: I'll make a motion.

4 CHAIRPERSON GRONACHAN: Okay.

5 MEMBER GRAY: In the matter of case

6 04 dash 024 move to approve the variances requested

7 based on conversation of how to table and due to the

8 fact that requirements for a berm and wall are not

9 present in this application to the north and the to

10 the east and that the interior landscaping be based

11 due to future right-of-way requirements imposed by the

12 city.

13 MEMBER BAUER: Second.

14 CHAIRPERSON GRONACHAN: It's been

15 moved and seconded. Is there any further discussion

16 on the motion?

17 Seeing none, Denise --

18 MEMBER BRENNAN: Wait.

19 CHAIRPERSON GRONACHAN: I'm sorry.

20 MEMBER BRENNAN: I would like to make

21 a friendly amendment that the discussion about the

22 berming and the landscaping is part of this whole deal

23 even though it was part of the discussion to satisfy

24 the concerns of the drain.

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1 MEMBER GRAY: I'll accept that.

2 CHAIRPERSON GRONACHAN: It's been

3 moved and amended.

4 MR. SCHULTZ: Just if I could, to the  
5 Chair, the terms of the plan is acceptable as it's  
6 shown?

7 CHAIRPERSON GRONACHAN: Right. Yes.

8 Denise, please call the roll.

9 MS. ANDERSON: Member Gray?

10 MEMBER GRAY: Yes.

11 MS. ANDERSON: Member Brennan?

12 MEMBER BRENNAN: Yes.

13 MS. ANDERSON: Member Bauer?

14 MEMBER BAUER: Yes.

15 MS. ANDERSON: Member Canup?

16 MEMBER CANUP: Yes.

17 MS. ANDERSON: Member Gronachan?

18 CHAIRPERSON GRONACHAN: Yes.

19 MS. ANDERSON: Member Sanghvi?

20 MEMBER SANGHVI: Yes.

21 MS. ANDERSON: Motion passes six to

22 zero.

23 MR. FRIEDLAENDER: Thank you.

24

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**PLANNING DIVISION LETTER TO MR. HOWARD FRIEDLAENDER  
REGARDING MEADOWBROOK OFFICE BUILDING  
CHANGE TO MEDICAL SITE PLAN**

**AUGUST 26, 2004**

August 26, 2004

Mr. Howard Friedlaender  
HEFCO Properties  
5138 Village Commons Drive  
West Bloomfield, MI 48322

Fax: 248-788-4511

Re: Meadowbrook Office Building change to medical site plan

Dear Mr. Friedlaender:

This letter is sent in response to your plans and letter dated July 7, 2004 requesting consideration of modified use of the proposed general office building for medical office uses. The approved plans indicate the building would be used for general office uses. The Planning Commission approved the Preliminary Site Plan on November 5, 2003, for a 46,659 square foot general office use, with 210 parking spaces, with the following motion:

**ROLL CALL VOTE ON MEADOWBROOK OFFICE BUILDING, SP01-04,  
MOTION MADE BY MEMBER SPRAGUE, SECONDED BY MEMBER RUYLE:**

**In the matter of the request of HEFCO Properties, SP01-04, motion to grant approval of the Preliminary Site Plan subject to:**

- 1) City Council waiver of the eight-foot wide safety path on Twelve Mile, west of proposed driveway, with the appropriate money put in escrow, bond or other means to secure [future] construction at the cost of the developer;
- 2) ZBA variance for required berm or wall along Twelve Mile and part of Meadowbrook Road;
- 3) ZBA variance for required interior parking lot landscaping;
- 4) The comments in the attached review letters being addressed at the time of Final Site Plan review; and
- 5) Continued evaluation of handicapped parking placement depending on the tenant configuration that occurs within the building;

for the reason that the plan is in accordance with the parcel's zoning and Master Plan of the City. Motion carried 6-1 (Yes: Avdoulos, Kocan, Markham, Papp, Ruyle, Sprague; No: Shroyer).

The Zoning Board of Appeals met on April 6, 2004 and approved variances for the berm and interior parking lot landscaping. Approval was subject to several items discussed at that meeting.

The following chart provides a comparison of two factors relevant to the consideration of the proposed change in use of the building:

ITEM	REQUIRED	PROPOSED	COMMENT
Building Size	Approved building size: 46,659 sq ft	Proposed building size: 38,654 sq ft	Building is proposed to be 8005 square feet less than originally approved.
Parking Spaces	Approved parking spaces: 210	Proposed parking spaces: 221	Parking spaces proposed are based on medical office parking requirements.

Section 2516.1.c of the Zoning Ordinance provides conditions under which a site plan may be reviewed for administrative approval, without formal review by the approving body. Two sections are relevant to this situation:

- Section 2516.1.c (2) "When the plan only proposes modification to a previously approved off-street parking lot layout, provided the proposed modifications do not reduce the number of approved parking spaces to less than the minimum number of spaces required by the ordinance."
- Section 2516.1.c (3) "When the plan only proposes a change of use within an existing freestanding building or an interior modification results in an attendant increase in off-street parking need."

It is therefore, my opinion that the submitted site plan showing the revised use of the building and parking layout may be reviewed administratively. The revised plans will need to be reviewed by all reviewing disciplines, which may uncover additional items for consideration. However, I expect that the matter will not need to return to the Planning Commission for approval unless the review letters from the reviewing disciplines find any waivers, variances or significant differences from the original approval that would not be consistent with Section 2516 of the Zoning Ordinance.

I trust that this letter answers your questions. Please feel free to let us know if there is any additional information that is needed.

Sincerely,

Barbara E. McBeth, AICP  
Acting Director of Planning, City of Novi

**EXCERPT FROM PLANNING COMMISSION AGENDA  
OCTOBER 13, 2004**

**REQUEST FOR APPROVAL OF A ONE-YEAR PRELIMINARY SITE PLAN  
EXTENSION FOR  
MEADOWBROOK OFFICE BUILDING**



Excerpt from:

**PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, OCTOBER 13, 2004 7:30 P.M.  
COUNCIL CHAMBERS - NOVI CIVIC CENTER  
45175 W. TEN MILE, NOVI, MI 48375  
(248) 347-0475**

**Present:** Members Andrew Gutman, Victor Cassis, Lynn Kocan, David Lipski, Mark Pehrson, Lowell Sprague, Wayne Wrobel

**Absent:** Members John Avdoulos (excused), Richard Gaul (excused)

**CONSENT AGENDA - REMOVALS AND APPROVAL**

**1. MEADOWBROOK OFFICE BUILDING, SITE PLAN NUMBER 01-04**

Consideration on the request of Howard Friedlaender of HEFCO Properties, for approval of a one year Preliminary Site Plan extension. The subject property is located on the southwest corner of Meadowbrook Road and Twelve Mile in Section 14. The Applicant proposes a two-story building with 46,659 square feet on 4.68 acres of land. The property is zoned OST (Office Service).

**2. NOVI TECHNOLOGY CENTER, SITE PLAN NUMBER 00-19**

Consideration on the request of Raymond Galper for a third one year extension of Final Site Plan approval and Special Land Use approval. The subject property is located north of Grand River Avenue between Haggerty Road and Seeley Road in Section 24. The Applicant proposes a light industrial building containing 17,451 square feet on 2.97 acres. The property is zoned I-1 (Light Industrial).

Moved by Member Pehrson, seconded by Member Sprague:

**Motion to approve the Consent Agenda.**

**Motion carried 7-0.**

**EXCERPT FROM PLANNING COMMISSION AGENDA  
OCTOBER 26, 2005**

**REQUEST FOR APPROVAL OF A ONE-YEAR PRELIMINARY SITE PLAN  
EXTENSION FOR  
MEADOWBROOK OFFICE BUILDING**

**PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, OCTOBER 26, 2005 7:30 P.M.  
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 7:30 p.m.

**ROLL CALL**

**Present:** Members Victor Cassis, John Avdoulos, Andrew Gutman, Lynn Kocan, Michael Meyer, Wayne Wrobel

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

**Also Present:** Barbara McBeth, Director of Planning; Tim Schmitt, Planner; Jason Myers, Planner; Lance Shipman, Landscape Architect; Ben Croy, Civil Engineer; Larry DeBrincat, Woodland Consultant; Steve Dearing, Traffic Consultant; David Gillam, City Attorney

**PLEDGE OF ALLEGIANCE**

**1. MEADOWBROOK OFFICE BUILDING, SITE PLAN NUMBER 01-04C**

Consideration on the request of Howard Friedlander of HEFCO Properties for a one year Preliminary Site Plan extension. The subject property is located in Section 14, at the southwest corner of Twelve Mile and Meadowbrook roads, in the OST, Office Service Technology District. The subject property is 4.68 acres and the Applicant is proposing a two-story office building.

Member Kocan asked to remove Item #1 from the Consent Agenda for discussion further down the Agenda, which is the standard placement of pulled Consent Agenda items.

Moved by Member Kocan, seconded by Member Wrobel:

**ROLL CALL VOTE ON CONSENT AGENDA REMOVAL MOTION MADE BY MEMBER KOCAN AND SECONDED BY MEMBER WROBEL:**

**Motion to remove Item #1 from the Consent Agenda. *Motion carried 6-0.***

**1. MEADOWBROOK OFFICE BUILDING, SITE PLAN NUMBER 01-04C**

Consideration on the request of Howard Friedlander of HEFCO Properties for a one year Preliminary Site Plan extension. The subject property is located in Section 14, at the southwest corner of Twelve Mile and Meadowbrook roads, in the OST, Office Service Technology District. The subject property is 4.68 acres and the Applicant is proposing a two-story office building.

Howard Friedlander addressed the Planning Commission. He said that at this time it is not clear whether he needs the extension. If he receives Final Site Plan approval prior to the expiration date this request is no longer valid. Therefore, he is asking for a conditional site plan extension approval. His plan's expiration date is November 5, 2005.

Chair Cassis asked why there is a problem. Mr. Friedlander said that the Final Site Plan submittal was returned with the comment, "Approval is recommended provided that the Stamping Set incorporates various minor changes." The minor changes are many items. There are many reviewers. The Applicant made the changes and he believes everything is complete; however, if there is something missing on the resubmittal, it could cause a problem. The resubmittal was turned in on October 12, 2005. So far, the Applicant has been told that the cover sheet did not identify every single sheet, so it has been redone. The photometric plan was a problem and is being corrected at this time. Mr. Friedlander has been asked to make these two changes, but Planner Jason Myers is still waiting for some of the City's Consultants to confirm their portions of the plan. In the event that the plan is not approved, Mr. Friedlander risks having his plan expire. The Planning Department told him that he should request the extension conditioned on his needing the extension. Mr. Friedlander noted that the conditional nature of his request was not described on the Agenda, so he asked the City Attorney whether this extension would count against him even if his plans are stamped prior to November 5, 2005, and the answer might be yes.

Chair Cassis said that this process does not indicate the problem is with the City. Mr. Friedlander said that the plan is running its natural course. Mr. Friedlander said that he and the City are doing what they can do. There have been changes in the plan and issues are being addressed. He was not complaining about delays; these things take time.

Chair Cassis asked City Attorney David Gillam about this continuing process. It seemed to him that the "clock" has not stopped somewhere. Mr. Gillam thought that Chair Cassis was suggesting that because the review process is ongoing, that the site plan review would not expire. Mr. Gillam disagreed. The Ordinance is fairly clear that regardless of whether the process is ongoing, there are specific timeframes and deadlines. There is a shelf life. If the process wasn't going on, there wouldn't be a basis for an extension. Mr. Friedlander has shown good faith in proceeding with his plan. If he hadn't shown good faith, there would be a basis on which to deny the extension.

Chair Cassis confirmed that the request was for a one-year extension. Mr. Gillam said the Applicant was trying to ensure that his plan did not expire while he waits for approval.

Member Avdoulos described the process. A site plan may be extended three times total. Right now this Applicant is getting his Final Site Plan approval. Member Avdoulos was trying to **guage gage** what the benefit of getting a contingent approval was.

Director of Planning Barbara McBeth said the issue is the Applicant is concerned about running out of time on the earlier approval. If he gets his Final Site Plan approval, then he has one year to begin construction, or he can seek an extension of the Final Site Plan approval. If he doesn't get the stamping set approved, he would like to get an extension to the Preliminary Site Plan. Ms. McBeth said that the issue is the Applicant can have a total of three extensions. If this Applicant uses one for his Preliminary Site Plan approval, then the "shelf life" of his plan is only three years. If the Applicant doesn't use one of the extensions on the Preliminary Site Plan, then basically the "shelf life" of his plan is increased to four years, because he can use his remaining extensions on the Final Site Plan. This would benefit him if along the way he seeks to modify anything on the plan prior to the actual construction of the building. Mr. Friedlander said the irony is he doesn't even know if he needs to worry about this. If he had his way, he would not be extending the plan. Mr. Friedlander noted that he has already extended this plan once. His request is meant to provide him with assurance, that if he needs to extend his approvals in the future, there would be two opportunities to do so, not just one.

Mr. Friedlander needs final approval before he markets the plan. Approval will cement the process. He can have construction documents prepared. He can gather information on his final costs. He can get financing in place. His ability to start construction requires the financing. To get

financing, he needs to be sufficiently pre-leased, and a final approval helps that effort, or he needs to add additional equity, which he might be able to do but his ability to do that depends on how other deals he has underway pan out. Time is precious. He has several years invested in this plan. It is a good project that he would like to build, but he doesn't want to run out of time. Mr. Friedlander would accept the extension without the condition if the Planning Commission refuses to make the extension conditional.

Mr. Friedlander said he did receive two variances. If he does not begin construction prior to October 2006, he would have to go before the ZBA for extensions on those variances. If the variances were to expire, it would not prevent the project from moving forward. He would install the berms in the area where there is no parking, even though they would detract from the project. He could reconfigure the parking lot to take greenbelt buffer off the right-of-way area and put it in the parking lot. The variances were meant to enhance the project. It is not impossible to comply with the requirements, but in this case, the requirements didn't make sense. That is why the variances were granted. There was a third issue, which is what has taken some time in this process, regarding a dead-end stilted walkway. The Applicant worked out an arrangement whereby he had a future obligation to install the path, but when it came time for the City Official to sign that agreement, he decided he didn't like that idea. Therefore, Mr. Friedlander reconstructed the retaining walls along Twelve Mile so that the bike path could be put in.

Ms. McBeth told Member Avdoulos that the first extension was granted on October 13, 2004. Today would be extension number 2, and in fall 2006 there could be third extension that took this plan to 2007. The extensions run from the original Planning Commission approval date. Member Avdoulos felt that the extension approval without a condition would still provide the Applicant with a window through November 2007. Mr. Gillam said that the plan's approval is also influenced by the ZBA variances too. Member Avdoulos asked Mr. Friedlander whether he could be ready by November 2007. He responded that it's possible and he hoped that would take place. Member Avdoulos has never seen a condition placed on an extension. He did not see a great hardship. The Applicant has up until November 2007 under normal circumstances. He didn't want to see the Planning Commission get into a position of bartering for time for every site plan approval. He agreed with the request for an extension, but not with the condition.

Moved by Member Avdoulos, seconded by Member Kocan:

**In the matter of the request of Howard Friedlander for Meadowbrook Office Building, SP01-04C, motion to approve a one-year Preliminary Site Plan extension.**

## **DISCUSSION**

Mr. Gillam said this was discretionary, even the Planning Commission's approval of an extension. Chair Cassis said that there are pending issues on the plan under review at this time. It is not yet an approval.

Member Kocan has never seen this situation before. She did not want a condition on the extension. The whole point is for the Applicant to anticipate deadlines and meet them. Member Kocan asked whether the extension could be rescinded at the next meeting if the Applicant received his other approval prior to the deadline. Mr. Gillam said that he believed that would be acceptable, either at the Applicant's request, or at the request of a Planning Commission member. Member Kocan said that over a span of four years, things change physically in the City, with the Ordinance, etc., and the City doesn't want site plans sitting out there for an extended period of time.

**ROLL CALL VOTE ON MEADOWBROOK OFFICE BUILDING, SP01-04C, SITE PLAN  
EXTENSION MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER  
KOCAN:**

**In the matter of the request of Howard Friedlander for Meadowbrook Office Building, SP01-  
04C, motion to approve a one-year Preliminary Site Plan extension. *Motion carried 6-0.***

**NSA FAÇADE REVIEW  
AUGUST 23, 2005**



Architects  
Engineers  
Planners

City of Novi  
Façade Ordinance  
Compliance Report

Project: Meadowbrook Office Building

Date: 23-Aug-05

Location: Southwest corner of 12 Mile and Meadowbrook Roads.

NSA File No. 072203B

City SP No. 01-04D

City Billing No. 8.245

Zoning District: OST

Façade Region: 1

Size: 40,706 s.f.

Section 02520 Review Pre-appl.  Preliminary  Final  Revised

Approval:

Recommended  Not Recommended  Comments

Summary

Project meets Façade Ordinance.

Items below listed as applicable to this application review.

Comments on page 2.

Color: On Sample Board  On Rendering  Not Included   
Roof Appendages: Shown  Not Shown  Comments 1

Submittals

Façade Drawings: Included  Not Included  Comments  
Floor Plans: Included  Not Included  Comments  
Landscape Plans: Included  Not Included  Comments  
Sample Boards: Included  Not Included  Comments  
Façade Rendering: Included  Not Included  Comments



**Façade Material Calculations**

Included With This Review  Applicant's Calcs. Verified  Comments

Alternatives:

Revision After Approval:

Canopies: Shown  Not shown  Comments

This review based on the following:

Applicant's Drawings and Submittals  City of Novi Application Forms

**Comments:**

- 1 Roof mounted equipment screened by building parapet.
- 2 Canopy design compliments building.
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

Please note that this review does not address any signage, planning, engineering, wetlands, woodlands, traffic, acoustic, land use, or zoning issues. Those are covered under separate reviewing entities.

Please contact this office at 248-477-2444 to address any questions you may have.

Respectfully submitted,

**NORDSTROM SAMSON ASSOCIATES**  
Novi Façade Review Consultants



**Christopher C. Arnold, AIA**  
Vice President

Copies: A. Pawlowski, City of Novi  
NSA File



Architects  
Engineers  
Planners

**Facade Materials Compliance Checklist**

NSA Project No. 204080.02

City File No. 01-04D

NSA File No. 072203b

Review Date: 8/23/05

# Facade Materials Compliance Checklist

Project Name: Meadowbrook Office Building Reviewed By: P. Taylor  
 Project Entity: Office Building Checked By: \_\_\_\_\_  
 District: OST Region: 1

Region  
1

APPROVED  REJECTED, RESUBMIT

Wall Materials	Allowable Percentage	North	East	South	West
Brick natural clay	100 (9)	72.60	54.62	42.74	55.09
Glazed brick & ceramic tile	25				
Limestone	50	17.38	38.80	31.85	38.40
Stone field, cobble, etc..	50				
Granite/ Marble, polished	50				
Fluted & split faced CMU	0				
Striated scored CMU	0				
Precast colored exposed agg.	0				
Precast, other	0				
Flat metal panels (urethane backed)	50 (10)		5.23	1.47	5.18
Standing seam metal	25 (3)				
Ribbed Metal panels	0				
Spandrel glass	50	8.54		22.41	
Glass block	0				
Display Glass	25				
Molded cornice, trim, columns, surrounds	15	1.48	1.35	1.53	1.33
Wood siding, painted; t & g and batted siding	0 (11)				
Vinyl & aluminum siding	0				
E.I.F.S. (Dryvit, Sto)	25				
Cement plaster	0				
Canvas Awnings	10				
Asphalt shingles	25				

**STARTING PERMIT – HOLD HARMLESS LETTER  
SEPTEMBER 5, 2006**

**STARTING PERMIT - HOLD HARMLESS LETTER**  
**CITY OF NOVI**  
**Department of Building and Safety**  
**(248) 347-0415**

TO: The City of Novi

RE: PROJECT: Meadowbrook Office Building

PROJECT ADDRESS: 41555 Twelve Mile Road

Please be advised that the undersigned has requested a starting permit from the City for the purpose of commencing the layout of footings and the construction of foundation walls on the Project site prior to final site plan approval, in a manner consistent with the approved preliminary site plan. The undersigned represents, however, that it has applied for, and will continue to seek final site plan approval and all necessary approvals in respect to the named Project, and within N/A days of the date of this permit, will submit all necessary documents, information, and applications needed to secure final site plan approval.

The undersigned acknowledges and affirms that the City has agreed to permit construction, consisting of the layout of footings and the construction of foundation walls, subject to the following conditions:

**In General.**

The undersigned agrees to, and hereby does, release, indemnify, and hold harmless the City from any and all claims, demands, causes of action, or damages of any kind or nature against the City, its consultants, employees, agents, representatives, or designees, brought by the undersigned or others, arising by reason of, or in any way associated with, the City's permission to commence the layout of footings and the construction of foundation walls prior to final site plan approval. This includes, without limitation, claims, demands, costs, or judgments against the City, its employees, consultants, agents, representatives, or designees, whether such liability, loss, or damage is due or claimed to be due to the negligence of the undersigned, its subcontractors, the City of Novi, its consultants, officers, agents, and employees.

**In Respect to the Improvements**

The undersigned also agrees to, and hereby does, release, indemnify, and hold harmless the City, its employees, consultants, agents, representatives, or designees and accepts all risks of loss associated with respect to the improvements themselves, as a result of commencing the layout of footings and the construction of foundation walls prior to final site plan approval. And, further, that in the event of its failure to obtain final site plan approval, or to satisfy any other applicable law, code, ordinance, or other requirement with respect to the subject project, the undersigned agrees, acknowledges, and affirms that the City retains the authority, at its sole option, to require the undersigned to discontinue the construction and/or use and to require the undersigned to vacate the Project premises, or to issue stop work orders, or to take other appropriate action, including but not limited to prohibiting occupancy with respect to the Project. The undersigned also accepts all risks of loss with respect to commencement of the layout of footings and the construction of foundation walls before final site

plan approval, including, but not limited to, the risk that final site plan approval may not be obtained, the risk that the building may not be occupied if final site plan approval is not obtained or other requirements are not satisfied, and the risk of any other loss or damage that may result from the undersigned's failure or inability to obtain final site plan approval or to satisfy all other requirements for occupancy, whether such risks are known or unknown at the time of executing this letter

The undersigned acknowledges that the City is under no obligation, in law or equity, to permit the activity contemplated hereunder. Permission is based upon the unique circumstances of this application and shall have no bearing or effect on the City's rights or authority with respect to any other requests by the undersigned or any other property owner within the City. The undersigned acknowledges that the issuance of this starting permit does not guarantee final site plan approval.

The undersigned agrees, as owner of the above-described Property, that this document may be recorded, and that the representations and obligations herein are binding upon its successors and assigns.

SIGNATURE: *Howard Friedlaender* Howard Friedlaender

TITLE: President/Manager COMPANY: HERCO meadowbrook Office Building, LLC

WITNESS: *Paula Matte* PRINT SIGNATURE NAME: PAULA MATTE  
SIGNATURE Print Signature Name

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OAKLAND )

Subscribed and sworn to before me this 5<sup>TH</sup> day of SEPT., 2006 by HOWARD FRIEDLAENDER of HERCO MEADOWBROOK, a Michigan LLC, on behalf of said LLC BROOK OFFICE BUILDING LLC

*Paula Marie Matte*  
Notary Public  
OAKLAND County, Michigan  
My Commission Expires: 1-18-07

**PAULAMARIE MATTE**  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Jan 18, 2007  
ACTING IN OAKLAND COUNTY, MI

**TCO LANDSCAPE INSPECTION REPORT  
OCTOBER 29, 2007**



www.cityofnovi.org

## Community Development Department

45175 West Ten Mile  
Novi, MI 48375

### TCO LANDSCAPE INSPECTION REPORT

TO: Sarah Marchioni, Building Permit Coordinator  
FROM: David R. Beschke, RLA  
DATE: October 29, 2007  
SUBJECT: Meadowbrook Office Building SP#01-04  
Landscape Inspection 1

A landscape inspection was performed on October 26, 2007. **As a condition of the granting of the Temporary Certificate of Occupancy the Applicant must provide a Landscape Performance Guarantee in the amount of \$ 13,950 (Landscape materials x 150%) in order to cover those landscape plantings, mulch and lawn area not yet installed or installed improperly.**

#### City of Novi Fee Calculation Chart

Perennials	\$15.00	Ornamental trees	\$250.00	Deciduous trees	\$400.00
Shrubs	\$50.00	Evergreen trees	\$325.00	Labor hr	\$50.00
Seed sq/yd	\$2.50	Sod sq/yd	\$4.00		

#### Our findings are as follows:

1. Seven (7) Canopy Trees on the site suffer from moderate to severe truck damage. The damages appear to be the result of mishandling during installation. The Applicant should replace these trees.
2. One (1) Weeping False Cypress has not been installed at the northwest building foundation.
3. All staking should be reviewed and repaired to meet City of Novi standards. Many stakes have come loose or are no longer in the ground and must be rectified.
4. Shredded hardwood mulch on the site should be reviewed. Many plantings have inadequate mulch depths. All mulch should be pulled back 3" from tree trunks.
5. Not all Parking Lot Trees have been mulched. Please correct.
6. Shrubbery in the area surrounding the storm basin needs additional mulch. It is recommended that these shrub groups of 9 to 11 plants be installed as singular beds rather than individual plants. This is best for long term survival of the plantings.
7. Note that no limestone wall was installed on the north side of the building. It appears that this was a decorative feature only and is not necessary.
8. Remove all tagging from plant material.

Building  
248.347.0415  
248.735.5600 fax

Ordinance Enforcement  
248.735.5678  
248.735.5682 fax

Planning  
248.347.0475  
248.735.5633 fax

9. As plant substitutions have occurred, the Applicant must provide 2 full size copies of an as-built landscape plan. Additional plantings have been installed that were not part of the originally approved site plan. These should be documented as well.
10. Not all lawn areas are fully established. This will be reviewed again upon the next landscape inspection.

If there are any further questions, please direct the applicant to contact staff at the address or phone number below.



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David R. Beschke, RLA  
City of Novi Landscape Architect  
45175 W. Ten Mile Road  
Novi, Michigan 48375-3024  
Phone (248) 735-5621 Fax (248) 735-5600

Cc:/ S. Weber  
J. Schimpf



**BRICKTECH ARCHITECTURAL TRANSMITTAL  
MARCH 3, 2008**



# BRICKTECH ARCHITECTURAL

3040 W. 11 Mile Road  
Berkley, Michigan 47072

Phone: (248) 548-0777  
Fax: (248) 548-0780

## TRANSMITTAL

TO: City of Novi  
ATTENTION: Karen Reinowski

RE: Gray Brick Information  
DATE: March 3, 2008

Enclosures:	<input type="checkbox"/>	Drawings	<input type="checkbox"/>	Samples	<input type="checkbox"/>	Lab Reports	<input type="checkbox"/>
Action:	<input type="checkbox"/>	Approval	<input type="checkbox"/>	Comments	<input type="checkbox"/>	Information	<input type="checkbox"/>

### Remarks:

Per your request please find the following information on the gray brick that you have at the planning department. Brick type as follows.

Manufacturer: Stone Creek Brick Company  
 Brick: #865 with spec  
 Size: Modular (3 5/8 x 2 1/4 x 7 5/8)  
 Texture: Smooth  
 Style: Cored

The Stone Creek Brick Company stopped production of all products on December 10, 2004 and has gone out of business. There was a small quantity of inventory that was sold in the early part of 2005 and all stock is depleted.

The following two brick types that I brought to your office are products that are still manufactured.

Manufacturer: Glen Gery Brick Company  
 Brick: W75 Toledo Gray  
 Size: Modular (3 5/8 x 2 1/4 x 7 5/8)  
 Texture: Smooth  
 Style: Cored  
 Production: approx. 8 weeks  
 Price: \$610.00/m

Manufacturer: Lakewood Brick Company  
 Brick: Dark Gray  
 Size: Modular (3 5/8 x 2 1/4 x 7 5/8)  
 Texture: Smooth  
 Style: Cored  
 Production: in stock at this time  
 Price: \$691.00/m

If you have any questions or comments, please call me.

**Robert W. Weeks**