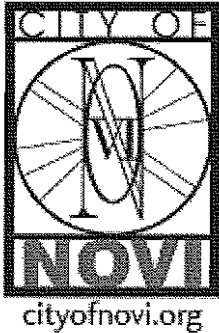


MEMORANDUM



TO: BARBARA MCBETH, COMMUNITY DEVELOPMENT DEPUTY
DIRECTOR

FROM: KRISTEN KAPELANSKI, PLANNER *Kist*

SUBJECT: SP08-26 MERCANTILE MARKETPLACE DAP INVESTMENTS
EXTENSION OF PRELIMINARY SITE PLAN APPROVAL FOR
MAY 20, 2009 PLANNING COMMISSION MEETING

DATE: MAY 8, 2009

The subject property is approximately 1.3 acres and the applicant is proposing to demolish the existing Big Boy restaurant at the northwest corner of Fonda Street and Novi Road. The applicant proposes to construct a 10,000 sq. ft. building consisting of two retail spaces and one restaurant space. The proposed retail spaces are 4,000 sq. ft. and 3,600 sq. ft. and the proposed restaurant space is 2,400 sq. ft. Associated parking and other site amenities will also be constructed.

Approvals for the project proceeded as follows:

- The Planning Commission granted Stormwater Management Plan approval and Preliminary Site Plan approval subject to conditions on July 16, 2008.
- Final Site Plan approval was granted concurrent with the Preliminary Site Plan on July 16, 2008.
- The Zoning Board of Appeals granted a variance for the loading zone location on August 12, 2008.

The applicant has now requested an extension of the Preliminary Site Plan approval. The Zoning ordinance allows for up to three one-year extensions of Preliminary and Final Site Plan approval. The applicant has not requested or received any preliminary site plan extensions prior to this request.

The Community Development Department is not aware of any changes to the ordinances, or surrounding land uses, which would affect the approval of the requested extension for one year. Approval of the extension of the Preliminary Site Plan approval is recommended.

Please refer to the attached letter, which requests the extension of the Preliminary Site Plan approval. Also attached are minutes from pertinent Planning Commission meetings, and a reduced copy of the approved site plan.

LETTER FROM APPLICANT REQUESTING EXTENSION



**AMSON
DEMBS**

Development, Inc.

April 10, 2009

26105 Lannys Road
Suite A
Novi, Michigan 48375-1025
(248) 380-7100 • Fax (248) 380-7659

Planning Commission
City Of Novi
45175 W. Ten Mile Rd.
Novi, Mi 48375

RE: Project: Mercantile Marketplace

Dear Planning Commission,

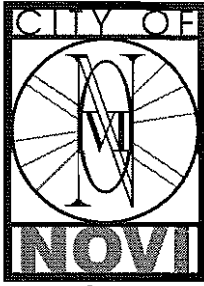
Amson Dembs is wishing to file for an extension on the site plan for Mercantile Marketplace. The reason why we have waited so long to complete this project is because it is only a shell. Other projects have come along that entailed a shell & interior build out. It is also because of the times here in MI. We don't want to many jobs going at once.

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

Sincerely,

Jason Parent
Construction Coordinator
Amson Dembs Development Co.
26105 Lanny's Road
Novi, MI 48375
(248) 380 - 7100 = Work
(586) 855 - 4922 = Cell

PLANNING COMMISSION MINUTES - EXCERPT
JULY 16, 2008



cityofnovi.org

PLANNING COMMISSION

APPROVED

CITY OF NOVI

Regular Meeting

Wednesday, July 16, 2008 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Brian Larson, Michael Lynch (7:35 PM), Michael Meyer, Mark Pehrson, Wayne Wrobel

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Mark Spencer, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Civil Engineer; Steve Dearing, Traffic Consultant; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

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

Chair Cassis welcomed Brian Larson to the Planning Commission.

APPROVAL OF AGENDA

Moved by Member Pehrson, seconded by Member Burke:

VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER BURKE:

Motion to approve the July 16, 2008 Planning Commission Agenda. Motion carried 8-0.

MATTERS FOR CONSIDERATION

3. DAP INVESTMENTS, SP08-26

Consideration of the request of DAP Investments for Preliminary Site Plan and Stormwater Management Plan approval. The subject property is located in Section 15, north of Fonda Drive and west of Novi Road, in the TC, Town Center District. The subject property is approximately 1.29 acres and the Applicant is proposing to demolish the existing Big Boy restaurant and construct a 10,000 square foot building consisting of two retail spaces and one restaurant space.

Planner Kristen Kapelanski described the project, which is bordered by the Melting Pot to the north, Novi Road to east, Fonda Drive to the south and Expo Drive and the vacant Expo Center to the west. The site is zoned TC, Town Center, and is bordered by the same district to the north, east, west and south, and the EXPO, Exposition District, further west. The Future Land Use Map indicates Town Center Commercial for this property and those to the north and south. The Office designation is recommended for the properties to the west.

This area was recently reviewed in the 2008 Master Plan Update. Recommendations stemming from that effort include the installation of canopy trees along Novi Road, siting buildings close to the road, increased building heights at the intersection of Novi Road and Fonda Drive, and providing public plazas at road intersections. The proposed building does accomplish some of these objectives, such as siting the building closer to the road, providing a public plaza at the corner of Fonda and Novi roads, and providing canopy trees.

There are no regulated woodlands or wetlands on the site. The Planning Review indicates some Planning Commission Waivers and one ZBA Variance are necessary. The building setbacks on the north, east and south sides of the building are deficient. In the TC District the Planning Commission can reduce the setbacks provided the three conditions noted in the Plan Review Chart are met. The loading zone Variance will be sought. The Applicant

indicated in his response letter that other minor deficiencies on the plan will be corrected.

The Landscape Review recommends approval of the plan and the Applicant seeks one Landscape Waiver from the Planning Commission. The Applicant has proposed decorative fencing with brick piers in lieu of a solid brick wall. This is permitted with a Planning Commission Waiver and Staff supports this request. The Applicant will work with Staff to meet the landscape foundation requirements.

The Façade Review indicated that a Section 9 Waiver was required, but the Applicant responded that he will instead bring the façade into compliance with the Ordinance.

The Traffic Review, Engineering Review, and Fire Department Review all noted minor items to be addressed at the time of Final Site Plan submittal.

Ms. Kapelanski stated that the property has recently been named Mercantile Marketplace.

Ryan Dembs represented the Applicant. Mr. Dembs has worked with three tenants for this site and the result is the site plan design before the Planning Commission for approval. This center is of the highest quality. Illustrations of the plan were shown to the Planning Commission. The anticipated tenants are Chipotle, The Vitamin Shop and Casual Male. Mr. Dembs felt this design was a good fit for the Town Center District.

Chair Cassis noted that the now-standing Big Boy was built on this site in 1976.

Member Wrobel asked whether Casual Male was leaving the center across the street; Mr. Dembs replied yes. Member Wrobel was sad to see Big Boy leave; Mr. Dembs said that they are relocating elsewhere in Novi.

Member Wrobel liked the building placement closer to the road, with the parking in the rear. This design will yield a more formal look. Member Wrobel supported the plan.

Moved by Member Gutman, seconded by Member Meyer:

In the matter of DAP Investments for Mercantile Marketplace, SP08-26, motion to approve the Preliminary Site Plan subject to: 1) A Planning Commission Reduction of thirty feet in the required southern building setback; 2) A Planning Commission Reduction of thirty feet in the required eastern building setback; 3) A Planning Commission Reduction of 36 feet in the required northern building setback; 4) A Zoning Board of Appeals Variance for the loading zone location; 5) The Applicant providing additional landscaping on site to compensate for the lack of building foundation landscaping; 6) A Planning Commission Waiver to allow a decorative wall in lieu of the required berm along public rights-of-way; 7) The Applicant revising the proposed façade to be in conformance with the Façade Ordinance; and 8) The conditions and items listed in the Staff and Consultant review letters being addressed on the Stamping Set submittal; for the reasons that: 1) A reduction in building setback will not impair the health, safety or general welfare of the City as related to the use of the premise or adjacent premise; 2) A reduction of the building setbacks along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; 3) Adherence to a minimum required building setback would result in the establishment of nonusable land area that could create maintenance problems; 4) The location of the proposed building is consistent with the recommendations of the recent update to the Master Plan for Land Use; 5) The site plan provides amenities as recommended in the Town Center Design Manual; and 6) The plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

DISCUSSION

Chair Cassis asked whether there were any boulder walls with this design. Ms. Kapelanski responded that there is a small boulder retaining wall on the north side of the building. It is near the outdoor seating area. Deputy Director of Community Development Barbara McBeth said that it is a small wall near the north end of the building. She did not know whether a different type of brick wall could be used in this instance, and there is nothing in the Ordinance prohibiting the use of a boulder wall.

Chair Cassis said he would not vote for the boulder wall. He then asked for more information regarding the decorative fence. Landscape Architect David Beschke explained that a wall is required where parking is adjacent to the road. The option exists for the Applicant to use a brick pier and decorative fencing design. Mr. Beschke was hoping to match this fence to the other fence that will be built in the immediate area. He thought the decorative design was less monotonous than a solid brick wall.

Chair Cassis asked the Applicant why he was using the boulder wall. Mr. Dembs said it is a practical measure, but he offered to listen to any recommendations. The boulder wall is only 18 inches tall. Chair Cassis said that downtown Novi is not the country. There is another location in the downtown with boulders that Chair Cassis did not think fit aesthetically within the area. Mr. Dembs was happy to look at other options. Chair Cassis asked him to provide something tasteful. Mr. Dembs said he will work with the City to get this design feature taken care of.

The following language was added to the motion: The Applicant removing the boulder wall from the design and replacing it with alternative material. Both Member Gutman and Member Meyer agreed.

Chair Cassis described using a concrete pre-fab design that would look nice. Mr. Dembs said he would take care of the design.

ROLL CALL VOTE ON MERCANTILE MARKETPLACE, SP08-26, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER:

In the matter of DAP Investments for Mercantile Marketplace, SP08-26, motion to approve the Preliminary Site Plan subject to: 1) A Planning Commission Reduction of thirty feet in the required southern building setback; 2) A Planning Commission Reduction of thirty feet in the required eastern building setback; 3) A Planning Commission Reduction of 36 feet in the required northern building setback; 4) A Zoning Board of Appeals Variance for the loading zone location; 5) The Applicant providing additional landscaping on site to compensate for the lack of building foundation landscaping; 6) A Planning Commission Waiver to allow a decorative wall in lieu of the required berm along public rights-of-way; 7) The Applicant revising the proposed façade to be in conformance with the Façade Ordinance; 8) The Applicant removing the boulder wall from the design and replacing it with alternative material; and 9) The conditions and items listed in the Staff and Consultant review letters being addressed on the Stamping Set submittal; for the reasons that: 1) A reduction in building setback will not impair the health, safety or general welfare of the City as related to the use of the premise or adjacent premise; 2) A reduction of the building setbacks along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; 3) Adherence to a minimum required building setback would result in the establishment of nonusable land area that could create maintenance problems; 4) The location of the proposed building is consistent with the recommendations of the recent update to the Master Plan for Land Use; 5) The site plan provides amenities as recommended in the Town Center Design Manual; and 6) The plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 9-0.*

Moved by Member Gutman, seconded by Member Meyer:

ROLL CALL VOTE ON MERCANTILE MARKETPLACE, SP08-26, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER:

In the matter of DAP Investments for Mercantile Marketplace, SP08-26, motion to approve the Stormwater Management Plan subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan, for the reasons that the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 9-0.*

REDUCED COPY OF APPROVED SITE PLAN

Plans available for viewing at the
Community Development Department.