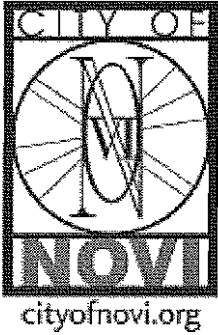


# MEMORANDUM



**TO:** BARBARA MCBETH, COMMUNITY DEVELOPMENT DEPUTY  
DIRECTOR

**FROM:** KRISTEN KAPELANSKI, PLANNER *JK*

**SUBJECT:** SP07-10 NOVI PROMENADE OUTLOT 1  
EXTENSION OF FINAL SITE PLAN APPROVAL

**DATE:** SEPTEMBER 8, 2009

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The subject property is approximately 1.57 acres and the applicant is proposing to construct a 13,300 square foot retail development comprising eight attached units on Outlot 1 of the larger Novi Promenade development on the southeast corner of Wixom Road and Grand River Avenue. This property is part of the Novi Equities Limited Partnership v. City of Novi Consent Judgment which states that all outlots should be reviewed according to B-3 district standards. Unit A on the western side of the building will have a drive-through window as an added amenity for a proposed coffee shop.

Approvals for the project proceeded as follows:

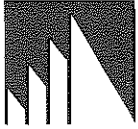
- The Planning Commission granted Stormwater Management Plan approval, Special Land Use Permit approval and Preliminary Site Plan approval, subject to conditions on May 23, 2007.
- The applicant submitted plans addressing the comments in the review letters and the Planning Commission conditions and the Final Site Plan was approved by the Plan Review Center on June 29, 2007.
- Stamping Sets were submitted and received final approval on September 24, 2007.
- An extension of the Final Site Plan approval was granted by the Planning Commission on September 8, 2008.

The applicant has now requested a second extension of the Final Site Plan approval. The Zoning ordinance allows for up to three one-year extensions of Preliminary and Final Site Plan approval.

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 Final Site Plan approval is recommended.

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

**LETTER FROM APPLICANT REQUESTING EXTENSION**



**OLIVER / HATCHER**  
C O N S T R U C T I O N  
B U I L D I N G Y O U R F U T U R E

July 1, 2009

Ms. Angela Pawlowski  
Planning Assistant  
City of Novi  
45175 W. Ten Mile Road  
Novi, MI 48375

Re: Novi Promenade Outlot 1, SP07-10  
Site Plan Approval Extension

Dear Ms. Pawlowski:

Thank you for your recent letter dated June 16, 2009 (attached) informing me that the Final Site Plan for the above referenced project will expire on September 24, 2009.

Per your direction, I am requesting that the Final Site Plan be extended.

Once this action has been approved, please provide me with a copy of the extension.

Sincerely,

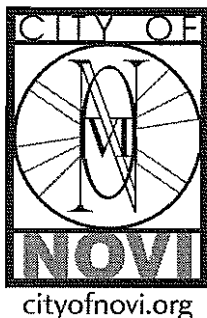
**OLIVER / HATCHER CONSTRUCTION**

Paul E. Hatcher  
President

PEH/lr

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**PLANNING COMMISSION MINUTES  
SEPTEMBER 10, 2008**



## PLANNING COMMISSION

CITY OF NOVI  
Regular Meeting

**Wednesday, September 10, 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 Victor Cassis, David Greco (7:17 PM), Andrew Gutman, Brian Larson, Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

**Absent:** Member Brian Burke (excused)

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Rob Hayes, City Engineer; Kristin Kolb, City Attorney

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

Moved by Member Wrobel, seconded by Member Gutman:

### VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER WROBEL AND SECONDED BY MEMBER GUTMAN:

**Motion to approve the September 10, 2008 Planning Commission Agenda. Motion carried 7-0.**

### CONSENT AGENDA - REMOVALS AND APPROVAL

#### 1. EVERGREEN ESTATES, SP04-42

Consideration of the request of Evergreen Estates, LLC for a one-year Final Site Plan extension. The subject property is located in Section 30, north of Nine Mile and east of Napier Road in the R-A, Residential District. The subject property is 13.2 acres and the Applicant is proposing a seven-unit, single-family site condominium.

#### 2. NOVI PROMENADE OUTLOT 1, SP07-10

Consideration of the request of Oliver Hatcher Construction for a one-year Final Site Plan extension. The subject property is located in Section 17, east of Wixom Road and south of Grand River Avenue in the I-1, Light Industrial District, subject to the B-3, General Business Regulations, pursuant to the terms of the Novi Equities Partnership Consent Judgment. The subject property is approximately 1.57 acres and the Applicant is proposing to construct a 13,300 square foot retail development comprising eight attached units on Outlot 1 of the larger Novi Promenade development.

#### 3. MEADOWBROOK CORPORATE PARK PHASE 2 BUILDING 3, SP06-05

Consideration of the request of Burton-Katzman Development Company, for a one-year Final Site Plan extension. The subject property is located in Section 13, east of Meadowbrook Road, south of Twelve Mile and north of I-96 in the OST, Planned Office Service Technology District. The subject property is approximately 4.57 acres and the Applicant is proposing a 34,100 square-foot one-story speculative office, service and technology use.

#### 4. HAMPTON WOODS PHASE 4N, SP05-40

Consideration of the request of Amarjit S. Chawney, for a one-year Preliminary Site Plan extension. The subject property is located in Section 27, west of Novi Road and south of Ten Mile in the OS-1, Office Service District. The subject property is approximately five acres and the Applicant is proposing to build a 79,563 square-foot three-story senior housing facility.

#### 5. WESTERN OAKLAND MEDICAL CENTER, SP07-26

Consideration of the request of G. Fisher Construction Company for a one-year Preliminary Site Plan extension. The subject property is located in Section 16, south of Twelve Mile between West Park Drive and Beck Road in the OST, Planned Office Service Technology District. The subject property is approximately 3.67 acres and the Applicant is proposing to construct a 25,521 square-foot medical office building.

Moved by Member Wrobel, seconded by Member Gutman:

**VOICE VOTE ON CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER WROBEL AND SECONDED BY MEMBER GUTMAN:**

**Motion to approve the Consent Agenda. *Motion carried 8-0.***

**PLANNING COMMISSION MINUTES  
PRELIMINARY SITE PLAN APPROVAL  
SPECIAL LAND USE PERMIT APPROVAL  
STORMWATER MANAGEMENT PLAN APPROVAL  
MAY 23, 2007**



**PLANNING COMMISSION**  
 REGULAR MEETING  
 WEDNESDAY, MAY 23, 2007 7:00 PM  
 COUNCIL CHAMBERS - NOVI CIVIC CENTER  
 45175 W. TEN MILE, NOVI, MI 48375  
 (248) 347-0475

**CALL TO ORDER**

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

**ROLL CALL**

**Present:** Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman, Michael Lynch (7:25 PM), Michael Meyer, Mark Pehrson, Wayne Wrobel

**Absent:** Member David Lipski (excused)

**Also Present:** Steve Ruple, Director of Community Development; Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Tim Schmitt, Planner; David Beschke, Landscape Architect; Dr. John Freeland, Environmental Consultant; Steve Dearing, Traffic Consultant; Tom Schultz, City Attorney

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF AGENDA**

Moved by Member Pehrson, seconded by Member Wrobel:

**VOICE VOTE ON AGENDA MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:**

*Motion to approve the Agenda of May 23, 2007. Motion carried 8-0.*

**1. NOVI PROMENADE OUTLOT 1, SP07-10A**

Consideration of the request of Oliver Hatcher Construction, for Preliminary Site Plan, Special Land Use Permit, and Stormwater Management Plan approval. The subject property is located in Section 17, east of Wixom Road, south of Grand River Avenue, in the I-1, Light Industrial District, subject to the B-3, General Business Regulations, pursuant to the terms of the Novi Equities Partnership Consent Judgment. The Applicant is proposing a 13,000 square-foot retail development.

Member Gutman announced that he has the pleasure of working with one of the applicants of this request, and while he had no monetary interest in this project, he would recuse himself if that was the will of the Planning Commission. He felt he could render a fair and just decision. The Planning Commission did not object to Member Gutman remaining a part of this consideration.

Planner Kristen Kapelanski described the project and its location on the southeast corner of Wixom Road and Grand River Avenue. This property zoned I-1 but is subject to the Consent Judgment dictate that any project thereon would be reviewed against the B-3 standards. It is master planned for Community Commercial, as is the immediate surrounding area. The subject property is bordered by Varsity Lincoln Mercury (zoned B-3) to the north, vacant land to the west (zoned B-2), and Sam's Club to the east and south (part of the Consent Judgment). Further south are Catholic Central and a Target store.

There are no wetlands or woodlands.

This project must seek Special Land Use approval for the drive-through design on the west side of the building. The Planning Commission must consider the findings in Section 2516.2.c of the Ordinance in conjunction with this request. Staff does not have any major concerns with this drive-through design. The Applicant is required to submit a Noise Analysis in conjunction with the Special Land Use request.

The Applicant must seek a ZBA Variance for the side yard loading zone, which is supported by Staff. A Variance is also necessary for the dumpster's two-foot proximity to the adjacent property line. Otherwise, there are only



minor items to be addressed at the time of Final Site Plan submittal.

The Landscape Review recommends approval. The Applicant seeks a Planning Commission Waiver of the right-of-way berm requirement, and the request is supported by Staff.

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

Ms. Kapelanski reminded the Planning Commission that they began this consideration at the April 25, 2007 Planning Commission meeting. The minutes of that meeting were provided to the members for review. A copy of the first site plan was provided for comparison purposes. Previously the Planning Commission was concerned about the traffic circulation around the drive-through area, and the loading zone location in relation to the drive-through stacking lane. The Applicant has revised their plan to address these concerns. The island adjacent to the drive-through window area has been revised to reduce the conflict between vehicles circulating through the site and customers exiting the drive-through. The loading zone has been moved to the eastern end of the property, to reduce the conflict trucks may have with the drive-through stacking lane. The median break across from the exit-only drive has been closed off to prevent motorists from turning into the exit-only drive.

Doug Fura addressed the Planning Commission. He thought the Planning Commission's issues had been addressed. There may be an open issue with the closing of the main drive island. The Fire Marshal has agreed that this could be closed off. Mr. Fura does not own this road, but he said he would do what he can to rectify this situation. The shopping center owner does not know if he has the authority to grant this closing, or if such power belongs to Sam's Club.

Member Pehrson thanked the Applicant for his work. He thought the result addressed the Planning Commission's comments. He appreciated the comments regarding the island ownership. With the changes made, Member Pehrson supported the Applicant's request for approval.

Moved by Member Pehrson, seconded by Member Wrobel:

**In the matter of the request of Dave Tremonti of Oliver/Hatcher Construction for Novi Promenade Outlot 1, SP07-10A, motion to approve the Special Land Use permit subject to: 1) A Planning Commission finding under Section 2516.2.c for the Special Land Use permit that, relative to other feasible uses of the site, the proposed use: a) Will not cause any detrimental impact on existing thoroughfares; b) Will not cause any detrimental impact on the capabilities of public services and facilities; c) Is compatible with the natural features and characteristics of the land; d) Is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood; e) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; f) Will promote the use of land in a socially and economically desirable manner; g) Is (1) listed among the provision of uses requiring Special Land Use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; and 2) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Master Plan for Land use.**

## DISCUSSION

Member Lynch asked Steve Dearing, Traffic Consultant, to comment on this project's impact on existing thoroughfares. Mr. Dearing of OHM stated that the primary peak morning uses will come from the anticipated Starbucks-type use. Most of that traffic is pass-by – it's traffic that is already on the road system, just pulling in to get coffee and returning to the road system. It is not really adding new traffic to the stream that is already out there. It only represents additional drive-way movements in and out of the site, but no net increase. The primary traffic impacts will more likely be felt throughout the rest of the day and at the evening peak. However, based on the size of the development, not much traffic will be generated, when compared to Target and Sam's Club. The site will have smaller storefronts, which lends itself to pass-by traffic, i.e., cars that are already traveling on the road system. The traffic impacts will be proportionally minor to an extent that can't be measured in the day-to-day

fluctuation on both Wixom and Grand River.

Member Lynch thought the new design would provide for a better traffic flow. He didn't understand why the exit couldn't be moved further west. Deputy Director of Community Development Barbara McBeth said this was looked at during the pre-application review and she yielded the floor to Mr. Dearing for the explanation. Mr. Dearing said there are two reasons not to line the drives up perfectly. First, that offset ensures that the leadfoot drivers are not predominant on the site. This is a traffic-calming measure, which is good for an area where pedestrians will be walking. Second, the drive is further away from the main intersection, which means that it will be less likely for this outlot traffic to interfere with the queued-up traffic waiting at the Wixom Road traffic light. Generally, it is good designing to put the driveway as far away as possible from an intersection. This design seems to provide an appropriate distance.

Member Lynch asked how to ensure that the proposed drive design takes place. Ms. Kapelanski responded that the Applicant will do his best, but he can't promise this closure because the decision is not in his hands. If it is not closed, it will be signed with "Do no enter" or "No turns" signs. Member Lynch thought this design feature could be a major stumbling block. Chair Cassis asked City Attorney Tom Schultz to comment.

Mr. Schultz responded that the City cannot ensure that this island split will ever be closed off. As part of the Final Site Plan review, the City will help this Applicant approach whoever needs approaching, and the terms of the Consent Judgment will be reviewed to determine whether any language supports the current design. Mr. Schultz noted that the island is off-site from this outlot.

Member Lynch supported the plan, and he thought the new design was a significant improvement. He was still concerned about Wixom Road traffic and the split in the island, but he still gave his support.

Chair Cassis said that there are many plans that are approved with less than optimum designs, but the Planning Commission must rely on the practicality and good judgment of the owners of the site. Member Lynch responded that the City could help ask the Promenade owners to fill in the island gap. Once the Fire Marshal said he didn't need that gap, Member Lynch thought a major hurdle was passed. Now, the new design is the best that this Applicant could propose.

Member Burke thanked the Applicants for working so well with the City, and wished them well.

Member Avdoulos also appreciated the Applicant's hard work. The spirit of cooperation paid off. He noted that by sliding the building over, a larger island was created on the west side, between the drive-through and the parking. This eliminated Member Avdoulos' concerns for traffic on that side of the building. He felt Mr. Dearing's comments were appropriate. This is a small site, and the biggest concern is safety. He said the elevation shown is nice, and this will be a nice project. He supported the project.

Chair Cassis agreed with his colleagues. This is a great improvement from the last design. This nice looking building will be a great addition to the entire complex. He liked the idea of this project, as it will serve the needs of the people of the area, for those items and services that are not available at the large box stores.

**ROLL CALL VOTE ON NOVI PROMENADE OUTLOT 1, SP07-10A, SPECIAL LAND USE MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:**

**In the matter of the request of Dave Tremonti of Oliver/Hatcher Construction for Novi Promenade Outlot 1, SP07-10A, motion to approve the Special Land Use permit subject to: 1) A Planning Commission finding under Section 2516.2.c for the Special Land Use permit that, relative to other feasible uses of the site, the proposed use: a) Will not cause any detrimental impact on existing thoroughfares; b) Will not cause any detrimental impact on the capabilities of public services and facilities; c) Is compatible with the natural features and characteristics of the land; d) Is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood; e) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; f) Will promote the use of land in a socially and economically**

desirable manner; g) Is (1) listed among the provision of uses requiring Special Land Use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; and 2) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Master Plan for Land use. *Motion carried 8-0.*

Moved by Member Pehrson, seconded by Member Wrobel:

In the matter of the request of Dave Tremonti of Oliver/Hatcher Construction for Novi Promenade Outlot 1, SP07-10A, motion to approve the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals Variance to allow the loading area in the side yard; 2) A Zoning Board of Appeals Variance to allow a two-foot setback for the accessory structure from the property line; 3) A Planning Commission Waiver for the right-of-way berm requirement along Wixom Road; and 4) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Ordinance.

#### DISCUSSION

Member Avdoulos stated that Oliver Hatcher is a great company to bring forward this high-quality project. Chair Cassis agreed.

#### ROLL CALL VOTE ON NOVI PROMENADE OUTLOT 1, SP07-10A, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Dave Tremonti of Oliver/Hatcher Construction for Novi Promenade Outlot 1, SP07-10A, motion to approve the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals Variance to allow the loading area in the side yard; 2) A Zoning Board of Appeals Variance to allow a two-foot setback for the accessory structure from the property line; 3) A Planning Commission Waiver for the right-of-way berm requirement along Wixom Road; and 4) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 8-0.*

Moved by Member Pehrson, seconded by Member Wrobel:

#### ROLL CALL VOTE ON NOVI PROMENADE OUTLOT 1, SP07-10A, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER WROBEL:

In the matter of the request of Dave Tremonti of Oliver/Hatcher Construction for Novi Promenade Outlot 1, SP07-10A, motion to approve the Stormwater Management Plan subject to: 1) The Applicant providing an updated Stormwater Management Plan at the time of Final Site Plan submittal; and 2) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Ordinance. *Motion carried 8-0.*

**PLANNING COMMISSION MINUTES**  
**APRIL 25, 2007**



APPROVED

**PLANNING COMMISSION**  
REGULAR MEETING  
WEDNESDAY, APRIL 25, 2007 7:00 PM  
COUNCIL CHAMBERS - NOVI CIVIC CENTER  
45175 W. TEN MILE, NOVI, MI 48375  
(248) 347-0475

**CALL TO ORDER**

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

**ROLL CALL**

**Present:** Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman (late), Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

**Absent:** Member David Lipski

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

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF AGENDA**

Moved by Member Pehrson, seconded by Member Wrobel:

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

**Motion to approve the agenda of April 25, 2007. Motion carried 7-0.**

**PUBLIC HEARINGS**

**1. NOVI PROMENADE OUTLOT 1, SP07-10**

The Public Hearing was opened on the request of Oliver Hatcher Construction, for Preliminary Site Plan, Special Land Use Permit, and Stormwater Management Plan approval. The subject property is located in Section 17, east of Wixom Road, south of Grand River Avenue, in the I-1, Light Industrial District, subject to the B-3, General Business Regulations, pursuant to the terms of the Novi Equities Partnership Consent Judgment.

Planner Kristen Kapelanski described the project. The proposal is for a 13,000 square-foot retail development that will have eight attached units. This area is on the southeast corner of Wixom Road and Grand River. This site is governed by a consent judgment that states the proposal is to be reviewed against the B-3, General Business, standards.

Varsity Lincoln Mercury is to the north and is zoned B-3. Vacant land is to the west and is zoned B-2. Sam's Club is to the east and south and is also part of the consent judgment. Further south are Catholic Central and a Target. The property is zoned Light Industrial but is developable according to the B-3 standards. The Master Plan calls for Community Commercial for the proposed site and the immediate surroundings.

There are no wetlands or woodlands.

The drive-through on the western side of the building requires a Special Land Use approval. The Planning Commission should consider the findings listed in Section 2516.2.c. The Staff has not identified any concerns regarding this request and therefore recommends approval. A noise analysis has been submitted and indicates that the anticipated noise emanating from the building at the peak hour falls below the limits for adjacent non-residential receiving zones.

The Applicant will be seeking a ZBA Variance for the side-yard loading zone. The Staff supports the request. The Planning Review indicates that the plan is substantial in conformance with the Ordinance and there are only minor items to be reviewed at the time of Final Site Plan submittal.

The Landscape Review recommends approval, and notes that the Applicant seeks a Planning Commission Waiver for the right-of-way berm requirement. Staff supports this request.

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

Matt Diffen of Diffen Development addressed the Planning Commission. Doug Fura was also introduced. He said he didn't think there would be any problems addressing the comments in the review letters.

No one from the audience wished to speak and no correspondence was received so Chair Cassis closed the Public Hearing.

Member Wrobel was concerned about the side yard loading dock and the drive-through. He saw car line-ups creating a problem at certain times of the day. He said this could affect the other tenants' ability to receive their deliveries.

Member Wrobel confirmed that the project was speculative in nature.

Member Wrobel said the project was fine and he could probably go along with it, but he wished to add that there are so many strip malls in the City, and not every mall is full. He was getting tired of the number of strip malls popping up.

Member Burke had the same misgivings about the drive-through lanes stacking into the way of others. He assumed the tenant could be a Starbucks, since their corporate mission is to add drive-through stores to their portfolio, and this is a well-trafficked area. Member Burke was concerned with the design for this user. Mr. Fura said that they reviewed this loading zone area, but the majority of the tenants will be small retail tenants who will not have a great deal of loading. They don't anticipate a lot of congestion. If it becomes a Starbucks drive-through, their back-ups occur first thing in the morning, which is not when retail deliveries come.

Member Burke said that with six or seven other tenants, and the dumpster service, he was concerned about delivery trucks not being able to use the loading zone. Mr. Fura said that they would still be able to park along the side of the building and handcart their delivery to the door.

Member Burke asked about the split in the island at the southern end. He said he could see people traversing into the exit-only drive of the shopping center. Conversely, he could see people exiting the center, going through this split and exiting to the east. He wondered if the island could be closed off.

Mr. Fura said that the island could probably not be closed off. The whole reason for the second entrance is to help people leave the site, and the Fire Marshal specifically asked for this second entrance. There would be signage provided to assist people in their traversing the center.

Member Lynch said he could support the request. He did think the Planning Commission members made some relative points regarding the traffic. He was concerned about the traffic on Wixom and Grand River. A customer spends 15 minutes in line at the Starbucks, then he will try to get back onto Wixom Road. There is no right turn lane on Wixom Road. There is no right turn lane going westbound onto Grand River. The intersection is a zoo, especially during rush hour. The cars will be backed up all the way to Sam's Club. The intersection is a major constraint to any future development. There are many other outlots. How is the intersection problem resolved? Has there been a traffic study? Mr. Fura responded that they were performing a traffic count on the area for marketing purposes.

Member Lynch's concern was this intersection was just going to get worse, especially with the new development and new Wixom Road/I-96 interchange. What is the City doing about this intersection? Is City Council working with the City of Wixom to fix the problem?

Civil Engineer Ben Croy said he has not seen the proposal for the new Wixom Road interchange but, like Beck

Road, it might include improvements to the Grand River intersection. He did not know how limited the funds were or whether there were property constraints. Member Lynch asked when the design for Wixom Road would be available for review. Mr. Croy said that the project will be handled by both the State and County, and while he did hear that the project was back on the books, he wouldn't hazard a guess as to when it would actually materialize.

Ms. McBeth told the Planning Commission that when the full Promenade plan came in several years ago, there were road improvements made at that time, in anticipation of this project. The traffic studies for the surrounding developments would have been reviewed, and the projections would have been based on the anticipated traffic for all the sites. Ms. McBeth said she would be happy to carry the Planning Commission's concerns to Administration regarding this intersection. Administration would be the contact for taking this to City Council and getting the information to the proper channels.

Chair Cassis said this is a consent judgment site. The Planning Commission still has the right to discuss traffic circulation. He also said that the State is in the process of acquiring the land for the Wixom project, and they are on target for a 2008 start. The project is on the radar. He did not know however, what the design would be. Chair Cassis hoped that the Wixom Road interchange would not be a SPUI.

Member Pehrson asked whether Mr. Croy had any comments regarding the traffic flow. Mr. Croy responded that he had concerns about the split island, but this is a safety item requested by the Fire Marshal. The area will just be required to be signed correctly.

Member Pehrson thought that the back side of the property should look similar to the front. He didn't want it to have a blank wall with eight doors. He would like the architectural flair of the rest of the building be used on this wall. Mr. Fura said that this back of the building will abut the back of the Varsity building. Member Pehrson responded that it would still be visible from Wixom Road. Mr. Fura didn't think more than the corner would be visible. Mr. Duffen added that many pine trees would be added to the north side of the building.

Moved by Member Pehrson, seconded by Member Lynch:

**In the matter of the request of Dave Tremonti of Oliver/Hatcher Construction for Novi Promenade Outlot 1, SP07-10, motion to approve the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals Variance to allow the loading area in the side yard; 2) A Planning Commission Waiver for the right-of-way berm required along Wixom Road as it is consistent with the rest of the Promenade design; 3) The drive-through window projection's cornice detail being altered to match the cornice detail on the rest of the building; and 4) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Ordinance.**

#### **DISCUSSION**

Member Avdoulos thought the interference with the stacking lane and the loading area was indeed an opportunity for conflict. He understood that would depend on the time of day. He was also concerned about the end units – the stacking area had issues and the dumpster area also lent itself to maneuverability problems.

Member Avdoulos was also concerned about those leaving the drive-through. The driver will have to make a right, then a left, then another right. Typically, a drive-through leads right to the exiting driveway. If the drive-through went direct, it would bring the drive really close to Wixom Road. Maybe maneuvering would be tricky – and that moves the break in the median further west, which prevents the Fire Marshal from having ease of access. The internal maneuverability of the site was addressed in the Traffic Review. The parking on the west side could create conflicts with the drive-through cars. He was not comfortable with the site layout.

Member Avdoulos noted the angled parking to the east, and the space between the parking and the curb. Ms. Kapelanski confirmed that this lane was one-way only. Member Avdoulos considered the west side parking and whether it, too, should be angled. Maybe that suggestion shortens things up and then the building could be moved over to provide a more direct access for drive-through exiting.

Member Avdoulos liked the building and the layout and its landscaping. He just wasn't comfortable with the unloading area and the drive-through exiting. He thought these were major concerns and he couldn't support the project. Member Avdoulos said that recommendations were made on the maneuverability at Sam's Club. That design is confusing and inconvenient. Member Avdoulos did not want this site laid out in similar fashion.

Mr. Fura said that if the west parking were angled, it would force more cars to the back side of the building. That would cause directional problems and back side congestion. The loading zone is affected by the foundation landscaping. If they could waive the foundation landscaping, they would have more room with which to work.

Member Avdoulos said that certain waivers have to be granted for safety's sake. If that is what the Applicant would like to propose, he would take a look at the request. There is a drive-through to contend with as well. He understood the placement of the entry parallels the drive across from it. Perhaps if the drive were shifted more to the center then people could easily choose to park on either side. He didn't know if this would make a difference.

Mr. Fura said his goal was to meet the requirements of the City. He thought the plan met the Ordinance as efficiently as possible. Member Avdoulos felt that the design was one unit too big. If one space were removed, the building could be slid to the east and the drive-through would be more in sync with the other drive and the traffic wouldn't have to meander around.

Member Avdoulos said these were suggestions only. He understood that the stacking had to be taken into consideration. Member Avdoulos said this design is unique in that the drive-through and stacking go hand in hand with the loading and unloading. He also noted the brick wall screening the dumpster, and said now the Applicant has another monument that sticks out which could affect the unloading if it were to take place in the middle areas.

Chair Cassis said the site was overbuilt. He had a problem with the circulation. He thought that eight separate stalls was a lot for a 13,300 square foot center. Mr. Fura indicated that the perfect spec for Starbucks was a 1,750 square-foot space. Chair Cassis said if the building size were reduced, there would be less people driving on the site, and there wouldn't be the drive-through and circulation problems. The four parking spots on the south side could possibly be removed, so that drivers aren't backing out into traffic.

Mr. Croy said that reducing the building would reduce the parking requirement, but this Applicant is maximizing the site as the City has seen with countless other projects. He could see some congestion points, but he was not able to state the best solution.

Chair Cassis said that one could only imagine the morning and evening Starbucks stacking lane. Mr. Croy agreed that there would be traffic. Mr. Fura said that they have laid out the traffic circulation in several different ways, and the proposal before the Planning Commission is the design agreed upon by the Applicant and the Staff. It meets the intent of the Ordinance. The west side parking spaces should not be made angled because it is not a practical solution. When people come into the site, their first instinct is to look for a parking spot. They will immediately turn left, and if those spaces are filled, then the drivers will have to go back out the one-way, go out to Wixom Road, drive down to the Target traffic light and work their way back onto the site. This is not practical. The turning radius provided on this plan meets the requirements of the Ordinance. It is a small site, and there are only a certain amount of people who will be able to get on the site. Once it is full, it is full. If it becomes busy, people will need to slow down and maneuver in the appropriate fashion. The aisle width requirements have been met. They have tried to address the Fire Marshal's requests as well as the Traffic Engineer's requests.

Chair Cassis asked if the Applicant could design a smaller building. Mr. Fura said that would kill the deal. Economically, this design is very tight. This is a very expensive building to build. The land is very expensive. The lease rates are on the upper end of the market. The site has good activity because of the Sam's Club and Target. But if this building loses 1,500 or 2,000 square feet, the site becomes very difficult to make work. Chair Cassis said he would probably vote against the request.

Member Meyer asked how long the plan has been in the works. Mr. Fura responded that he made his first offer to purchase the site two years ago. Member Meyer was sensitive to that statistic. He found it amazing how much developers have to jump hurdles in order to accomplish their goal. Nonetheless, he has listened to his fellow



Planning Commission members, and he finds their comments to be truly significant. He hoped that the Applicant would go back to the drawing board. Member Meyer said he could not vote in favor of the plan in light of the traffic flow comments. The site is a good site, and the Applicant has proposed a wonderful building, but the plan doesn't seem to be safe, once traffic is introduced onto the site.

Member Avdoulos asked if the drive-through was imperative. Mr. Fura said yes, if a Starbucks is to be attracted to the site. Member Avdoulos was concerned about those exiting the drive-through and drivers using the west parking, with other drivers being allowed to go north and south on the west side, people backing out of their parking spaces in that area, people crossing in front of an area where drivers are pulling out, and drivers trying to maneuver off of the site. Member Avdoulos was concerned about the safety of the site, and since the site in its entirety doesn't provide convenient traffic flow, he didn't want to create yet another area in Promenade where there is unsafe circulation. Safety is his main concern. Even a drive that goes straight out poses problems because the site is too close to Wixom Road.

Member Avdoulos said that the Ordinance only requires 53 parking spaces yet the Applicant is providing 63. Mr. Fura said that was correct. He said that the market dictates more spaces than the requirement. Starbucks and the east end restaurant will both require more parking. Mr. Fura has room for this parking so he put it in; it will not decrease the traffic flow if he removes it. Member Avdoulos said that reducing the parking may allow him to adjust things on the site plan.

Member Avdoulos liked the development and thought this was a good spot for it. His two issues are the safety of the circulation coming from the drive-through, and the location of the loading area interfering with the stacking area. Member Avdoulos did not want to support the motion on the table, but he also didn't want to deny the plan. He would rather postpone the review to provide time to the Applicant to address these issues.

Chair Cassis was surprised that the Staff did not have any solutions to offer. Ms. McBeth said that the Staff has worked with the Applicant on this plan. There were many adjustments made after the pre-application meeting. The Applicant really is trying to maximize the site for his own purposes. The site is developed all the way around, and now this Applicant has a certain size and shape with which they are trying to do quite a bit. Ms. McBeth said that Staff would take the comments of the Planning Commission back to the Applicant and see if they could work with any of the suggestions, if the Applicant would like to do so, and then the plan can come back before the Planning Commission. Designing at the table is always a difficult thing to do. The Staff is always happy to work with applicants.

**ROLL CALL VOTE ON PROMENADE OUTLOT ONE, SP07-10, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER LYNCH:**

**In the matter of the request of Dave Tremonti of Oliver/Hatcher Construction for Novi Promenade Outlot 1, SP07-10, motion to approve the Preliminary Site Plan subject to: 1) A Zoning Board of Appeals Variance to allow the loading area in the side yard; 2) A Planning Commission Waiver for the right-of-way berm required along Wixom Road as it is consistent with the rest of the Promenade design; 3) The drive-through window projection's cornice detail being altered to match the cornice detail on the rest of the building; and 4) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reason that the plan is otherwise in compliance with the Ordinance. Motion fails 2-5 (Yes: Members Pehrson, Lynch; No: Members Avdoulos, Burke, Cassis, Meyer, Wrobel).**

Moved by Member Pehrson, seconded by Member Burke:

**In the matter of the request of Dave Tremonti of Oliver/Hatcher Construction for Novi Promenade Outlot 1, SP07-10, motion to postpone the Preliminary Site Plan to provide the Applicant time to incorporate some of the comments of the Planning Commission.**

**DISCUSSION**

Member Avdoulos wanted to make sure that the motion was acceptable to the Applicant. This project does have merit, and it is in the right location. He thought the plan could work, but the comments made by the Planning Commission are rather uniform and he would like the Applicant to address them. The Applicant can work with Staff, and if issues around that building could be cleared up, then the Planning Commission could revisit the plan. In the past, the Planning Commission has been concerned about stacking, albeit the plans were banks. Emergency egress is a paramount issue, which is provided. The only conflict is the stacking and loading area.

Mr. Fura thanked the Planning Commission for postponing the review. They have looked at this plan fairly closely, and he thought they had worked it out with Staff but they will look at the plan again.

Member Avdoulos noted that the Staff works diligently with each Applicant. The Staff can tell an Applicant when they will need a waiver, but the Planning Commission looks at the reports and after seeing project after project, they become familiar with "hot spot" topics. Sometimes it is circulation and other times it may be something else. He didn't feel comfortable approving the plan as is, for safety's sake.

Mr. Fura thought that the Staff has worked well with them. He has tried to accommodate their suggestions, and he will try to continue working with them. He didn't want to kill the project. They have a ton of money already into the plan. It is a very tight economic deal. If they can't find a solution they will move on to something else.

Member Avdoulos understood that the Starbucks location was placed in the area of greatest visibility, but he was thinking that if it were placed on the other side and the one end of the building was popped out to get the drive-through, it might eliminate the back-up traffic, but he understood that there are other issues at play. Mr. Fura said that was his original idea, but it didn't provide a high-profile space. There was also a stacking issue and a traffic flow issue.

Chair Cassis said he rarely opposes the recommendation of Staff. He said that the Planning Commission wants the project to go, and it seldom comes to this kind of conclusion. Chair Cassis continued that the Planning Commission is bothered by the circulation and therefore the plan is not good for the City, the Applicant or the customer. He said that Starbucks would have ten or fifteen employees alone. He said without knowing who else may rent at this site, the Applicant would not understand the parking needs. What if they have more demands? Therefore, more traffic is being created. This is what really concerns Chair Cassis. The Planning Commission is not charged with reviewing the economics of the plan; they review the site design to determine what is good from a planning point of view, a customer point of view, a traffic point of view, and Chair Cassis feels the Staff is bending over backward to accommodate them. The Planning Commission wants to protect the customer. With great regret Chair Cassis cast his vote.

**ROLL CALL VOTE ON PROMENADE OUTLOT ONE, SP07-10, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER BURKE:**

**In the matter of the request of Dave Tremonti of Oliver/Hatcher Construction for Novi Promenade Outlot 1, SP07-10, motion to postpone the Preliminary Site Plan to provide the Applicant time to incorporate some of the comments of the Planning Commission. *Motion carried 7-0.***

It was noted that Member Gutman arrived at 7:15 PM but was unable to join the review because of a conflict of interest.

**REDUCED COPY OF APPROVED FINAL SITE PLAN**

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 CITY OF NOVI  
 OAKLAND COUNTY, MICHIGAN

CLERMATCHER  
 NOV PROMENADE OUTLOT # 1  
 COLOR SITE PLAN  
 SHEET 2-13-147  
 4/2/2004

**BC**  
 1 OF 1  
 DATE: 11/11/14  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: [Name]

