

WETLAND REVIEW



Environmental Consulting & Technology, Inc.

2200 Commonwealth Blvd.
Suite 300
Ann Arbor, MI 48105
(734) 769-3004
FAX (734) 769-3164

MEMORANDUM

TO: Barbara McBeth, Deputy Director of Community Development

FROM: John Freeland, Ph.D., PWS *JF*

DATE: May 10, 2010

RE: Weiss Mixed Use Development (SP 09-26/ZCM 10-18)
Revised Conceptual/PRO Wetland Review

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Concept/PRO plans (Plan) prepared by Siegal/Tuomaala Architects dated March 29, 2010. The Plan does not appear to be significantly different from the previous submittal. Consistent with ECT's previous PRO review letter, Plan Sheets P.1, P.2, and SP C-400 appear to portray wetland boundaries accurately.

Site Plan Repeat Comments: Proposed Impacts:

1. The proposed project would have multiple impacts to wetlands regulated by both the City and the MDEQ.
2. Some of the wetland on-site is associated with Chapman Creek, a tributary to the Walled Lake Branch of the Rouge River.
3. The Plan indicates areas of "potential wetland mitigation" to compensate for proposed impacts.
4. The Plan appears to avoid the highest quality wetland located near the east side and southeast corner of the property.
5. Exact areas and quantities of proposed wetland impact are not shown on the Plan and will be required for any eventual Preliminary Site Plan submittal. It is not yet clear as to whether or not the Plan dedicates ample area to build compensatory wetland mitigation.
6. Woodland is generally not acceptable habitat in which to build wetland mitigation.
7. The applicant should provide the City with any MDEQ correspondence related to the onsite wetland, including MDEQ File #07-63-16WA Wetland Assessment letter.

Required Permits:

Based on information provided on the Plan, ECT believes the propose project would require an MDNRE Wetland Use Permit, a City of Novi Non-Minor Use Wetland Permit, and an Authorization to Encroach into the 25-foot Natural Features Setback. The applicant should provide the City with any MDEQ correspondence related to the onsite wetland, including MDEQ File #07-63-16WA Wetland Assessment letter.

Conclusion:

The applicant is encouraged to avoid wetland impacts as much as practicable and, ideally, keep impacts to less than 0.25-acre, the threshold for required wetland mitigation.

ECT is concerned about the potential lack of suitable location for wetland mitigation, especially in view of the fact that impacts to emergent and scrub-shrub wetlands are mitigated at an area ratio of 1.5 to 1, and impacts to forested wetlands are mitigated at an area ratio of 2 to 1.

ECT is also concerned about the potential impacts to remaining wetlands under proposed conditions. We believe the stormwater plan needs to be developed to preserve the high-quality wetlands located on and near the property. Quality and quantity of water entering wetlands from the proposed site under proposed conditions need to be adequately addressed in the stormwater and wetland mitigation plans.

In a letter to the City dated March 29, 2010, the applicant indicated that stormwater would be detained on site and not directly discharged to wetland. The letter also indicated that wetland mitigation would be done on site. Given the size of the proposed project footprint and the extent of regulated natural features remaining on site, including wetlands and regulated woodland, ECT remains somewhat puzzled as to how the applicant would make the stormwater facilities and wetland mitigation "fit."

If you have questions, please contact us.

WOODLAND REVIEW



Environmental Consulting & Technology, Inc.

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(734) 769-3004
FAX (734) 769-3164

MEMORANDUM

TO: Barbara McBeth, Deputy Director of Community Development

FROM: Martha Holzheuer, ISA Certified Arborist, ESA Certified Ecologist *MRT*

DATE: May 7, 2010

RE: Weiss Mixed Use Development (SP 09-26A) Revised Conceptual & PRO Woodland Review

Environmental Consulting & Technology, Inc. (ECT) has reviewed the Revised PRO Conceptual Plans (Plan) prepared by Siegal/Tuomaala Architects dated March 29, 2010. The proposed development is located on the southeast corner of Ten Mile and Novi Roads in Section 26. The Plan includes a Kroger store, neighborhood shopping center, number of additional buildings, and associated parking and stormwater detention basins. It appears that no changes were made to the Woodland Plan and that none of the issues noted in ECT's October 22, 2009 Woodland Review have been addressed. Therefore, ECT's comments remain the same as those previously submitted during review of the PRO Conceptual Plans. These comments are provided below.

Site Plan Comments:

Having compared the regulated woodland boundary shown on Plan sheets SP C-100 and SP C-607 to the boundary provided in the City's updated Regulated Woodland Map (approved in March 2009), ECT believes the regulated woodland boundary has not been accurately depicted on the Plan. As a result, quantification of regulated woodland acreage and proposed project impacts have been greatly underestimated. In light of the update Regulated Woodland Map and updated Woodland Protection Ordinance, ECT has the following comments:

1. Within the property boundaries noted, regulated woodland acreage is approximately 4 times greater than the 5.1 acres reported by the Applicant. The Applicant should refer to the City's website for the most current woodland map and ordinance information (<http://www.cityofnovi.org/Services/CommDev/RegulatedWoodlands.asp>) and provide the most recent regulated woodland boundary on the Preliminary Site Plan (see attached graphic).
2. Based on our previous review of Novi aerial photos, Novi GIS, and Novi Official Woodlands Map, as well as a previously conducted onsite wetland verification, this site contains extensive regulated woodland areas. Additional regulated woodland may occur beyond the generalized boundaries provided in the City of Novi Official Woodlands Map, as indicated by the Novi aerial photos. Section 37-4 of the Novi Woodland Ordinance states that "where physical or natural features existing on the ground are at variance with those shown on the regulated woodland map, or in other circumstances where uncertainty exists, the Community Development Director or his or her designee shall

interpret the woodland area boundaries.” The boundaries of the regulated woodland will require field verification during Preliminary Site Plan review.

3. The Applicant should note that there are forested wetlands onsite within the regulated woodland boundary that appear to be both City and State (Michigan Department of Environmental Quality; MDEQ) regulated wetlands.
4. The proposed project would have significant impacts to regulated woodlands, above and beyond what is quantified in the Plan. Within the property boundaries noted on the Plan, 82% (771 of 939) of all surveyed trees are proposed for removal. The Plan indicates that only 80 regulation-sized woodland trees are proposed for removal, requiring 825 tree replacement credits. ECT believes that these numbers are underestimates and will be significantly larger when the most current regulated woodland boundary is applied to the Plan.
5. Based on historical aerial photographs, the woodland onsite adjacent to Chapman Creek, a tributary to the Walled Lake Branch of the Rouge River, appears to have been the least disturbed. This area is likely the highest quality woodland habitat within the project boundaries. The mosaic of connected lowland and wetland forest likely provides for excellent ecological functioning and diverse wildlife habitat. Preservation of this woodland area along the southern project boundary should be a priority. Section 37-29 of the Novi Woodland Ordinance states that “the protection and conservation of irreplaceable natural resources from pollution, impairment, or destruction is of paramount concern. Therefore, the preservation of woodlands, trees, similar woody vegetation, and related natural resources shall have priority over development when there are no location alternatives. The integrity of woodland areas shall be maintained irrespective of whether such woodlands cross property lines.”
6. The Plan indicates several areas of possible wetland and floodplain mitigation to compensate for proposed wetland and floodplain impacts and areas designated for stormwater detention basins for control of stormwater runoff resulting from the development. The conversion of regulated woodland areas for these purposes is generally not accepted. It has been ECT’s experience that the MDEQ rarely considers upland or lowland woodland habitats as acceptable places for construction of wetland or floodplain mitigation.
7. Numerous items must be provided in the Preliminary Site Plan to comply with site plan standards outlined in ordinance Chapter 37 Woodland Protection. Currently, the Plan does not provide an accurate depiction of the regulated woodland boundary and number of regulated woodland trees, the complete scientific and common names of the surveyed trees, how many replacement credits will be provided for each tree proposed for removal, method and cost estimate for the provision of these replacement credits, composition and condition of woodland understory and groundcover, topographic elevations of the trunk base for all regulated trees proposed to remain, location of utilities and associated easements, and a description of proposed changes to drainage within regulated woodlands. Diameter measurements for multi-stemmed trees should be clarified, and the diameter of each stem provided to aid in replacement credit calculation. The Applicant is encouraged to consider planting a variety of native woodland plants for

woodland replacement credits (refer to Section 37-8 of the updated Woodland Protection Ordinance).

8. The onsite disturbances relating to soil borings noted by ECT on October 20, 2009 (refer to ECT's Conceptual & PRO Wetland Review dated October 21, 2009) **are a violation of the City's Woodland Ordinance, as well, per Section 37-26. The applicant should be advised of the violation and cease such impacts unless and until applicable permit authorizations are issued.**

Required Permits:

Based on information provided on the Plan, ECT believes the propose project would require a City of Novi Woodlands Permit.

Conclusion:

ECT is concerned about the magnitude of impacts to regulated woodland on the proposed project site, especially along the southern project boundary adjacent to Chapman Creek. As depicted in the current Plan, woodland impacts are underestimated and will be significantly greater once the most current regulated woodland boundary is applied to the Plan. Numerous issues must be addressed in the Preliminary Site Plan to meet site plan standards outlined in ordinance Chapter 37 Woodland Protection.

ECT is also concerned about the conversion of regulated woodland habitat for use as wetland and floodplain mitigation and stormwater detention.

If you have questions, please contact us.

cc: Kristen Kapelanski
David Beschke
Angela Pawlowski

FAÇADE REVIEW



Phone: (248) 890-6523
 E-Mail: dnecci@drnarchitects.com
 Web: drnarchitects.com

DRN & ASSOCIATES, ARCHITECTS, PC

50850 Applebrooke Dr., Northville, MI 48167



The contents of that letter is repeated below
 May 10, 2010

City of Novi Planning Department
 45175 W. 10 Mile Rd.
 Novi, MI 48375-3024

Re: FACADE ORDINANCE
Weiss Mixed Use Dev. / PRO, SP 09-26A / ZCM 10-18
 Façade Region: 1
 Zoning District: OS-1 (Proposed, I-1 & B-2)

Dear Ms. McBeth;

The following is the Façade Review for Final Site Plan for the above referenced project based on the drawings prepared by Siegal / Tuomaala Associates, Architects, Inc, of Southfield, Michigan dated March 29, 2010. The drawings are unchanged since our previous review dated October 20, 2009 that was based on the drawings dated August 17, 2009. The text of that letter is repeated below.

The percentages of materials proposed for each façade are as shown on the table below. The maximum (and minimum) percentages allowed by the Schedule Regulating Façade Materials of Ordinance Section 2520 are shown in the right hand column. Materials in non-compliance with the Façade Schedule are highlighted in bold.

Kroger Building (64,245 S.F.)	North (Front)	West	South	East	Ordinance Maximum (Minimum)
Brick (Clay) (2.7" x 8" units)	13.0%	5.0%	0.0%	4.0%	100% (30%)
Stone (Field Cobble)	8.0%	0.0%	0.0%	0.0%	50%
EIFS	27.0%	8.0%	0.0%	9.0%	25%
Split Faced CMU (Base) (8" x 16" units)	16.0%	17.0%	20.0%	7.0%	10%
Concrete "C" Brick (4" x 16" units)	81.0%	64.0%	79.0%	74.0%	25%
Metal (Awnings & Trim)	6.0%	6.0%	1.0%	6.0%	50%

Kroger Building - The Façade Ordinance requires a minimum of 30% brick on buildings located in Region 1. The proposed percentage of Brick is below 30% on all facades. The proposed percentage of Concrete "C" Brick exceeds the maximum amount allowed by the ordinance on all facades. The percentage of EIFS exceeds the maximum amounts allowed by the ordinance on the front façade. The percentage of Split Faced CMU exceeds the maximum amount allowed by the Ordinance on the north, west and south facades.

Shopping Center (40,978 S.F.)	North-West (Front)	West	South- East (Rear)	North	Ordinance Maximum (Minimum)
Brick (Clay) (2.7" x 8" units)	9.0%	0.0%	0.0%	0.0%	100% (30%)
Stone (Field, Cobbe)	8.0%	0.0%	0.0%	0.0%	50%
EIFS	38.0%	14.0%	9.0%	15.0%	25%
Limestone (Base & Accents)	13.0%	12.0%	1.0%	12.0%	50%
Concrete "C" Brick (4" x 16" units)	18.0%	66.0%	78.0%	63.0%	25%
Metal (Trim)	14.0%	8.0%	0.0%	10.0%	50%
Smooth Faced CMU (Base) (8" x 16" units)	0.0%	0.0%	12.0%	0.0%	0%

Shopping Center - The Facade Ordinance requires a minimum of 30% Brick on buildings located in Region 1. The proposed percentage of Brick is below 30% on all facades. The percentage of Concrete "C" Brick on the west, rear, and north facades exceeds the maximum amount allowed by the Ordinance. The percentage of EIFS on the front facade and the percentage of Smooth Faced CMU on the rear facade exceed the maximum amounts allowed by the ordinance.

Comments:

Split Faced and Smooth Faced CMU - A limestone base approximately 2'-4" in height is used on the primary facades of the Shopping Center that are directly adjacent to pedestrian walks. Smooth Faced CMU is used to form a continuation of this base on secondary facades located away from pedestrian walks. Split faced CMU is used to form the base on the Kroger Building. The sample board indicates the color and texture of the Smooth Faced CMU to be substantially similar to the limestone. Likewise the color of the Split Faced CMU is similar to the limestone. The transition between the base material and the Concrete "C" Brick above is ordinarily made using a chamfered sill unit however this has not been clearly indicated on the drawings. The use of split faced CMU in this manner is therefore consistent with the intent and purpose of the Ordinance, contingent upon the chamfered sill unit being used.

Concrete "C" Brick - While not technically being considered brick, this material has the unique characteristic of appearing substantially similar to brick when used in certain applications and with careful attention to detail. The Ordinance states that when Concrete "C" Brick is used the "color shall be rich dark earthtone hues consistent with brown or red bodied fired clay brick." The proposed "C" brick color is consistent with this requirement as evidenced by the applicant's sample board. The "C" brick is utilized in concert with a wide variety of other masonry materials including limestone, field stone, and split faced CMU. The proposed colors and textures of these materials have been carefully coordinated and harmonize well with the "C" brick. It is noted that the masonry material taken together represent over 50% of all facades. The extensive use of nicely designed and well coordinated masonry materials is consistent with the Ordinance requirement for 30% brick in Facade region 1.

Metal (Roofs, Awnings and Trim) - Metal accents of various colors are used on awnings, canopies, and most significantly on the roofs of the towers elements. The design employs significant articulation of the roof lines punctuated with vertical tower elements at corners and ends of buildings. The tower elements serve to "anchor" the buildings on the site and provide visual reference points for the overall project. The proposed "patina green" color of the tower roofs is consistent with and will enhance this effect.

Exterior Insulation Finish System (EIFS) - EIFS is utilized as cornices and brackets, as a simulated clear story on the towers, and on selected storefronts. In all cases the EIFS is articulated using interesting joint patterns, molded profiles, and reveals. The use of EIFS in this manner is consistent with the intent and purpose of the Ordinance.

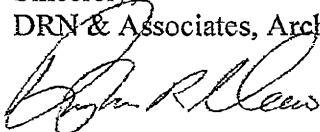
Recommendation: It is recommended that the proposed design is consistent with the intent and purpose of the Façade Ordinance Section 2520. For the reasons stated above a Section 9 Waiver is recommended for the overages of EIFS, Concrete "C" Brick and Split Faced CMU, and the underage of Natural Clay Brick (< 30%), on both the Shopping Center and Kroger buildings. This recommendation is contingent upon the applicant clarifying that a chamfered sill unit will be used to make the transition between the approximately 2'-4" high base and material above on all facades of both the Kroger and Shopping Center buildings.

Notes to the Applicant:

1. Inspections - The City of Novi requires Façade Inspection(s) for all projects. Materials displayed on the approved sample board will be compared to materials delivered to the site. It is the applicant's responsibility to request the inspection of each façade material at the appropriate time. This should occur immediately after the materials are delivered. Materials must be approved before installation on the building. Please contact the Novi Building Department's Automated Inspection Hotline at (248) 347-0480 to request the Façade inspection.

If you have any questions please do not hesitate to call.

Sincerely,
DRN & Associates, Architects PC



Douglas R. Necci, AIA

FIRE REVIEW



May 4, 2010

TO: Barbara McBeth, Deputy Director of Community Development, City of Novi

RE: Weiss Mixed Use Development, Ten Mile & Novi Rd.

SP#: 09-26A, Revised Conceptual / P.R.O.

CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Justin Fischer

City Manager
Clay J. Pearson

Director of Public Safety
David Molloy

Director of Fire and EMS
Jeffrey Johnson

Project Description:

Multi-Phased, multiple buildings project of Mercantile and Business uses.

This submittal contains:

- Access drives (four access points, three from Ten Mile and one from Novi Rd.)
- Parking areas for the Mercantile buildings,
- Phase One building, 64,243 S.F. Kroger Supermarket
- Phase Two building, 40,978 S.F. "Neighborhood Shopping Center", multi-tenant Mercantile building.

This submittal also refers to seven other smaller buildings as "Future Phase" projects. These buildings are not being reviewed and commented on at this time.

Comments:

The comments on my October 22, 2009 review letter have not been address.

Therefore, the follow comments are made again:

1. On the Utility plans, the size of the water mains shall be indicated. The water mains shall be 8" minimum and of adequate size to provide a minimum of 4,000 gallons per minute.
2. Hydrant spacing around the buildings that are protected with automatic sprinklers is 500' maximum and is 300' around buildings that do not have sprinklers. An additional hydrant shall be added in the parking island between the Kroger building and Shopping Center building on the north side.
3. The 500' hydrant spacing also pertains to the 16" water main along Ten Mile Rd. There are additional hydrants on Ten Mile that are not shown on the plans. In order to properly assess their locations, they need to be shown. The applicant should contact our Engineering Department to confirm the locations.
4. Each building protected with an automatic sprinkler system shall have a lead-in water supply that is separate from the domestic water supply. The fire protection lead-in shall have a control valve in a well.
5. All weather access roads capable of supporting 35 tons shall be provided for fire apparatus access prior to construction above the foundation. This shall be noted on the plans.
6. All water mains and fire hydrants are to be installed and be in service prior to construction above the foundation. This shall be noted on the plans.
7. The building address is to be posted facing the street throughout construction. The address is to at least 3 inches high on a contrasting background. This shall be noted on the plans.

Novi Fire Department
42975 Grand River Ave.
Novi, Michigan 48375
248.349-2162
248.349-1724 fax

cityofnovi.org



May 4, 2010
Weiss Mixed Use Development, Page 2

Recommendation:

The above plan is **Recommended for Approval** with the above items being corrected on the next plan submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Evans".

Michael W. Evans
Fire Marshal

cc: file

**COMMENTS FROM
PARKS, RECREATION AND CULTURAL SERVICES DEPARTMENT
ON PROPOSED PUBLIC BENEFIT**

MEMORANDUM



cityofnovi.org

TO: KRISTEN KAPELANSKI, CITY PLANNER

FROM: RANDY AULER, CPRP, DIRECTOR
PARKS, RECREATION & CULTURAL SERVICES

SUBJECT: PARKS, RECREATION & CULTURAL SERVICES REVIEW OF
WEISS MIXED USE DEVELOPMENT PRO

DATE: JUNE 15, 2010

Background

Previously, the applicant donated 18 acres of land to the City of Novi. The Ice Arena and a cell tower were constructed on a portion of the property and the remaining acreage has remained undeveloped. In addition, the applicant created and proposed a park conceptual plan for the undeveloped portion of the property. The concept included a large multi-use sports field, additional parking, a pathway and a bronze children's sculpture to be located at the park entry.

PRO-Community Benefit

The applicant is proposing to develop the initial phase of the park. Specifically, grade the area for use as a multi-use sports field, grade and stone a 20 car parking area, install a bronze children's sculpture at the park entry and have the park name recognize the donation.

Comments

1. Community surveys have revealed that citizens rank the need for walk/bike pathways as the highest recreation need. The proposal does not include the development of pathways.
2. Community surveys and recreation participation figures indicate the need to develop multi-use sports fields for soccer, lacrosse, cricket and football. The proposal includes the development of a multi-use sports field. However, a **critical** component to the successful use of multi-sports fields is the installation and use of an irrigation system. The lack of irrigation severely inhibits the growth and maintenance of turf resulting in **very limited** use of the turf for sports. The proposal does not include an irrigation system.
3. The existing parking at the Ice Arena is near or at capacity during the peak season (September – March). The multi-use sports field peak season use is anticipated to be April – September. The addition of 20 parking spaces would serve the use of both recreation amenities.

Please contact me if you have any questions or comments.

APPLICANT RESPONSE LETTER

LAW OFFICES
GABE, QUINN & SEYMOUR
1026 WEST ELEVEN MILE ROAD -- ROYAL OAK -- MICHIGAN 48067-2451

CHARLES H. GABE
MATTHEW C. QUINN
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TELEPHONE (248) 399-9703 -- FACSIMILE (248) 399-1711

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26200 TOWN CENTER DRIVE
SUITE 145
NOVI, MICHIGAN 48375
TELEPHONE (248) 349-8050

REPLY TO ROYAL OAK OFFICE

OF COUNSEL:
CHARLES Y. COOPER
ARNOLD J. SHIFMAN

June 15, 2010

Barbara McBeth
Deputy Community Development Director
45175 West Ten Mile Road
Novi, MI 48375

RE: Weiss Mixed Use Project – PRO Resubmittal

Dear Ms. McBeth:

Please find enclosed my attorney letter in support of the Weiss Mixed Use Development SP #09-26A. Please provide this information to the Members of the Planning Commission for use at the public hearing coming up on June 23, 2010. Thank you for your cooperation.

Very truly yours,

GABE, QUINN & SEYMOUR



Matthew C. Quinn

MCQ/kw

Enc.

cc: Marianne Cornelius, Novi City Clerk
Dan Weiss
Christine Klingenschmitt
Marty Smith

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OF COUNSEL:
CHARLES Y. COOPER
ARNOLD J. SHIFMAN

REPLY TO ROYAL OAK OFFICE

June 15, 2010

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

RE: SP #09-26A/Rezoning 18.690
Weiss Mixed Use PRO

Dear Members of the City of Novi Planning Commission:

Mr. Weiss is bringing to the City of Novi an approximate \$20 million commercial/office project. The original PRO was submitted July of 2004 under Site Plan No. 04-41. The resubmission in August of 2009 was assigned Site Plan No. 09-26. After receiving the Novi Planning Commission Staff comments, the PRO re-submittal was completed on March 29, 2010 and assigned Site Plan No. 09-26A.

This is not a new project. It was first submitted to the City in 2004 but had been actively worked on since the 1999 Master Plan designating all of the Ten Mile Road frontage between Novi Road easterly to the railroad tracks with a commercial designation. It is acknowledged that the special planning project area designation was placed during the 2004 Master Plan. The purpose of that designation was to allow further study on a comprehensive plan between the commercial portion and the office portion. Mr. Weiss has accomplished the goal with the resubmission of the PRO which is now pending.

The current PRO further follows the previous recommendations of the City Staff and the Planning Commission. The square footage proposed to be designated as B-2 has been decreased by 12% to 20.16 acres. The retail square footage of 130,871 square feet is a 24% reduction from the 2004 submission. Overall, the office and retail square footage of 148,671 square feet has been decreased by 17% from the 2004 Application. Both Novi Ten Associates LLC and Kroger have together spent hundreds of thousands of dollars in planning for and designing this development. You have previously been advised by Rick Ragsdale of the Kroger Company in his letter of March 24, 2010 that Kroger is ready to begin construction on this project. You have also previously received a letter dated November 5, 2009 from Landmark Commercial Real Estate Services, Inc.

that stated that while there are many big box vacancies available in the regional centers in Novi, there is still a need for local type shops and a well-located supermarket anchored neighborhood center.

It is well documented in the City's planning documents and its paid-for Market Study that Novi needs additional grocery stores. Currently, Novi is served by the Kroger store at Grand River Avenue that was built in 2000. It was a proto-type store, at that time, with 54,000 square feet. **Please note that this store will remain open and is not affected by the new Kroger store in the Weiss PRO.** The only other true grocery store in Novi is the old Farmer Jack/Busch store. This was built in 1970 and it is undersized at only 30,000 square feet. Therefore, the conclusion is that the approximate 54,000 residents of Novi are only served by 84,000 square feet of grocery store located within the City. **The proposed Kroger store of 64,000 square feet, with competitive prices, meets the needs of a large portion of the City of Novi residents.**

The Market Study submitted with this Site Plan was performed by Chesapeake Group Inc., the same company the City used. The Market Study demonstrated that 40 perspective retail category uses were underserved in the trade area for the Weiss PRO. The recommended tenant mix from that number showed 12 specific uses that could support a shopping center between 140,000 and 199,000 square feet which includes a supermarket of 50,000-65,000 square feet. They reported that "based on the US Census, the City of Novi per capita sales were lower than that of Oakland County or the Detroit PMSA for the categories of food stores, specifically grocery stores..." **Further, there is "...market support for a grocery anchored center, to curtail leakage out of the market for food shopping. Typically, grocery shopping is done close to one's home, unlike comparison shopping goods shopping."**

Mr. Weiss hired the Strategic Edge Company to perform customer research on neighborhood shopping patterns and preferences in Novi. This was a random survey of 308 area residents; the goal was to determine current shopping patterns as well as level of interest in having a new supermarket and similar neighborhood shops at Ten Mile and Novi Roads. The results were as follows:

1. **Over 78% of the respondents said they were "very likely" or "somewhat likely" to shop at a new supermarket, should it be located at the site at Ten Mile and Novi Roads.**
2. **64% of those surveyed said that the location at Ten Mile and Novi Roads is more convenient than, or as convenient as, their present supermarket location.** Most shoppers identify Meijer as their present primary supermarket (19% at Grand River and Wixom Roads and 20% at Haggerty and Eight Mile Roads), followed by Hillers in Northville (16%), Farmer Jack (now Busch) at Ten

Page three

Mile and Meadowbrook Roads (15%), and Kroger at Beck and Grand River Roads (also 15%).

3. Overall, most of the respondents shop at their primary supermarket due to convenience of the location (53%) more than any single reason, including everyday prices, selection and variety, produce quality and advertised prices, and meat quality.

They conclude by determining “this customer consumer survey shows that convenience is the primary factor in consumer choice for grocery and neighborhood type of shopping. Novi shoppers desire and would patronize a conveniently located full-service grocery store and associated neighborhood shopping at Novi Road and Ten Mile Road”.

The next major discussion area is a comparison of the retail vacancy rate versus the industrial vacancy rate.

The City Staff, through its own survey, established **the retail vacancy rate in the City of Novi at 10%**. Members of the Planning Commission correctly asked the Staff what the vacancy rates are for industrial buildings in the City. The Staff said they did not look at that. While I have! Attached is the vacancy rate schedule for Novi Industrial Building Space that I received from Thomas A. Duke Company. **Novi has 8,323,666 square feet of industrial building space. As of May 24, 2010, 16% of industrial space was vacant and there is a total availability of 21% of all industrial building space located within the City.** Additionally, the Staff reports, at page 53 of the Appendices to the Master Plan Amendments dated February 26, 2010: “available area for office and industrial uses may be a 19 to 48 year supply”.

The City Staff has stated that Novi needs to maintain its supply of vacant industrial land in case a big user wants to come to town. **Remember that east of the Weiss PRO parcel is a vacant 107,000 square foot industrial building that has been vacant for five years or more. Any large user would move into that building rather than go through the time and expense of new construction.**

The same Master Plan report, at page 21 of the Appendices, stated: “without an adequate supply of land for retail space, some retail services that the public wants may not be provided and, if not provided, the public will need to travel outside of the local community to get these services.”

The Staff concluded that there is currently enough retail supply that it will not need more by the year 2018 as the population increases.

FACTS

Industrial Vacancy Rates	16% - 21%
Retail Vacancy Rates	10%
Supply of existing industrial land per City Staff	19 to 48 years
Supply of existing retail vacant land per City Staff	8 years

FACTS

1. Consumer research for neighborhood shopping patterns and references established that over 78% of Novi residents were "very likely" or "somewhat likely" to shop at a new supermarket at Ten Mile and Novi Roads.
2. The Market Study establishes there is market support for a grocery anchored center with ancillary retail uses at Ten Mile and Novi Roads between 140,000 and 199,000 total square feet.
3. The current retail vacancies are at 10% and land zoned for retail which should be used within eight years.
4. The vacancy rate for industrial buildings in Novi is between 15% -21% and the vacant industrial zoned land should be used up within 19 to 48 years.

In conclusion, the facts speak for themselves. Novi residents desire a grocery store with ancillary retail at Ten Mile and Novi Roads. It is supported by Market Study, resident opinions and through a comparison of the vacancy rates between retail and industrial uses. The subject land should not remain as industrial. It should be rezoned as requested to allow for the retail uses as presented. Any other conclusion would not be based upon fact but upon mere emotion and unfounded beliefs.

Respectfully submitted,

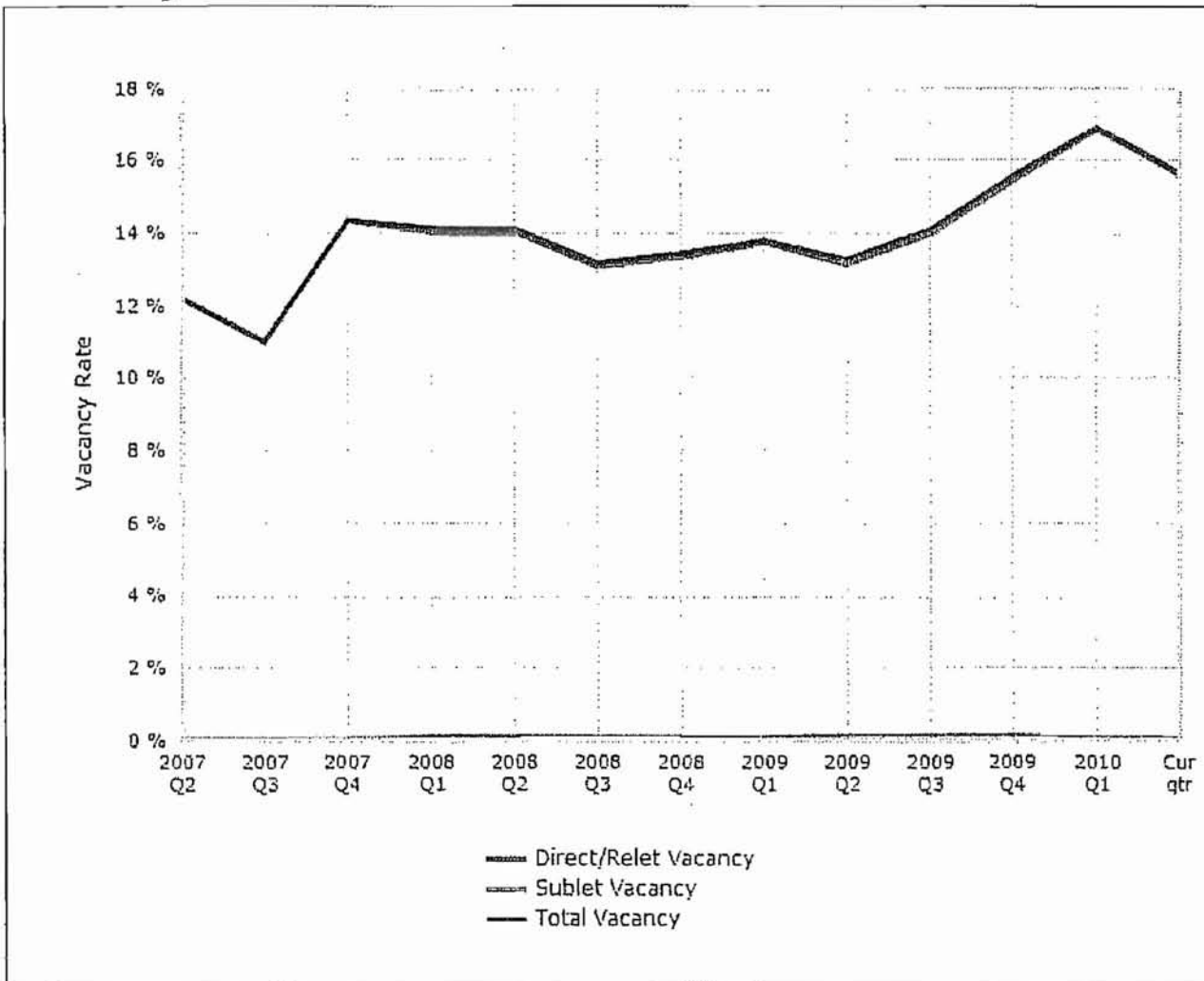
GABE, QUINN & SEYMOUR)



Matthew C. Quinn
Attorney for Novi Ten Associates

NOVI INDUSTRIAL BUILDING SPACE

Vacancy Rates



occupancy		
Existing Bldgs:	258 of 258	
# Spaces:	94	
Existing RBA:	8,323,666	
Vacant:	<1,306,922>	16%
Occupied:	7,016,744	84%
Leased:	7,084,139	85%
availability		
Vacant Avail:	1,245,527	15%
Total Avail:	1,740,224	21%
Direct Avail:	1,734,224	21%
Sublet Avail:	6,000	0%
Average Time:	28.8 Months	
leasing activity		
Leasing YTD:	30,730	0%
Net Absorp YTD:	25,418	0%
direct triple rent		
Whse range:	\$3.00-\$12.00/yr	
Whse Avg:	\$5.75/yr	



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5/24/2010

The latest submittal includes several refinements:

- The development is to be set up as a General Business Condominium in conformance with Novi's standard practices, in lieu of the previous Site Condominium.
- The Ten Mile Road improvements have been further defined, indicating many road improvement items that exceed standard requirements.
- The access drives have been aligned with those across Ten Mile and Novi Roads, and also with the internal drives of the project.
- More natural landscaped areas have been set aside.
- We have included an out-only driveway at the east end of the property for truck traffic, eliminating any co-mingling with pedestrians and customer vehicle traffic.
- Sidewalks and node points have been located to encourage pedestrian traffic into and within the site and improve drive-by aesthetics.
- The Kroger and neighborhood shopping center façade designs have also been upgraded significantly.

This submittal package also includes a list of substantial public benefits and a short list of minor deviations.

A quality project, such as proposed, can have a significant positive impact on the tax base of the City of Novi. It is estimated that this project will have a value of more than \$20 million at completion. At the City's current tax levy, this project would pay an amount in excess of \$211,000 per year to the City. This amount would represent the payment for existing or approximately three new police officers. The Novi School District would receive an even greater benefit from school taxes. Local employment and other beneficial commerce would also be increased. And of primary note, in conformance with the many studies that initiated Novi's own prior Master Plan conclusions, this development will serve the convenience of the local population's needs for daily commercial needs, most specifically a full-service grocery store, in an area which currently is under-served (being the exact stated reason the Novi Master Plan indicated this exact use here).

Our PRO/Re-zoning proposal complies with the 20-20 Master Plan of Land Use which designated the entire frontage of Ten Mile Road for commercial purposes as well as the entire frontage of Novi Road. This proposal includes much less commercial than suggested, and no commercial on Novi Road. Thereafter, with the placement of the Special Planning Project Area over the underlying commercial Master Plan uses in the Novi Road Corridor Study and in the current Master Plan, which merely requested that all be addressed in a cohesive plan, we have satisfied and exceeded that requirement. We have mixed our uses between commercial and OS-1 to make a very compatible development with the surrounding areas and which have inter-related road networks, drainage patterns, and common architectural highlights.

Planning Commission
City of Novi
Page 3
March 29, 2010

We understand that the 'zoning' and 'site plan approval' aspects are intertwined under the PRO overlay ordinance. We acknowledge the planning, engineering, traffic, landscaping, woodland and wetland technical issues and details need to be worked and must comply with the complete approval process in the future, which your planning staff, along with their consultants will leave any PRO approval, to still be "tied" and subject to further full approvals during the future Site Plan Approval process.

The extensive details and calculations, such as tree replacements, grading, etc., are not yet provided here as we look to first address and confirm the ZONING USE aspect of the PRO. The balance of all ordinance requirements will be addressed and fully detailed to comply with the aspects of the proposed project prior to recommending SPA approval to the Planning Commission and City Council.

However, our concept plan, its uses, density, building structures, natural areas, basic utilities, roadways, parking and walkways have been long-established and have remained consistent and in conformance, other than when exceeding Novi's standards. The high level of expensive technical detail required to later achieve final SPA is immensely above and beyond what is required to first confirm the 'Zoning' viability of this project.

While Novi Ten and Kroger are looking to proceed immediately with the entire project, at this first preliminary point we wish to concentrate on the zoning aspects. Accordingly, it is our request here to gain now first from this submittal, confirmation of that zoning, and that confirmation, in the PRO format be in the form of an: **"Approval of the PRO by the City of Novi, as submitted, and still subject to all typical Novi Site Plan Approval requirements in which all site plan items (outside the specific zoning topic) must next, still be submitted to Novi's Planning Department, Engineering Department, Traffic Consultant, Landscape Review Department, Woodland and Wetland Consultants, Façade Consultant and Fire Department for their review and approval."**

Accordingly, we are respectfully requesting a hearing to present and discuss our PRO project, specifically as to your intent for our zoning request. If favorable, Novi Ten Associates and their partner Kroger are ready to commit their consultants and monetary funds toward the refinement of the project development to the satisfaction of your planning staff and consultants. The Kroger store is a viable project now. They have stated several times before various committees that they have completed their own market study and are committed to this project and this site. They are self-funded and ready to commence construction, even in this economy.

Further, we have taken the previous advice from the City, through its consultants, staff and Planning Commissioners and waited to present our project until after the Novi Road/Ten Mile Road intersection improvements have been made. We have done each and everything that the City has asked and we now ask for a positive recommendation from this body to the City Council for the re-zoning of our PRO Application.

Planning Commission
City of Novi
Page 4
March 29, 2010

In conclusion, this submission brings us into full compliance with all of Novi's requests. Having complied fully, every step of the way, to put this project into the form requested by Novi and its consultants, we ask for final approval of this use, as it was recognized as beneficial and initiated by the City of Novi itself.

Sincerely,
SIEGAL/TUOMAALA ASSOCIATES
ARCHITECTS AND PLANNERS, INC.

A handwritten signature in black ink, appearing to read 'MJS', with a long horizontal stroke extending to the right.

Martin J. Smith
NCARB, LEED AP
Principal

MJS:bmw

June 10, 2010

Ms. Kristen Kapelanski, Planner
Community Development Center
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Weiss Mixed Use Project
10 Mile and Novi Road
Site Plan No. 04-41 (09-26/Rezoning 18.690)

Dear Ms. Kapelanski:

As indicated in our previous submittal (3/29/10), this submittal is intended to concentrate only on the zoning aspects of the overall Weiss Mixed Use PRO/SPA project. At this point in time, we have complied with the requirements necessary to request a Planning Commission hearing regarding the Zoning portion of the PRO.

Our team is continuing their work on the remaining technical issues of your very thorough review. We will continue to work closely with the city's planning staff and consultants to bring those remaining issues to their satisfactory resolutions in a later submittal as required by the City of Novi's Site Plan Approval process. As always, we appreciate your assistance in this matter.

The following is an itemized response to the City of Novi's Planning staff and consultants' review to our 10/17/08 PRO Submittal, 8/17/09 and 3/29/10 Re-submittal.

Planning Review Letter, K. Kapelanski, dated 5/10/10

As previously described, the Weiss Mixed Use project is to be developed as a general business condominium. The condominium units will consist of the footprints of the proposed buildings only. Parking, ingress, egress, landscape and other elements will be "common areas". The building footprints and parking areas indicated on the designated "future phases" are shown conceptually and hypothetically only. They may be modified, reconfigured and developed in random order. All future phase building architecture shall be compatible in style, material and color to the phase 1 and 2 buildings, and will be subject to the regular site plan approval process when developed.



Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 2
June 10, 2010

Page 3 – Recommendation

1. Further study is underway - Understood.
2. Master Plan implementation strategy - Understood.
3. As indicated the recently completed retail studies indicate the city has a surplus of land zoned or planned for retail activities through 2018, or 8 years. Appendices to the Master Plan amendments, dated February 2010, indicate that Novi has adequate land zoned or planned for industrial/research for up to 48 years...6 times as long.
4. The requested deviations and rationale are documented in this submittal package.
5. We believe that the B-2 and OS-1 zoning is consistent with the existing zoning in the area.
- 6.&7. The stormwater, wetland and woodland issues will be resolved per ordinance requirements as part of the Site Plan Approval process.

Master Plan for Land Use

As design professionals, we are concerned regarding the compatibility of industrial land uses adjacent to residential as opposed to commercial uses.

Page 4 – Novi Road Corridor Study

The Novi Road Corridor study discusses commercial development in the following passages:

Page 3 – Existing Master Plan recommendations: "...include adding more local commercial at the southwest corner of Ten Mile and Novi Road...", also reflected on the "existing Master Plan for Land Use map north segment".

Page 30 – The corridor recommendations for land use indicates a re-evaluation of the southeast corner of Ten Mile and Novi Road "due to the site constraints created by existing natural features", not due to the amount of commercial development in the city and the corridor. As indicated in this response letter, we are responding to the ordinance requirements regarding the existing natural features.

Page 5 – Compatibility with Surrounding Land Use

Traffic impacts are addressed in the attached traffic consultant's responses.

Residential properties to the south...as stated, it is highly unlikely that additional noise from the proposed commercial will affect the residential properties. We believe industrial uses would in fact cause a higher incidence of noise.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 3
June 10, 2010

Drugstore and office properties to the west...the OS-1 Zoning is not in question, in fact, this proposed PRO Development decreases the quantity of land zoned for office.

Infrastructure concerns have been responded to within the attached consultants' review letters.

Page 6 – Natural Features have been responded to within the attached consultants' review letters.

Voluntary conditions and ordinance deviations are documented in this submittal package.

Page 7 – Shopping Center

Thank you for acknowledging and supporting our deviation requests for the building height, loading space and elevations. Much like the loading space, the location of the dumpster enclosure is a practical use issue, with no real or perceived impact to neighboring land uses, as described in our list of requested deviations.

Kroger

Thank you for acknowledging and supporting our deviation requests.

Page 8 – Items for Further Review

Landscaping, drive-through lanes and driveway spacing waivers are addressed later in this response letter.

Photometrics: The property designated for the PRO overlay rezoning and development is separated from any residential zoned property by vacant property or an intervening zoning district and a minimum distance of approximately 300 feet (see similar statement in first paragraph of the following preliminary landscape review).

A preliminary Photometric Plan was provided in a previous submittal. A full photometric plan will be provided. However, it is not pertinent to the zoning aspects of the PRO request and therefore, has not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff to bring the photometrics to a satisfactory resolution prior to final site plan approval.

Loading Space and Dumpster Screening: These elements will be screened per ordinance requirements. This item concerns a technical site issue that our team is currently working on. However, it is not pertinent to the zoning aspects of the PRO request and therefore, is not included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscaping consultant to bring the screening to a satisfactory resolution prior to final site plan approval.

A phasing plan and detailed description are indicated on Drawing Sheet P-2.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 4
June 10, 2010

The legal Master Plan deed documents will be submitted for review prior to Site Plan Approval and prior to recordation.

Lot split/combinations: Correct, the PRO property is intended to be reconfigured as a single lot. The property south of the PRO property will be designated as one or two separate properties. The legal lot split/combinations documents will be submitted for review prior to final Site Plan Approval and prior to recordation.

Proposed Building Pads: Correct. Building Plans 1 through 7 are shown for conceptual and hypothetical purposes only.

Land Uses: Understood.

Page 10 – Applicant Burden under PRO Ordinance

Simply put, the proposed project could not be built under the existing, outdated I-1 Zoning District. The public benefits are attached as part of this submittal.

Kroger Planning Review Summary Chart

Building Height: We are asking for a deviation for this item.

Number of parking spaces: We have corrected the parking count on the Site Plan on Sheet P-2. The Phase 1 parking count has been revised to 324 spaces.

Barrier free signs will be provided per Michigan Barrier Free requirements as part of the final Site Plan Approval submittal.

Drive-Thru Lane Delineation and Centerline Radius: This item concerns a technical site issue that our team is currently working on. However, it is not pertinent to the zoning aspects of the PRO request and therefore, has not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and engineering consultant to bring this issue to a satisfactory resolution prior to final site plan approval.

Dumpster Screen: A typical design is indicated on Sheet P-6. Kroger's trash compactor will be screened in a similar manner and will be described as part of the Site Plan Approval submittal.

Photometrics: As stated earlier, a full photometric plan will be included as part of the Site Plan Approval submittal.

Neighborhood Shopping Center Review Summary Sheet

Building Height: We are asking for a deviation for this item.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 5
June 10, 2010

Barrier free signs will be provided per Michigan Barrier Free requirements as part of the final Site Plan Approval submittal.

Loading Space location: We are asking for a deviation for this item.

Loading Space Screening: The continuous loading space screening will be addressed in the preliminary site plan phase.

Dumpster location: We are asking for a deviation for this item.

Dumpster Screening: As noted above, these elements will be screened. This item concerns a technical site issue that our team is currently working on. However, it is not pertinent to the zoning aspects of the PRO request and therefore, is not included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring the screening to a satisfactory resolution prior to final site plan approval.

Photometrics: As stated earlier, a full photometrics plan will be provided as part of the site plan submittal.

Engineering Review – L. Ivezaj, dated 3/29/10

General

1. Additional information has been provided. Items applicable to the rezoning application have been addressed. All other items will be addressed in the preliminary site plan phase.
2. The note will be added to the Site Plan Approval Drawings.
3. Larger scale Drawings have been included in previous submittals. The detail included on the larger scale Drawings are generally not pertinent to the zoning aspects of the PRO request and therefore not included in this submittal. The larger scale Drawings will be included for review as part of the full Site Plan Approval submittal.
4. Understood.
5. Noted.

Utilities

6. Understood.
7. These items concern technical site issues that our team is currently working on. However, they are not pertinent to the zoning aspects of the PRO request and therefore are not included as part of this phase of our submittal. We will continue to work closely with the

city's engineering staff to bring the utility layouts to a satisfactory resolution prior to final Site Plan Approval.

8. See Item 7 above.
9. See Item 7 above.
10. See Item 7 above.

Storm Water Management Plan

11. The preliminary design shows that we can achieve a large amount of storage volume south of the proposed retaining wall. There are a number of options at our disposal to adjust the detention area/volume as necessary in the final design and analysis. We have a multitude of options to mitigate the wetlands. As indicated in others responses, these are technical site plan issues, not related to the zoning issue at hand. We will work closely with the city engineering and planning staff to bring these items to satisfactory resolutions prior to final Site Plan Approval.

The proposed run off coefficient values used to determine the detention volume is generally accepted. We request reasoning for utilizing a higher value. Similarly, although we are not proposing underground detention, we request clarification as to why the size of the site is a determining factor in whether it is allowed or not.

12. The storm water management facilities will be constructed as part of Phase 1.
13. A Storm Water Management Plan will be addressed in the Site Plan Approval submittal.
14. The Storm Water Management Plan will provide the information required.
15. Access will be provided and shown on the Site Plan Approval submittal.

Paving and Grading

16. The additional topography will be provided for the Site Plan Approval submittal. Off site drainage will be clearly identified.
 17. The perimeter sidewalk is labeled. We have added a note (Note 10) to Sheet P-2 clarifying internal sidewalk widths. These will be coordinated on the detailed engineering drawings for Site Plan Approval.
 18. A continuous 8 foot wide concrete pathway is indicated across the frontage of the property.
 19. The islands will be shown in compliance on the Site Plan Approval submittal.
-

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 7
June 10, 2010

20. Stalls and curbs will be shown compliant on the Site Plan Approval submittal.

Off-Site Easements

21. On-site easements have been indicated on Sheet C400. The storm easements will be indicated as the storm water design progresses. Please clarify what is meant by the term "off-site" easement.

Public Utilities Impacts – L. Ivezaj, dated 5/10/10

Utility Demands

We have provided an REU calculation and provided it on C400. We calculate the site will require approximately 76 REUs total once developed.

Water System

Noted.

Sanitary Sewer

We request further information on the capacity of the existing sanitary sewer.

Summary

Understood. Again we would request further information on the capacity of the existing sanitary sewer.

Traffic Review – Birchler Arroyo, dated 4/16/10

2B. The assumption is correct. The west drive on Ten Mile Road is intended to include one lane in and one lane out.

3A-G. Acknowledged.

3H. From the traffic study report of March 2010, if developed under existing zoning, the intersection of Ten Mile Road and Novi Road would have an overall delay of 81.2 seconds. If the signal timing splits were optimized in Synchro, this could be reduced to an overall delay of 78.5 seconds, which would be more than the 70.0 second average delay if developed with the PRO plan.

3I-3L. Acknowledged.

3M. We disagree with the assessment that an additional outbound lane is needed, particularly if a signal is installed at the center drive.

3N. With a refined signal timing at the outbound delay, the left turn would operate at level of service "C". The westbound through level of service would operate at "B".

3O. "Further analysis of the center driveway on Ten Mile Road indicates that the level of service at the center driveway would be acceptable for all movements, even with the addition of more traffic which could divert from the eastern driveway, assuming that a semi-actuated and uncoordinated traffic signal is installed at the intersection. With a single westbound lane the 95% queue length would be approximately 635 feet and the level of service for the movement would be a B, which would not interfere with the railroad crossing in the foreseeable future. The outbound traffic would operate at a level of service C, with a 95% queue length of 215 feet. There will be adequate storage for those left-turn movements with the separate left-turn lane provided.

According to Synchro, the left-turn delay for the remaining 10 vehicles assumed to turn left out of the eastern driveway would still be long at 204.7 seconds but the 95% queue would only be 31 feet, or two cars.

The comparative SimTraffic Analysis (run 10 separate times and averaged) indicates far less delay for both the westbound through movement along Ten Mile Road at the center driveway with signal and the outbound left turn movement at the eastern driveway. The westbound queues 330 feet vs. the 635 feet estimated by Synchro do not approach the railroad crossing in the model.

With further refined signal timing at the Center Driveway, a separate westbound through lane would not be necessary to accommodate this development.

3P. Acknowledged.

3Q. Acknowledged.

3R. The additional lane will serve as a defacto right turn lane for all of the driveways along Ten Mile Road. We disagree with the assessment that an additional right-hand turn taper at the east and west driveways are beneficial.

Trip Generation

4. Acknowledged.

5&6. The drives on the opposite side of Novi and Ten Mile Road already do not comply with spacing standard. We will be requesting space waivers.

7. An agreement for a cross-easement at the existing Walgreen's store has not been reached. There is also the technical difficulty of an eight foot grade differential between the two properties. At this point in time, a shared egress point does not seem possible.

Vehicular Access Improvements

8. Understood.
9. See Item 3N above.
10. Ten Mile Road widening will be coordinated with RCOC.
11. The plan will be corrected.

Driveway Design and Control

12. We will consider your recommended Conceptual Design. Final revisions to the Novi Road Drive will be brought to a satisfactory resolution prior to final Site Plan Approval.
13. The west drive on SP C-200 with two outbound lanes is an error on the Sheet. It has been corrected to a single entry and single exit lane. See Item 3M above regarding multiple exit lanes.
14. Final revisions to the center driveway will be brought to a satisfactory resolution prior to final Site Plan Approval.
15. Understood. The final connection will be brought to a satisfactory resolution prior to final Site Plan Approval.
16. Final revisions to the east driveway will be brought to a satisfactory resolution prior to final Site Plan Approval.

Pedestrian Access

17. Acknowledged.
18. The site plan has been revised to include the missing section of 8 foot path on the northeast corner of Walgreen's site. Question: Was there a condition on the Walgreen's Site Plan Approval that they shall complete the section of 8 foot pathway once the adjacent property is developed?
19. Acknowledged.

Parking and Circulation

20. The proposed access aisles and barrier free parking spaces in front of the Kroger store will be revised. However, these items are not pertinent to the zoning aspects of the PRO request, and therefore, have not been included as part of this submittal. We will

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 10
June 10, 2010

continue to work with the city's planning staff to bring these issues to satisfactory resolution prior to final Site Plan Approval.

21. The radii will be revised per requirements and submitted as part of the final Site Plan Approval submittal.
22. The drive-through lane will be modified and submitted as part of the final Site Plan Approval submittal.
23. Understood.

Miscellaneous

24. Understood.

Landscape Review – Benchke, 5/12/10

Residential Adjacent to Non-Residential

1. Correct...the PRO project property is not directly adjacent to any residential zoned property.

Adjacent Rights-of-Way

1. We are not asking for a deviation to eliminate the berms from the road frontage. As the grading design continues to move forward, we will demonstrate compliance with the requirements. This item is not pertinent to the zoning aspects of the PRO request, and therefore, has not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring this issue to satisfactory resolution prior to final Site Plan Approval.
2. The berms will be planted to meet buffering and opacity requirements.
3. The greenbelts shall be identified on the Landscape Drawings.
4. Acknowledged.
5. Understood.
6. Acknowledged.

Parking Area Landscape Requirements

1. Acknowledged.

- 2&3. The landscape plan, parking lot and perimeter canopy tree counts will be revised. These items concern technical site issues that our team is currently working on. However, they are not pertinent to the zoning aspects of the PRO request, and therefore, have not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring these issues to satisfactory resolution prior to final site plan approval.
4. We are asking for a deviation on 1 space in 4 locations (not 7) in front of the neighborhood shopping center.
5. Acknowledged.

Building Perimeter Landscaping

- 1-5. We are seeking deviations for these items.

Loading Area

1. Acknowledged.

Plant List

1. The final plan list will be provided in the preliminary Site Plan Approval phase.
2. Acknowledged.

Novi Road Corridor Plan

- 1, 2 & 3. We will provide additional detail regarding the 5 pedestrian node points, gazebo and bicycle rack locations. However, these items are not pertinent to the zoning aspects of the PRO request and therefore, have not been included as part of this phase of our submittal. We will continue to work closely with the city's planning staff and landscape consultant to bring these issues to a satisfactory resolution prior to final site plan

General Requirements

1. Understood.
2. Understood.
3. Acknowledged.
4. Acknowledged.
5. Understood.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 12
June 10, 2010

Woodland Review – M. Holzheuer, dated 5/7/10

- 1-7 The reviewer, Mr. Holzheuer, is correct. The March 29, 2010 response did not propose any revisions to the drawings regarding the woodland issues. As previously stated, those issues are not pertinent to the zoning aspects of the PRO request and therefore, have not been included as part of the phase of our submittal. We will continue to work closely with the city's planning staff and woodland consultant to bring these issues to a satisfactory resolution prior to final site plan approval.
8. We understand this item has been resolved.

Wetland Review – J. Freeland, 5/10/10

As previously stated in our March 29, 2010 response, we agree with the assessments and comments from the wetland review letter. We fully intend to comply with wetland mitigation requirements of the City and of the State. We are currently exploring areas of potential mitigation on site and feel confident we will be able to comply. All required permits will be obtained. Further delineation of mitigation areas will be shown and will be in compliance on the preliminary site plan submittal.

Façade Review – D. Necci, 5/12/10

1. As stated previously, Split Faced/Smooth Faced CMU: It has not yet been determined if the split faced CMU base will project beyond the C-brick wall surface on all walls of the Kroger building. If that is the final design, a chamfered sill unit will be used. However, this item is not pertinent to the zoning aspects of the PRO request and therefore, has not been included as part of the city's planning staff and façade consultant to bring this issue to a satisfactory resolution prior to final site plan approval.

Fire Department Review – M. Evans, 5/4/10

The following items concern technical items that will be provided on the plans prior to final site plan approval. However, they are not pertinent to the zoning aspects of this PRO request and therefore, have not been included as part of this phase of our submittal.

1. The conceptual water main layout is only shown at this point. The water will be sized as required by the city and indicated on the preliminary site plans.
2. The Hydrant will be added as part of the preliminary site plan submittal.
3. The existing hydrants will be located and appropriately shown as part of the preliminary site plan submittal.

Ms. Kristen Kapelanski, Planner
Community Development Department
City of Novi
Page 13
June 10, 2010

4. The water supply into the buildings will be shown per requirements as part of the preliminary site plan submittal.
5. – 7. The note will be added as part of the preliminary site plan submittal.

As stated above, this submittal concerns itself only with the zoning aspects of the PRO project. Many of the items above concern technical issues that are not pertinent to the zoning aspects of this PRO request. They will all be brought to a satisfactory resolution prior to Final Site Plan Approval. If you have any questions, please feel free to contact me. Thank you.

Sincerely,

SIEGAL/TUOMAALA ASSOCIATES
ARCHITECTS AND PLANNERS, INC.

A handwritten signature in black ink, appearing to read 'MJS', with a long horizontal stroke extending to the right.

Martin J Smith
NCARB, LEED AP
Principal

MJS:bmw

**MASTER PLAN AND ZONING COMMITTEE
MEETING MINUTES EXCERPT
DECEMBER 2, 2008**



MASTER PLAN & ZONING COMMITTEE
City of Novi Planning Commission
December 2, 2008 at 7:00 p.m.
Novi Civic Center – Council Chambers
45175 W. Ten Mile, Novi, MI 48375
248.347.0475

ROLL CALL

Present: Members Brian Burke, Andy Gutman, Michael Meyer, Wayne Wrobel

Also Present: Barbara McBeth, Deputy Director of Community Development; Mark Spencer, Planner; Kristen Kapelanski, Planner; Kristin Kolb, City Attorney

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Burke:

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

MATTERS FOR DISCUSSION

1. Weiss Mixed Use Project

Request for discussion to provide comments, suggestions and questions on rezoning a portion of a parcel from OS-1 and I-1 to B-2 with a PRO with the balance of the property remaining OS-1 and I-1.

Planner Kristen Kapelanski said the Applicant is proposing a 41,000 square-foot retail center, a 64,000 square foot Kroger store and other associated outlots for three medical buildings, two restaurants, a bank and a retail store. The site is the southeast corner of Ten Mile and Novi Road and the proposal is for just a portion of the property. The surrounding zoning includes various Residential, Industrial, Office and Commercial zones. The subject land is mainly along the Ten Mile frontage; the property outside of this development area will remain zoned OS-1 and I-1. The far west property will remain OS-1.

There are regulated woodlands and wetlands. The boundary lines shown on the maps are guidelines, and these boundaries will be adjusted as necessary after field review.

The majority of this property is classified as a Special Planning Project Area, with the balance to the west master planned for Office. Considering the Master Plan offers little guidance in this area, Ms. Kapelanski said it may be wise for the Planning Commission to commence a study similar to those done for other areas of the City earlier this year. This could be done early next year and could be completed hopefully mostly by Staff, and it could be rolled into the Master Plan examination for 2009. The Applicant would have the option of waiting for the study to be complete, or proceed without the benefit of any updated study or additional guidance from the Master Plan.

The Applicant has not identified a public benefit, as required with all PROs. The variances are summarized in the Plan Review Chart. The plan is set up to be a site condo, and many of the variances could be eliminated with a general condo instead.

A similar project was proposed about four years ago. The minutes regarding that project were provided to the Committee in their packet.

Deputy Director of Community Development Barbara McBeth agreed with Ms. Kapelanski's suggestion that the Master Plan and Zoning Committee's recommendation could be to perform a study on the Special Project Planning Area. She preferred that this be accomplished prior to the project going forward. This would be a sound basis for the recommendations that will be made.

Matt Quinn addressed the Committee on behalf of the Applicant. He said that the last proposal came before the Committee twice; once it was unanimously accepted and once the review was a bit mixed. There was a bit more commercial when the plan went before the Planning Commission. The plan then went on hiatus. Kroger is the anchor that will make this project go. Now they are ready to go, and their contracts are in place.

Mr. Quinn said the market study shows the need for this project. He said it made sense to bring this project forward as a PRO. He described the various buildings and their relationship (distance) to the Walgreen's on the corner. The Chapman Creek natural features may be proposed as a nature area for one of the project's public benefits. The Applicant is also considering offering a Ten Mile center turn lane that connects to the improvements made at Novi Road.

This project has been on the table since 2001. The City told them at one point that it couldn't handle the project until the Novi: Ten Mile intersection was improved. Mr. Weiss said he would wait. The improvements have now been made.

Mr. Quinn said that the overall regional detention for the area could also be part of the community benefit offered.

A boardwalk from the south side of the development to Arena Drive is also under consideration. This would allow people from River Oaks Apartments to walk to the commercial center. A bridge of some sort would have to be built across the gorge.

Mr. Weiss and Mr. Quinn have been working with Parks and Recreation on naming the ice arena park after Mr. Weiss. He donated that land in the 1990s. A park design and one or two soccer fields would be a nice fit in the area. Mr. Weiss may donate some fill and seed to facilitate that purpose.

Mr. Weiss has owned this land for over 35 years; he leased it back to Erwin's Apple Orchard when it was in business.

Mr. Leonard Siegel addressed the Committee. He said the easterly section is zoned I-1 and the westerly section is zoned OS-1. The dividing line is about half-way between Novi Road and the CSX railroad – about 1,000 feet in each direction. Chapman Creek seemed like a rational boundary line for a zoning line, and it never occurred to him that the Office zoning should continue along the other side of the creek.

This request is for about twenty acres along Ten Mile. This is 39,000 square feet smaller than the request from 2004. There is a wetland near the credit union that is proposed for mitigation. This is a pond area that collects the runoff from the west side of Novi Road. Many of the outlot features are conceptual only, though there is one bank interested in the project. 8.5 acres of this site will remain zoned OS-1.

Mr. Quinn concluded by acknowledging the irony in ultra-conservative Dan Weiss coming forward in this economy with a proposal for a new development. He said that Mr. Weiss will continue to move forward on this project regardless of whether the City chooses to study this Special Area as designated on the Master Plan. He said that the City has had ample opportunity to review this location, and his client will not wait for the City to complete a study. He expected the plans to be submitted in January.

Member Burke asked about the original submittal's concept plan and parallel plan. Mr. Quinn said that the parallel plan was provided to demonstrate what could be built on the site under its current zoning. The concept plan had another retail building with four units, and the retail attached to the Kroger was larger. Mr. Siegel added that the wetland previously discussed is new and has formed over the last four years.

Member Burke compared the old and new plans and noted that the curb cuts have been reduced by one. He was concerned whether the roads could accommodate the increase in traffic. Ms. Kapelanski said the Traffic Consultant didn't conclusively determine whether an additional Novi Road traffic light would be needed. They did recommend one west of Kroger, and they also recommended that the drives be relocated.

Member Burke felt that the important aspect of this review is to determine how to mitigate the traffic increase. He thought that a longer center lane would help. It is difficult to leave Walgreens via Novi Road with the hopes of turning west onto Ten Mile at the light. Though he felt the traffic has improved since the work on the intersection, he still felt that there were traffic issues in this area. Mr. Quinn felt that the previous traffic study didn't warrant additional traffic lights and he didn't think this new plan would either, though perhaps the County reviewers will have since changed their minds. Mr. Siegel added that the existing zoning would have a more negative impact to the peak morning drive time. Overall, there wouldn't be a big difference.

Member Meyer agreed that the improvement of the intersection allows for the possibility of additional traffic at this corner. Member Meyer did not think that the increase in the taxbase was a significant enough community benefit to move this project through the PRO process, which may have been the sticking point with the 2004 submittal. Mr. Siegel said that with this new proposal they are exploring what roadwork may be proposed as an additional community benefit. They may propose a conservation easement along Chapman Creek. They may improve the park behind the ice arena. Member Meyer thought these were nice amenities. He asked for additional comment on the land itself.

Mr. Siegel said the land slopes from Ten Mile south to the creek. The proposal would provide a landscaped area near Ten Mile with a steep drop down to a parking area that would still slope to the south. The south end of the property would be built up and a retaining wall would be added just north of the creek outside of the wetland area.

Member Meyer asked about the trees from the orchard. Mr. Siegel responded that the trees would be maintained near the creek, but once the site is balanced, a majority of the site's trees would be removed. The trees are junkers. Deputy Director of Community Development Barbara McBeth said the trees were discussed at the pre-application meeting. They discussed whether the woodland extended into the interior of the site, and she noted that the new woodland map would be presented soon to the Planning Commission. Mr. Siegel said there were two landmark trees measuring greater than 36 inches. He did not think that they could be saved. The rest are six-to-eight inch apple trees.

Member Burke recommended that additional information be provided on the orchard trees, soil testing for potential arsenic contamination from the orchard, and the elevation drop near Ten Mile. Mr. Siegel said if the soil is contaminated it would be relocated to a secluded area. Member Wrobel asked if it had to be hauled off site. Ms. McBeth said she thought the standards were different for a commercial development, and that this issue wasn't necessarily the purview of the Planning Commission, unless they wished the Applicant to make the removal of the soil a community benefit.

Member Gutman encouraged the Applicant to give a clear definition of the public benefit when the proposal comes forward. He asked Ms. McBeth how quickly the study of this site could be completed. She responded that the previous Master Plan study covered three study areas. She spoke with her Staff regarding this issue and decided that if this Committee feels that a study is the appropriate thing to do, a resolution could go before the Planning Commission recommending that the subject area be opened for study. If the work was done in-house, it wouldn't have to go out for a bid. That would save a few weeks. The Staff could begin the study, and hold weekly, bi-weekly or monthly meetings with the Master Plan and Zoning Committee to seek input. They could also host public input sessions. This would take a couple of months – perhaps three. The notification process required by State Law to notify the surrounding communities and public utilities would increase the timeframe to about nine or ten months. Mr. Spencer added that the study portion is the short part of it; the Master Plan Amendment process would take the nine months or so to complete. 2009 is the year that marks the five-year increment in the Master Plan Review process.

Member Gutman thought that the City's review of the site was important for the Committee to consider.

Member Wrobel said that food shopping is inconvenient for the east side of Novi. However, he and his neighbors would not be happy with another neighborhood center or strip mall. Residents complain about the existing vacancies and ask why more buildings are being constructed.

Member Wrobel was concerned about the Ten Mile westbound afternoon and evening traffic. He said that it can take thirty minutes to travel this Ten Mile segment on a busy day. A big development will create a mess. A turning lane would not benefit the intersection since the development of the City has gone west. The turning lane would only benefit this Applicant.

Member Wrobel would like the Applicant to explain the public benefit of this proposal. The outlots are speculative and there is no firm timeline.

Member Wrobel noted that a previous planner suggested that the buildings be moved closer to the road to give it a different look – something distinctive other than looking like a shopping center. This is a focal corner. He understood that Kroger had issues with moving the store because of the loading docks, and this is not a major concern to Member Wrobel because the trucks are not parked there all day long.

Member Wrobel asked about the size of the Kroger, which was determined to be slightly larger than the Kroger on Beck Road.

Member Meyer asked whether the Applicant should move forward in light of the current economic indicators. A representative from Kroger said that when he looked for a new home in Novi, he realized that a store should be located in this area of the City for the sake of convenience. Mr. Siegel said that the City's consultant, the Chesapeake Group, indicated that this section of the City does need neighborhood shopping. He said that securing financing for the project may become the issue. He added that there is enough interest in the area to support this amount of retail. Member Wrobel asked the Applicant to provide documentation of residents who say they support the proposal, because the general comments he hears are contrary to that statement.

Mr. Siegel suggested that this project could actually reduce the level of traffic in the area by giving the local residents a nearby shopping venue.

Member Wrobel asked about an additional Ten Mile signal. Mr. Spencer said that the traffic study will shed light on whether a light is warranted. The developer is typically responsible, though sometimes the City or adjoining property owners cooperate in these additions when the light provides services outside of the subject proposal's needs. The turn lanes may be a requirement of the site plan anyway -- this will be determined during the site plan review. Mr. Siegel said their concept may exceed what will be required.

The Committee encouraged the Applicant to provide a façade that is attractive and does not appear to be a standard shopping center design.

The Committee discussed whether a study is necessary. Member Meyer said that he routinely hears that Novi sets up all these hurdles which keep businesses from wanting to develop here. If this study is a necessary hurdle, then so be it; otherwise, the City should forego the effort. Making the City easier to develop in is one of the forces that drives Member Meyer. Member Wrobel added that the Committee just wants to be sure that the City is doing the right thing. Ms. McBeth said that the Staff would perform would hopefully complete the study within a couple of months. It could be started sooner or along with the Master Plan review. She said it comes down to whether it is worthwhile to take a closer look at this proposal and do a study similar to those done on the three areas reviewed earlier this year. This study could be done with smaller detail, less time, probably fewer meetings, less public input opportunities, but still the City could get the value out of it, which would be some public input, more in-depth study of what is in the vicinity, an update to the retail analysis and traffic studies - all of these Master Plan kinds of things that are of benefit when the City needs to make a decision on a zoning issue. For these reasons, Ms. McBeth said they would recommend that the study be conducted – maybe concurrently with the submittal – and it could be done for everyone's benefit. The study would take in the Applicant's perspective and the residents' perspective. The City found that these items were valuable and helpful during the last review. It also makes the public aware of the proposal before it comes before the Planning Commission for a Public Hearing.

Mr. Spencer said that Novi has, over the years, tried to rezone property in accordance with the Master Plan. As a backbone for those rezonings, the Master Plan is a very valuable tool. He agreed with Ms. McBeth that the study could be completed for this purpose long before the Master Plan update is complete.

Member Burke asked how many Staff hours would be needed to complete a survey on this area. Ms. McBeth said she didn't think a survey would be accomplished. She said they found that the open house was effective and stakeholder meetings provided valuable information. She felt with the slowdown in work the Staff would be able to work on this project, and it is less complicated than the other study areas.

Ms. McBeth said the Staff could start the review within a couple of weeks. They could meet with the Committee in early January. She hoped that the Staff could be through with the project by the end of February. Member Burke asked whether previously there was criticism of the City for performing the Master Plan review when there were site plans on the table. Mr. Quinn said that it was he who criticized the timing.

Ms. McBeth agreed with Mr. Spencer that it is good to make zoning changes based on the Master Plan designations. This subject land in this proposal has no Master Plan designation. With this request to rezone, it would be good to have an enhanced planning study. Mr. Spencer added that the study could be beneficial to many, as it may also apply to other sites in the area.

City Attorney Kristin Kolb said it made sense that the study happen concurrently with the review of this proposal.

Moved by Member Burke, seconded by Member Gutman:

VOICE VOTE ON TEN MILE: NOVI ROAD STUDY RESOLUTION MOTION MADE BY MEMBER BURKE AND SECONDED BY MEMBER GUTMAN:

A motion of recommendation to the Planning Commission for a resolution to commence a study of the Special Planning Project Area at Ten Mile and Novi roads that will be completed concurrently with the Applicant's site plan submittal. *Motion carried 4-0.*

Mr. Spencer said that the Applicant might wish to consider a site design with the buildings closer to the road. This is a concept that encourages pedestrian activity. Because this is a PRO, the Committee can also engage in a dialogue with the Applicant to discuss the public benefits associated with aesthetic design elements such as building location. The Applicant responded that the "closer to the road" concept will not happen. He said it is not a practical idea, and it squeezes the small store owners out of parking.

CONCEPT PLAN

TEN MILE RD.

NOV RD.

BLDG. PAD #3

BLDG. PAD #4

BLDG. PAD #5

BLDG. PAD #6

BLDG. PAD #7

BLDG. PAD #8

BLDG. PAD #1

KROGER

NEIGHBORHOOD SHOPPING CENTER

SITE NOT INCLUDED IN PRO

PROPOSED B-2/ OS-1 P.R.O. ZONING PLAN



NO SCALE

EXISTING OS-1 ZONING TO REMAIN

EXISTING OS-1 TO PROPOSED B-2 ZONING

EXISTING I-1 TO PROPOSED B-2 ZONING

