



CITY of NOVI CITY COUNCIL

Agenda Item B
September 14, 2015

SUBJECT: Approval of a request from West Park Investors, LLC for a variance from Section 11-256(c) of the Design and Construction Standards, which requires the construction of sidewalk on both sides of new streets, to allow the applicant to install a pathway on only one side of the street to avoid additional impacts to wetlands for the Crossroads Commerce Park development (parcels 22-17-101-010 and -012).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division

BTC

RJA

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The developer of Crossroads Commerce Park (f/k/a West Park Office Complex), West Park Investors, LLC, is requesting a variance from Section 11-256(c) of the Design and Construction standards, which requires the construction of a sidewalk on both sides of new streets. The applicant is proposing to construct the sidewalk on only the west side of the street to minimize the impacts to existing wetlands.

The applicant has a limited amount of frontage along Grand River because of the existing 200 foot wide easement in favor of ITC. In order to construct the roadway, there is an area of wetland proposed to be filled, which requires mitigation. This mitigation is proposed adjacent to the existing wetlands near the location of the wetland fill. Further, the zoning ordinance requires a landscape berm along the west side of the property near Grand River, which limits the amount of area for the access roadway and sidewalks.

Staff has reviewed the request against the criteria in Section 11-10 of the ordinance related to variance requests. In this case, construction of the sidewalk along the east side of the road way would be difficult and would require additional wetland fill and mitigation. Additionally, there are no buildings proposed along the east side of the road that would require a sidewalk for pedestrian access, which combined with the additional wetland fill that would be required to construct the sidewalk leads staff to conclude that the proposal by the applicant does not substantially deviate from the performance intended by the ordinance. The proposed variance would not be detrimental to public health safety or welfare because a pathway will be provided on the other side of the proposed roadway.

For these reasons stated above, staff recommends approval of the variance request.

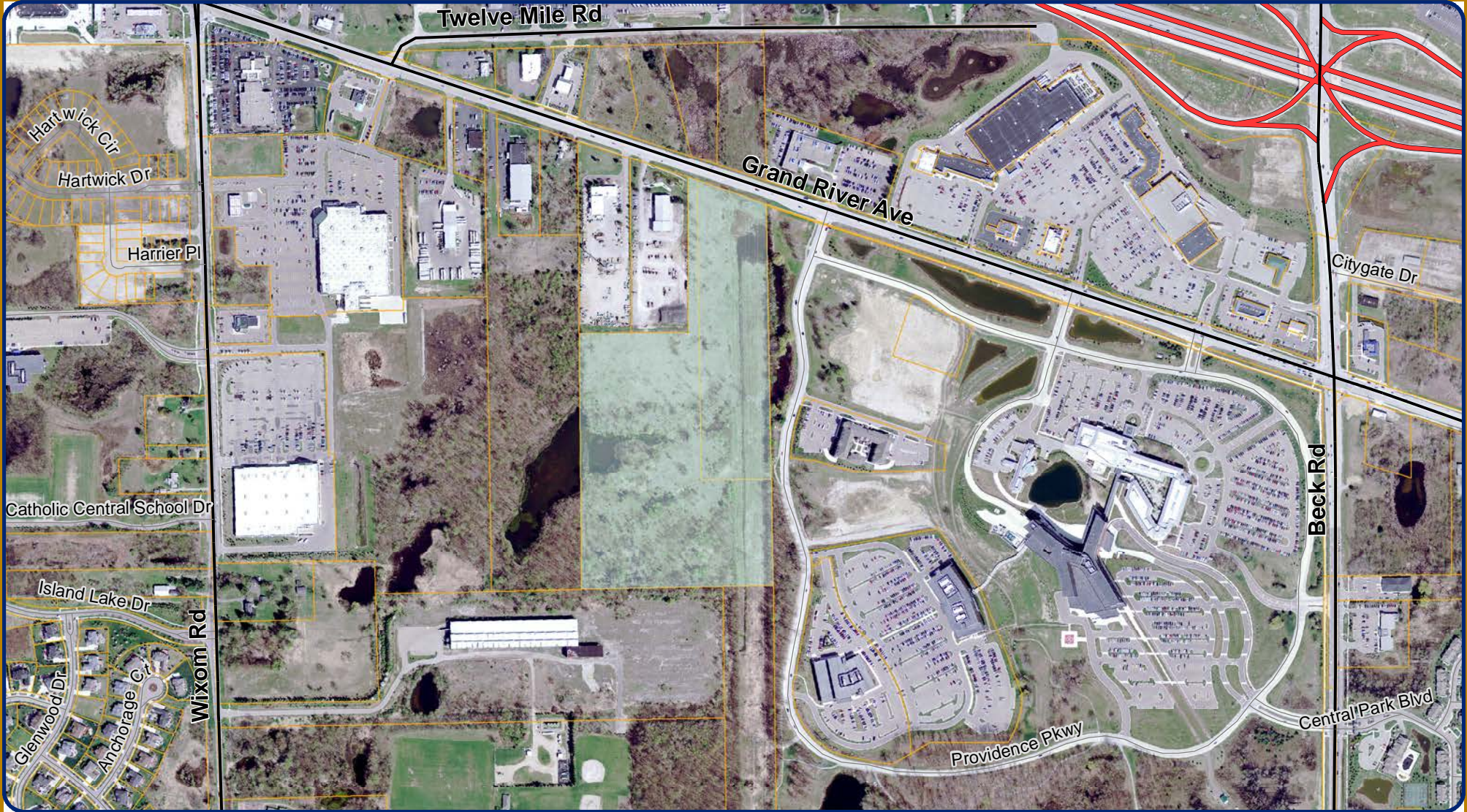
RECOMMENDED ACTION: Approval of a request from West Park Investors, LLC for a variance from Section 11-256(c) of the Design and Construction Standards, which requires the construction of sidewalk on both sides of new streets, to allow the applicant to install a pathway on only one side of the street to avoid additional impacts to wetlands for the Crossroads Commerce Park development (parcels 22-17-101-010 and -012).

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				

Location Map

West Park Office

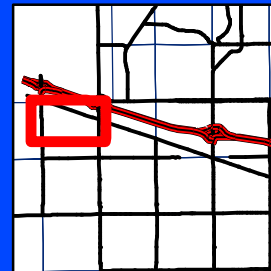


Map Author: Coburn
 Date: 9/4/15
 Project:
 Version #:

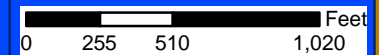
Amended By:
 Date:
 Department:

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



City of Novi
 Engineering Division
 Department of Public Services
 26300 Lee BeGole Drive
 Novi, MI 48375
cityofnovi.org



TIME - 22-JUN-2015 15:16

PCN TEL - JMS@whitehallinc.com

GR TEL - JMS@whitehallinc.com

OE/ELE - JMS@whitehallinc.com

DESIGN FILE - P:\2015\20150524\20150524\20150524\001_Site.dwg

USER NAME - mcruth

22-17-101-003

22-17-101-016

22-17-101-015

22-17-101-010

22-17-101-006

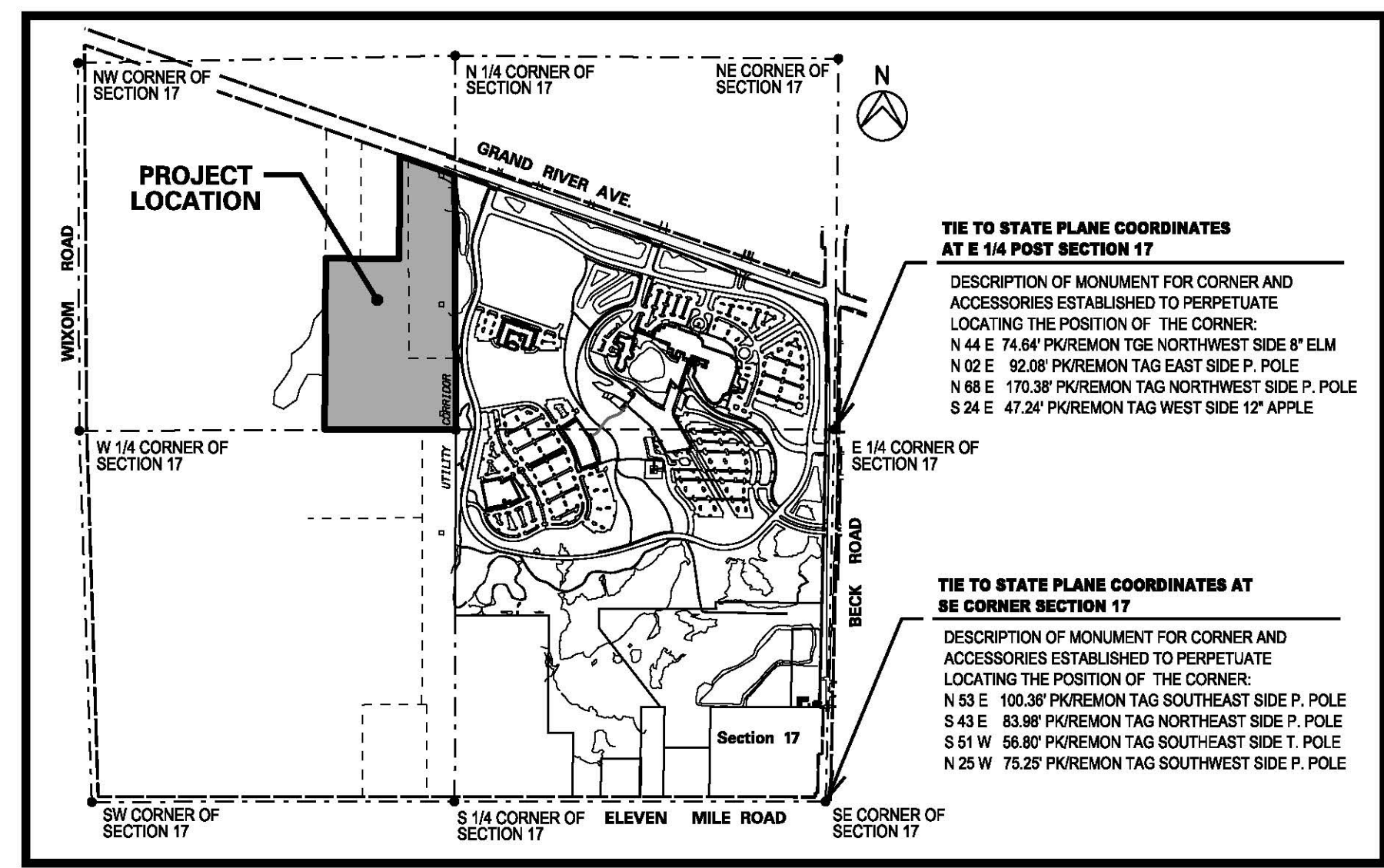
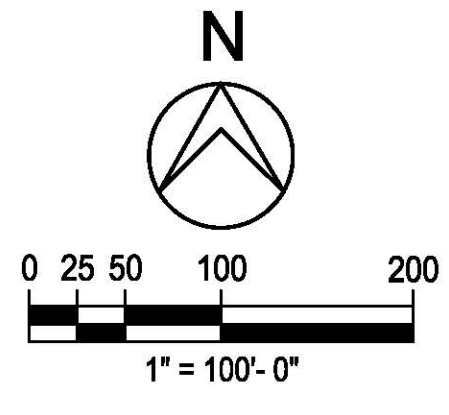
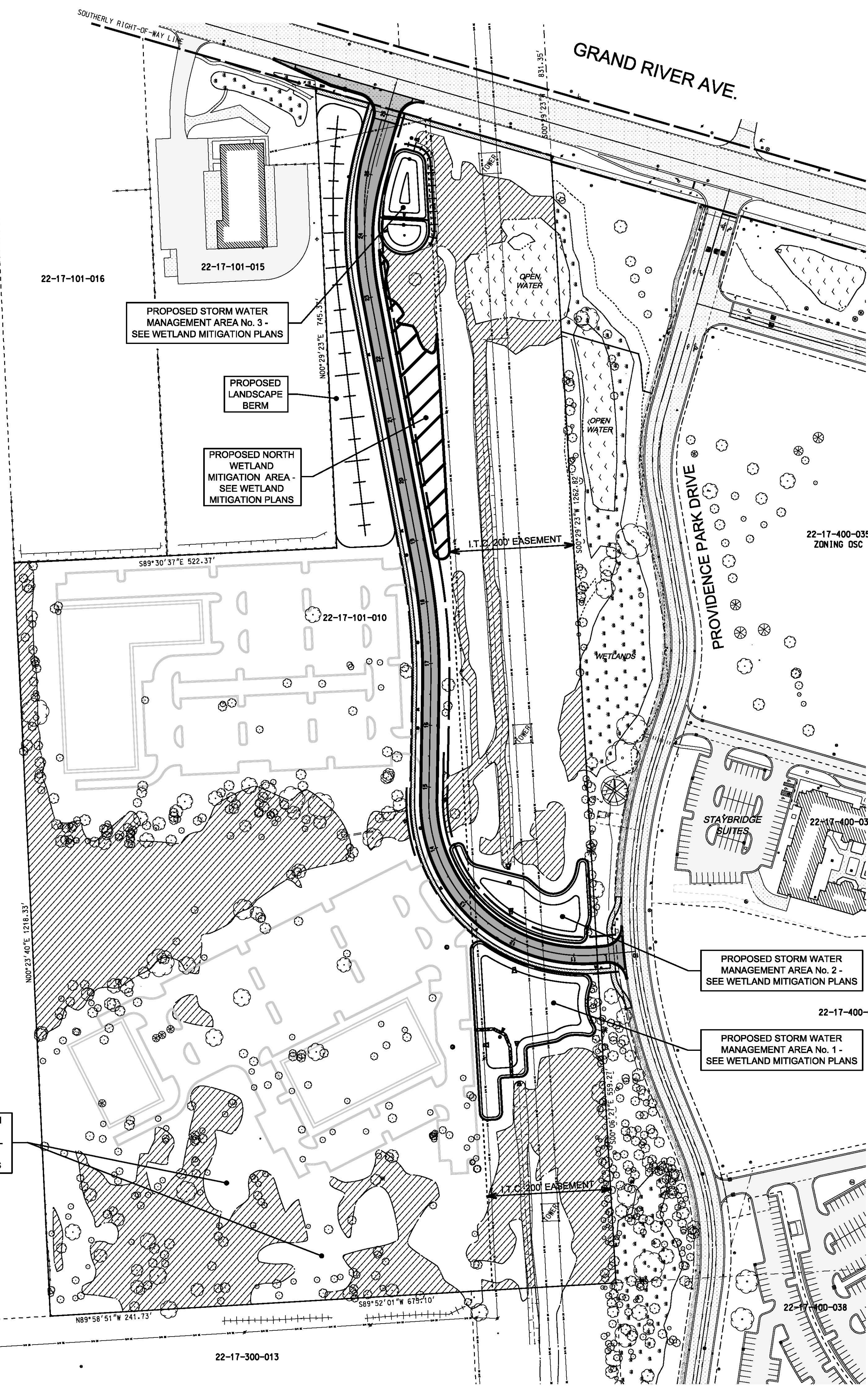
22-17-300-013

22-17-400-035 ZONING DSC

22-17-400-036

22-17-400-035

22-17-400-038



TIE'S TO STATE PLANE COORDINATES

BENCH MARKS

HRC B.M. / NOVI B.M.	NORTHING EASTING	ELEV.	DESCRIPTION
HRC 354	N: 362165.8105 E: 13350002.19	966.32	MAGNAL WEST FACE OF POWER POLE WEST SIDE OF DITCH, 400'-1/4" SOUTH OF GRAND RIVER AND ALONG THE WEST SIDE OF ITC CORRIDOR
HRC 380	N: 358125.0140 E: 13350413.72	966.84	MAGNAL WEST SIDE OF 20 POPLAR EAST SIDE OF PROVIDENCE PARKWAY 205'-1/4" SOUTH OF SOUTH END OF STAYBRIDGE HOTEL
NOVI ID 150 B.M. 1714	N: 362759.1439 E: 13349561.14	966.8837	BENCH TIE SET IN SOUTH FACE OF POWER POLE LOCATED 10 FEET WEST OF DRIVE #885 AND 20 FEET SOUTH OF BACK OF CURB OF GRAND RIVER
NOVI ID 151 B.M. 1721	N: 362585.6725 E: 13350524.18	966.091	"X" ON NORTH RIM OF GATEWELL LOCATED 15 FEET NORTH OF BACK OF CURB OF GRAND RIVER AND 25 FEET EAST OF DRIVE #1810 GRAND RIVER

LEGAL DESCRIPTION (FROM WARRANTY DEED L.38797 P.682)

A part of the Northwest 1/4 of Section 17, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan; being more particularly described commencing at the North 1/4 corner of said Section 17; thence South 03 degrees 16 minutes 55 seconds East 831.75 feet, (previously described as South 00 degrees 29 minutes 23 seconds West 831.35 feet) along the North and South 1/4 line of said Section 17 to a point on the Southerly right of way of Grand River Avenue (100.00 feet wide) and the POINT OF BEGINNING; thence continuing South 03 degrees 16 minutes 55 seconds East 1827.68 feet (previously described as South 00 degrees 29 minutes 23 seconds West 1262.82 feet and South 00 degrees 06 minutes 27 seconds East 559.27 feet) along the North and South 1/4 line of said Section 17 to the center of said Section 17; thence South 86 degrees 39 minutes 04 seconds West 916.83 feet (previously described as South 89 degrees 52 minutes 01 seconds West 675.10 feet and North 89 degrees 58 minutes 51 seconds West 241.73 feet) along the East and West 1/4 line of said Section 17; thence North 02 degrees 44 minutes 09 seconds West 1219.61 feet (previously described as North 00 degrees 23 minutes 40 seconds East 1218.33 feet); thence North 87 degrees 21 minutes 50 seconds East 522.37 feet (previously described as South 89 degrees 30 minutes 37 seconds East); thence North 02 degrees 38 minutes 01 seconds West 746.51 feet (previously described as North 00 degrees 29 minutes 23 seconds East 745.37 feet) to a point on the Southerly right of way of said Grand River Avenue; thence South 73 degrees 56 minutes 49 seconds East 396.81 feet (previously described as South 70 degrees 44 minutes 31 seconds East 63.37 feet and South 70 degrees 44 minutes 31 seconds East 348.53 feet) along the Southerly right of way of said Grand River Avenue to the POINT OF BEGINNING.

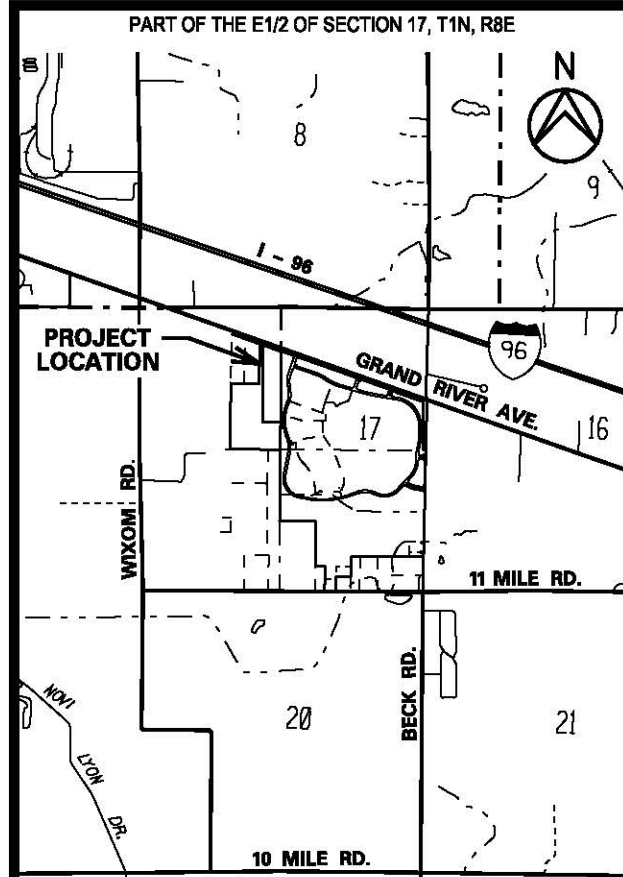
Tax parcels 22-17-101-010 and 22-17-101-012

WHITEHALL REAL ESTATE INTERESTS

HRC 100 YEARS CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303-0824 PHONE: (248) 454-8300 FAX (1st Floor): (248) 454-8312 FAX (2nd Floor): (248) 338-2592 WEB SITE: http://www.hrc-engr.com

DATE	ISSUED / ADDITIONS / REVISIONS
06.19.2015	PRELIMINARY SITE PLAN APPROVAL
DESIGNED	M.G.S.
DRAWN	T.E.W. / R.C.H.
CHECKED	G.J.T.
APPROVED	



WEST PARK OFFICE BUILDINGS
31 Acre Site
NEW ROADWAY

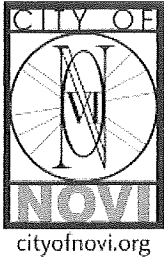
CITY OF NOVI
PART OF THE NW 1/4 OF SECTION 17, T1N, R8E
OAKLAND COUNTY MICHIGAN

PROPOSED OVERALL SITE PLAN

HRC JOB NO.	20150245	SCALE	1" = 100'
DATE	JUNE 2015	SHEET NO.	C 01

NOTE:
ALL WORK SHALL CONFORM TO CITY OF NOVI STANDARDS AND SPECIFICATIONS.

NOTICE:
ALL EXISTING UTILITIES SHOWN ON THIS TOPOGRAPHIC SURVEY HAVE BEEN TAKEN FROM VISUAL OBSERVATION AND RECORD MAPPING WHERE AVAILABLE. NO GUARANTEE IS MADE, OR SHOULD BE ASSUMED, AS TO THE COMPLETENESS OR ACCURACY OF THE UTILITIES SHOWN ON THIS DRAWING. PARTIES UTILIZING THIS INFORMATION SHALL FIELD VERIFY THE ACCURACY AND COMPLETENESS PRIOR TO CONSTRUCTION.



Request for Variance Design and Construction Standards

Applicant Information

Name: West Park Investors, LLC c/o Whitehall Real Estate
Interests
Address: 39525 13 Mile Road Suite 250
Novi, Michigan 48377
Phone No: (248) 324-0400

Engineer Information

Name: Hubbell, Roth & Clark, Inc.-Gary Tressel, Senior Associate
Address: 555 Hulet Drive
Bloomfield Hills, Michigan 48302
Phone No: (248) 454-6373

Applicant Status (please check one):

- Property Owner Developer Developer / Owner Representative
 Other _____

Project Name West Park Office Complex

Project Address/Location South side of Grand River west of Providence Parkway

Variance Request Section 11.194 - Design Considerations Para (a) (1) Table VIII-A Walks on both sides of roadway

Justification (attach additional pages if necessary)

The application is requesting a variance to be granted to provide a walk on one side of the road only due to the following:
1. The site has significant wetlands being preserved which limits the ability to build a walk along the east side of the road.
2. The site has a 200 foot wide corridor for I.T.C. Transmission Towers.
3. The roadway has been aligned to comply with all other City Design Standards except the east walk, while complying with points of connection to Providence Parkway, and Grand River Avenue. If east walk is required to be built, additional wetland impacts will be required that currently buffer the I.T.C. Corridor.
4. No development will ever be built on east side of the road that would utilize the walk.
5. Providence Parkway (the point of connection on south end) only has a walk/path on one side, which the west side walk will provide connectivity to.
6. Connectivity for the general public and adjacent property developments is provided by west side walk, so no detrimental impacts to the public health, safety or welfare by granting of the variance

(2)

INTERNAL USE

Date Submitted: _____
Code Section from which variance is sought: _____
Submittal Checklist: One (1) copy of plan on 8.5 x 11 size paper
 \$100 Filing Fee (No fee for driveway width variance requests)
Request Status: APPROVED DENIED
Authorized By: _____
Authorization Date: _____

Novi Town and Crossroads Commerce Park

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14-124.19

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 11, "DESIGN AND CONSTRUCTION STANDARDS," ARTICLE XI, "BICYCLE PATHS," AND ARTICLE XII, "PEDESTRIAN SAFETY PATHS," IN ORDER TO AMEND THE EXISTING DESIGN AND CONSTRUCTION STANDARDS TO INCORPORATE THE ENGINEERING DESIGN MANUAL STANDARDS FOR OFF-ROAD NON-MOTORIZED FACILITIES AND TO REPEAL CONFLICTING DESIGN AND CONSTRUCTION STANDARDS FOR BICYCLE PATHS AND PEDESTRIAN SAFETY PATHS.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 11, "Design and Construction Standards," Article XI, "Bicycle Paths," and Article XII, "Pedestrian Safety Paths," of the City of Novi Code of Ordinances is hereby amended to **delete** existing Articles XI and XII , creating new Article XI, "Off-Road Non-Motorized Facilities" which shall read as follows in its entirety:

ARTICLE XI. OFF-ROAD NON-MOTORIZED FACILITIES

Sec. 11-256. Requirement.

(a) This article establishes requirements for the design and construction of off-road non-motorized facilities within the street right-of-way of platted subdivisions, the arterial and collector street system, roads in unplatted residential areas and private roads in other unplatted areas within the city. Off-road non-motorized facilities include sidewalks, bicycle paths and regional trails.

(b) Non-motorized facilities shall be placed across the frontage of all streets and roadways (public or private) for all projects in accordance with the " Bicycle and Pedestrian Master Plan ", as well as at those locations specified in the City of Novi Subdivision Ordinance (Appendix C) and the City of Novi Zoning Ordinance (Appendix A). If the project entails the construction of an individual single family residential structure, the property owner/builder may request an administrative variance from this requirement. An administrative variance request shall be reviewed using the standards in Section 11-10(b). If the subject property is located such that no other pathways exist within 300 feet on the same side of the street, the property owners/builder shall have the option to pay the City the current construction cost of the sidewalk, as approved by the City Engineer, to be used by the City for construction of pathway segments elsewhere in the City. The City Engineer may require the property owner to submit a

pathway easement, in a location to be determined by the City Engineer, for future construction, operation and maintenance of a pathway across the property by the City.

(c) In the case of new streets and roadways to be constructed as part of the project, **a sidewalk shall be provided on both sides of the proposed street or roadway.** Sidewalks along streets identified by the master plan as arterials and collectors shall be six (6) feet or eight (8) feet wide as designated by the "Bicycle and Pedestrian Plan," whereas sidewalks along local streets and private roadways shall be five (5) feet wide.

(d) Non-motorized connections shall also be made between the development and the adjacent parcels and the overall city network of non-motorized facilities as directed by the City Engineer and as specified in the City of Novi Subdivision Ordinance (Appendix C) and the City of Novi Zoning Ordinance (Appendix A).

(e) A permanent easement for the non-motorized facility shall be provided when located outside of street rights-of-way for the construction, operation, maintenance, repair and/or replacement of the pathway and to allow pedestrian and non-motorized traffic access to the facility.

(f) Non-Motorized facilities shall be designed and constructed to meet the requirements of the Engineering Design Manual, unless otherwise approved by the City Engineer.

(g) Non-motorized facilities, as required above shall be constructed as part of the site improvements for the development as follows:

(1) For commercial and industrial developments, non-motorized facilities shall be constructed as part of the site improvements for the development prior to issuance of a temporary certificate of occupancy.

(2) For residential developments other than an individual single family home, non-motorized facilities along the frontage of the development and any common areas shall be constructed as part of the site improvements for the overall development prior to issuance of the first building permit, excluding model homes as defined in Chapter 26.5.

(3) For individual single family homes, the non-motorized facilities shall be constructed prior to the issuance of a temporary certificate of occupancy for that individual home.

(4) If seasonal weather conditions prohibit the completion of non-motorized facilities as required above, the developer may request an administrative variance from the City Engineer provided that the developer posts a financial guarantee in conformance with the requirements of Chapter 26.5 and completes said non-motorized facilities by July 1 of the following year.

Secs. 11-257 – 11-300. – Reserved.

PART II. That Chapter 11, "Design and Construction Standards," Article XIII, "Record Drawings, Procedures and Requirements," is hereby renumbered to Article XII.

PART III. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART IV. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART V. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART VI. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VII. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the 8th day of December, 2014, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by Council member Casey and seconded by Council member Wrobel.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 8th day of December, 2014.

Maryanne Cornelius, City Clerk

Sec. 11-10. - Variances.

- (a) Upon application, a specific variance to a substantive requirement of these standards may be granted, subject to the following criteria. Where the proposed activity requires site plan or plat approval, or otherwise involves the design or construction of a facility intended to be public, the variance application shall be to the city council. Where the proposed activity does not otherwise require site plan or plat approval, the variance application shall be to the construction board of appeals.
- (b) A variance may be granted when all of the following conditions are satisfied:
- (1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
 - (2) The alternative proposed by the applicant shall be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
 - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property.
- (c) The city council may, by resolution, establish an application fee for requests for variances from these standards.

(Ord. No. 86-124, § 16.01, 4-21-86; Ord. No. 87-124.01, Pt. I (16.01), 4-13-87; Ord. No. 91-124.05, Pt. I, 6-3-91; Ord. No. 93-124.06, Pt. V, 2-1-93; Ord. No. 99-124.11, Pt. III, 7-26-99)