



**ZONING BOARD OF APPEALS**  
**CITY OF NOVI**  
**Community Development Department**  
**(248) 347-0415**

**Case No. PZ14-0044 41795 Twelve Mile - Trilogy Health Services**

**Zoning District: OST-Office Service Technology District**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2507.3 and 2303.A.1 to allow 600 sq. ft. of loading area in one of the interior courtyards located on west side of the building. The property is located on the south side of Twelve Mile Road, west of Meadowbrook Road (Section 14)

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2507.3, within the OS Districts, loading space shall be provided in the rear yard and a ratio of five (5) square feet per front foot of building up to a total area of three hundred sixty (360) square feet per building. Section 2303.A.1 requires truck service areas and overhead truck loading/unloading doors shall be totally screened from view from any public right-of-way, including freeway right-of-way, and adjacent properties, except for required driveway access.

**City of Novi Staff Comments:**

Please see the attached Plan Review Center Report from the Site Plan review process for the redevelopment.

**Standards for Granting Dimensional Variances:**

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because\_\_\_\_\_.
- The need is not self-created because\_\_\_\_\_.
- Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome because\_\_\_\_\_.
- The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district because\_\_\_\_\_.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district because\_\_\_\_\_.



# PLAN REVIEW CENTER REPORT

August 20, 2014

## Planning Review

Trilogy  
JSP14-13

---

### Petitioner

DMK Development Group LLC

### Review Type

Revised Preliminary Site Plan

### Property Characteristics

- Site Location: South side of Twelve Mile Road, west of Meadowbrook Road (Section 14)
- Site School District: Walled Lake Consolidated Schools
- Site Zoning: OST, Office Service Technology
- Adjoining Zoning: North: R-A Residential Acreage; East, West, and South: OST
- Site Use(s): Vacant
- Adjoining Uses: North: Tollgate Farm; South: Vacant; East: South University; West: Medical offices
- Site Size: 10.25 acres
- Building Size: 59,926 square feet
- Plan Date: 7/18/14

### Project Summary

The applicant is proposing to construct a 90 bed, 59,926 square foot senior assisted living facility along with associated parking, landscape and detention areas on 10.25 acres on the south side of Twelve Mile Road, west of Meadowbrook Road.

### Recommendation

Approval of the **revised Preliminary Site Plan is recommended**. The plan generally conforms to the requirements of the Zoning Ordinance. Planning Commission approval of the Preliminary Site Plan is required.

### Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 23A (OST, Office Service Technology District), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance. Please see the attached charts for information pertaining to ordinance requirements. Items in **bold** below must be addressed and incorporated as part of the final site plan submittal.

1. Loading Spaces: A roughly 600 sq. ft. loading area is proposed in one of the interior courtyards. **The loading area must be relocated to the rear yard or receive a variance from the Zoning Board of Appeals.**
2. Bicycle Parking: **A detail of the proposed bicycle parking facilities shall be included on the plans in accordance with Ordinance requirements.**
3. Photometric Plan: The applicant has provided a photometric plan; however **the site lighting ratio must be provided**, as noted in the lighting review chart.

4. Facade Review: **There are several concerns noted in the facade review letter that must be addressed in the applicant's Planning Commission response letter.**

**Response Letter**

A letter from either the applicant or the applicant's representative addressing comments in this and other review letters is required **prior to consideration by the Planning Commission and with the next plan submittal.**

**Site Addressing**

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at [www.cityofnovi.org](http://www.cityofnovi.org) under the forms page of the Community Development Department. Please contact Jeannie Niland (248.347.0438 or [jniland@cityofnovi.org](mailto:jniland@cityofnovi.org)) in with any specific questions regarding addressing of sites.

**Pre-Construction Meeting**

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni (248.347.0430 or [smarchioni@cityofnovi.org](mailto:smarchioni@cityofnovi.org)).

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or [kkapelanski@cityofnovi.org](mailto:kkapelanski@cityofnovi.org).



---

Kristen Kapelanski, AICP – Planner



ZONING BOARD OF APPEALS APPLICATION

CITY OF NOVI

Community Development Department

(248) 347-0415

For Official Use Only

ZBA Case No. \_\_\_\_\_

ZBA meeting date \_\_\_\_\_

Check# 8723 Include payment with cash or check written to "City of Novi"

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

\*\*\*Please submit one original full set of all documentation relevant to the appeal plus 14 additional complete sets.

Applicant's Name DMK DEVELOPMENT GROUP, LLC. Date 8-28-14

Company (if applicable) \_\_\_\_\_

Address\* 8200 SHELBYVILLE ROAD City LOUISVILLE

State Ky Zip code 40222 \*Where all case correspondence is to be mailed

Applicant's E-mail address MKITCHEN@DMKDEVELOPMENT.COM

Phone number (502) 423-0662 Fax number \_\_\_\_\_

Request is for:

- Residential  Vacant property  Commercial  Signage

Address of subject ZBA case 41795 TWELVE MILE ROAD Zip code 48377

Cross roads of property TWELVE MILE & MEADOWBROOK

Sidwell number 50-22-14-200-031 May be obtained from Assessing Department (248) 347-0485

Is the property within a Homeowner's Association jurisdiction?  Yes  No

- Zoning (Please circle one)  MH  R-A  R-1  R-2  R-3  R-4  RM-1  RM-2  I-1  I-2  RC  TC  TC-1  OST  Other

Property owner name (if other than applicant) REDFERN INVESTMENTS, LLC

Does your appeal result from a Notice of Violation or Citation issued?  Yes  No

Indicate Ordinance section(s) and variances requested:

- 1. Section 2507.1 Variance requested LOADING SPACE LOCATED ON WEST SIDE
- 2. Section \_\_\_\_\_ Variance requested OF BUILDING WITHIN A COURTYARD INSTEAD
- 3. Section \_\_\_\_\_ Variance requested OF REAR YARD
- 4. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary): *SEE ATTACHED*

Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:  
*SEE ATTACHED*

There is a five (5) day hold period before work/action can be taken on variance approvals.

**SIGN CASES ONLY:**

Your signature on this application indicates that you agree to install a Mock-Up Sign ten (10) days before the scheduled ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is NOT to be the actual sign. Upon approval, the mock-up sign must be removed within five (5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five (5) days of the meeting.

**City of Novi Ordinance, Section 3107. - Miscellaneous**

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one-hundred and eighty (180) days unless such use is established within such a period; provided, however, where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for such erection or alteration is obtained within one (1) year and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

**PLEASE TAKE NOTICE:**

The undersigned hereby appeals the determination of the Building Official / Inspector or Ordinance made

- Construct new home/building
- Accessory building
- Use
- Addition to existing home/building
- Signage
- Other (*LOADING AREA ON SITE PLAN JSP 14-13*)

*[Handwritten Signature]*  
\_\_\_\_\_  
Applicants Signature

*9-2-14*  
\_\_\_\_\_  
Date

*See Affidavit*  
\_\_\_\_\_  
Property Owners Signature

\_\_\_\_\_  
Date

**DECISION ON APPEAL**

\_\_\_\_\_ Granted                      \_\_\_\_\_ Denied

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date





**Trilogy Health Services – Variance Request**  
**City of Novi, Ordinance Section 2507.1**

**A. State the practical difficulties which prevented conformance with zoning ordinance requirements. (attach a separate sheet if necessary)**

1. The project is located within a large regulated woodland and wetland area. The layout of the building, parking, utilities, storm water management and a mitigation area have attempted to save as many natural features as possible. Providing a loading area in the rear yard would require a new parking layout that would encroach further into the regulated woodland and push other design features further into the woodlands.
2. The assisted living building is designed to serve individuals in different states of health. The building is designed to have main access points at the two ends of the building (North-South in this case), to help separate building service needs. With the layout of this property, the building cannot be designed East-West so that the loading area could be located in the South.

**B. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance.**

1. The project is located on a parcel that ranges in elevation from 914 to 945 (over 30' in elevation change). It also includes over 5.5 acres of regulated woodland and 1.2 acres of city regulated wetland. It is a very demanding site when it comes to site layout and site design. Unfortunately, each small change to the building or parking lot may have large consequences with another feature of the site design.

Here are some additional items and thoughts for the ZBA committee. The proposed location will be screened on 3 sides by the building courtyard. There will be zero visibility from Twelve Mile Road, the property to the South and the property to the East. From the West side, the applicant is proposing to provide a landscape buffer that will consist of a row of large arborvitae (or another evergreen species that will grow quickly), mixed in with trees. The property also berms up 4 feet from the curb edge by the loading area. I truly believe this can be screened well enough on the West side to be non-visible within a few years. Also, please keep in mind that this is not your typical loading area with large semi's and loading docks. Deliveries to Trilogy generally come in smaller van-like vehicles (similar to UPS) and are very non-frequent. I hope you will consider our request for this variance.

Sincerely,



Greg Petru, P.E.  
Kebs, Inc.  
2116 Haslett Road  
Haslett, Michigan 48840

AFFIDAVIT OF PROPERTY OWNER

The undersigned, a Managing Member of Redfern Investments, L.L.C., a Michigan limited liability company (the "Seller"), is the owner of a certain parcel of vacant land (the "Property") consisting of approximately 10.26 acres fronting on Twelve Mile Road in Novi, Michigan (Tax Parcel No. 50-22-14-200-031). Seller has entered into a certain Agreement for Purchase and Sale of Real Estate dated October 19, 2012 (the "Purchase Agreement"), pursuant to which Seller has agreed to sell the Property to Trilogy FSC Investors, LLC, a Delaware limited liability company authorized to do business in Michigan (the "Purchaser"). As contemplated by the Purchase Agreement, prior to closing on its acquisition of the Property, Purchaser is submitting the Application for Site Plan and Land Use Approval (the "Application") to which this Affidavit is attached in order to be assured that following such closing Purchaser will be able to construct a senior health care facility on the Property. Seller further acknowledges that, while the Application is being submitted by or on behalf of Purchaser, Seller has joined in the execution thereof for the sole purpose of evidencing its authorization of such Application in contemplation of the pending sale and transfer of the Property to Purchaser. Seller shall not be responsible for any representations, warranties, covenants or undertakings made by or on behalf of the Purchaser/Applicant.

Dated this 27 day of May, 2014.

REDFERN INVESTMENTS, L.L.C., a Michigan limited liability company

By: \_\_\_\_\_

Its: Managing Member

William W. ... 5/27/14

Notary \_\_\_\_\_ Date

County: Oakland

State: Michigan

Commission expires: 5/7/2021



**APPLICANT:**  
DMK DEVELOPMENT GROUP, LLC  
8200 SHELBVILLE ROAD  
SUITE 130, LOUISVILLE, KY. 40222  
PH: (502) 423-0662

**ENGINEER:**  
KEBS, INC.  
2116 HASLETT RD.  
HASLETT, MI 48840  
PH: (517) 339-1014

**LANDOWNER (CURRENTLY):**  
REDFERN INVESTMENTS, LLC  
1500 W. BIG BEAVER ROAD  
TROY, MI 48064  
PH: (248) 476-3700

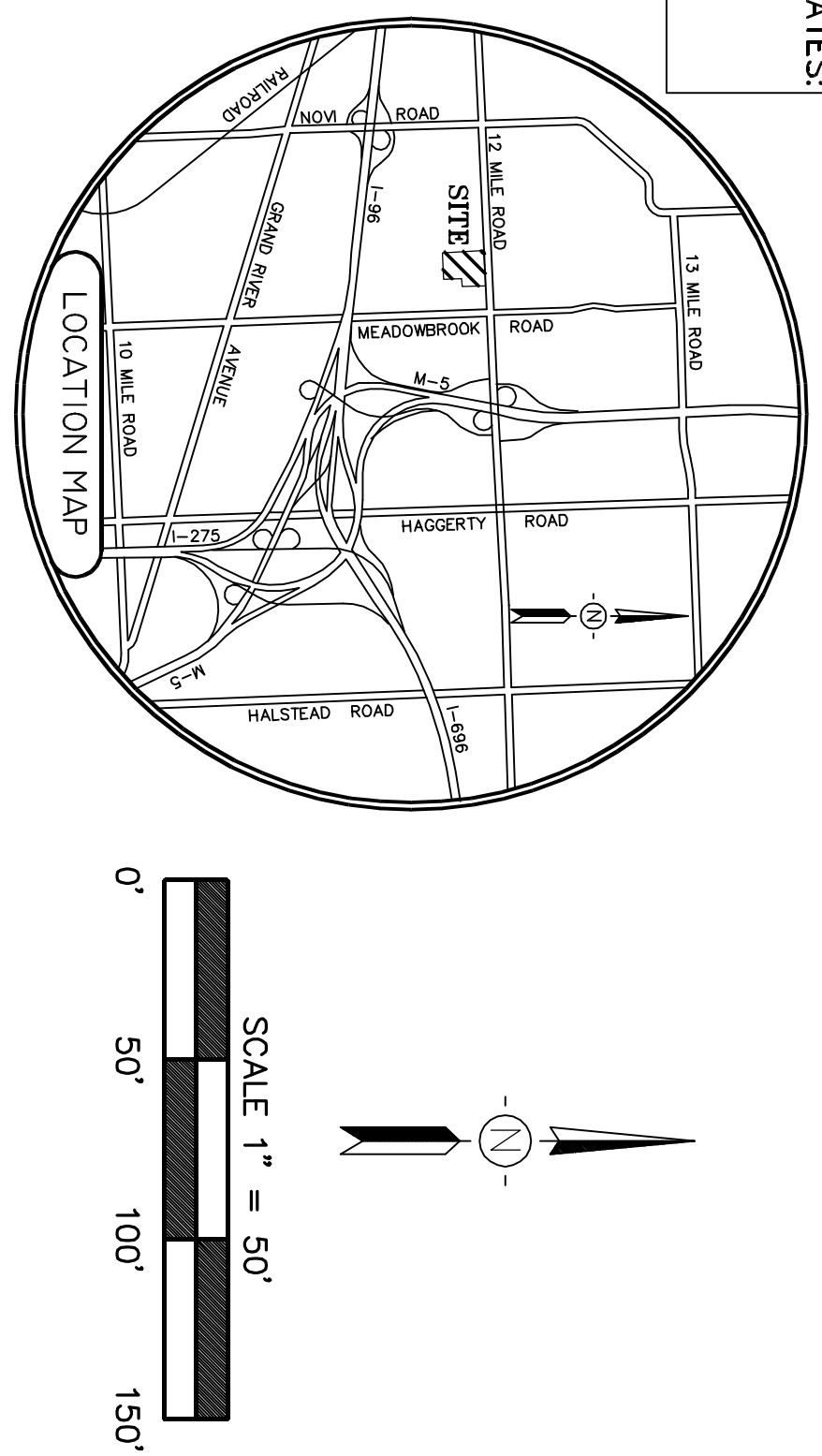
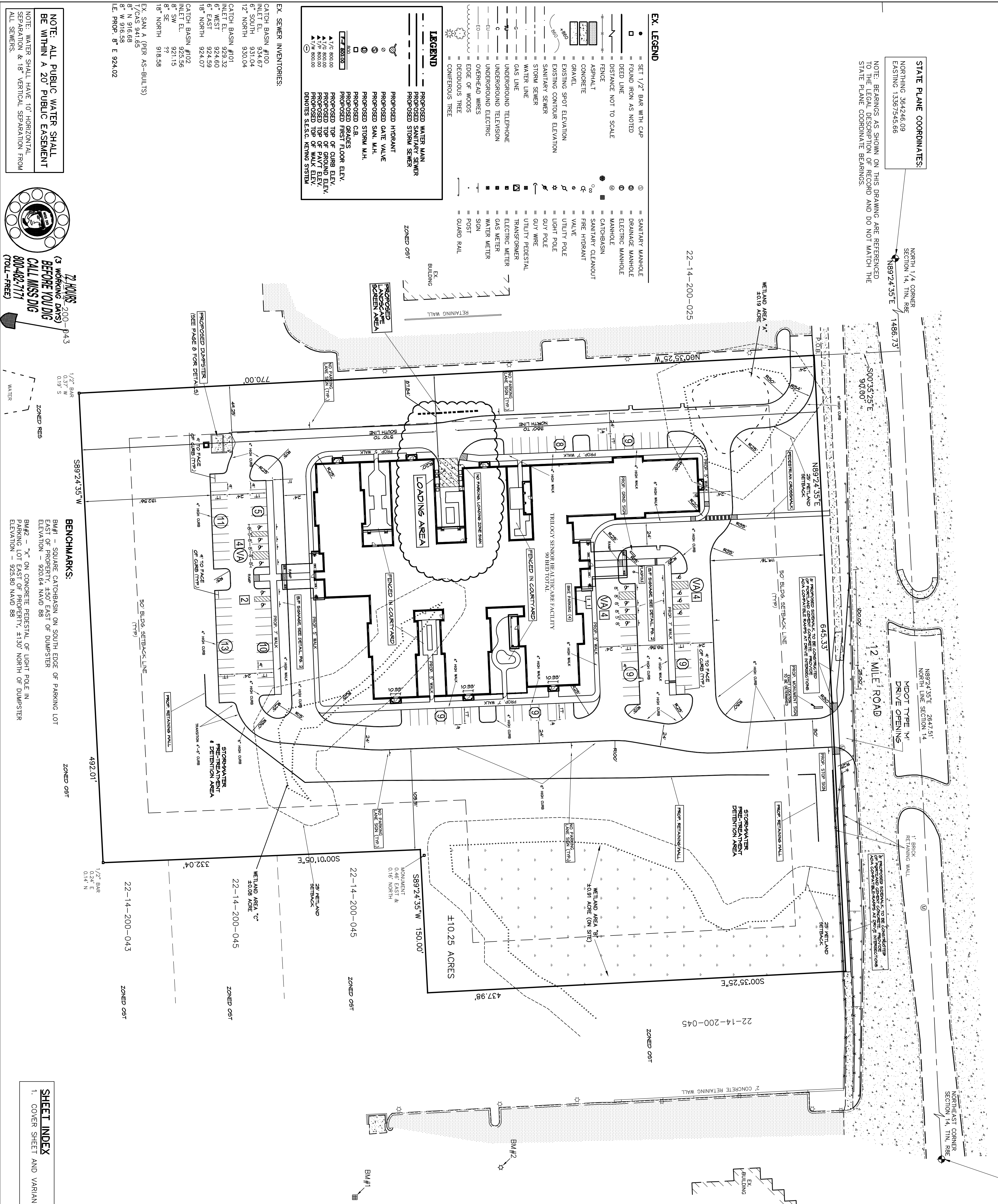
# VARIANCE PLAN FOR: Triology - Novi

THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN

**STATE PLANE COORDINATES:**  
NORTHING 364246.09  
EASTING 13367545.66

**STATE PLANE COORDINATES:**  
NORTHING 364246.09  
EASTING 13367545.66

NOTE: BEARINGS AS SHOWN ON THIS DRAWING ARE REFERENCED TO THE LEGAL DESCRIPTION OF RECORD AND DO NOT MATCH THE STATE PLANE COORDINATE BEARINGS.



**LEGAL DESCRIPTION:**  
A parcel of land in the Northeast 1/4 of Section 14, T1N, R9E, City of Novi, Oakland County, Michigan, the surveyed boundary of said parcel described as: Commencing at the North 1/4 corner of said Section 14, thence N89°24'35"E along the North line of said Section 14 a distance of 1486.73 feet; thence S00°35'25"E perpendicular to said North line 90.00 feet to the point of beginning of this description; thence N69°24'35"E parallel with said North line 645.33 feet; thence S00°35'25"E perpendicular to said North line 43.98 feet; thence N89°24'35"W parallel with said North line 150.00 feet; thence S00°01'03"E 332.04 feet; thence N29°02'32"W parallel with said North line 492.01 feet; thence N00°35'25"W perpendicular to said North line 729.00 feet to the point of beginning of this description; thence N00°35'25"W perpendicular to said North line to all easements and restrictions, if any.

**PARCEL NUMBER:**  
50-22-14-200-031

EXISTING SITE DATA:		EMPLOYEE WORK DATA:	
EXISTING ZONING: OST	ADJACENT ZONING: OST (EAST, WEST AND SOUTH)	TOTAL EMPLOYEES:	17 PART TIME EMPLOYEES
RESIDENTIAL (SMALL PORTION AT SW CORNER)	TOTAL SITE AREA = ±10.25 ACRES (446,549 SF.)	TOTAL FULL TIME EMPLOYEES:	88
		TOTAL EMPLOYEES =	88
PROPOSED SITE USE:		PARKING REQUIREMENTS:	
TRILOGY HEALTHCARE/ASSISTED LIVING FACILITY		1 PARKING SPACE FOR EVERY 4 BEDS	
TOTAL BED COUNT: 80 BEDS		80 PARKING SPACES FOR EACH EMPLOYEE	
(USE IS PERMITTED BY RIGHT IN OST DISTRICT)		88 EMPLOYEES = 88 SPACES	
BUILDING DATA (OVERALL):		TOTAL SPACES REQUIRED = 23468 = 91	
TOTAL BUILDING SF = 53,266 SF	TOTAL PARKING SPACES PROVIDED = 110 = OK	BIKE PARKING REQUIREMENTS:	
TOTAL PARKING SPACES PROVIDED = 110 = OK	(INCLUDES 14 B/F SPACES)	1 BIKE SPACE FOR EACH 20	
PROPOSED BUILDING SETBACKS:	FRONT (12 WIDE) = 50'	BIKE SPACES PROVIDED = 4	
	REAR (SOUTH) = 50'		

### VARIANCE REQUEST:

SECTION	REQUIREMENT	REASON	VARIANCE REQUESTED
20971	WHEN THE USE DISTRICTS, LOADING AND UNLOADING ARE PROVIDED IN THE REAR YARD.	LOADING SPACE IS PROPOSED ON ENCLOSED ON (O) SITES BY THE BUILDING FOOTPRINT AND BY THE UNLOADING SPACES ON THE SITES	LOADING SPACE/AREA TO ENCLOSED ON (O) SITES PER PLAN

- ① DENOTES PROPOSED NUMBER OF 3x17 PARKING SPACES
- ② DENOTES PROPOSED NUMBER OF B/F PARKING SPACES
- ③ DENOTES PROPOSED VAN ACCESS PARKER FREE
- ④ DENOTES PROPOSED NUMBER OF 9x17 PARKING SPACES

SURVEY ADDRESS: 41795 TWELVE MILE ROAD, NOVI, MI 48377

**KEBS, INC.**  
2116 HASLETT ROAD, HASLETT, MI 48840  
PH: 517-339-1014 FAX: 517-339-8047

**Triology - Novi**  
Novi, MI 48377  
Ph: 269-781-9800

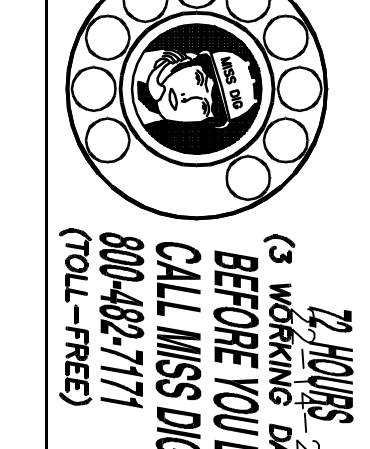
- EX. LEGEND**
- = SET 1/2" BAR WITH CAP
  - = FOUND IRON AS NOTED
  - = DEED LINE
  - = DISTANCE NOT TO SCALE
  - = FENCE
  - = ASPHALT
  - = CONCRETE
  - = GRAVEL
  - = EXISTING SPOT ELEVATION
  - = EXISTING CONTOUR ELEVATION
  - = SANITARY SEWER
  - = WATER LINE
  - = GAS LINE
  - = UNDERGROUND TELEPHONE
  - = UNDERGROUND TELEVISION
  - = OVERHEAD WIRE
  - = EDGE OF WOODS
  - = DECIDUOUS TREE
  - = CONTIGUOUS TREE
  - = GUARD RAIL
  - = SIGN
  - = POST
  - = TRANSFORMER
  - = ELECTRIC METER
  - = GAS METER
  - = WATER METER
  - = UTILITY PEDestal
  - = LIGHT POLE
  - = VALVE
  - = SANITARY CLEANOUT
  - = CATCHBASIN
  - = MANHOLE
  - = ELECTRIC MANHOLE
  - = DRAINAGE MANHOLE
  - = SANITARY MANHOLE
  - = FOUND IRON AS NOTED
  - = SET 1/2" BAR WITH CAP

- LEGEND**
- = PROPOSED WATER MAIN
  - = PROPOSED SANITARY SEWER
  - = PROPOSED STORM SEWER
  - = PROPOSED HYDRANT
  - = PROPOSED GATE VALVE
  - = PROPOSED SAN. M.H.
  - = PROPOSED STORM M.H.
  - = PROPOSED C.B.
  - = PROPOSED R/S FLOOR ELEV.
  - = PROPOSED R/S GROUND ELEV.
  - = PROPOSED TOP OF GROUND ELEV.
  - = PROPOSED TOP OF PAVT ELEV.
  - = PROPOSED TOP OF WALK ELEV.
  - = DENOTES 3.5% SLOPE SYSTEM

- EX. SEWER INVENTORIES:**
- CATCH BASIN #100
  - INLET EL. 934.67
  - 5' SOUTH 931.04
  - 12' NORTH 930.94
  - CATCH BASIN #101
  - INLET EL. 929.32
  - 6' EAST 924.59
  - 18' NORTH 924.07
  - CATCH BASIN #102
  - INLET EL. 921.15
  - 8' SW 921.15
  - 7' SE 921.15
  - 18' NORTH 918.58
  - EX. SAN. A (SER AS-BULLTS)
  - 8' N 916.68
  - 8' W 916.68
  - IE. PROP. 8' E 924.02

**NOTE: ALL PUBLIC WATER SHALL BE WITHIN A 20' PUBLIC EASEMENT**

NOTE: WATER SHALL HAVE 10' HORIZONTAL SEPARATION & 18" VERTICAL SEPARATION FROM ALL SEWERS.



12 HOURS (3 Working Days) BEFORE YOU DIG  
CALL MISS DIG  
800.492.7171 (TOLL-FREE)

**BENCHMARKS:**  
BM#1 - SQUARE CATCHBASIN ON SOUTH EDGE OF PARKING LOT EAST OF PROPERTY ±50' EAST OF DUMPSTER  
ELEVATION - 920.64 NAVD 88

BM#2 - "X" ON CONCRETE PEDestal OF LIGHT POLE IN EASEMENT LOT 555 S WOODSTOCK ST, 1130' NORTH OF DUMPSTER  
ELEVATION - 923.80 NAVD 88

**ZONED OST**

1/2" BAR 0.19' S

1/2" BAR 0.14' N

**ZONED OST**

1/2" BAR 0.19' S

1/2" BAR 0.14' N

**ZONED OST**

1/2" BAR 0.19' S

1/2" BAR 0.14' N

**ZONED OST**

1/2" BAR 0.19' S

1/2" BAR 0.14' N

**ZONED OST**

1/2" BAR 0.19' S

1/2" BAR 0.14' N

**SHEET INDEX**  
1. COVER SHEET AND VARIANCE PLAN





© 2014 Microsoft Corporation. Pictometry, Bird's Eye

0 feet 10 m

- ① PROPOSED LOADING AREA
- ② EXISTING LOADING AREA
- ③ EXISTING EVERGREENS
- ④ PROPOSED LANDSCAPE BUFFER