



cityofnovi.org

## PARADISE PARK PARTIAL REZONING JZ22-31

### **PARADISE PARK PARTIAL REZONING JZ22-31 WITH REZONING 18.739**

Public hearing at the request of Paradise Park for Planning Commission's recommendation to City Council for a Zoning Map amendment from Office Service Technology (OST) to Light Industrial (I-1). The subject site is approximately 4.14 acres of an 8.03 acre site and is located at 45799 Grand River Avenue, which is on the south side of Grand River Avenue and west of Taft Road (Section 16). The applicant has indicated that the proposed rezoning is being requested to make the zoning consistent throughout the entirety of the property.

### **REQUIRED ACTION**

Recommendation to City Council for approval or denial of the rezoning request from Office Service Technology (OST) to Light Industrial (I-1).

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval recommended	1-31-23	<ul style="list-style-type: none"><li>• Items to be addressed by the applicant prior to Final approval.</li></ul>
Engineering		10-20-22	<ul style="list-style-type: none"><li>• No concerns noted.</li></ul>
Traffic		1-26-23	<ul style="list-style-type: none"><li>• <b>Approval of the Rezoning Traffic Study is recommended by Traffic as the applicant has indicated the highest trip land uses for each zoning district.</b></li><li>• Items to be addressed by the applicant prior to Final approval.</li></ul>
Fire		10-14-22	<ul style="list-style-type: none"><li>• No concerns noted.</li></ul>

## **MOTION SHEET**

### **Approval**

In the matter of Paradise Park Partial Rezoning, JZ22-31, with Zoning Map Amendment 18.739 motion to **recommend approval** to City Council to rezone the subject property from Office Service Technology (OST) to Light Industrial (I-1) *for the following reasons:*

1. *The proposed Light Industrial (I-1) Zoning District meets the intent of the 2016 Master Plan for the Industrial Research Development Technology future land use;*
2. *The Master Plan for Land Use objective to support and strengthen existing businesses is fulfilled as the proposed rezoning promotes the continued success of an existing business;*
3. *The Master Plan for Land Use objective to maintain quality architecture and design throughout the City is fulfilled because Paradise Park is an attraction that is unique to the region;*
4. *There will be no negative impact on public utilities as a result of the rezoning request as stated in the Engineering memo, and no anticipated changes to the traffic patterns as a result of the rezoning request;*
5. *The Rezoning Traffic Impact Study has demonstrated that the proposed rezoning will not degrade the level of service of the local road network below acceptable levels.*
6. *(additional reasons here if any)*

**-OR-**

### **Denial**

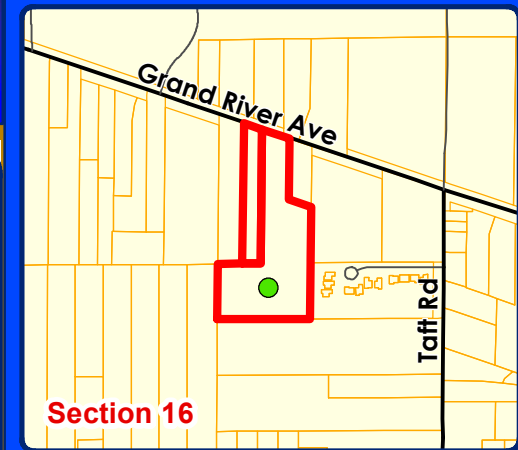
In the matter of Paradise Park Partial Rezoning, JZ22-31, with Zoning Map Amendment 18.739 motion to **recommend denial** to City Council to rezone the subject property from Office Service Technology (OST) to Light Industrial (I-1) *for the following reasons...*

**MAPS**  
**Location**  
**Zoning**  
**Future Land Use**  
**Natural Features**


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# JZ22-31 PARADISE PARK - PARTIAL REZONING

## LOCATION



**LEGEND**

 Subject Property

 **City of Novi**  
Dept. of Community Development  
City Hall / Civic Center  
45175 W Ten Mile Rd  
Novi, MI 48375  
cityofnovi.org

Map Author: Christian Carroll  
Date: 12/28/22  
Project: PARADISE PARK PARTIAL REZONING  
Version #: 1

0 37.5 75 150 225 Feet  
1 inch = 170 feet

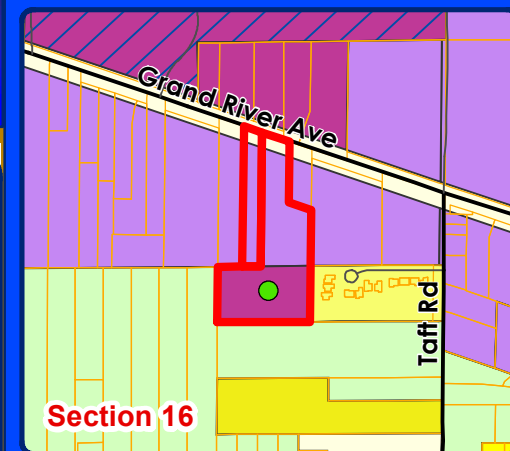
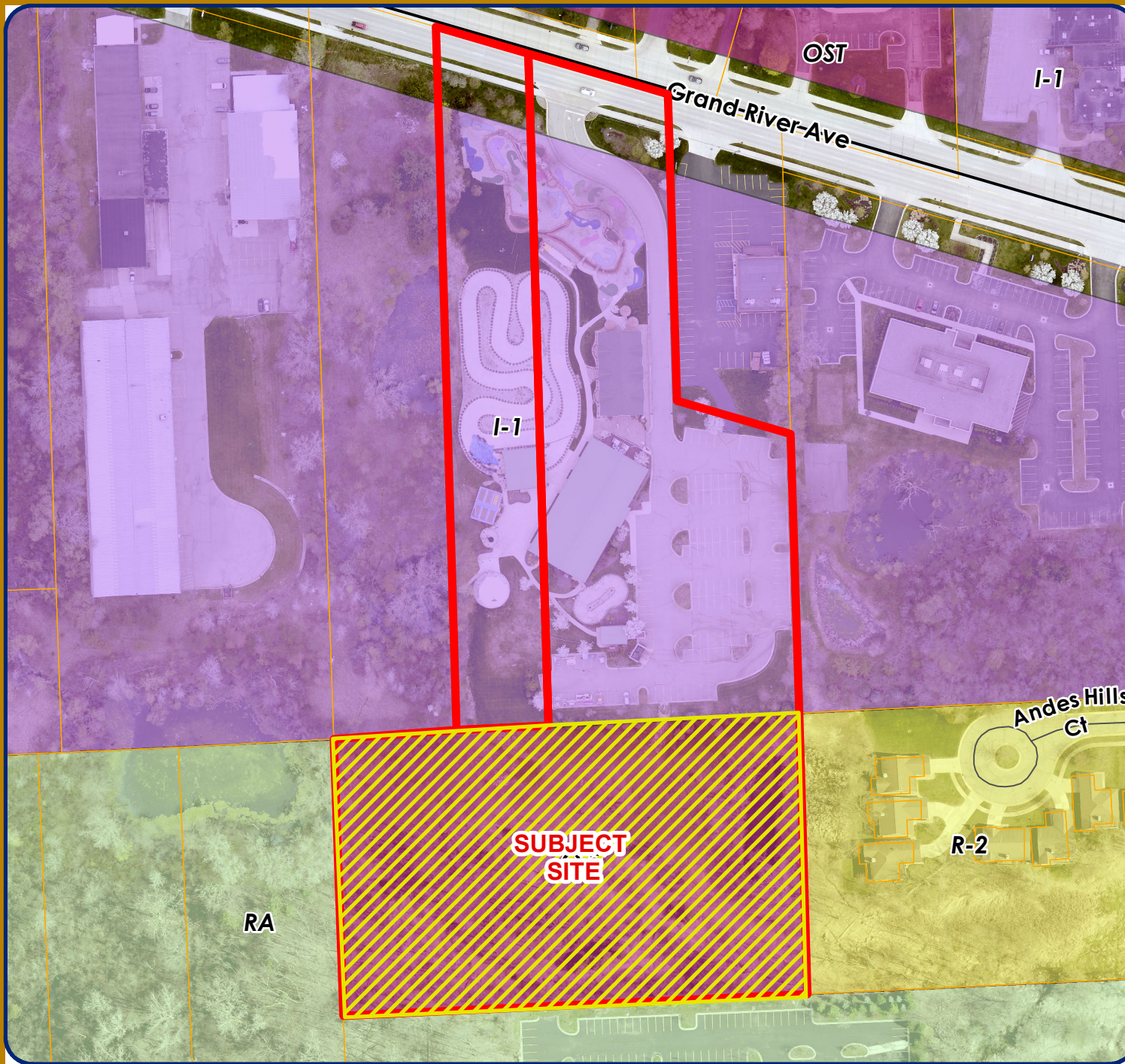


**MAP INTERPRETATION NOTICE**

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.

# JZ22-31 PARADISE PARK - PARTIAL REZONING

## ZONING



**LEGEND**

- R-A: Residential Acreage
- R-1: One-Family Residential District
- R-2: One-Family Residential
- R-4: One-Family Residential District
- EXO: OST District with EXO Overlay
- I-1: Light Industrial District
- OST: Office Service Technology
- Subject Property

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0 37.5 75 150 225

Feet

225

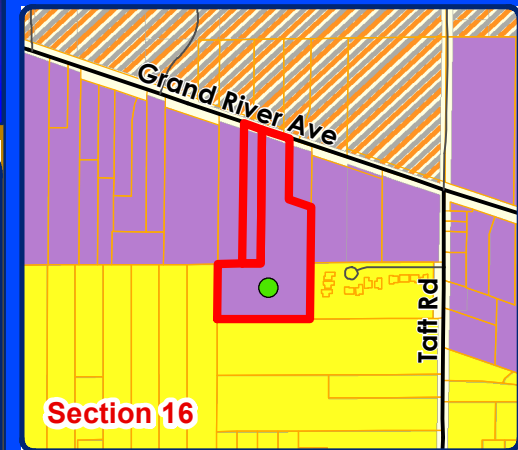
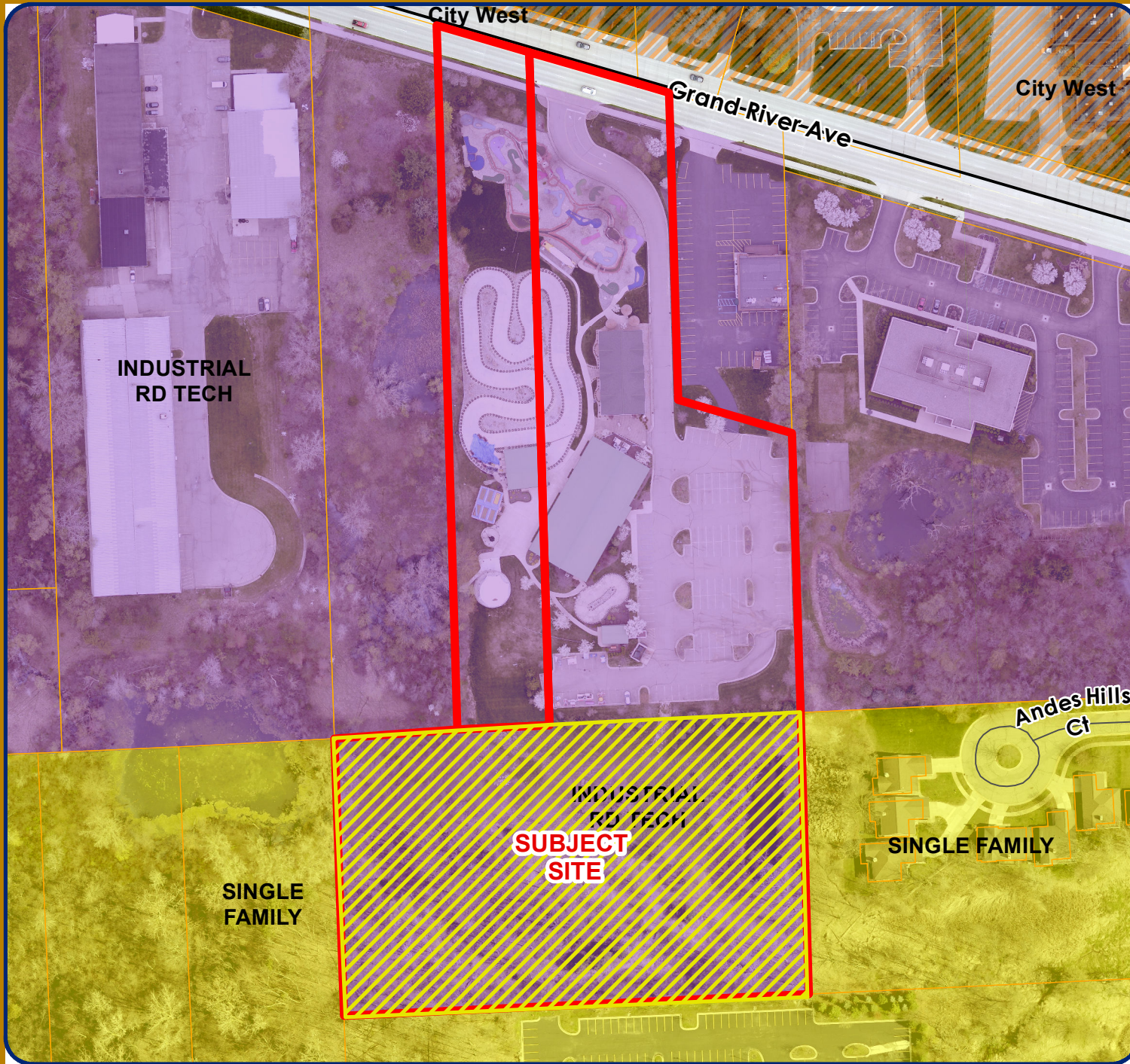
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# JZ22-31 PARADISE PARK - PARTIAL REZONING

## FUTURE LAND USE



**Section 16**

### LEGEND

-  Single Family
-  Industrial Research Development Technology
-  City West
-  Subject Property



### City of Novi

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City Hall / Civic Center  
45175 W Ten Mile Rd  
Novi, MI 48375  
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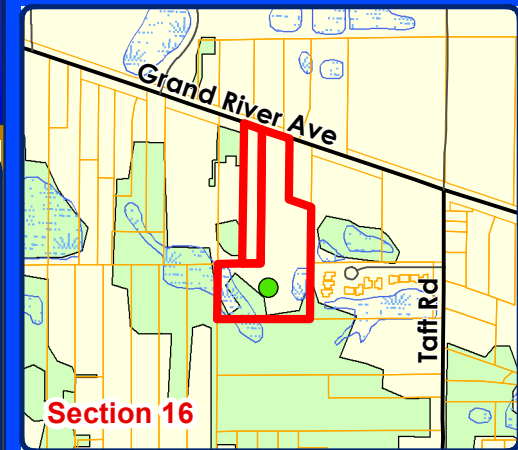


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# JZ22-31 PARADISE PARK - PARTIAL REZONING

## NATURAL FEATURES



**LEGEND**

- WETLANDS
- WOODLANDS
- Subject Property

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City Hall / Civic Center  
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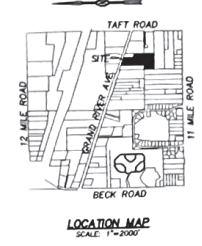
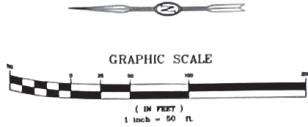
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**SITE SURVEY**

**(Full plan set available for viewing at the Community Development Department.)**

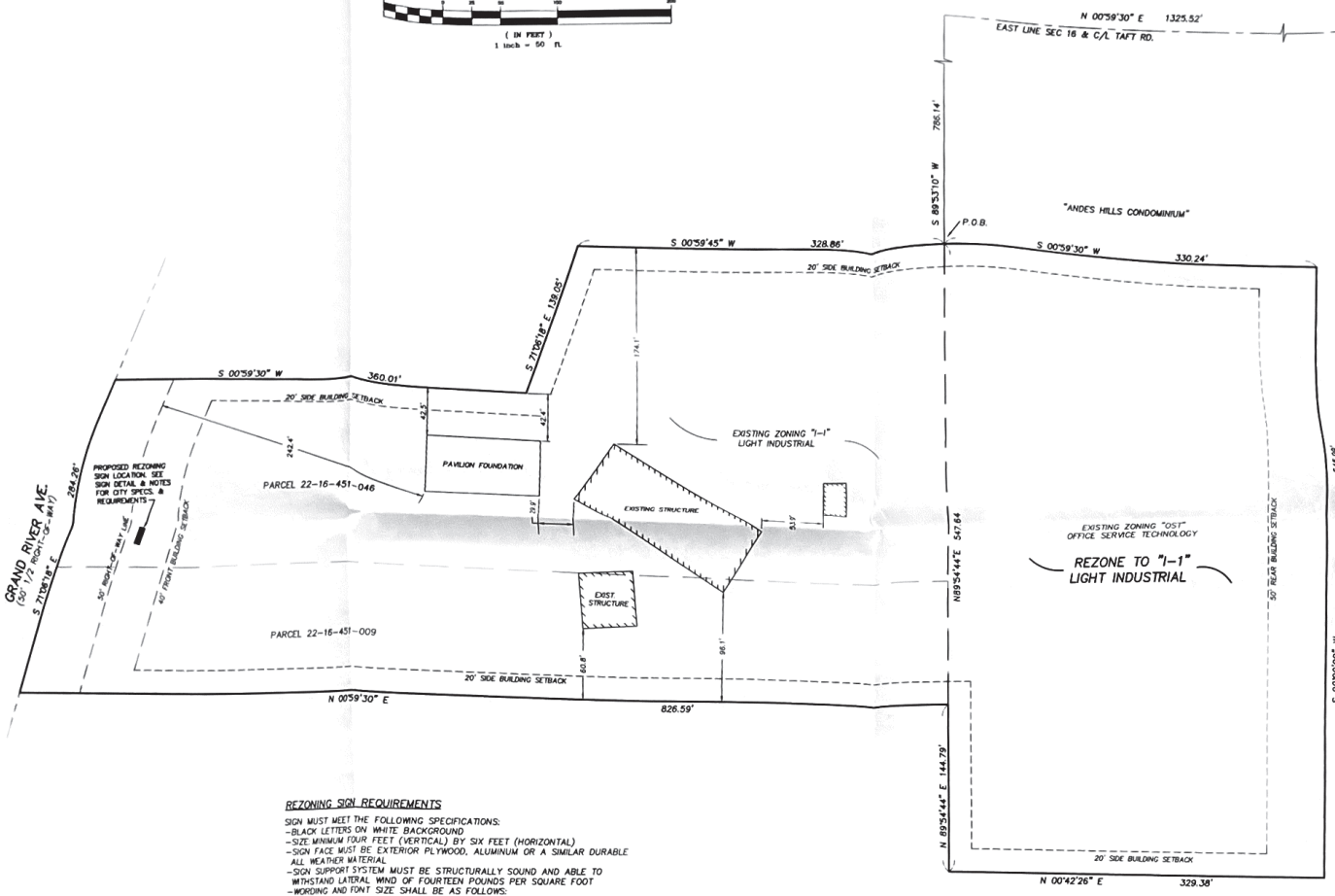




RECEIVED  
DEC 28 2022  
CITY OF NOVI  
COMMUNITY DEVELOPMENT

**PARADISE PARK**  
**LEGAL DESCRIPTION 22-16-451-046 & 22-16-451-009 COMBINED**  
A part of the Southeast 1/4 of Section 16, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as commencing at Southeast Corner of said Section 16, thence North 00°30'30" East, 1325.52 feet, along the East line of said Section 16 and the centerline of Taft Road, to the Northeast corner of "Andes Hills Condominium", thence South 89°52'10" West, 786.14 feet, along the North line of said "Andes Hills Condominium" to the Northeast corner of said "Andes Hills Condominium" and the Point of Beginning, thence South 89°52'10" West, 330.24 feet, along the West line of said "Andes Hills Condominium" to the Southwest corner of said "Andes Hills Condominium", thence South 00°59'45" West, 328.86 feet (previously described as 328.86 feet), thence North 89°54'44" East, 426.59 feet (previously described as 426.52 feet), to the centerline of Grand River Avenue right-of-way, thence South 71°00'18" East, 234.26 feet, along the centerline of said Grand River Avenue right-of-way thence, South 00°59'45" West, 360.01 feet, South 71°00'18" East, 139.07 feet, and subject to the rights of the public in Grand River Avenue and subject to assessments, restrictions and rights-of-way of record. Containing 4.14 acres.

**PARADISE PARK**  
**PROPOSED REZONING DESCRIPTION**  
A part of the Southeast 1/4 of Section 16, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, more particularly described as commencing at Southeast Corner of said Section 16, thence North 00°30'30" East, 1325.52 feet, along the East line of said Section 16 and the centerline of Taft Road, to the Northeast corner of "Andes Hills Condominium", thence South 89°52'10" West, 786.14 feet, along the North line of said "Andes Hills Condominium" to the Northeast corner of said "Andes Hills Condominium" and the Point of Beginning, thence South 89°52'10" West, 330.24 feet, along the West line of said "Andes Hills Condominium" to the Southwest corner of said "Andes Hills Condominium", thence South 00°59'45" West, 328.86 feet (previously described as 328.86 feet), thence North 89°54'44" East, 426.59 feet (previously described as 426.52 feet), to the centerline of Grand River Avenue right-of-way, thence South 71°00'18" East, 234.26 feet, along the centerline of said Grand River Avenue right-of-way thence, South 00°59'45" West, 360.01 feet, South 71°00'18" East, 139.07 feet, and subject to the rights of the public in Grand River Avenue and subject to assessments, restrictions and rights-of-way of record. Containing 4.14 acres.



**REZONING SIGN REQUIREMENTS**  
SIGN MUST MEET THE FOLLOWING SPECIFICATIONS:  
-BLACK LETTERS ON WHITE BACKGROUND  
-SIZE MINIMUM FOUR FEET (VERTICAL) BY SIX FEET (HORIZONTAL)  
-SIGN FACE MUST BE EXTERIOR PLYWOOD, ALUMINUM OR A SIMILAR DURABLE ALL WEATHER MATERIAL  
-SIGN SUPPORT SYSTEM MUST BE STRUCTURALLY SOUND AND ABLE TO WITHSTAND LATERAL WIND OF FOURTEEN POUNDS PER SQUARE FOOT  
-WORDING AND FONT SIZE SHALL BE AS FOLLOWS:

ZONING CHANGE PROPOSED FROM (IDENTIFY CURRENT DISTRICT) TO (IDENTIFY PROPOSED DISTRICT)  
For more information call:  
New Community Development Department  
248-347-0475

Min 8" high letters  
Min 4" high letters

REZONING SIGNS MUST BE REMOVED WITHIN:  
-SEVEN DAYS OF ENACTMENT OF THE REZONING REQUEST BY CITY COUNCIL  
-SEVEN DAYS OF WITHDRAWING REZONING APPLICATION (IF APPLICANT DELAYS THE REQUEST BEYOND THE FOUR CITY COUNCIL MEETING LIMIT ALLOTTED, THE REZONING APPLICATION WILL BE CONSIDERED WITHDRAWN); OR  
-SEVEN DAYS OF DENIAL OF REZONING REQUEST BY CITY COUNCIL

PROPOSED REZONING SIGN LOCATION. SEE SIGN DETAIL & NOTES FOR CITY SPEC. & REQUIREMENTS.

Consulting Engineers - Land Surveyors  
 8411  
 Phone (248) 363-2550 Fax (248) 363-1448  
**JEK**  
 Joseph C. Kaporczak  
 License No. 1301024388  
 State of Michigan  
 12/13/22  
 Job No.: 11045  
 Sht. No.: 1

Drawn: JAS  
 Designed: JOK  
 Checked: JOK  
 ISSUED FOR:

**PROPOSED REZONING**  
 PARADISE PARK  
 CITY OF NOVI

## PLANNING REVIEW

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## PLAN REVIEW CENTER REPORT

February 14, 2023

### Planning Review

Paradise Park – Partial Rezoning  
JZ22-27 with Rezoning 18.739

#### PETITIONER

Paradise Park

#### REVIEW TYPE

Rezoning Request from OST (Office Service Technology) to I-1 (Light Industrial)

#### PROPERTY CHARACTERISTICS

<b>Section</b>	16	
<b>Site Location</b>	45799 Grand River Ave; South of Grand River Ave, West of Taft Rd (Parcel 22-16-451-046)	
<b>Site School District</b>	Novi Community School District	
<b>Site Zoning</b>	OST Office Service Technology	
<b>Adjoining Zoning</b>	North	I-1 Light Industrial
	East	R-2 One-Family Residential
	West	RA Residential Acreage
	South	RA Residential Acreage
<b>Current Site Use</b>	Vacant	
<b>Adjoining Uses</b>	North	Paradise Park
	East	Andes Hills Subdivision
	West	One-Family Residential
	South	Sri Venkateswara Temple
<b>Site Size</b>	4.14 acres (area proposed to be rezoned)	
<b>Plan Date</b>	December 13, 2022	

#### PROJECT SUMMARY

The petitioner is requesting a Zoning Map amendment for a 4.14 acre portion of an 8.03 acre site located at 45799 Grand River Avenue (Section 16) from OST (Office Service Technology) to I-1 (Light Industrial). The applicant states that the rezoning is being requested to make the zoning consistent between the two sites owned by Paradise Park. This will allow the property owner to combine the parcels more smoothly and provide opportunity for future expansion, if needed. The applicant is not proposing any changes to the site at this time.

On April 30, 1997, as part of a review of split zoning cases, the Master Plan and Zoning Committee did not recommend approval of a proposed rezoning of the property from Residential Acreage (RA) and Light Industrial (I-1) to OST (Office Service Technology). The Master Plan and Zoning Committee recommended that the issue be reviewed by the Planning Commission. On July 2, 1997, a public hearing for the rezoning request was held by the Planning Commission. The rezoning was recommended for approval by the Planning Commission and was approved by City Council.

At the time, Kimbob LLC was the property owner, who's intent was to build an office. The City's Planning Consultant, Brandon Rogers, did not recommend approval of the proposed rezoning due to concern surrounding the penetration of non-residential zoning into a uniformly residentially zoned area. The area at the time was also planned for residential in the Master Plan. The applicant indicated the intent of rezoning the property to OST was in part to provide a buffer from the residentially zoned land. The Planning Commission minutes from the July 2, 1997 meeting are attached to this report.

### MASTER PLAN FOR LAND USE

The Future Land Use Map of the 2016 City of Novi Master Plan for Land Use identifies this property as Industrial Research Development Technology. As the Master Plan states, "this land use is designated for a variety of office, research and development, light industrial and warehousing uses. These uses may range from a single use site to a large mixed use complex. The area may also include facilities for office, research, development and manufacturing support services, higher education and indoor recreation." Given the site's location along Grand River Avenue, it meets the intent of the Master Plan. In addition, the I-1 Zoning District is consistent with the Industrial Research Development Technology land use.

The remainder of the property to the north is identified in the Master Plan as Industrial Research Development Technology, the property to the west is identified as One-Family Residential, the property to the east is identified as One-Family Residential, and the property to the south is identified as One-Family Residential.

The proposal would follow objectives listed in the Master Plan for Land Use including the following:

1. Objective: Retain and support the growth of existing businesses and attract new businesses to the City of Novi.

**Staff Comment:** Paradise Park is a popular entertainment venue in Novi and the proposed rezoning promotes continued success of the business.

2. Objective: Maintain quality architecture and design throughout the City.
  - a. Zoning Action Item: Establish architectural design, signage, and landscaping conveying Novi's quality image to the community.



Current Image of Subject Property

**Staff Comment:** Paradise Park is an identifiable and popular local business in Novi. The attraction is unique to the region and draws visitors from around the region.

### EXISTING ZONING AND LAND USE

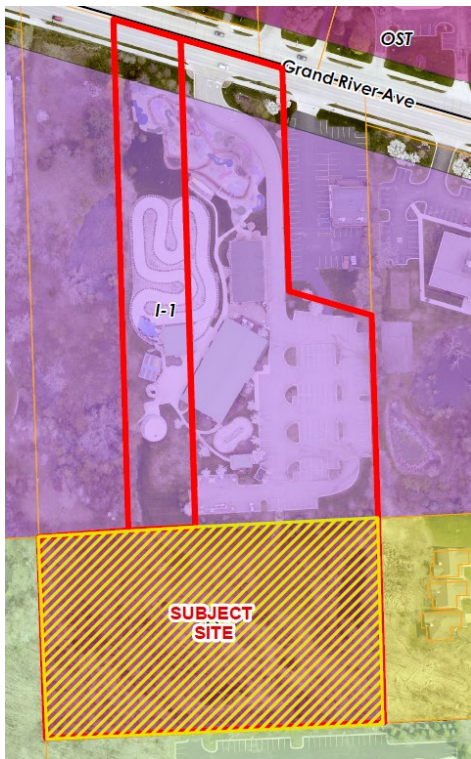
The following table summarizes the zoning and land use status for the subject property and surrounding properties.

**Land Use and Zoning: For Subject Property and Adjacent Properties**

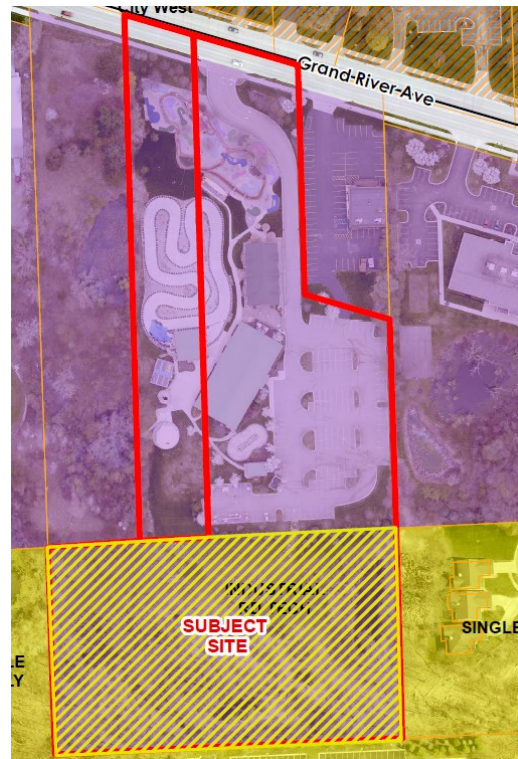
	<b>Existing Zoning</b>	<b>Existing Land Use</b>	<b>Master Plan Land Use Designation</b>
<b>Subject Property (Project Area)</b>	OST Office Service Technology	Vacant	Industrial Research Development Technology (Uses consistent with I-1 District)
<b>Northern Portion of Site</b>	I-1 Light Industrial	Paradise Park	Industrial Research Development Technology (Uses consistent with I-1 District)
<b>Southern Parcel</b>	RA Residential Acreage	Sri Venkateswara Temple	One-Family Residential (Uses consistent with R-1 to R-6 District)
<b>Eastern Parcel</b>	R-2 One-Family Residential	Andes Hills Subdivision	One-Family Residential (Uses consistent with R-1 to R-6 District)
<b>Western Parcel</b>	RA Residential Acreage	One-Family Residential	One-Family Residential (Uses consistent with R-1 to R-6 District)

**COMPATIBILITY WITH SURROUNDING LAND USE**

The surrounding land uses are shown in the above chart. The compatibility of the proposed rezoning with the zoning and uses on the adjacent properties should be considered by the Planning Commission in making the recommendation to City Council on the rezoning request.



**Zoning**



**Future Land Use**

**DEVELOPMENT POTENTIAL**

The portion of this parcel proposed to be rezoned is currently vacant. Development under either the current OST zoning or the proposed I-1 zoning could result in the construction of fairly similar

uses, but there are some differences. Some uses permitted in the OST zoning district that are not allowed in the I-1 district include hotels, universities, facilities for human care, off-street parking lots, and day care centers. Some uses permitted in the I-1 district that are not allowed in the OST district include warehousing and wholesale establishments, manufacturing, industrial offices and sales, trade schools, greenhouses, pet boarding facilities, and veterinary hospitals/clinics.

Given the location of this site, if it were to be rezoned to I-1 Light Industrial, no special land uses as currently listed in the zoning ordinance would be permitted because the site abuts residentially zoned land. In addition, any use subject to Section 4.45 would be considered a Special Land Use when adjacent to residentially zoned land. For this site, there would be several limitations on building height, uses, setbacks, and screening. The minimum building and parking setbacks from any residentially zoned land would be 100 feet, and the building height would be restricted to a maximum of 25 feet.

The current use of the site was approved as a special land use in 2004. Please see the attached minutes for additional information. Also, the site has several easements, including a perimeter easement and berm area that was approved by City Council on February 6, 2017. The perimeter easement does not allow for the construction of any permanent structures within the easement area, but may with the City's approval as part of an approved site plan to construct surface improvements such as landscaping and utilities. Please see attached for more information.

**COMPARISON OF ZONING DISTRICTS**

The following table provides a comparison of the current and proposed zoning development standards. The applicant is requesting a change of districts from the existing OST Office Service Technology to I-1 Light Industrial. The types of uses allowed in these districts have some overlap, although they also differ in important ways. The proposed I-1 district allows a maximum building height of up to 40 feet (when not abutting residential) compared to 46 feet in OST district. The building setbacks in the I-1 district are 10 feet shorter in the front yard, and 30 feet shorter (when not abutting residential) in the side and rear yard when compared to the OST district. The parking setbacks in the I-1 district are subject to specific standards in the front yard (Section 3.6.2.E) and are 10 feet shorter in the side and rear yard (when not abutting residential) when compared to the OST district.

	<b>OST (Existing)</b>	<b>I-1 (Proposed)</b>
<b>Principal Permitted Uses &amp; Special Land Uses</b>	<p><b>Principal Permitted Uses</b></p> <ol style="list-style-type: none"> <li>1. Professional office buildings, offices and office sales and service activities</li> <li>2. Data processing and computer centers</li> <li>3. Laboratories</li> <li>4. Research, testing, design and development, technical training, and design of pilot or experimental products</li> <li>5. Hotels and business motels</li> <li>6. Colleges, universities, and other such post-secondary institutions of higher learning, public or private, offering courses in general, technical, or religious education</li> <li>7. Motion picture, television, radio and photographic production facilities</li> <li>8. Medical offices, including</li> </ol>	<p><b>Principal Permitted Uses</b></p> <ol style="list-style-type: none"> <li>1. Professional office buildings, offices and office sales and service activities</li> <li>2. Accessory buildings, structures and uses customarily incident to the above permitted uses</li> <li>3. Public owned and operated parks, parkways and outdoor recreational facilities</li> <li>4. Public or private health and fitness facilities and clubs</li> <li>5. Medical offices, including laboratories and clinics</li> </ol> <p>The following uses are subject to Section 4.45:</p> <ol style="list-style-type: none"> <li>6. Research and development, technical training and design of pilot or experimental products</li> <li>7. Data processing and computer centers</li> </ol>

	<p>laboratories and clinics</p> <ol style="list-style-type: none"> <li>9. Facilities for human care</li> <li>10. Off-street parking lots</li> <li>11. Public owned and operated parks, parkways and outdoor recreational facilities</li> <li>12. Publicly-owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations</li> <li>13. Financial institution uses with drive-in facilities as an accessory use only</li> <li>14. Public or private indoor and private outdoor recreational facilities</li> <li>15. Day care centers and adult day care centers</li> <li>16. Secondary uses</li> <li>17. Sit down restaurants</li> <li>18. Other uses similar to the above uses and subject to the same conditions noted</li> <li>19. Accessory buildings and uses customarily incidental and integral to any of the above permitted uses</li> </ol> <p><b>Special Land Uses (Retail Service Overlay)</b>          The following uses are permitted subject to Section 3.19:</p> <ol style="list-style-type: none"> <li>1. Retail business use</li> <li>2. Retail business service uses</li> <li>3. Restaurants, including sit-down</li> <li>4. Fast food drive-through restaurants</li> </ol>	<ol style="list-style-type: none"> <li>8. Warehousing and wholesale establishments</li> <li>9. Manufacturing</li> <li>10. Industrial office sales, service and industrial office related uses</li> <li>11. Trade or industrial schools</li> <li>12. Laboratories experimental, film or testing</li> <li>13. Greenhouses</li> <li>14. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations, other than outside storage and service yards</li> <li>15. Public or private indoor recreation facilities</li> <li>16. Private outdoor recreation facilities</li> <li>17. Pet boarding facilities</li> <li>18. Veterinary hospitals or clinics</li> <li>19. Motion picture, television, radio and photographic production facilities</li> <li>20. Other uses of a similar and no more objectionable character to the above uses</li> <li>21. Accessory buildings, structures and uses customarily incident to any of the above permitted uses</li> </ol> <p><b>Special Land Uses</b>          The following uses shall be permitted where the proposed site does not abut a residentially zoned district:</p> <ol style="list-style-type: none"> <li>1. Metal plating, buffing, polishing and molded rubber products</li> <li>2. Uses which serve the limited needs of an industrial district (subject to Section 4.43), as follows:             <ol style="list-style-type: none"> <li>a. Financial institutions, unions, union halls, and industrial trade schools or industrial clinics</li> <li>b. Industrial tool and equipment sales, service, storage, and distribution</li> <li>c. Eating and drinking establishments and motels</li> </ol> </li> <li>3. Automobile service establishment</li> <li>4. Self-storage facilities</li> <li>5. Retail sales activities</li> <li>6. Central dry cleaning plants or laundries</li> <li>7. Railroad transfer, classification and storage yards</li> <li>8. Tool, die, gauge and machine shops</li> <li>9. Storage facilities for building materials, sand, gravel, stone,</li> </ol>
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		lumber, storage of contractor's equipment and supplies 10. Municipal uses 11. Motion picture, television, radio and photographic production facilities 12. Outdoor space for parking of licensed rental motor vehicles 13. Accessory buildings, structures and uses customarily incident to any of the above permitted uses
<b>Minimum Lot Size</b>	See Section 3.6.2.D	See Section 3.6.2.D
<b>Minimum Lot Width</b>	See Section 3.6.2.D	See Section 3.6.2.D
<b>Building Height</b>	46 feet or 3 stories, whichever is less	40 feet; 25 feet when abutting residential (Section 3.14.5.C)
<b>Building Setbacks</b>	Front Yard: 50 feet Rear Yard: 50 feet Side Yard: 50 feet	Front Yard: 40 feet Rear Yard: 20 feet, 100 feet when abutting residential (Section 3.6.2.H) Side Yard: 20 feet, 100 feet when abutting residential (Section 3.6.2.H)
<b>Parking Setbacks</b>	Front Yard: 20 feet Rear Yard: 20 feet Side Yard: 20 feet	Front Yard: 40 feet (Section 3.6.2.E) Rear Yard: 10 feet, 100 feet when abutting residential (Section 3.6.2.F) Side Yard: 10 feet, 100 feet when abutting residential (Section 3.6.2.F)

**INFRASTRUCTURE**

**Engineering**

The Staff Engineer has reviewed the rezoning request and indicated that they have no concerns. See the Engineering Review letter for more information.

**Traffic**

The City's Traffic Consultant has reviewed the rezoning request and recommends approval of the request as the proposed uses are consistent with the proposed zoning district.

**Fire**

The City Fire Marshal has reviewed the site plan and has no comments at this time.

**NATURAL FEATURES**

The site contains regulated wetlands and woodlands. No impact to the regulated wetlands or woodlands is proposed.

**REVIEW CONSIDERATIONS**

Staff asks for the following items in **bold** to be addressed in the next submittal:

1. Rezoning Sign: The rezoning sign shown on the provided plot plan should be installed no later than 15 days prior to the Planning Commission public hearing, which is scheduled to be continued on February 22, 2023 at 7pm in the Novi Civic Center. **The rezoning sign was installed on February 3, 2023.**
2. Parcel Combination: The two existing parcels under the same ownership have been proposed to be combined. The proposed combination was approved on January 3, 2023



by the City of Novi Assessing Department. **The new parcel number (22-16-451-079) and boundaries should be reflected on any future submittals.**

3. Setbacks (Sec. 3.1.18.D): The proposed site is current vacant. Any future improvements to the site will need to meet current zoning standards and shall be setback a minimum of 100 feet away from any residentially zoned land.
4. Off-Street Parking Adjacent to Residential (Sec. 3.6.2.H): The proposed site is currently vacant. If the site were to be rezoned, any future proposed off-street parking shall be a minimum of 100 feet away from any residentially zoned land and properly screened.
5. Wetland/Watercourse Setback (Sec. 3.6.2.M): If developed in the future, a 25 foot setback from the high watermark of any regulated wetlands shall be maintained.
6. Rezoning Traffic Study (RTS): The applicant has submitted a rezoning traffic study (RTS), which indicates that the proposed rezoning would not result in a significant change in trips generated for the site. *The RTS has been reviewed and recommended for approval by the City's Traffic Consultant.*

#### **SUMMARY OF OTHER REVIEWS:**

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- a. Engineering (dated 10-20-22): Engineering has no concern regarding the proposed rezoning as it has no impact on the existing utilities.
- b. Traffic Review (dated 1-26-23): Traffic recommends approval of the rezoning request with the revised Rezoning Traffic Study.
- c. Fire Review (dated 10-14-22): Fire recommends approval of the rezoning request.

#### **RECOMMENDATION**

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**Approval of the Rezoning is recommended by Planning staff** because the rezoning aligns with the goals and intent of the 2016 Master Plan for Land Use. The intensity of uses in the I-1 Zoning District compared to the OST Zoning District is much different, but the location is heavily traveled and meets the context of the surrounding area.

#### **NEXT STEP: PLANNING COMMISSION PUBLIC HEARING**

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The public hearing was held on February 8, 2023 and was kept open because the rezoning sign was not installed and visible at least 15 days prior to the public hearing. The public hearing is scheduled to be continued on **February 22, 2023 at 7pm in the Novi Civic Center** before the Planning Commission. It is requested that the applicant or someone familiar with the project be in attendance.

Following the hearing, the Planning Commission will either make a recommendation to City Council or postpone pending further information. If a recommendation is made, the rezoning will then be scheduled for a first reading by the City Council. If the City Council recommends approval at that time, it will go before City Council for a second reading and final approval. If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or [ccarroll@cityofnovi.org](mailto:ccarroll@cityofnovi.org).



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Christian Carroll, Planner



## PLANNING REVIEW CHART

**Review Date:** January 12, 2023  
**Review Type:** Rezoning Review  
**Project Name:** **JZ 22-31 PARADISE PARK - PARTIAL REZONING**  
**Location:** 45799 Grand River Ave; 22-16-451-046  
**Plan Date:** December 13, 2022  
**Prepared by:** Christian Carroll, *Planner*  
**E-mail:** [ccarroll@cityofnovi.org](mailto:ccarroll@cityofnovi.org) **Phone:** (248) 735-5607

<b>Bold</b>	To be addressed with the next submittal
<u>Underline</u>	To be addressed with final site plan submittal
<b><u>Bold and Underline</u></b>	Requires Planning Commission and/or City Council Approval
<i>Italics</i>	To be noted

Item	Required Code	Proposed	Meets Code	Comments
<b>Zoning and Use Requirements</b>				
<b>Master Plan</b> <i>(adopted July 26, 2017)</i>	Industrial, Research, Development & Technology	I-1 Light industrial	Yes	
<b>Area Study</b>	The site does not fall under any special category	NA	NA	
<b>Zoning</b> <i>(Effective January 8, 2015)</i>	OST: Office Service Technology	I-1 Light industrial	Yes	
<b>Uses Permitted</b> (Sec 3.1.18.B & C)	Principal Uses Permitted & Special Land Uses	No new use proposed		
<b>Rezoning:</b>	See <a href="#">Site Plan Development Manual for full list of requirements</a>	Seeking straight rezoning to I-1 to match rest of the property	Yes	<b><u>Will require City Council approval, with a recommendation from Planning Commission.</u></b>
<b>Height, bulk, density and area limitations (Sec 3.1.18)</b>				
<b>Frontage on a Public Street</b> <i>(Sec. 5.12)</i>	Frontage on a Public Street is required.	Frontage on Grand River	Yes	
<b>Access to Major Thoroughfare</b> <i>(Sec. 5.13)</i>	Vehicular access shall be provided only to an existing or planned major thoroughfare or freeway service drive OR access driveway on other street type is not across street from existing or planned single-family uses.	Access from Grand River	Yes	

Item	Required Code	Proposed	Meets Code	Comments
<b>Minimum Zoning Lot Size</b> for each Unit in Ac (Sec 3.6.2.D)	Except where otherwise provided in this Ordinance, the minimum lot area and width, and the maximum percent of lot coverage shall be determined on the basis of off-street parking, loading, greenbelt screening, yard setback or usable open space	8.03 acres (entire site) – 4.14 acres proposed to be rezoned	NA	
<b>Minimum Zoning Lot Size</b> for each Unit: Width in Feet			NA	
<b>Maximum % of Lot Area Covered</b> (By All Buildings)	(Sec 3.6.2.D)	No new buildings proposed	NA	
<b>Building Height</b> (Sec. 3.1.18.D)	25 feet (Sec. 3.14.5.C)	No new buildings proposed	NA	Height limited to 25 feet when adjacent to residential.
<b>Building Setbacks</b> (Sec 3.1.18.D) Refer to applicable notes in Sec 3.6.2				
Front (north)	40 feet		NA	Setbacks will not affect current conditions as no buildings exist in area zoned OST
Rear (south)	100 feet (Sec. 3.6.2.H)		NA	
Side (east)	100 feet (Sec. 3.6.2.H)		NA	
Side (west)	100 feet (Sec. 3.6.2.H)		NA	
<b>Parking Setback</b> (Sec 3.1.18.D) Refer to applicable notes in Sec 3.6.2				
Front (north)	40 feet (Sec. 3.6.2.E)		NA	Setbacks will not affect current conditions as no parking exists in area zoned OST
Rear (south)	100 feet (Sec. 3.6.2.F)		NA	
Side (east)	100 feet (Sec. 3.6.2.F)		NA	
Side (west)	100 feet (Sec. 3.6.2.F)		NA	
<b>Note to District Standards</b> (Sec 3.6.2)				
<b>Exterior Side Yard Abutting a Street</b> (Sec 3.6.2.C)	All exterior side yards abutting a street shall be provided with a setback equal to front yard.	No side yard abutting street	Yes	
<b>Off-Street Parking in Front Yard</b> (Sec 3.6.2.E)	Off-street parking is allowed in front yard if - the site is a minimum 2 acre site, - does not extend into the minimum required front yard setback of the district, - cannot occupy more than 50% of the area between min. front yard setback & bldg. setback, - must be screened by brick wall or landscaped berm - lighting compatible with surrounding neighborhood	The site is larger than 2 acres, parking does not extend into setback, does not occupy more than 50%, and is screened	Yes	
<b>Off-Street Parking in Side and Rear Yards</b>	Shall not occupy more than fifty (50) percent of the area of the side or rear yard abutting	Abuts residential on three sides, but no parking is	Yes	Any proposed parking in the future shall met this standard.

Item	Required Code	Proposed	Meets Code	Comments
<b>abutting residential</b> (Sec 3.6.2.F)	a residential district; Off-street parking shall be setback no less than one-hundred (100) feet from the residential district.	currently present		
<b>Building Setbacks adjacent to Residential</b> (Sec. 3.6.2.H)	5 feet of horizontal setback for each foot of building height, or 100 feet, whichever is greater.	No building proposed	NA	<i>Any proposed buildings in the future shall met this standard.</i>
<b>Wetland/Watercourse Setback</b> (Sec. 3.6.2.M)	A setback of 25 feet from wetlands and from high watermark course shall be maintained.	Wetlands in the rear of the site	NA	<i>25 foot setback from high watermark of wetlands shall be maintained if developed.</i>
<b>Additional Height</b> (Sec 3.6.2.O)	Additional height(s) for selected building(s) is allowed based on conditions listed in Sec 3.6.2.O	No building proposed	NA	
<b>Parking setback screening</b> (Sec 3.6.2.P)	Required parking setback area shall be landscaped per Sec 5.5.3. When abutting a residential district, a screening wall or berm/landscape planting screen shall be observed.	No parking is proposed area to be rezoned	Yes	<i>Screening shall be provided if developed.</i>
<b>Modification of parking setback requirements</b> (Sec 3.6.2.Q)	The Planning Commission may modify parking setback requirements based on conditions listed in Sec 3.6.2.Q.	Does not apply	NA	
<b>I-1 District Required Conditions (Sec 3.14)</b>				
<b>Outdoor Storage of above ground storage tanks</b> (Sec. 3.14.1.B.ii)	Outdoor placement of above-ground storage tanks of not more than 600 capacity per tank and accessory to an otherwise permitted use. Additional conditions apply.	None proposed at this time	NA	
<b>Outdoor Storage of recreational equipment</b> (Sec. 3.14.1.B.iii)	No more than three vehicles that are licensed and operable owned by the owner or occupant of the property may be stored in an area where an accessory structure is permitted, and the property is developed with at least a 5,000 square foot building. The equipment must clearly be accessory to the primary use of the site. A temporary special exception permit shall be granted by the City Building Official.	None proposed at this time	NA	

Item	Required Code	Proposed	Meets Code	Comments
<b>Other</b> (Sec 3.14.2)	Unless otherwise provided, dealing directly with consumer at retail, is prohibited.	Permitted previously	Yes	<i>Any new use would need to meet this requirement.</i>
<b>Adjacent to Freeway ROW</b> (Sec 3.14.4)	Where a permitted use abuts a freeway right-of way, special conditions listed in section 3.14.4 apply	Does not apply	NA	
<b>Planning Commission findings for permitted uses (Sec 3.14.3)</b>				
<b>Protecting current and future residential uses from adverse impact</b> (Sec 3.14.3.A)	The scale, size, building design, façade materials, landscaping and activity of the use is such that current and future residential uses will be protected from adverse impacts.	Adjacent to residential	NA	<i>If any improvements are proposed in the future, compliance with this standard is required.</i>
<b>Long term truck parking</b> (Sec 3.14.3.B)	No long-term delivery truck parking on site	Shall comply if developed	NA	
<b>Performance standards</b> (Sec 3.14.3.C)	The lighting, noise, vibration, odor and other possible impacts are in compliance with standards and intent of the article and performance standards of Section 5.14	Shall comply if developed	NA	<i>No changes to use proposed</i>
<b>Storage and/use of material</b> (Sec 3.14.3.D)	The storage and/or use of any volatile, flammable or other materials shall be fully identified in application and shall comply with any city ordinances regarding toxic or hazardous materials.	Shall comply if developed	NA	
<b>Hazardous material checklist</b> (Sec 3.14.3.E)	Compliance of City's hazardous materials checklist	Shall comply if developed	NA	
<b>Loading Dock near Residential</b> (Sec. 3.14.5.A)	-No truck well, loading dock or door, shall be permitted on or in the wall of the building which faces the abutting residential district and only pedestrian exits or emergency doors shall be allowed on such wall.  -All loading/unloading docks and truck wells shall be placed on or in the wall of the building that is opposite the boundary of the residential district or on the wall that lies approximately at a ninety (90) degree angle to the residential district boundary.	None proposed at this time	NA	

Item	Required Code	Proposed	Meets Code	Comments
	<p>-If such dock, truck well and/or dock faces the front street, then such dock, truck well or door shall be recessed by not less than sixty (60) feet from the front wall of the building in order to provide that a semitrailer truck tractor and cab shall not, when in place for loading or unloading at the dock or well, project past the front wall of the building.</p> <p>-Driveways shall be designed in such a manner to discourage semi-trailer truck traffic access to that portion of the lot or site that is adjacent to a residential district.</p>			
<p><b>Provisions near Residential (Sec. 3.14.5.B)</b></p>	<p>-No outside storage of any materials, equipment, trash or waste shall be permitted, except dumpsters may be permitted outdoors where properly screened pursuant to the requirements of this Ordinance, as amended, or revised. Refuse pick-up shall be limited to the hours of 7:00 a.m. to 5:00 p.m., prevailing time.</p> <p>-All off-street parking and areas used for vehicular repair, delivery, loading/ unloading and transport shall be not closer than one-hundred (100) feet from the boundary of a residential district and effectively screened from view from said residential district by landscaping, walls or berms pursuant to the requirements of Section 3.14.5.E.</p> <p>Notwithstanding the restriction of Section 3.6.2.E-F, the Planning Commission may permit front yard and side yard parking where necessary to maintain the separation required by this subsection.</p>	<p>None proposed at this time</p>		
<p><b>Maximum Height near Residential (Sec.</b></p>	<p>The maximum heights of any building constructed on a lot or site adjacent to a residential</p>	<p>No building proposed – maximum height</p>		

Item	Required Code	Proposed	Meets Code	Comments
3.14.5.C)	district shall be twenty-five (25) feet, except where there is a street, road, highway or freeway between said lot or site and the abutting residential district.	limited to 25 feet		
<b>Lighting near Residential</b> (Sec. 3.14.5.D)	Exterior site lighting as regulated by Section 5.7. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.	None proposed at this time	NA	
<b>Screening near Residential</b> (Sec. 3.14.5.E)	An earth berm and plantings are required, except that no additional berm shall be required along a street, road, highway or freeway that lies between said use and an abutting residential district.	Shall comply if developed	NA	
<b>Windows</b> (Sec. 3.14.5.F)	Windows and doors of non-office use areas of structures in an I-1 district may not be left open.	Shall comply if developed	NA	

**NOTES:**

1. This table is a working summary chart and not intended to substitute for any Ordinance or City of Novi requirements or standards.
2. The section of the applicable ordinance or standard is indicated in parenthesis. Please refer to those sections in Article 3, 4, and 5 of the zoning ordinance for further details.
3. Please include a written response to any points requiring clarification or for any corresponding site plan modifications to the City of Novi Planning Department with future submittals.

## ENGINEERING REVIEW

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# PLAN REVIEW CENTER REPORT

10/20/2022

## Engineering Review

Paradise Park Partial Rezoning

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### Applicant

Secure Development Properties LLC, Jeffery Wainwright

### Review Type

Pre-Application

### Property Characteristics

- Site Location: South of Grand River Ave, West of Taft Road.
- Site Size: 10.03 acres total, parcel 22-16-451-046 and parcel 22-16-451-009
- Plan Date: 07/15/2004
- Design Engineer: Seiber Keast & Associates

### Project Summary

- No changes proposed on site, rezoning only.

### Comments:

#### General

1. A full engineering review was not performed due to the limited information provided in this submittal. Further information related to the utilities, easements, etc. will be required to provide a more detailed review.
2. No work proposed in right-of-way.
3. Indicate if any changes are proposed on-site with this project.

#### Off-Site Easements

4. No off-site easements anticipated.

Please contact Humna Anjum at 248-735-5632 with any questions.

Humna Anjum  
Project Engineer

**TRAFFIC REVIEW**

---



AECOM  
27777 Franklin Road  
Southfield  
MI, 48034  
USA  
aecom.com

**Project name:**  
JZ22-31 – Paradise Park Partial Rezoning Traffic Review

**From:**  
AECOM

**Date:**  
January 26, 2023

**To:**  
Barbara McBeth, AICP  
City of Novi  
45175 10 Mile Road  
Novi, Michigan 48375

**CC:**  
Lindsay Bell, Christian Carroll, Humna Anjum, Ben Peacock

# Memo

**Subject:** JZ22-31 – Paradise Park Partial Rezoning Traffic Review

The preliminary rezoning site plan was reviewed to the level of detail provided and AECOM recommends **approval** for the applicant to move forward as long as the comments below are addressed to the satisfaction of the City.

## GENERAL COMMENTS

1. The applicant, Secure Development Properties LLC, is proposing rezoning a portion of a parcel to match the rest of the zoning.
2. The development is located on the south side of Grand River Avenue, west of Taft Road. Grand River Avenue is under the jurisdiction of Oakland County.
3. The site is zoned I-1 (Light Industrial) and OST (Office, Service, Technology), with the applicant proposing to rezone the existing OST parcel to I-1.
4. There are no traffic-related deviations indicated at this time.
5. The applicant has provided a plan set with the most recent revisions dated 7-15-2004 to show the parcel. **It is understood that no changes are being proposed to parking lots, buildings, or parcel access.**

## TRAFFIC IMPACTS

1. AECOM has not performed an initial trip generation based on the ITE Trip Generation Manual, 11<sup>th</sup> Edition, as no changes are being proposed.
2. The City of Novi generally requires a traffic impact study/statement if the number of trips generated by the proposed development exceeds the City's threshold of more than 750 trips per day or 100 trips per either the AM or PM peak hour, or if the project meets other specified criteria.

Trip Impact Study Recommendation	
Type of Study:	Justification
RTS	Rezoning proposed.

## STUDY REVIEW

1. The preparer included ADT counts from RCOC for Grand River Ave. The peak hour volume is listed as 2,544 vehicles per hour between 4 pm and 5 pm on a weekday. The ADT count and trip generation for the existing land use are included in the appendix of the report.
2. The applicant indicated the highest trip land uses permitted on the parcel:
  - a. Medical-Dental Office Building of 17,500 SF, resulting in 644 trips a day, allowed under both zoning districts.
  - b. General Office Building of 22,040 SF, resulting in 311 trips a day, allowed under both zoning districts.
  - c. Drive-In Bank of 15,000 SF, resulting in 1,505 trips a day, allowed only under existing OST zoning.
    - i. The applicant states this building size, while the largest allowed under the ordinances, is far larger than is typical for this land use.
  - d. Drive-In Bank of 5,000 SF, resulting in 502 trips a day, allowed only under existing OST zoning.
    - i. The applicant has included this as the more typical drive-in bank building size for comparison.
3. The majority of the land uses that are high generators are allowed under both land uses, with the exception of the drive-in bank. This land use is only allowed in the existing zoning.
4. The zoning change is not anticipated to have any major impacts on traffic generation from the site.

Should the City or applicant have questions regarding this review, they should contact AECOM for further clarification.

Sincerely,

**AECOM**



Patricia Thompson, PE  
Traffic Engineer



Paula K. Johnson, PE  
Senior Transportation Engineer



Saumil Shah, PMP  
Project Manager

## FIRE REVIEW

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October 14, 2022

TO: Barbara McBeth - City Planner  
Lindsay Bell - Plan Review Center  
Christian Carroll - Plan Review Center  
Ben Peacock – Planning Assistant

**CITY COUNCIL**

**Mayor**  
Bob Gatt

**Mayor Pro Tem**  
Dave Staudt

Laura Marie Casey

Hugh Crawford

Justin Fischer

Brian Smith

Ericka Thomas

**City Manager**  
Peter E. Auger

**Director of Public Safety  
Chief of Police**  
Erick W. Zinser

**Fire Chief**  
Jeffery R. Johnson

**Assistant Chief of Police**  
Scott R. Baetens

**Assistant Fire Chief**  
John B. Martin

RE: Paradise Park Partial Rezoning

**Pre-App# 22-115**

**Project Description:**

Rezoning a part of the parcel.

**Comments:**

Meets Fire Department Standards

**Recommendation:**

Approval

Sincerely,

Kevin S. Pierce-Fire Marshal  
City of Novi – Fire Dept.

cc: file

**Novi Public Safety Administration**  
45125 Ten Mile Road  
Novi, Michigan 48375  
248.348.7100  
248.347.0590 fax

cityofnovi.org

**APPLICANT NARRATIVE  
AND REZONING  
TRAFFIC STUDY**

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L A W   O F F I C E S  
**LANDRY, MAZZEO & DEMBINSKI, P.C.**

David B. Landry  
[dlandry@lmdlaw.com](mailto:dlandry@lmdlaw.com)

37000 GRAND RIVER AVENUE, SUITE 200  
FARMINGTON HILLS, MICHIGAN 48335  
www.lmdlaw.com

TELEPHONE  
(248) 476-6900

FACSIMILE  
(248) 476-6564

December 20, 2022

Barbara McBeth  
Planning Director City of Novi  
45175 West Ten Mile Road  
Novi MI 48375

**HAND DELIVERED**

**RECEIVED**

**DEC 20 2022**

**Re: Application for Partial rezoning  
45799 Grand River Ave  
Parcel ID # 22-16-451-046 and 22-16-451-009**

**CITY OF NOVI  
COMMUNITY DEVELOPMENT**

Dear Ms. McBeth:

Enclosed please find an Application For Land Use Approval/Partial Rezoning which I am submitting on behalf of Secure Development Properties LLC (Paradise Park). This office represents Secure Development Properties LLC with respect to this application for partial rezoning of this parcel of property.

You are no doubt familiar with this parcel on which the Wainwrights operate the business Paradise Park. The property in question currently consists of two parcels: Parcel ID# 22-16-451-046 and Parcel ID# 22-16-451-009. Both parcels front onto Grand River Avenue to the north and together they comprise generally a large reverse "L" shaped parcel. Recently the City of Novi Assessor requested that the applicant combine the two parcels. The applicant has agreed to do so and is working with the City Assessor. Attached is recent communication with the City Assessor indicating that a new parcel number for the combined parcels has not yet been issued by Oakland County.

Both parcels are zoned I-1, however, for some unknown reason the southern most portion of parcel # 22-16-451-046 is currently zoned OST. Thus, that single parcel (#046) has two zoning classifications. This zoning was designation was created prior to the applicant acquiring the property. It is unknown why this was done. With the combining of the two parcels we would request that the entire combined parcel have the zoning designation I-1. I have attached a portion of the City zoning map which shows the OST zoning at the southern end of both parcels. This is truly an "Island" of OST. However, the property information portal from the City's website shows the entire parcel as zoned I-1. (See attached).

It is the desire of the applicant to rezone the southern portion of the parcel to I-1 to make the entire parcel a consistent I-1 zoned parcel. Thus, this request is for a "partial rezoning". The applicant/owner has no intention of changing the use of the



December 20, 2022

Page 2

property and no changes in the existing structures on the property is anticipated at this time. The portion of the property zoned OST is wooded and contains the stormwater detention pond for the larger parcel. When Paradise Park was originally developed the southern portion (zoned OST) was left vacant, wooded and significant berming was constructed to screen the park from the adjacent residential areas. No changes are anticipated at this time. With respect to future development, there is no intent at the present to change the use of the overall property from an amusement park. Within that use the only conceivable development of the rear portion (currently zoned OST) would be to replace a portion of the the existing parking area in the north eastern portion of the property *if* an additional indoor rental event building were ever constructed in the current parking area or to possibly construct a rental event building in the rear portion between the wooded area and the stormwater detention pond.

I have attached the following:

- Exhibit A Application For Land Use/Rezoning Approval
- Exhibit B Four copies of a detailed engineered survey and four copies of recent survey which shows the combined parcels, legal description for the combined parcels and includes a plot plan for the required rezoning sign.
- Exhibit C A rezoning Traffic Impact Study
- Exhibit D Portions of the City Zoning Map and a page from the City's property information portal
- Exhibit E Recent communication with City Assessor's office

Please contact me and let me know the amount of the required Application Fee. Also, let me know if the City requires any further information.

Thank you.

Very truly yours,

LANDRY, MAZZEO & DEMBINSKI, P.C.

***/s/ David B. Landry***

David B. Landry

**LANDRY, MAZZEO & DEMBINSKI, P.C.**

December 20, 2022

Page 3

DBL/csw

Cc: Jeff Wainwright



**TETRA TECH**

January 23, 2023

Mr. Jeffrey Wainwright  
Secure Development Properties, LLC  
45799 Grand River Avenue  
Novi, Michigan 48374

**Re: Existing Paradise Park OST Property  
Rezoning Traffic Impact Study  
City of Novi, Michigan  
200-465143-23001**

Dear Mr. Wainwright:

Tetra Tech (Tt) has completed our revised rezoning traffic impact study related to the existing Paradise Park facility located on the south side of Grand River Avenue approximately ¼ mile west of Taft Road in the City of Novi, Oakland County. The current site is approximately 10.05 acres, of which 5.93 acres is zoned I-1 with an approximately 9,483 sq. ft. activity center building and a 570 sq. ft. park service building, with an adjacent 4.12-acre parcel to the south that is zoned OST that is proposed to be zoned I-1. The proposed overall plan for the combined approximately 10.05-acre site is to maintain the existing Paradise Park family amusement center but to have consistent zoning for the parcel for possible future expansion. This rezoning traffic impact study has been completed in accordance with the requirements specified in the City of Novi's Site Plan and Development Manual for traffic impact studies.

### **Existing Conditions**

In the vicinity of the site, Grand River Avenue is a five-lane curbed arterial road (2 eastbound lanes, 2 westbound lanes, and a center two-way left-turn lane) with pavement markings, but without shoulders, under the jurisdiction of the Road Commission for Oakland County (RCOC) with a posted speed limit of 50 MPH.

A recent Average Daily Traffic (ADT) count obtained from the RCOC website indicates that the daily traffic volume on Grand River Avenue in the vicinity of the site is approximately 22,300 vehicles per day, with the peak hour being between 4:00 – 5:00 p.m., with a bi-directional volume of approximately 2,544 vehicles per hour. A copy of the Grand River Avenue counts from the RCOC website is attached to this letter for reference.

The existing Paradise Park family amusement center is located within I-1: Light Industrial zoning, which continues east and west of the site, and the proposed parcel to be rezoned is zoned OST: Office Service Technology. To the west and south of the OST portion of the site, the current zoning is RA:



Residential Acreage, and to the east is R-2: One-Family Residential. To the north of the site, across Grand River Avenue, the current zoning is a mix of OST: Office Service Technology, I-1: Light Industrial, and EXO: Exposition Overlay zonings.

Currently the proposed 4.12-acre OST: Office Service Technology parcel to be rezoned I-1: Light Industrial is mostly undeveloped, consisting primarily of woodlands and wetland areas, but also contains the storm retention basin for the Paradise Park facility. The existing 5.93-acre I-1: Light Industrial site currently has the Paradise Park family amusement center, and no changes to the building or the operation of the overall site are proposed at this time.

Reviewing the information posted on the facility's website, Paradise Park is closed Monday through Wednesday, opens at 4:00 p.m. Thursday and Friday, and opens at noon on Saturday and Sunday during the non-peak season, which is September through May. From June through August, the facility opens at noon daily, and closes at 10:00 p.m. daily. Your facility generates no trips during the AM peak period throughout the year.

### **Potential Development**

Under the existing OST zoning for the property, your office indicated that, based on zoning standards and the existing features of the property (wetlands and berms), a 17,500 sq. ft. medical office building could be developed on the site. Additionally, a 15,000 sq. ft. bank could be developed on the site, but banks are typically only about a third of this size based on information available in *Trip Generation, (11<sup>th</sup> Edition)*. For comparison, a 22,040 sq. ft. general office building could also be developed on the site. Other traffic-intensive uses, such as restaurants and retail services, would not be feasible on this site due to the requirements of §4.41.4 and §4.78 of the City of Novi Zoning Ordinance, or would require Special Land Use approval.

For the proposed I-1 zoning for the property, again your office indicated that, due to zoning standards and features on the site, a 17,500 sq. ft. medical office building or a 22,040 sq. ft. general office building could be developed on the site. Due to the requirements of §4.45, most of the permitted uses would require a Special Land Use approval, which cannot abut a residential district, and the requirements of §4.31, §4.49 and §4.52, all of which make traffic-intensive uses permitted under the zoning infeasible for the site.

It should be noted that the existing Paradise Park family amusement center is not proposed to change with the rezoning, but rather this rezoning will allow for future potential expansion of the site. If and when this expansion occurs, full site plan submission and approval by the City of Novi will be required under the guidelines for Special Land Uses.

### **Trip Generation**

Using the information and methodologies specified in the latest version of *Trip Generation (11<sup>th</sup> Edition)* published by the Institute of Transportation Engineers (ITE), Tt forecast the weekday PM



peak hour trips associated with the potential uses under the existing and proposed zonings for the site.

Following are tables that summarize our findings.

**Table 1**  
**ITE Trip Generation for 4.12-Acre Site, Existing OST and Proposed I-1**  
**Medical Office Building**

Land Use	Land Use Code	Size (sq. ft.)	AM Peak Hour			PM Peak Hour			Week Day
			In	Out	Total	In	Out	Total	
Medical-Dental Office Building	720	17,500	40	10	50	20	48	68	644
<b>TOTAL TRIPS</b>			<b>40</b>	<b>10</b>	<b>50</b>	<b>20</b>	<b>48</b>	<b>68</b>	<b>644</b>

**Table 2**  
**ITE Trip Generation for 4.12-Acre Site, Existing OST and Proposed I-1**  
**General Office Building**

Land Use	Land Use Code	Size (sq. ft.)	AM Peak Hour			PM Peak Hour			Week Day
			In	Out	Total	In	Out	Total	
General Office Building	710	22,040	40	6	46	8	39	47	311
<b>TOTAL TRIPS</b>			<b>40</b>	<b>6</b>	<b>46</b>	<b>8</b>	<b>39</b>	<b>47</b>	<b>311</b>

**Table 3**  
**ITE Trip Generation for 4.12-Acre Site, Existing OST Zoning Only**  
**Bank, Maximum Possible Development**

Land Use	Land Use Code	Size (sq. ft.)	AM Peak Hour			PM Peak Hour			Week Day
			In	Out	Total	In	Out	Total	
Drive-In Bank	912	15,000	86	63	149	158	157	315	1,505
<b>TOTAL TRIPS</b>			<b>86</b>	<b>63</b>	<b>149</b>	<b>158</b>	<b>157</b>	<b>315</b>	<b>1,505</b>

**Table 4**  
**ITE Trip Generation for 4.12-Acre Site, Existing OST Zoning Only**  
**Bank, Typical Development**

Land Use	Land Use Code	Size (sq. ft.)	AM Peak Hour			PM Peak Hour			Week Day
			In	Out	Total	In	Out	Total	
Drive-In Bank	912	5,000	29	21	50	53	52	105	502
<b>TOTAL TRIPS</b>			<b>29</b>	<b>21</b>	<b>50</b>	<b>53</b>	<b>52</b>	<b>105</b>	<b>502</b>



**Table 5  
ITE Trip Generation Comparison  
Maximum Possible Developments under Existing OST and Proposed I-1 Zonings**

Land Use	Land Use Code	Size (sq. ft.)	AM Peak Hour			PM Peak Hour			Week Day
			In	Out	Total	In	Out	Total	
Existing OST Zoning Drive-In Bank	912	15,000	86	63	149	158	157	315	1,505
Proposed I-1 Zoning Medical-Dental Office Building	720	17,500	40	10	50	20	48	68	644
<b>DIFFERENCE IN TRIPS IF REZONED TO I-1</b>			<b>-46</b>	<b>-53</b>	<b>-99</b>	<b>-138</b>	<b>-109</b>	<b>-247</b>	<b>-861</b>

**Conclusions and Recommendations**

From the tables presented above, both the existing OST zoning and proposed I-1 zoning, similar medical office and general office developments would be feasible based on discussions with your office. A bank development would also be possible under the existing OST zoning, but would not be possible under the proposed I-1 zoning as a Special Use since the property abuts a residential district.

Due to the requirements of both zoning districts, the size of the parcel, the proximity to residential districts, and the features of your site (berms, wetlands, etc.), similarly sized office (general and medical) developments would be possible under both zoning conditions. The only exception would be a bank development, which is permitted under the current OST zoning, but would not be possible as a Special Land Use under the proposed I-1 zoning.

As shown above in Table 5, the maximum potential bank development on the site under the existing OST zoning would be forecast to generate significantly more traffic than the maximum potential medical office development under the proposed I-1 zoning.

We trust that this letter fulfills your current transportation needs regarding your site. If you have any questions, please feel free to call our office at (810)-220-2112.

Sincerely,

Kyle W. Ramakers, P.E., PTOE  
Transportation Engineer

Attachments

O:\Projects\Brighton\IER\465143\200-465143-23001\Deliverables\Novi\_Paradise-Park\_Rezone\_Letter\_rev-1.docx

**GRAND RIVER AVENUE**

**TRAFFIC COUNT**

**FROM RCOC WEBSITE**

**Location Info**

Location ID	7307
Type	I-SECTION
Functional Class	-
Located On	GRAND RIVER
AT	TAFT
Direction	EB
Community	Novi
MPO_ID	265370
HPMS ID	
Agency	Road Commission for Oakland County

**Count Data Info**

Start Date	8/30/2022
End Date	8/31/2022
Start Time	1:00 PM
End Time	1:00 PM
Direction	
Notes	
Count Source	FO382_____
File Name	00460514957307_____0830130010.prn
Weather	
Study	
Owner	tiacounts
QC Status	Accepted

**Interval: 60 mins**

Time	Hourly Count
00:00 - 01:00	33
01:00 - 02:00	22
02:00 - 03:00	9
03:00 - 04:00	8
04:00 - 05:00	30
05:00 - 06:00	113
06:00 - 07:00	233
07:00 - 08:00	483
08:00 - 09:00	675
09:00 - 10:00	594
10:00 - 11:00	651
11:00 - 12:00	803
12:00 - 13:00	815
13:00 - 14:00	663
14:00 - 15:00	696
15:00 - 16:00	770
16:00 - 17:00	842
17:00 - 18:00	782
18:00 - 19:00	615
19:00 - 20:00	511
20:00 - 21:00	355
21:00 - 22:00	225
22:00 - 23:00	117
23:00 - 24:00	63
TOTAL	10108



**Location Info**

Location ID	3380
Type	LINK
Functional Class	-
Located On	GRAND RIVER
Between	BECK AND TAFT
Direction	WB
Community	Novi
MPO_ID	249741
HPMS ID	
Agency	Road Commission for Oakland County

**Count Data Info**

Start Date	8/30/2022
End Date	8/31/2022
Start Time	1:00 PM
End Time	1:00 PM
Direction	
Notes	
Count Source	FO400_____
File Name	004605144403380_____0830130010.prn
Weather	
Study	
Owner	tiacounts
QC Status	Accepted

**Interval: 60 mins**

Time	Hourly Count
00:00 - 01:00	37
01:00 - 02:00	17
02:00 - 03:00	17
03:00 - 04:00	13
04:00 - 05:00	34
05:00 - 06:00	102
06:00 - 07:00	268
07:00 - 08:00	512
08:00 - 09:00	564
09:00 - 10:00	515
10:00 - 11:00	568
11:00 - 12:00	686
12:00 - 13:00	750
13:00 - 14:00	725
14:00 - 15:00	902
15:00 - 16:00	1161
16:00 - 17:00	1702
17:00 - 18:00	1316
18:00 - 19:00	933
19:00 - 20:00	502
20:00 - 21:00	435
21:00 - 22:00	235
22:00 - 23:00	144
23:00 - 24:00	83
TOTAL	12221

**PARADISE PARK**  
**HISTORIC FACILITY COUNTS**

22-82-21

**Weekday**

Time	Distribution of daily attendance	Vehicles per hour
12:00 PM	3%	3.6
1:00 PM	7%	8.4
2:00 PM	11%	13.2
3:00 PM	16%	19.2
4:00 PM	17%	20.4
5:00 PM	9%	10.8
6:00 PM	9%	10.8
7:00 PM	9%	10.8
8:00 PM	10%	12.0
9:00 PM	8%	9.6
10:00 PM	<u>1%</u>	<u>1.2</u>
	100%	120

**Weekend**

Time	Distribution of daily attendance	Vehicles per hour
12:00 PM	3%	7.2
1:00 PM	7%	16.8
2:00 PM	11%	26.4
3:00 PM	16%	38.4
4:00 PM	17%	40.8
5:00 PM	16%	38.4
6:00 PM	9%	21.6
7:00 PM	9%	21.6
8:00 PM	6%	14.4
9:00 PM	5%	12
10:00 PM	1%	2.4
	100%	240

10-28-22.

Calculated based on actual Revenue

**Vehicle Trips per day**

3 Typical 3.5 guests per car  
2.0 Number guest using facility  
\$ 25.00 Expenditure per guest  
\$ 50.00 Expenditure per car  
\$ 6,000.00 Daily Avg Revenue  
120 Client cars per day

**Vehicle Trips per day**

3.5 Typical 3.5 guests per car  
2.0 Number guest using facility  
\$ 25.00 Expenditure per guest  
\$ 50.00 Expenditure per car  
\$ 12,000.00 Daily Avg Revenue  
240 Client cars per day

**EXCERPT FROM JULY 2, 1997  
PLANNING COMMISSION  
MEETING MINUTES**

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Yes: Canup, Capello, Hoadley, Watza, Weddington  
No: None

Chairperson Weddington asked if there were any comments or questions regarding Pioneer Mortgage Company, SP96-32B? Seeing none she entertained a motion to approve.

**PM-97-07-184 TO APPROVE PIONEER MORTGAGE COMPANY PRELIMINARY SITE PLAN UNDER THE CONSENT AGENDA**

Moved by Capello, seconded by Hoadley, CARRIED UNANIMOUSLY: To approve Pioneer Mortgage Company Preliminary Site Plan under the Consent Agenda.

**VOTE ON PM-97-07-184 CARRIED UNANIMOUSLY**

Yes: Canup, Capello, Hoadley, Watza, Weddington  
No: None

Chairperson Weddington announced if anyone was present for the Matter of Pioneer Mortgage Company, the application has been approved.

**PUBLIC HEARINGS**

**1. ZONING MAP AMENDMENT 18.567**

Property located south of Grand River Avenue, west of Taft Road for possible recommendation to City Council for rezoning of property from Residential Acreage District (RA and Light Industrial District (I-1) to Office Service Technology District (OST) or any other appropriate zoning district.

Member Capello stated he has a financial interest in Kimbob LLC. He stated it was his intent to build an office and he would be part owner of the building and occupy it for his law office, as such he thought he should remove himself from the discussion and voting on the issue.

Matt Quinn spoke on behalf of Kimbob, Inc. who is the property owner of the subject property being requested for a rezoning. Taft Road is the north/south road, Grand River Avenue is the east/west road. The Kimbob property is west of Gatsby's. The northerly property which is part of the same parcel and owned by the corporation is already zoned I-1, the preliminary plan is to develop the northern portion of the property as an industrial condominium park with a private road driveway coming in off of Grand River. The back

portion of the property that has been continuously owned by the same corporation has been zoned RA. Mr. Quinn referred to a historical drawing of the industrial property. He stated the I-1 property runs from east to west, everything to the north is I-1 and to the south is Residential. He stated the one property that was involved that did not have a straight line on the Industrial/Residential zoning change was his particular property, it went down to the south area. He stated it made sense to develop the property contiguously with one common plan. The parcel is an isolated parcel for development and the only way it could be developed was for development with the Industrial property to the north. From the east, south and west there is no way to develop the isolated parcel as a residential area which is currently zoned RA, the only way to develop it would be in combination.

Mr. Quinn stated when the OST abuts a Residential district, it requires a minimum of a 100' buffer. He stated there was more than 100' to the south, well more to the east and west and the significant woodlands creates a natural buffer, therefore he believed that the opacity requirement would be met.

Rod Arroyo, Traffic Consultant reviewed Brandon Rogers letter dated June 23, 1997. The Master Plan recommends the site as single family residential. The density is designated for 0.8 dwelling units per acre and the small portion for Light Industrial. The property to the north is proposed for Light Industrial use, the property to the south, east and west is proposed for Residential use. Regarding zoning, directly to the east is R-2, the remainder of the property to the south and west is zoned RA. Mr. Rogers noted that the Master Plan and Zoning Committee reviewed a number of split zoning cases on April 30, 1997 and he indicated that the Committee voted and did not recommend rezoning and recommended that the issue be reviewed by the Planning Commission. Mr. Rogers did not recommend the proposed rezoning. He indicated that there was no proof that the residential roadway could not be introduced into the area, he expressed concern to allow the penetration of non-residential zoning into a uniformly residentially zoned area and also a residentially planned area on the Master Plan, there was concern that it could set a precedence for other similar rezoning requests in the area. There is substantial property to the north which can accommodate future industrial development and Mr. Rogers indicated that the subject property serves as a buffer to the residentially planned and zoned areas to the south. He did not see a compelling reason for it to be developed non-residentially.

Mr. Rogers reported if it were to be rezoned, there would be questions raised about the impact on the Andes Hills development project. It would allow I-1 development on the parcel to the north of the subject property. Further, it appears that the office building footprint would have at least 50% intrusion into the regulated woodlands. Referring to the portrayed concept, the building appears to be at the edge or into a regulated wetlands and would also encroach into a required wetland setback area. Approximately 75% to 80% of the subject site is occupied by regulated woodlands or wetlands. Mr. Rogers did not understand why a 10' strip of I-1 zoned property at the north edge of the property is to be

considered for rezoning to an OST District and thought the issue should be addressed. Prior to any rezoning of the area Mr. Rogers recommended that the Planning Commission first revisit the Master Plan for Land Use.

Mr. Arroyo reviewed his memorandum dated June 25, 1997. He stated the purpose of his memorandum was to provide a trip generation comparison. He stated it has been indicated that it appears that two single family units could be constructed on the property if it were to remain RA zoning. Approximately 20, 24 hour trips, 3 trips during the a.m. and p.m. peak hours. Two other scenarios that were looked into were Research Development, generating 252, 24 hour trips, 30 trips during the a.m. peak hour and 32 trips during the p.m. peak hour and an Office Development under the OST zoning which generated 378, 24 hour trips, 50 trips during the a.m. peak hour and 52 trips during the p.m. peak hour.

Chairperson Weddington announced it was a Public Hearing and opened the Matter to the Public. Seeing no one she closed the Public Hearing and turned the Matter over to the Commission for Discussion.

## **DISCUSSION**

Member Hoadley stated he has been out and walked the property. He stated when the project came before the Committee he served on, he made a motion to leave it the way it was, however, at that point in time he did not have an opportunity to really look at it. He stated the property is basically land-locked and if it were to remain RA, there would still be as much intrusion, if not more, into the wetlands.

Member Hoadley asked Mr. Quinn to clarify the 10' strip as he understood the petitioner to be rezoning 4.3 acres.

Mr. Quinn stated the reason for the 10' strip was because there is so much regulated woodlands and wetlands behind the proposed building, it has been moved up 10' and in order to do that, the rezoning line had to be moved up 10' to keep enough parking.

Member Hoadley asked what was wrong with the idea of making one contiguous zoning of Industrial?

Mr. Quinn answered the intent of the OST also includes being a buffer to Residential. The buffering of the OST is stronger than the buffering for an I-1. In regard to setbacks, the OST requires a minimum of a 100' setback when adjacent to Residential while the I-1 does not. Mr. Quinn stated the OST also gives more flexibility in the possible users that can develop as compared to the I-1.



Member Hoadley stated there was still intrusion into a regulated wetland. Even with a rezoning, there was no guarantee that the property would ever be able to be developed RA, I-1 or OST because of all of the problems. Member Hoadley asked if there was any room to move the site to high ground?

Mr. Quinn stated it was already on the highest ground. One problem was that there was a storm water detention basin for Gatsby's. He stated the property owner made a contract with Gatsby's to allow them to keep their storm water detention basin on the site. He suggested the possibility of moving the parking around, allowing the building to move up, therefore, locating the parking on the higher and dryer areas available.

Member Hoadley stated he was satisfied that the property could not be developed in an RA manner because there were no cuts off of the cul-de-sac. He asked if this was correct?

Mr. Quinn answered that was correct.

**PM-97-07-185      TO SEND A POSITIVE RECOMMENDATION FOR ZONING MAP  
AMENDMENT 18.567 TO REZONE FROM RA TO OST**

Moved by Hoadley, seconded by Canup, CARRIED (3-1): To send a positive recommendation for Zoning Map Amendment 18.567 to rezone from RA to OST.

**DISCUSSION**

Chairperson Weddington expressed concerns about the rezoning request. She thought the proposal was nice and stated she would also like to see the OST Ordinance amended in certain areas, however, she agreed with the comments in Mr. Rogers' letter. She did not see any other parcels changing along that area, therefore, she stated she would not be supporting the motion.

Member Canup stated he seconded the motion because of the fact that he did not see what could be done with the property other than what is proposed. Also because of the fact that it is somewhat landlocked, he felt that it was not feasible as Residential.

Mr. Rogers stated he attended the Master Plan & Zoning Committee Meeting and his feeling was that a significant portion of the site was impacted by regulated wetlands and woodlands. He could not see a real advantage to extend the non-residential into the uniform residentially zoned area.

Chairperson Weddington asked Mr. Rogers to clarify the uniformity issue and the line that has been drawn between the I-1 and Residential Districts.

Mr. Rogers stated the line has been in place since the 1984 Zoning Ordinance and the 1980 Land Use Plan. He recognized that it splits an ownership parcel, however, there are a number of the same types of splits along Grand River. He stated this was what the Master Plan & Zoning Committee was trying to address, however, there was nothing wrong with a zoning district line possibly splitting a large ownership parcel.

Member Hoadley stated the land was not developable under RA zoning. He stated perhaps it could be developed Light Industrial or OST. Member Hoadley stated the applicant should have an opportunity to develop it somehow, but he did not see how it would ever be able to be done under RA zoning.

**VOTE ON PM-97-07-185                      CARRIED**

Yes:     Canup, Hoadley, Watza  
No:      Weddington

**2.     CORRIGAN MOVING SYSTEMS, SP96-41C**

Property located north of Grand River Avenue, east of Taft Road for possible Preliminary Site Plan and Wetland Permit approvals.

Don MacMullen of MacMullen Architects, P.C. introduced himself.

James Marshall, Vice President of Corrigan Moving Systems introduced himself.

Mr. Marshall stated the site was a 14 ½ to 15 acre site. He stated it has about 4 acres of wetlands that is not infringed upon. 106,000 square foot storage warehouse is proposed to be built on the northerly end of the property. Access will be off of Grand River where there will be some parking as well as a fire access. He showed the area for truck circulation and office staff parking. Water will come in from Grand River and then looped through an existing vein. Sanitary will come down and go through the wetland, he stated he was currently working with the DEQ to obtain permission to do it. Mr. Marshall stated excel/decel lanes have been provided on Grand River.

Mr. Marshall stated the building will be used for furniture storage. The furniture is put into 7' x 5' x 8 1/2' pallettes, they are then stacked three high in the building. The storage comes primarily from international customers. Mr. Marshall stated the north side of the building will be for records storage for commercial customers. He stated there is a 24 hour service and delivery which is serviced by two small trucks.

Brandon Rogers, Planning Consultant stated the plan meets off-street parking, the landbanked option provides additional parking in the event that the building is changed

**EXCERPT FROM FEBRUARY 25, 2004  
PLANNING COMMISSION MEETING MINUTES**

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**PLANNING COMMISSION  
REGULAR MEETING  
WEDNESDAY, FEBRUARY 25, 2004 7:30 P.M.**

**COUNCIL CHAMBERS - NOVI CIVIC CENTER**

**45175 W. TEN MILE, NOVI, MI 48375 (248) 347-0475**

**ROLL CALL**

**Present:** Members Avdoulos, Cassis, Gaul, Kocan, Markham, Pehrson, Shroyer, Sprague

**Absent:** Member Ruyle (excused)

**2. NOVI FAMILY FUN PARK, SITE PLAN NUMBER 03-57**

Public Hearing on the request of Jeffrey Wainwright, for approval of a Preliminary Site Plan, Special Land Use Permit, and Storm Water Management Plan. The subject property is located in Section 16, on the south side of Grand River Avenue and west of Taft Road in the I-1 (Light Industrial) and OST (Office Service Technology) Districts. The subject property is approximately 10.05 acres. The developer is proposing an indoor/outdoor entertainment complex.

Planner Tim Schmitt located the property on an aerial photo. He said the property is in proximity to the new Novi Expo Center. To the east is the Andes Hills subdivision, zoned R-2 and master planned for Single Family Residential. The subject property is zoned I-1 on the front two-thirds of the property and OST in the rear of the property, and master planned for light industrial uses. The OST does extend ten feet to the north of the Andes Hills property line. The southerly properties are zoned R-A and master planned for Single Family Residential. To the east and west of the subject property it is zoned I-1 and master planned for light industrial. The north side of Grand River Avenue is master planned for Office uses and Office with the EXO Overlay.

Mr. Schmitt said there are light woodlands on the southerly third of the property, mostly along the perimeter of the property. There is a small wetland depression that is part of the stormwater plan for this property and Gatsby's, and is part of a system that includes three nearby off-site wetlands.

Mr. Schmitt said that the north portion of the site will house a miniature golf course, a water feature, a go-cart track and a bumper boat area. The center of the property will house an activity center, small go-cart building, trampoline, climbing wall, soccer cages, mini go-cart track, parking and a family picnic area. The Applicant has stated that the southerly property will remain in its natural state to the extent that is possible.

Mr. Schmitt said this project is considered a Special Land Use, as determined by the Planning Department in October 2003. On December 2, 2003 the ZBA asked the Planning Department to formalize their response in a letter; the December 8, 2003 letter satisfied this requirement. On January 6, 2004 the ZBA agreed with the Planning Department for reasons which included the fact that the property abuts residential.

Mr. Schmitt said no Woodland Permit is required for this project as the regulated woodlands will not be impacted. The Wetland Review, Engineering Review and Fire Department Review indicated minor items to be addressed at the time of Final Site Plan submittal. The Façade

Review indicated that a Section Nine Waiver is required for the cart building, or a redesign is necessary to meet the Ordinance requirements. The building is currently designed to be architecturally compatible with the main activity center. It is substantially smaller and therefore the percentages of certain materials do not meet the Ordinance.

The Traffic Review indicated two driveway spacing waivers – one same side waiver relative to Gatsby's (125 feet provided vs. 275 feet required) and one opposite side waiver relative to both motel drives (69 feet and 145 feet provided vs. 200 feet required). Mr. Schmitt said that given the fact that there are many narrow parcels along Grand River Avenue, these waivers are not surprising. Both he and Bill Stimpson of Birchler Arroyo Associates (Traffic Engineers) believe that the current placement of these driveways is the best suggestion for the project. The left-turn interlock problem is with the motel, but that business is a relatively light traffic generator.

The Landscape Review indicated that waivers for the berms are necessary for the land that is adjacent to residential (easterly Andes Hills, southerly Eleven Mile parcels and the westerly Babinchak parcel); the berms were not provided because of the wetlands and woodlands in the area. The Applicant has now proposed a small berm in one section abutting the Andes Hills residents but it is not on the plan before the Planning Commission at the meeting. A ZBA variance is necessary for the lack of interior building landscaping, approximately 5,700 feet of landscaping are required and only 3,100 feet were provided.

The Planning Review indicated that the plan technically has front yard parking. The Planning Commission must make the finding that the parking and lighting are compatible with the surrounding areas, according to Section 2400 of the Ordinance. The lighting plan does not meet Ordinance, but can be corrected by Final Site Plan. The parking lot closer to Andes Hills is more in compliance than the go-cart/wall/golf area. A ZBA variance for parking setback on the residential-abutting side of the project is required. A 100-foot setback is required under I-1 zoning; 36 feet has been provided.

The Applicant has proposed 122 parking spaces; the Ordinance does not provide a formula for determining parking for this unique use. The Planning Department noted that the miniature golf requires three spaces per hole plus one space per employee (54+ spaces). Additionally, per 2505.c.13, indoor recreation uses requires one space per every two people allowed under the occupancy load (conservatively 155 spaces). The Planning Department would therefore recommend 209 spaces be required for the property. In looking at other communities, the calculation is typically one space per 45 square feet of usable floor area (arcade uses), which would equal a 154-space requirement. Under 2505.10, the Planning Commission can make a determination on what standard will be used to determine the requirement when no specific requirement is listed in the Ordinance. The Planning Commission may also direct the Traffic Consultant to determine the adequate standard.

Mr. Schmitt said that because this is a Special Land Use, special consideration of the project must be made.

The Applicant has supplied a Community Impact Statement (Tab 4 of the packet) that addresses these questions -

Relative to other feasible uses:

Will this use impact traffic to a greater extent?

Will it impact City Services to a greater extent?

Is it compatible with the natural features?

Is it compatible with adjacent uses?

Is it compatible with the goals of the Master Plan?

Will it promote the use of the land in a socially and economically desirable manner?

Is the project a listed Special Land Use and is it in harmony with the requirements of the zoning district?

Director of Planning David Evancoe stated that under Tab Five, page four, the Applicant's Landscape Architect, Karen Gorman, has depicted the berm along the property line adjacent to Andes Hills. The Applicant has agreed to provide this berm. Mr. Evancoe asked for clarification on the mini-go cart attraction.

Jeffrey Wainwright, Applicant, 49232 Hunt Club Court, addressed the Planning Commission. He stated that the "kiddie track" uses small electric carts like the Barbie cars and is designed for children under six.

Joe Galvan addressed the Planning Commission on behalf of the Applicant. He explained how he came to represent Mr. Wainwright at the meeting. Mr. Wainwright told him that he had ten acres in Novi that he wanted to develop: four acres would remain in its natural state, a detention basin would be on site, and the rest would be a family fun park (miniature golf, go-cart track, trampoline, and wall climbing). Mr. Wainwright told him it is a Special Land Use and many waivers and variances are necessary. Mr. Galvan did not think this was a Special Land Use, but a "very special land use" that provides for the community. Mr. Galvan said that the Applicant now has a revised lighting plan that meets the Ordinance. The other physical impacts are not detrimental, and are lesser impacts than the other uses that could go on this parcel.

Mr. Galvan said that the driveways have been located where everyone agrees are the best locations. He said the Section Nine Waiver will provide for architectural conformity. He said that the request for an interior landscaping variance can be addressed and will no longer be needed. The berm waiver is necessary, although the Applicant has now provided one berm in a section by Andes Hills. Mr. Galvan said that family fun is important to the City.

Chair Markham told Mr. Wainwright that his group is only afforded ten minutes. Mr. Wainwright said that this project is designed for a community that is rich with families. He showed a picture of the proposed entrance. He showed a picture of a park in Tennessee that is similar to what he is proposing. He said his plan provides a comfortable environment and was designed as such after visiting over one hundred parks. Landscaping is the primary theme of this park. There are water features in the miniature golf area. They create the atmosphere during the day and at night. Safety is the number one issue in a park like this. A beauty fence will run along Grand River Avenue. The proposed plan is ADA compliant. The trampoline center will be ground mounted. Each trampoline is isolated from the other and one jumper is allowed at a time. The maximum age is 15 years old for the trampoline. The mini go-carts will go 3 mph. The family carts feature aluminum Honda engines. They vary from 5½ to 9 horsepower and are very quiet. This is not a "race" track. The bumper boats provide family fun. There are water cannons for spectators to shoot at the boats. The climbing walls are becoming very popular. This wall will be three-sided and will be overseen by two attendants. This is a business for fun for families; the target market is 4-15 years of age, and 22-102 years of age. The gap from 16-21 years old is intentional. Mr. Wainwright said that the two picnic areas will be open for everyone. Indoors, there is a laser tag area for up to twenty people at a time. The game room will have a maximum of 39 games. The food will be edible and items like cappuccino will be available. Wireless connections for parents will be available. The main activity center has an open ceiling, and insulation and dampening factors will reduce the noise. All employees will be trained in safety and emergency procedures.

This will be a great place for kids' birthday parties. Each day every item in the park will be inspected for safety.

Lee Mammola of Mammola and Associates Architects addressed the more technical aspects of the Planning Review. He had an updated plan that indicated the lighting no longer spilled onto the adjacent property. He said that the parking calculation that the Applicant is proposing is based on a different type of Maximum Occupant Load than what the Building Code recognizes. The Applicant can provide an affidavit that states the maximum is based on all the venues on the property. Based on Mr. Wainwright's calculations of 300+ people for maximum operating load, and using the ratio in the Ordinance (for certain uses) of 2:1, 160+ would be required. However, this is a *family* fun center, meaning that the marketed audience does not drive, and a more logical determination is to consider this project more along the lines of a stadium-type facility, which is calculated at a ratio of 3:1. This would suggest that this project should have 110 spaces; the Applicant has provided 122. An outdoor public swimming area, he noted, is calculated at a ratio of 4:1.

Mr. Mammola said that the 100-foot parking setback in the Ordinance pertains to industrial abutting residential. He showed on the plan that the parking area for this project does not abut the residential area. It is offset by about ten feet. The closest parking spot to a residential structure is 160 feet. In an R-2 District, a 135-foot setback would be required. He said that the proposal meets the intent of the Ordinance. The use of parking in the industrially-zoned land does not abut residential.

Chair Markham opened the floor for public comment:

Matt Rozek, 45950 Eleven Mile: Lives southwest of the proposed fun center. He purchased his lot in Novi for the country-style living and wildlife habitat. He is concerned that the noise and lighting may affect his environment. He said that the Grand River Corridor Study (1997-98) identified the south side of Grand River between Taft and Beck roads as a habitat area that needs to be protected. He said that Asbury Park is affecting the woods already in Section 16. He said now the only other woods in this section may be jeopardized. He said the park is not in harmony with the area – hours of operation and outdoors. Noise and lights are an issue. He doesn't want the value of his home negatively affected. He does not want a problem with the storm drainage. He said the park may provide easier access to his backyard and therefore the potential for vandalism increases.

Steve Babinchak, 45900 Eleven Mile: Lives adjacent to the OST-zoned property where the stormwater will drain. He said that this issue is about an individual who wants to make money off of people with children, and while that is not a problem, he said that the picture Mr. Wainwright painted was just a little too rosy. He took exception to Mr. Wainwright stating that this project is a "beautiful fit" because it does not fit into the area. It is an industrial area. The Novi Expo Center is going to increase the traffic substantially. The ADA requirements are mandatory, not optional. He was also concerned about the lighting, sound, and the potential for people moving through the woods, thereby increasing vandalism. He said that the Planning Commission is charged with protecting the residents and he hoped that they recognize this. He requested at minimum that a berm or fence be placed between this project and the homes.

Jane Gardner, Walden Woods Subdivision: Felt that her subdivision was being overlooked in the discussions. Her property is adjacent to Mr. Rozek's. She is concerned about the noise and whether the Sound Analysis is reliable. She said that the decibels are expected to reach 65 at the property's edge (though she questioned that number as a normal speaking voice is considered 50 decibels). Since she can occasionally hear the expressway truck traffic she believes that she may occasionally hear the Family Fun Park as well. She wondered whether the park is a seasonal operation and what the hours would be. She is concerned that the wildlife that frequents her property will be driven away. The drainage is an issue as the area is on a high water table. She

said the wetlands are dying in Novi. She is also concerned about safety; she noted that there are elementary schools in the immediate area and the increase in the traffic (from this and the Expo Center) could be detrimental. She does not want Novi to be some big rat race.

Rick Birdsahl, Signature Associates: Broker for Mr. Wainwright and a Planning Commission member in his own community. He said that Mr. Wainwright searched all of western metro-Detroit. He said that Mr. Wainwright first came to the Planning Commission to determine where this use would fit. The Planning Department gave him zoning requirements and locations where it could and would fit. They were specifically directed to this zoning and therefore this property was purchased.

Wayne Hogan, Novi: Thought that it should be taken into consideration that Grand River is the commercial corridor in Novi. He said that Mr. Wainwright approached him for assistance in designing the entire site ADA-friendly. He said that Mr. Wainwright was being responsible where safety was concerned, specifically in designing parking spaces that don't require the disabled person going into the flow of traffic when exiting their vehicle. He said that it was commendable that additional ADA items were being added to the inside of the building as well.

Leon Doolin, 23918 Heartwood (Echo Valley Estates): Supported the project. He said that Mr. Wainwright is a man of integrity and the interests of the Novi residents are important to them. He said the project was a commercial use.

Dan Smith, 960 McDonald Drive, Northville: Met Mr. Wainwright for the reason that his company could potentially finance the project. He drove up and down Grand River and found the area to be an ideal location for this project, mixed in with the new businesses and taking advantage of the Grand River expansion project. He agreed to become an equity investor in this project. He said that the Wainwrights are outstanding individuals and encouraged the City to move forward with this project.

Felix Valbuena, Jr., 45505 Andes Hills Court: Has previously spoken with Mr. Wainwright. For the record he said that the sound analysis stated that the go-cart noise near his home will be 40 decibels. He said he was told that the parking lot lights would be lowered from 24 to 18 feet and the dispersal of light would not meet his back yard. He said that he was told that if additional parking were required it would not come back into the four acres of OST near his home.

Phillip Rice, 45139 Roundview (Dunbarton Pines), Novi: Thought this was a nice project for Novi and will draw from ten miles. He said he thought the first speakers were selfish property owners that are unduly trying to influence the Planning Commission. The decision to be made is broader than just three people who abut this property. He appreciated Mr. Valbuena's comments. He noted that Taft Road is only a 2.5 miles long and he did not see how this project created a safety issue. He asked the Planning Commission to support the project.

Karen Carlson, 49843 Leyland Circle: Wants to protect the wildlife in her back yard. She said her children love to have fun and love deer and love to be outdoors. She said that Novi is becoming a city of excess. Her kids don't need to be driven from one arcade to another golfing area to indoor skating to outdoor this and that. She said those activities are for Orlando and not what most homeowners want their children being a part of. She said there is more to life for her children than spending money at arcades and driving around in go-carts. She does not want this type of project coming to Novi.

Ward Dietrich, 49829 Leyland Circle: Stated that the City is slowly changing over time. He came to speak on another issue but wished to state for the record that the direction of Novi has changed from what he had anticipated for its future.



Member Avdoulos read the written comments into the record:

Robert Merrell, 46210 Eleven Mile: Objected to the plan. He thought that the Master Plan was leaning toward adding more traffic, noise and density to the City. He thought that big developers were being favored. He did not think this was a 9-5 use like the office and light industrial uses in the area.

Tom and Dora Greaves, 23745 E. LeBost: Supported the plan. They thought this was a good quality recreation location for families.

Mark Guidobono, Cambridge Homes, 47795 Bellagio Drive, Northville: Supported the plan because it promotes family activities.

Daniel B. Smith, 960 McDonald Drive, Northville: Supported this plan for the Grand River corridor.

Leon Doolin, 23918 Heartwood, Novi: Supported the plan and felt that it would help dress up an area of the City that needs attention.

Adorno and Karen Piccinini, 21600 Novi Road, Suite 700, Novi: Thought the plan was ideal and will complement the surrounding businesses.

Hugh Crawford, 46275 Eleven Mile, Novi: Supported the plan and said that the plan exceeds the City's requirements. He thought the plan was compatible with the area.

Paul Root, 23828 East LeBost Drive, and Harold and Audrey Ortwine, 44100 Stasser, Novi: Supported the plan for its entertainment value and thought the plan was harmonious with its surroundings. They thought it was a major improvement to the Grand River corridor.

Jeffrey Vos, 16715 Dundalk, Northville: Supported the plan for its family orientation.

Eugene and Kathy Obrizak, 24703 Venice, Novi: Supported the plan, especially for its placement within the Novi area.

Joseph Johnson, 45701 Grand River (Gatsby's): Supported the family-oriented project.

Beata Gioutsos, 45455 Andes Hills Ct., Novi, and Cynthia Irimescu, 45425 Andes Hills Ct., Novi, and Gladys Broxie, 45485 Andes Hills Ct., Novi: Supported the project as presented. They requested that the parking lot not be enlarged.

Art Johnson, Johnson Printing Services, 45525 Grand River, Novi: Thought the project was sound and well thought-out. He supported the landscaping enhancements between their properties.

Liz Lanni, 41467 Burroughs Ave., Novi: Supported the proposal. She thought it was beautiful and hopes that other developers will follow.

Chair Markham said that the Planning Commission's job is to evaluate a development as to whether it meets the requirements of the Zoning Ordinance. She hoped that the questions posed by the public would be answered throughout this review. The Public Hearing was closed as the Planning Commission took a ten minute break.

Member Kocan said the Planning Commission was considering the Special Land Use element and whether the plan met the intent of the Ordinance. She said a Special Land Use indicates that the use may not be totally compatible with the surroundings. When industrial is next to residential this may be an issue. This allows the Planning Commission to be more diligent in reviewing the development. Member Kocan repeated the seven criteria for this review:

Will this use impact traffic to a greater extent?

Will it impact City Services to a greater extent?

Is it compatible with the natural features?

Is it compatible with adjacent uses?

(Is it compatible with the goals of the Master Plan?)

Will it promote the use of the land in a socially and economically desirable manner?

Is the project a listed Special Land Use and is it in harmony with the requirements of the zoning district?

Member Kocan said she looked at the Ordinance (Section 1902) regarding industrial abutting residential; outdoor facilities (play fields, play grounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities) are listed. She said they are non-mechanical. She said the Ordinance lists similar, no-more-objectionable uses as well. She thought go-carts were more intensive, therefore she felt obligated to protect the surrounding residents.

Member Kocan reviewed Ordinance 1905.5.a, which states that the size, scale, building design, façade materials, landscaping and activity of the use are such that current and future adjacent residential owners will be protected from any adverse impacts. She asked for more information on the gas-powered go-carts. She said she understood that the boats would be electric. The mini-carts would be electric. Mr. Wainwright said the bigger go-carts have two styles – one holds one child/adult and the other holds an adult with child. The top speed is 18 mph with a governor and by a condition set forth by the entertainment insurance organization. They can be radio controlled by the management. It is a 900-foot track. The horsepower is from 5.5 to 9.0 horsepower. They are Honda aluminum engines with a classification of a super-quiet muffler, plus they have a spark arrestor. They are safe and are sound controlled.

Member Kocan said that slow carts won't appeal to teenagers. She said laser tag and miniature golf could be for the teen group, so they aren't totally cut out from the fun park audience. Mr. Wainwright responded that the park will be attractive in the evening, specifically the golf course. The teens will be less interested in the trampolines and rock climbing wall. The Laser tag is a small room. The game room has redemption games for the younger audience; there aren't enough video games to entertain an older teen.

Member Kocan said parks have loud speakers and she did not see where this was taken into consideration in the sound analysis. Mr. Wainwright responded that the park is designed so that the noise-inducing areas are strategically located to minimize their impact on the surroundings. The music would play in the gazebo seating area and the golf course. The front and rear picnic areas will not have music. The enunciator system for the go-cart track is manageable; Darren Brown, sound engineer, said the enunciator is a discretionary noise source. It is up to the management to determine the loudness of these speakers, which will face Grand River Avenue. The building will also block the noise. The go-cart workers will be able to perform without the use

of the system as well. The designer from California took "neighbor issues" into consideration when designing the park. Member Kocan confirmed that the noise issue will continue to be reviewed. Member Kocan asked about adding an additional wall around the carts; Mr. Brown said that could be done if necessary, but when his analysis was done on the maximum noise, which is a highly unlikely scenario, the level reached slightly higher than the nighttime limit.

Member Shroyer asked if all of the noises were considered as a whole. Mr. Brown said that determining a compound noise depends on the noise source and if their frequencies are similar. He gave an example that two 90-decibel sources equal a compound decibel of 93; it would take four noise sources to noticeably change the decibel level. He said there are variables to noise that are not easily predicted.

Member Cassis said that he is aware that arborvitae can conceal noise. He asked whether the noise would be favorably mitigated if the Applicant planted similar plantings. Mr. Brown said that moving trees to the perimeter of the property would not make a significant difference in the noise unless they are deep and dense.

Chair Markham asked whether conditions change the outcome of a sound analysis. Mr. Brown responded that for the go-carts, they measured the noise source and created a sound power level. There is a value determined that is not relative to the distance from the source. By putting the sound power level into an acoustic-predictive model an engineer can predict what sound will be produced at property lines. It is reasonably accurate.

Member Sprague confirmed with Mr. Schmitt that this sound analysis is acceptable. Kolano and Saha is a very reputable firm. He said the report was complete. Member Sprague asked how these carts compare to the Farmington carts. Mr. Wainwright responded that those carts are 10-15 years old and don't meet today's standards. Without a governor his carts could reach speeds of 20-25 mph. Older carts can reach 30-40 mph. Mr. Wainwright cannot get insurance for carts that go faster than 18 mph.

Member Sprague thought that the golf-area music and the enunciator system could both be a problem. He agreed that the speakers should be directed at Grand River Avenue. Mr. Schmitt said that Section 2519 lists the performance standards and explains nighttime and daytime decibels. Enforcement is handled by Neighborhood Services. There is no specific requirement for music. City Attorney Tom Schultz interjected that for a Special Land Use everything is discretionary, and the Planning Commission can impose conditions as long as a reasonable relationship exists between the condition and what is being prevented. He confirmed for Member Sprague that it would be acceptable to put a reasonable condition in place to limit the noise.

Member Gaul said that "super-quiet" Honda generators are indeed super quiet – about the same as an idling car engine.

Member Pehrson asked Mr. Wainwright what the hours were. Mr. Wainwright responded that they anticipate the summer hours being from 10:00 a.m. to 11:00 p.m., adjustable by market demand. The demographics may not support an early morning start-up. Member Pehrson asked if the wall were extended to the south side of the go-cart building, would there be a positive affect on the noise for the southerly residents. Mr. Brown responded that 45-46 decibels would be reached at the back of the property in the most conservative case. Toward the residents, the decibel level is 35-36. He said neighbors would not likely hear this noise from the outsides of their homes. The wall would attenuate the sound, but not to a noticeable extent by the neighbors.

Member Kocan asked about cutting noise. Mr. Brown said that from a perception standpoint, cutting the noise in half could be attained by decreasing the decibels by 10 in a 70 decibel

example. From a physical standpoint it would have to be decreased by 6 decibels. It is not a straight progression; noise is determined by a logarithmic scale of sound pressure.

Member Kocan discussed lighting. She said the Applicant planned to meet the Ordinance requirement of 25 feet in the light industrial district. The Applicant's architect, Lee Mammola, said that the Applicant would reduce the lighting to 18 feet. He said that this plan was designed without the understanding that this plan would go forward as a Special Land Use. The plan has since been redesigned to afford less than one foot candle off of the property line. Mr. Wainwright met with the Andes Hills residents and agreed to reduce the parking lights to 18 feet and they have been relocated to the interior islands. The landscaping has also been designed to cut off the light source. The light that reaches Andes Hills is an area of 30x30 feet and reaches a level of .15 foot candle and .08 foot candle. The light in the cart area will also comply with the Ordinance and will maintain a safe environment. He said the lights will turn on via a light sensor and will go off by timer based on management's decision. Mr. Wainwright said that he agreed to allow the Andes Hills residents to determine how many safety lights would remain on all night.

Member Avdoulos confirmed that the cart lights and golf area are 25 feet tall. North of the main building are the 25-foot lights and the parking area is 18 feet. Mr. Mammola said the higher lights are required for safety and view as it reduces dark corners. The Applicant will use the same style fixture throughout the project.

Member Sprague asked whether the Staff had seen the new lighting plan. Mr. Schmitt said no. It is required at Preliminary Site Plan submittal because the property abuts residential. Member Sprague confirmed that if the plan went forward it would have to be subject to the lighting plan meeting the Ordinance standards, and should be stated as such in the motion.

Member Kocan asked whether a full perimeter fence was ever discussed. Mr. Wainwright responded that the fencing has to balance with safety and be architecturally attractive. He has provided an ornamental "secure fence" (three- or four-foot tall) that will prohibit children from leaving the property. It goes around the golf course, bumper boats and then to the first fire entrance coming into the building. Fire Marshal Mike Evans had asked for this design which includes a break-away fence. It will be possible to walk into the park from the back. It is a very wooded lot and it is unlikely that someone would come through that wetland. Mr. Wainwright did not have a solution to ensure that people don't walk through the neighbors' lots. He said that an ornamental fence would prohibit trespassing in the parking lot area. There is a safety gate in the front. The go-carts will be surrounded by a safety (rubber-coated) chain-link fence. Mr. Wainwright said the fence along the front is a 3.5 inch bar centered fence.

Mr. Wainwright showed the aerial photo of the site again and discussed where the trees were. He said that the land slopes from the northwest to southeast. The Friends of River Rouge have inspected the property and determined that the watershed is appropriate.

Member Sprague thought security in the rear of the property was deficient. He said that the property is creating an opportunity for more traffic back there. He did not think the neighbors should have to bear that consequence. Mr. Wainwright said that an ornamental fence could be placed back there, but he cautioned that a fence could be detrimental to the established wildlife in the area, and would have little effect on dishonest people. Member Sprague thought that this was an issue that needed to be addressed. Mr. Evancoe said the Planning Commission should clearly define what goal they would like accomplished, in terms of the front and back sections of the parcels, the City's Landscape Architect could work with the Applicant on a solution that might entail landscaping, fencing, berming or something along that line. Mr. Evancoe said that the best solution may be to leave it open; otherwise policing the area may become more difficult.

Member Cassis confirmed with Mr. Wainwright that he would have twenty employees on staff. Member Cassis said that the solution could include the park's employees keeping their eye on the perimeter of the property. Mr. Wainwright responded that there is also a twenty-camera surveillance system that will run 24-7. The most southerly camera will be mounted on the front side of picnic area number two, aiming at the picnic area and on to the back of the lot. He said that the difference in ground cover in the back area will truly define the park area from the woods.

Member Kocan said that parking was a touchy subject for this project. Member Avdoulos said that the Zoning Ordinance should be weighed against the parking requirement, as well as the Building Code. Member Avdoulos recommended that Mr. Mammola's parking count be used in this design, and the Applicant can sign an Affidavit stating that their provided parking is based on their studies. This can be done in lieu of providing parking that will never be used. If the Applicant finds out that the parking need was underestimated, then they can move forward in correcting that mistake. Since there is nothing concrete in the City's Ordinance to address this type of use this would be an acceptable solution.

Member Sprague agreed but did not want to see additional parking added to the south. He asked where more parking could go.

Member Cassis noted how much effort Mr. Wainwright has already put into this project. He agreed with the other Planning Commission members that the neighbors should not be intruded upon.

Member Sprague asked about bus traffic. Mr. Wainwright responded that a southerly section of the parking lot would be cordoned off for anticipated bus traffic. This area would not block the dumpster.

Member Kocan said that the interior landscape plan provided to the Planning Commission was deficient by 46%. Karen Gorman, the Applicant's Landscape Architect, said that she was working on a plan in conjunction with the City. They plan to increase the depths of their bed adjacent to the building where they can. They will add planters to the wood deck. They will try to meet as much of the requirement as possible. The submitted plan should be recalculated for a more accurate deficiency percentage, and they will add more landscaping. Mr. Shipman said he has not yet seen an updated plan. He said the issue is providing landscaping along the perimeter of the building. In particular, the deck prevents landscaping from being provided against the building. Providing planters will help but will not likely alleviate the need for the variance.

Member Kocan asked if the Planning Commission can grant a waiver conditional upon the preservation of natural features elsewhere on the property. Mr. Shipman did not believe there was a condition as such for interior landscape requirements. Mr. Shipman believed that with the current site layout only the interior landscaping requirements are not resolvable issues. There are other deficiencies that can be resolved prior to Final Site Plan submittal.

Member Kocan said it made sense to place a berm between the condos and the parking. She said that the neighbors seem happy about the size of the berm although it does not meet the Ordinance requirement of 4'6" to 6". Mr. Shipman agreed that in this case the requirement the Ordinance application is for OST adjacent to residential, which is 4'6" to 6"; the proposed berm which has not been reviewed apparently meets that requirement. Mr. Shipman said that requirement is for the berm's location along the property line; the proposed berm is somewhat different than that, although it does provide some screening. He said there are caveats for waiving the berm but there are specific requirements that may need to be met in order for the berm to be waived. These requirements are stated in the review letter.

Member Kocan asked how high the proposed berm was designed. Ms. Gorman said it was designed at three feet high, but they will expand it to four feet high with a crest of 4'6". They don't have any more room to expand it further between the south end of the parking lot and the stormwater detention area. They can use as much space as possible. They were planning to plant 12- to 16-foot evergreens on top of the berm to help screen the views of the lampposts. She noted that Andes Hills is two feet lower than the subject property. This berm will create a strong screen. Mr. Shipman said that the detention basin is an existing use that also serves Gatsby's; moving it is not the best idea.

Member Avdoulos wondered if this use belongs near the new expo center. He thought that there were more appropriate sites that would have less controversy. Grand River has always been a major thoroughfare and has just been widened. Different venues will be planned for this area. This type of family entertainment facility will be marketed to a different demographic (younger) than the similar uses found at Fountainwalk. The Applicant has done an admirable job in collecting his information and presenting it. He said that four of the Applicant's ten acres will be left in its natural state to buffer the use from its neighbors. The go-cart track is about 610 feet from the back of the property line that abuts the other residents. This design puts the activity closer to Grand River. This park will operate mostly in the summer when most of the trees are fully leaved. Grand River will likely be noisier than the park itself. The Applicant has addressed noise, lighting, traffic, parking, emergency access and entry issues. This use could benefit Gatsby's customer count as well as provide them with a sewer line if they wish to connect. Member Avdoulos said that if the noise is an issue after the park is built that the Applicant can look at adding another wall. The building placements have addressed the noise issues as well. The placement of the entrance is in its optimal location. Mr. Wainwright has been diligent.

Member Avdoulos stated that no one will be forced to bring their children to this park. He said that another developer could have purchased this parcel and taken their building or parking all the way to the back of the property and done away with the natural features that currently exist. He was comfortable with this project and felt the Applicant has put forth great effort in working with the City and its residents. He reiterated that Grand River is a major corridor and the local residents should anticipate future projects along this road.

Member Avdoulos did not find the façade issues to be contentious. He was amenable to the Applicant working with the Façade Consultant to arrive at a mutually acceptable design.

Member Shroyer asked when the park would open. Mr. Wainwright responded that each venue will be constructed by a different company. The golf course would be first, the building second, and the rest would follow. Their goal is to be open in June with phases I and II.

Member Shroyer did not see any bike racks on the plan. Mr. Wainwright responded that they will add bike racks.

Member Shroyer asked whether concrete is required anywhere in the Ordinance for the parking lot (to accommodate motorcycles and their kickstands). Civil Engineer Ben Croy responded that the Ordinance allows both asphalt and concrete and it is the choice of the developer. Member Shroyer said that perhaps the Implementation Committee might want to look at that.

Member Shroyer noted that the City's daytime hours end at 10:00 p.m., and therefore there are different Ordinance limitations (decibel levels) associated with 10:00-11:00 p.m. that the Applicant may wish to review. He said that the Applicant could put up "No Trespassing" signs on the OST property. Mr. Wainwright responded that he offered to do so although the residents acknowledged it may not prove to be much of a deterrent.

Member Shroyer asked whether the Applicant looked into a shared driveway with Gatsby's. Mr. Wainwright responded that Seiber Keast designed a complete boulevard entrance to share with Gatsby's and the two companies met, but at this point in time Gatsby's was not able to commit to that entrance.

Member Kocan asked about the façade. Mr. Mammola said that the Applicant cannot meet the Ordinance because of a quirk in the structure of the Ordinance language. The openings in the building cannot be used in the calculations; the very nature of the building calls for those openings to exist. The gabled ends of the building create the problem. The main building has the same gabled ends, and the Applicant believes the complementary character of the building is far superior to providing a different design. If the brick were extended over the openings there would be structural problems and it would not be as aesthetically pleasing. Mr. Schmitt confirmed for Member Kocan that the Planning Commission would need to issue a Section Nine Façade Waiver if the building as designed was acceptable.

Member Kocan said she wanted Mr. Shipman to state the conditions for the berm waiver around the entire OST property. The Planning Commission would have to find that the five conditions were met – the retained wooded area provides screening consistent with (the berm) opacity and is of a depth and height (that is acceptable). She said the Planning Commission can waive the berm around the whole property if the Applicant provides a permanent preservation easement on that property. Mr. Shipman concurred, stating that in order to issue a waiver for that standard the primary thing that must happen is a permanent preservation easement must be provided. It must include maintenance as well as other documentation that goes along with that. He said there are five criteria that must be met. Some of those may be applicable; others may have to be reviewed. In particular, he said, there is a screening requirement that the retained woodlands must provide; perhaps the area may require supplemental plantings. He said the plants in the area should be evaluated and a determination made as to whether the plants are valuable and should be saved.

Member Kocan stated that the Planning Commission cannot yet issue the waiver because the determination of these five criteria has not been done. She asked whether the Planning Commission could take the next step and state that no development can ever be proposed on this section of the property. If a preservation easement is required to satisfy the Ordinance requirement for the waiver, then future development cannot be considered. She asked if there is any future development under consideration for this section of the property. Mr. Galvin responded that there are no current plans. The notion of placing of preservation easement on the entire four acres is not something that Mr. Wainwright has yet considered. Mr. Galvin suggested that, as part of the motion, the Planning Commission state that compliance with the requirements for granting of the waiver must be met, or compliance with the Ordinance must be met. In this manner, the Applicant has a choice to look at the entire situation and make up his mind how he wants to proceed, and the forward progress of this plan is still in motion. This option would not have a down side for the City.

Mr. Schultz stated that he did not disagree with Mr. Galvin's statements with regard to the berm. He said that Member Kocan's question encompasses a bigger issue. He said that he heard Member Avdoulos state that the back section of land was going to be a buffer and remain undeveloped. Mr. Schultz said this is not a statement in the plans; Mr. Galvin also said that it's never been discussed that this land will never be developed. It becomes a significant issue when one considers that the back land was zoned OST with the understanding that the land would be developed as a whole with the industrial land in the front along Grand River. The way this plan is currently designed, the entry does not meet the Ordinance requirements for a road leading to a different development.

Mr. Schultz said that one of the requirements of granting a Special Land Use is whether the plan is consistent with the Master Plan and is an orderly development of the property. Mr. Schultz said that the Master Plan suggests that the rear of the property is master planned industrial but it is

zoned OST; can it really be accessed and developed the way the front portion of the property is set up? Mr. Schultz said that is something that the Planning Commission should think about – should they discuss a conservation easement or something else that will help them in the future if the Applicant comes forward with an office building proposal for the rear property that will require some kind of variance for the inadequate entry design? He said that the Planning Commission should consider this possibility in their motion.

Mr. Schultz reiterated that Mr. Galvin's answer responded to the berm issue but touched on the larger question of what is the future of the rear of this property. How does this layout affect the future of the rear property? Member Kocan asked whether there were enough woodlands on the rear parcel (or sections of woodlands) that the Planning Commission could require its preservation. Mr. Shipman responded that the easement would represent the same amount of land that would otherwise have the berm upon it. Then it would have to be determined whether the plant material met the criteria. Typically the berm would be placed along the boundaries and the Applicant would likely apply for the easement in that location, although he could propose interior land if he chose to do so. Member Kocan confirmed that this was the 4'6" to 6' berm, so the easement would encompass 6' x 318' (Mr. Shipman said it was a forty-foot berm) around the perimeter, but she said that the Planning Commission could use their discretion. Mr. Schmitt said that the Planning Commission has previously granted waivers and the easement covered the entire woodland area. Presumably, the measurement could follow the woodland line, which is essentially the entire western half of the back portion, and runs along the southern property line. That would preserve all of the regulated woodlands.

Member Kocan said that if there was a deficiency in the interior landscaping, the preservation of the woodlands in that area could be used as a reason for the deficiency in the interior landscaping being allowed. However, Mr. Shipman did not believe that was the case. The variance would be sought from the ZBA; it would fall under their purview as to how they would choose to handle it.

Member Kocan asked about the parking setback from the residential property. She was concerned that if additional parking is someday required she wondered where it would go. She understood that the I-1 did not touch the residential but the OST does. If it were measured from the parking space to the actual residential property line it is 39 feet away. Mr. Schmitt added that the Ordinance does not speak to the district, but to the property abutting the residential. It does not speak to the use or the zoning district abutting the residential. This is an important distinction to make because there is an I-1 use on a property that does abut residential, which is why the 100-foot setback does apply. The Planning Department and the Planning Commission have consistently applied the concept from the nearest residential property line. The ten-foot OST can therefore be included in the setback as it is in the straight-line path to the nearest residential district. The hundred-foot setback is from the corner of the Andes Hills subdivision measuring northwest.

Mr. Galvin said there is no compelling necessity for the Planning Commission to find adjacency with respect to this requirement. The Planning Commission can interpret the Ordinance, that in order for the 100-foot requirement to be applicable, there must be adjacency and it is clear that there is no physical adjacency. There is adjacency of the property at large. He said that if the parking were moved ten feet to the south, the 35 feet would be met. Mr. Mammola showed the exhibit that demonstrated that the physical limitation was outside what would exist and therefore Mr. Galvin offered the Planning Commission some rationale. He said that the 100-foot setback is designed for what is traditionally viewed as "industrial traffic" but this traffic is not industrial. This parking lot will accommodate what an OST parking lot would accommodate. Therefore, the Applicant would ask the Planning Commission to construe their Ordinance's intent, with respect to the parking setback only, to require an adjacency which meets the dictionary's definition of adjacency or abutting, that it means "it comes together."



Chair Markham said that Mr. Freeland of Tilton and Associates wrote a review letter stating that the Applicant had not complied with certain issues. Mr. Wainwright said he would comply with all of the issues cited in the review letter. Some voluntary adjustments have also been made to protect some of the wetland buffer.

Chair Markham confirmed that there are two lots, two sidwell numbers and two zoning classifications.

Mr. Schmitt said that the setback requirement between OST and residential is twenty feet. The Planning Department would not necessarily look favorably on the Applicant moving his parking over to the OST-zoned property. He said that the setback requirement has always been applied to the residential property line, regardless of the zoning district, which is why the setback applies even though there may sometimes be intervening circumstances such as a wildlife corridor.

Member Kocan asked whether the plan would change if the Applicant was asked to meet the 100-foot setback requirement. Mr. Schmitt responded that there are about 20-25 spaces within the 100-foot arc of Andes Hills. The loading zone would become a stub to the south and the parking lot would extend into the OST portion, or some other configuration of the northern property would have to occur. Ultimately, with the Affidavit signed by the Applicant, there would have to be parking spilling onto the OST parcel. Member Kocan did not see a problem with parking spilling onto that area. Mr. Schmitt said that from a planning perspective they have never viewed the OST parcel as industrial because a variety of uses have been suggested for that land throughout this process. After the December ZBA meeting, the plan evolved into one that did not have any development proposed on the OST land. The Planning Department now believes that the Applicant is not proposing anything for the OST. Presumably they maintained the argument that they were not adjacent; now that the ZBA has made their decision, the argument could be made that the parking lot should be extended to the south onto the OST parcel. The only change that may result is there was no woodland permit noticed for the Public Hearing tonight. If the parking lot ends up affecting the woodlands, which it likely will, the project would require another Public Hearing for a Woodland Permit. He reiterated that if the Planning Commission requests the parking be relocated to the south to avoid the 100-foot setback then the plan will likely need to be re-noticed for a Woodland Permit Public Hearing.

Mr. Schultz said that the Applicant has done his best to keep his entire project on the industrial property and perhaps the Planning Commission should ask him what his intentions for the OST property is. Chair Markham asked the question. Mr. Wainwright said that a water park was a bad idea that was nixed. He has no current plans for the OST property. He said it is developable and beautiful. It has access from Grand River. He does not plan to sell it. He said they have an ethical obligation to the people of Andes Hills. They do not want asphalt going back there. They like the proposed plan for aesthetic reasons. The setback reasoning is applicable. This plan is currently mutually beneficial. The woodland area in the rear is in good shape. The grass line area is not. Dr. Tilton has suggested things, and Mr. Shipman has suggested things, to return that area back to its original plant base. One year ago the Applicant had a plan for a nature trail on the OST property, and the Friends of River Rouge were going to add signage for the various species of plants. Andes Hills' residents asked Mr. Wainwright not to do that. It was then removed from the plans.

Mr. Schultz said that the Applicant made the comment that the OST was accessible from Grand River. Mr. Schultz said that statement should be explored and determined whether it is correct. Mr. Evancoe said that if the driveway was designed as a private street meeting the standards of a public road, then the OST would have access. However because it is a driveway for a particular business the back property really is landlocked.

Member Sprague said that his intention at this meeting was to ensure that whatever motion approves this plan, it would have to be subject to the OST property being left alone. The

Applicant has gone to great lengths to work with the neighbors. There are difficult issues that can be resolved for this project, but he would like permanent protection on the southerly land. He told the Applicant to state his intention if it is such that he is willing to provide a permanent preservation easement on the southerly property. Member Sprague said that the proposal could also be postponed to give the Applicant time to decide what he would like to do.

Chair Markham asked Mr. Wainwright if he were willing to state that he would permanently preserve the southerly parcel. Mr. Schmitt interjected that a conservation easement is not an option, it's a requirement of the berm waiver. Additionally, under the Special Land Use, the easement can be expanded to a greater extent. Mr. Schultz also said that the problem stems from a more intrusive use having to use the driveway for access. There may be a less intrusive way of dealing with this, such as limiting what kind of access can go through this development. It is difficult to determine at this moment what language would most appropriately address this matter. He said that another recreational use might be appropriate; an office use may not. Mr. Galvin said that the Applicant does not want to be postponed. Mr. Galvin said that, with respect to the granting of the waiver of the berm, he would request that the Planning Commission state that the Applicant must either get the waiver (meeting the requirements set forth in the Ordinance) or meet the berm requirement. He said that this would solve the problem on the usage. It doesn't deal with the access issue about which Mr. Schultz spoke.

Mr. Galvin also suggested that a condition be imposed that because a Special Land Use is being granted on this property, any future development of this property would require the Applicant dealing with the access issue. This provides flexibility to the owners but doesn't suggest that the access is adequate beyond what has already been determined. He said that Applicant needs time to think about what it is he wants to do without holding up the progress on this plan.

Member Pehrson did not want see the Applicant's flexibility limited.

Moved by Member Shroyer, seconded by Member Avdoulos:

**In the matter of Family Fun Park, SP03-57, motion to grant approval of the Preliminary Site Plan, Special Land Use permit and Stormwater Management Plan subject to: 1) A ZBA variance for lack of parking lot setback adjacent to the residentially-zoned property; 2) Resolution of parking space requirements - Planning Commission's determination under Section 2505.10 that the Applicant's recommendation as to what the parking standards are shall be applied to this use; 3) Planning Commission's Section Nine Waiver for the cart building or a redesign of the building to meet Ordinance requirements, to allow for a more uniform architectural appearance to the site; 4) A Planning Commission Waiver for Same Side Driveway Spacing requirements relative to the existing Gatsby's Restaurant driveway; 5) A Planning Commission Waiver for Opposite Side Driveway Spacing requirements relative to the existing motel driveways; 6) A Planning Commission determination that parking and lighting are compatible with surrounding properties; 7) Loading areas meeting the intent of Section 2507.3; 8) The conditions and items listed in the Staff and Consultant review letters; for the reasons that the proposed use will promote the use of the land in a socially and economically desirable manner and the Applicant has made a significant effort to work with surrounding property owners to minimize their lighting and address the noise concerns and provide them within the Ordinance requirements.**

## **DISCUSSION**

Member Sprague offered the following additions to the motion:

**A lighting plan being submitted that is in compliance with City Ordinance.**

**A limitation that music can only be available on the miniature golf course.**

**If an enunciator system is installed it will comply with a sound study and will be found acceptable by City Staff and that it will not be disruptive.**

**The number of safety lights that run for 24 hours will be subject to the Andes Hills Condominium Association's review, not to be less than one or as required by whichever City Department oversees that particular function.**

**Vinyl coated fencing being used.**

**The security system along the south border of the park (pointed at the south property) containing signage as mentioned by the Applicant.**

**The landscaping plan being submitted is acceptable to the City Landscape Architect but not stricter than City Ordinance requirements.**

**The berm at the southeast corner of the parking lot against the Andes Hills Condominium property being installed with a four-foot height and 4'6" crest and a contour per page four of February 19, 2004 Design Resource Associates' letter, with evergreens as per the Applicant's consultant's comments.**

Both members Shroyer and Avdoulos accepted those changes to the motion.

Member Kocan asked about adding this condition:

**Placement of a four-foot barrier wall west of the bumper cars that would make the design comply with the Noise Ordinance and would help mitigate the noise.**

Members Shroyer and Avdoulos accepted the addition.

Member Kocan said that there must be verbiage stating:

**Waiving of the berm around the OST with the condition of permanent preservation of the woodlands on the entire back lot, or compliance with the berming requirements on the OST portion of the property.**

Later in the meeting, this requirement was restated by Lance Shipman as:

**The Applicant must meet the conditions of achieving the waiver in the rear or they will provide a berm as required by the Ordinance.**

Member Kocan noted that bike racks were also discussed. She asked to include in the motion:

**The plan must come back to the Planning Commission for Final Site Plan approval.**

Member Shroyer asked whether there are additional costs to the Applicant if the plan was to come back before the Planning Commission. Mr. Schmitt said that the costs associated with this condition would be the additional 13 sets of prints for the Planning Commission. Member Shroyer and Member Avdoulos accepted those changes to the motion.

Member Cassis asked what would happen if the Applicant came back in the future and asked to do something on the back portion of the property. He asked whether this request would be considered a Special Land Use. Mr. Schultz responded that this can be covered by stating this plan as presented is approved, but anything that is proposed in the rear is going to have to return to the Planning Commission. Without the condition that would have to happen. **One way that the inaccessibility to the rear of the parcel can be dealt with is to indicate that this plan is approved as a single parcel, with the rear space shown as undeveloped, and that any development of that rear portion would come back as a Special Land Use because it will necessarily affect the front Special Land Use area that is being approved tonight.** Though Mr. Schultz would have preferred for the plan to be postponed so that more thought could go into this situation, he felt this language protects the City. There is a fair amount of green space back behind the proposed site plan and its future development could and should be considered a Special Land Use since it will affect this plan. Mr. Schultz said that in order for the Applicant to get the Special Land Use for the front of the parcel, the Planning Commission can require a Special Land Use designation for the rear of the parcel. The OST designation allows for several uses that wouldn't be Special Land Use items without the Special Land Use in the front. Member Cassis asked Mr. Galvin whether the Applicant would accept this condition.

Mr. Galvin responded that if administrative approval was acceptable for the Final Site Plan submittal then the condition proposed by Mr. Schultz would give the Planning Commission the authority they are seeking. He reminded the Commission that time is of the essence, and if anything is changed on the plan it would require the plan coming back to the Planning Commission anyway. Member Cassis proposed that this change be made to the motion.

Chair Markham repeated the condition as:

**Special Land Use approval on the OST property if it is ever proposed for future development.**

Mr. Schultz said this was a reasonable condition for granting the Special Land Use on the front half of the parcel. Mr. Schultz said he thought Mr. Galvin agreed to that condition, although they preferred not to come back for final site plan approval. Member Cassis suggested that Mr. Galvin work with Mr. Schultz and they can draft the appropriate language for this issue. Member Shroyer agreed to the change, and he agreed that the plan did not need to come back to the Planning Commission for Final Site Plan approval. **Member Kocan withdrew her request to add language to the motion for the plan's return to the Planning Commission for Final Site Plan approval.** Members Shroyer and Avdoulos agreed to these changes.

Mr. Shipman asked for clarification on the rear berm and the variance for interior landscape requirements. Both Member Kocan and Member Shroyer said that the Applicant agreed to comply, and that a variance was not necessary. Member Kocan said that it could be made part of the motion, that the Applicant agreed to comply with the interior landscape. Mr. Galvin concurred, stating that they understood that they would have to comply or go to the ZBA.

Mr. Schmitt said that the Planning Department did not think there was any way to comply with the interior requirements, given the amount of paving on the site. Mr. Shipman said that currently the Applicant is proposing a deck on the rear of the activity center. This would not meet the requirements. Also, they would have to apply some treatment to the service building in order for that area to comply. They have the ability to get closer to the requirement by adding more plantings. If the Applicant proposes the deck along the rear they cannot meet the requirements. Member Shroyer confirmed that they cannot meet the requirements if the deck was the entire length of the building, but they could make the deck smaller. The Applicant's landscape architect said that more plantings and planting beds could be added. She also remembered Mr. Shipman's comment about surrounding the property with an eight-foot greenbelt. Mr. Shipman said that the current calculation uses an eight-foot measurement multiplied by the perimeter of the building.

The minimum requirement is a four-foot strip around the perimeter, save for entrances. He said that there are creative ways to manipulate that measurement, but that greenspace must be provided around the building or the drip line of the building.

Mr. Schultz said that it could be stated in the motion that the Applicant must work with the Landscape Architect to reduce the amount of variance. Member Sprague interjected that his addition to the motion stated, "...subject to the landscaping plan being submitted that is acceptable to the Landscape Architect."

Member Cassis asked if the Applicant could use a mixture of planters and natural landscaping. Mr. Shipman said that there probably is a creative solution that can be found.

Mr. Shipman restated that the berm issue as:

**The Applicant must meet the conditions of achieving the waiver in the rear or they will provide a berm as required by the Ordinance.**

Chair Markham called for the vote.

**ROLL CALL VOTE ON NOVI FAMILY FUN PARK, SP03-57, MOTION MADE BY MEMBER SHROYER AND SECONDED BY MEMBER AVDOULOS:**

In the matter of Family Fun Park, SP03-57, motion to grant approval of the Preliminary Site Plan, Special Land Use permit and Stormwater Management Plan subject to: 1) A ZBA variance for lack of parking lot setback adjacent to the residentially-zoned property; 2) Resolution of parking space requirements - Planning Commission's determination under Section 2505.10 that the Applicant's recommendation as to what the parking standards are shall be applied to this use; 3) Planning Commission's Section Nine Waiver for the cart building or a redesign of the building to meet Ordinance requirements, to allow for a more uniform architectural appearance to the site; 4) A Planning Commission Waiver for Same Side Driveway Spacing requirements relative to the existing Gatsby's Restaurant driveway; 5) A Planning Commission Waiver for Opposite Side Driveway Spacing requirements relative to the existing motel driveways; 6) A Planning Commission determination that parking and lighting are compatible with surrounding properties; 7) Loading areas meeting the intent of Section 2507.3; 8) The conditions and items listed in the Staff and Consultant review letters; 9) A lighting plan being submitted that is in compliance with City Ordinance; 10) A limitation that music can only be available on the miniature golf course; 11) If an enunciator system is installed it will comply with a sound study and will be found acceptable by City Staff and that it will not be disruptive; 12) The number of safety lights that run for 24 hours will be subject to the Andes Hills Condominium Association's review, not to be less than one or as required by whichever City Department oversees that particular function; 13) Vinyl coated fencing being used; 14) The security system along the south border of the park (pointed at the south property) containing signage as mentioned by the Applicant; 14) The landscaping plan being submitted is acceptable to the City Landscape Architect but not stricter than City Ordinance requirements; 15) The berm at the southeast corner of the parking lot against the Andes Hills Condominium property being installed with a four-foot height and 4'6" crest and a contour per page four of February 19, 2004 Design Resource Associates' letter, with evergreens as per the Applicant's consultant's comments; 16) Placement of a four-foot barrier wall west of the bumper cars that would make the design comply with the Noise Ordinance and would help mitigate the noise; 17) The Applicant must meet the conditions of achieving the waiver in the rear or they will provide a berm as required by the Ordinance; and 18) Special Land Use approval on the OST property if it is ever proposed for future development; for the reasons that the proposed use will promote the

**use of the land in a socially and economically desirable manner and the Applicant has made a significant effort to work with surrounding property owners to minimize their lighting and address the noise concerns and provide them within the Ordinance requirements.**

**Motion carried 8-0.**

The Planning Commission took a ten minute break. Member Gaul left at midnight.

**APPROVED PERIMETER EASEMENT**

## **PERIMETER EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS, that Secure Development Properties, LLC, a Michigan limited liability company, whose address is 45799 Grand River Avenue, Novi, Michigan 48374 ("Grantor"), owns the following described parcel of land, to-wit:

(See Exhibit "A" attached hereto)

Tax Identification No.:           22-16-451-046

For and in consideration of One Dollars (\$1,00), receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to the City of Novi, Michigan, a municipal corporation, whose address is 45175 Ten Mile Road, Novi, Michigan 48275 ("The City"), a nonexclusive easement for a perimeter area and a specific berm area (the "Easement Areas"), both as depicted in Exhibit B and described in Exhibit C attached hereto and part of this document, of which is over, upon, across, in through and under the following described real property, to-wit:

See Exhibit B and Exhibit C, attached to and part of this document)

And to be granted henceforth access and privilege to confirm sustainment of such noted easement.

Grantor agrees not to build or to convey to others permission to build any permanent structures on, over across, in through, or under the above-described Easement Areas, except that subject to The City's approval as part of an approved site plan, the Grantor may construct and/or install surface improvements to the property, including and otherwise not limited to landscaping, utilities, and other such items as may facilitate usage of the surrounding properties, or as otherwise provided by the City as part of the aforementioned approved site plan and/or City-approved permits as may be required.

Areas designated as the Easement Areas, shall not be developed in any manner which alters the natural vegetation. Except for and subject to the activities which have been expressly authorized in the approved landscape plans, and for routine maintenance, there shall be no disturbance of the natural vegetation, including altering the topography, placing fill materials, removing or excavating of soil, minerals, or trees, constructing or placing any structures on; or otherwise altering and/or constructing, operating, maintaining any use or development.



The Grantor shall have the authority and responsibility, at its expense, to preserve and maintain all trees, buffers and landscape located in the Easement Areas. The Grantor shall establish and implement a regular and systematic program for the preservation, repair and maintenance of the Easement Areas.

In the event that the Grantor shall at any time fails to carry out the specified responsibilities and/or in the event of a failure to preserve and/or maintain such Easement Areas or facilities in reasonable order and condition, the City may serve written notice upon the Grantor setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place of the hearing before the City Council, or such other council, body or official delegated by the City Council, for the purpose of allowing the Grantor to be heard as to why the City should not proceed with the maintenance and/or preservation of the Easement Areas which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official designated to conduct the hearing, shall determine that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall thereupon have the power and authority, but not obligation, to enter upon the property, or cause its agents or contractors to enter upon the property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation, including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 18% of the total of all costs and expenses incurred, shall be paid by the Grantor, and such amount shall constitute a lien as to the property. The City may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within thirty (30) days of a billing to the Grantor, all unpaid amounts may be placed on the delinquent tax roll of the City, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the Grantor, and, in such event, the Grantor shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit. Should such repairs by the City or its designated agents or contractor cause damage or in any way adversely alter the subject Easement Areas, any of the included easement, or any of the adjacent properties owned by the Grantor inclusive of this property, or other immediately adjacent or abutting adversely affected property, restoration of such damage to its previous condition is the full responsibility of the City and/or its representatives. The City is responsible to ensure that its workers, employees, agents or representatives performing such work are properly and completely insured regarding but not limited to liability, workers' compensation and personal injury.

In addition, while this Agreement is in effect, the City shall maintain, and shall require its contractors employed in connection with this Agreement to maintain, in effect a policy of Comprehensive General Liability Insurance with a minimum combined bodily injury and property damage single limit of \$1,000,000.00 which insurance shall either include a Cross Liability Endorsement or shall not preclude recovery by a named insured as a result of the negligence of any other named insured under said policy. Said policy of insurance shall be written by an insurance company authorized to do business in the State of Michigan and shall name Grantor as an additional insured. This instrument shall run with the land first described above and



# EXHIBIT A

## LEGAL DESCRIPTION OVERALL SUBJECT PARCEL:

A part of the Southeast 1/4 of Section 16, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan; more particularly described as commencing at Southeast Corner of said Section 16; thence North 00°59'30" East, 1325.52 feet, along the East line of said Section 16 and the centerline of Taft Road, to the Northeast corner of "Andes Hills Condominium", O.C.C.P. #784, as recorded in Liber 12942, on Pages 685 through 733, Oakland County Records; thence South 89°53'10" West, 786.14 feet, along the North line of said "Andes Hills Condominium", to the Northwest corner of said "Andes Hills Condominium" and the POINT OF BEGINNING; thence South 00°59'48" West, 330.24 feet, along the West line of said "Andes Hills Condominium", to the Southwest corner of said "Andes Hills Condominium"; thence Due West, 545.99 feet (previously described as 545.94 feet); thence North 00°42'26" East, 329.38 feet (previously described as 328.96 feet); thence North 89°54'44" East, 144.79 feet (previously described as 144.63 feet); thence North 00°59'30" East, 826.59 feet (previously described as 826.52 feet), to the centerline of Grand River Avenue right-of-way; thence South 71°06'18" East, 284.26 feet, along the centerline of said Grand River Avenue right-of-way; thence South 00°59'30" West, 360.01 feet; thence South 71°06'18" East, 139.07 feet; thence South 00°59'45" West, 328.86 feet, to the Point of Beginning. All of the above containing 10.053 Acres. All of the above being subject to the rights of the public in Grand River Avenue. All of the above being subject to easements, restrictions, and right-of-ways of record.  
Sidwell No.'s 22-16-451-009, 22-16-451-046



## EXHIBIT C

### LEGAL DESCRIPTION

#### EASEMENT FOR PERIMETER/ LANDSCAPE BERM

(1) A 50' wide easement, being part of the Southeast ¼ of Section 16, town 1 North, Range 8 East, City of Novi, Oakland County, Michigan; said easement being more particularly described as commencing 50' west of the Southeast Corner of the Zoning Boundary Line located north of S 89 degrees, 53 minutes, and 10 seconds lot line identification, thence South to a line 50' north of the southern most property line, N 359490.7887 / E. 13357534.5385 (corner), thence west to a line 50' east of the eastern most property line, N. 359465.0662 / E. 13356989.1508 (corner), thence northward to property line commencing at N. 359794.2425 / E. 13356977.6959.

(2) An easement of size 40' by 140' rectangular in shape, reserved for the purpose of becoming a potential future landscape berm and being part of Southeast ¼ of Section 16, town 1 North, Range 8 East, City of Novi, Oakland County, Michigan: said easement being located 90' from the eastern most property line, S 89 degrees, 53 minutes, and 10 seconds lot line identification, thence, the southern most boundary of the said easement being located 120' north of the southern property line commencing at corner N 3594490.7887 / E. 1335757534.5385.

All of the above being subject to easements, restrictions, and right-of-way of record.

Sidwell Numbers: 22-16-451-009, 22-16-451-046