



Beck North Lot 56 JSP14-07

Beck North Lot 56, JSP14-07

Public hearing at the request of Amson Dembs Development for Preliminary Site Plan, Special Land Use Permit, Woodland Permit, and Stormwater Management Plan approval. The subject property is located in Section 4, on the north side of Cartier Drive in the I-1, Light Industrial District. The subject property is approximately 5.5 acres and the applicant is proposing an 88,904 square foot speculative industrial building in the Beck North Corporate Park.

Required Action

Approval/denial of the Special Land Use Permit, Preliminary Site Plan, Woodland Permit, and Stormwater Management Plan.

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval recommended	03/10/14	<ul style="list-style-type: none"> • Noise Impact requirements will be addressed by the applicant prior to approval of the building permits • Zoning Board of Appeals variance for the location of the loading dock as depicted • Zoning Board of Appeals variance for the building height as depicted • Items to address on the Final Site Plan submittal
Engineering	Approval recommended	03/07/14	Items to address on the Final Site Plan submittal
Traffic	Approval recommended	03/04/14	Items to address on the Final Site Plan submittal
Landscaping	Approval recommended	03/06/14	<ul style="list-style-type: none"> • Waiver required for the berm requirement in the locations of existing woodlands with the condition that a conservation easement is provided • Items to address on the Final Site Plan submittal
Woodland	Approval recommended	03/06/14	Items to address on the Final Site Plan submittal
Façade	Approval recommended	03/03/14	<ul style="list-style-type: none"> • Section 9 façade waiver for the overage of CMU on the east and north facades • Sample board must be submitted prior to the Planning Commission meeting
Fire	Approval recommended	03/03/14	No additional items to address

Motion Sheet

Approval – Special Land Use Permit

In the matter of Beck North Lot 56, JSP14-07, motion to **approve** the Special Land Use permit based on the following findings:

- a. Relative to other feasible uses of the site:
- The proposed use will not cause any detrimental impact on existing thoroughfares *(as indicated in the traffic review letter)*;
 - Subject to satisfying the requirements in the Engineering Review the proposed use will not cause any detrimental impact on the capabilities of public services and facilities *(because the plan adequately addresses and provides for water and sanitary sewer service and management of stormwater volumes)*;
 - Based on the number of trees being removed relative to the size of the building area, and because this is the location of a significant portion of the trees within Phase II of the Beck North Corporate Park, the Planning Commission finds that in order for the proposed use to be compatible with the natural features and characteristics of the land, the development of this parcel must be in full compliance with the Woodlands Ordinance in terms of tree replacements, in a manner that is acceptable to the City, which may include replacement of trees either on properties within the Beck North Corporate Park or on other properties owned/developed by the applicant;
 - The proposed use is compatible with adjacent uses of land *(as indicated in the staff and consultant review letters)*;
 - The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use;
 - The proposed use will promote the use of land in a socially and economically desirable manner;
 - The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.
- b. *(additional comments here if any)*

(This motion is made because the plan is otherwise in compliance with Article 19, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.)

-AND-

Approval – Preliminary Site Plan

In the matter of Beck North Lot 56, JSP14-07, motion to **approve** the Preliminary Site Plan based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan;
- b. The applicant will address the noise impact requirements prior to approval of the building permits;
- c. Planning Commission waiver of the required berms in the locations of existing woodlands with the condition that a conservation easement is provided is hereby granted;
- d. Planning Commission Section 9 façade waiver for the overage of CMU on the east and north facades is hereby granted as:
 1. The proposed facades will be significantly screened by both on and off-site natural vegetation, and
 2. The request is generally in keeping with the intent and purpose of Section 2520.
- e. Zoning Board of Appeals variance for the location of the loading dock as depicted which is supported by staff because the site is heavily buffered by existing regulated woodlands and wetlands both on and off the site, the closest residential building is located over 700 feet away, and the loading zone is recessed from the northernmost wall.
- f. Zoning Board of Appeals variance for the building height as depicted which is supported by staff because the site is heavily buffered by existing regulated woodlands and wetlands both on and off the site, and because the closest residential building is located over 700 feet away.
- g. *(additional conditions here if any)*

(This motion is made because the plan is otherwise in compliance with Article 19, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.)

-AND-

Approval – Woodland Permit

In the matter of Beck North Lot 56, JSP14-07, motion to **approve** the Woodland Permit based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters and in the Special land Use approval being addressed on the Final Site Plan;
- b. Full replacement of the trees being removed in accordance with the ordinance; provided, however, that the applicant shall be permitted to replace the trees on other properties within the Beck North Corporate Park development, or on other properties owned/developed by the applicant;
- c. *(additional conditions here if any)*

(This motion is made because the plan is otherwise in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.)

-AND-

Approval – Stormwater Management Plan

In the matter of Beck North Lot 56, JSP14-07, motion to **approve** the Stormwater Management Plan, subject to:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan; and
- b. *(additional conditions here if any)*

(This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.)

-OR-

Denial – Special Land Use Permit

In the matter of Beck North Lot 56, JSP14-07, motion to **deny** the Special Land Use Permit...*(because the plan is not in compliance Article 19, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance for the following reasons....)*

-AND-

Denial – Preliminary Site Plan

In the matter of Beck North Lot 56, JSP14-07, motion to **deny** the Preliminary Site Plan, for the following reasons...*(because the plan is not in compliance with Article 19, Article 24 and Article 25 of the Zoning Ordinance.)*

-AND-

Denial– Woodland Permit

In the matter of Beck North Lot 56, JSP14-07, motion to **deny** the Woodland Permit...*(because the plan is not in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.)*

-AND-

Denial Stormwater Management Plan

In the matter of Beck North Lot 56, JSP14-07, motion to **deny** the Stormwater Management Plan, for the following reasons...*(because the plan is not in compliance with Chapter 11 of the Ordinance.)*

MAPS
Location
Zoning
Future Land Use
Natural Features

JSP14-07 Beck North Lot 56

Location



Map Legend

 Subject Property



City of Novi
Planning Division
Community Development Dept.
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

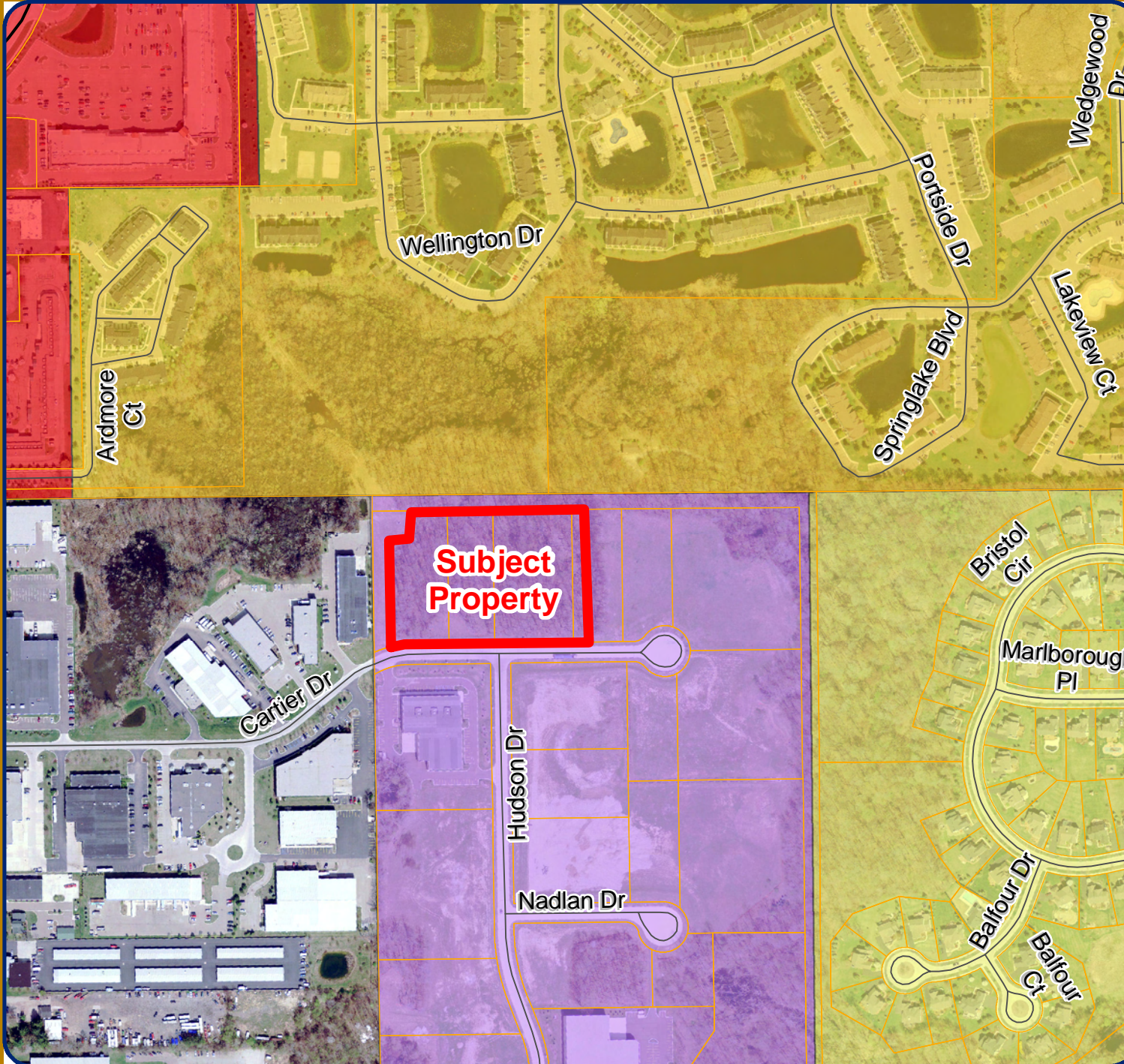
Map Author: Sara Roediger
Date: 3-5-14

MAP INTERPRETATION NOTICE






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JSP14-07 Beck North Lot 56

Zoning



Map Legend

-  Subject Property
-  R-2: One-Family Residential
-  RM-1: Low-Density Multiple Family
-  B-3: General Business
-  I-1: Light Industrial



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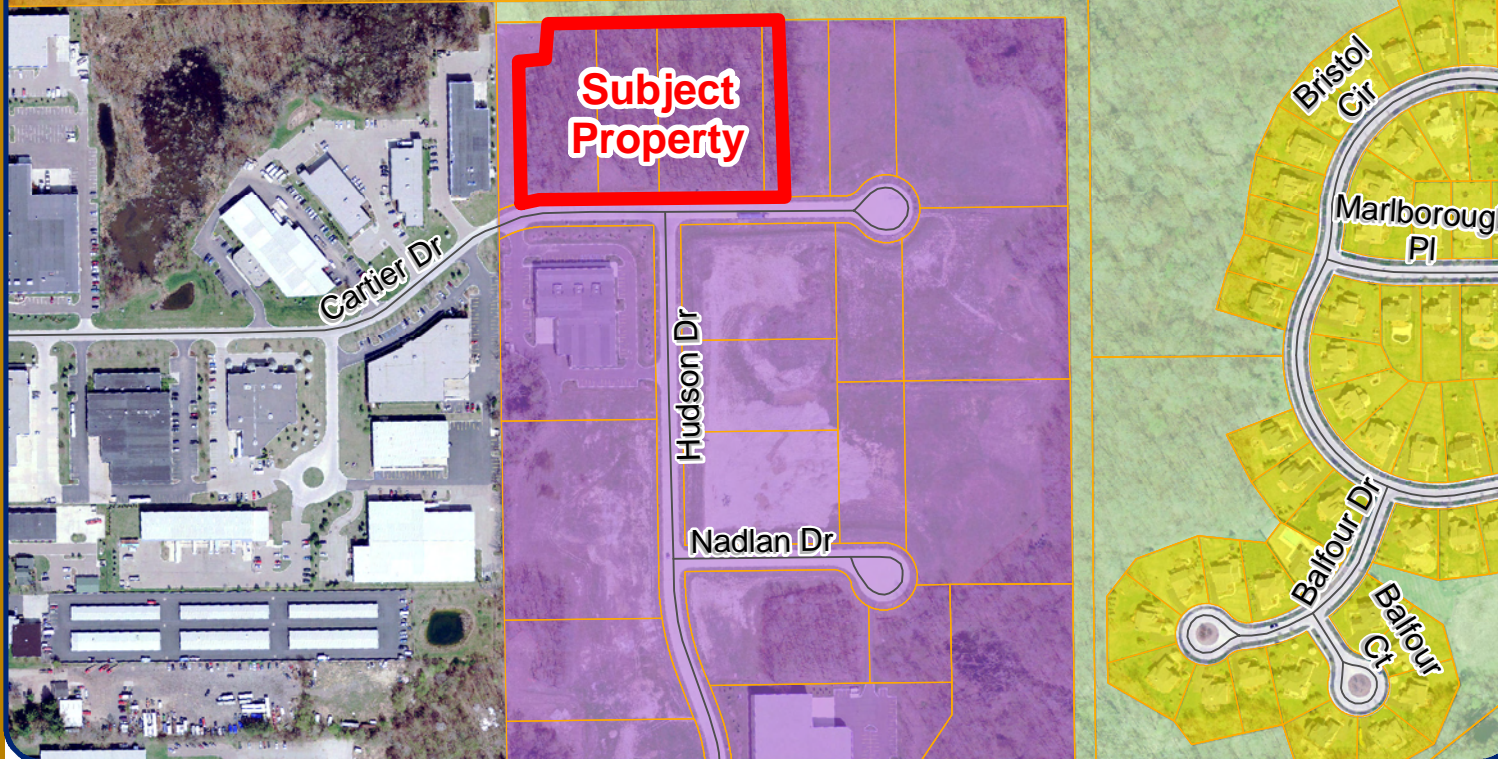
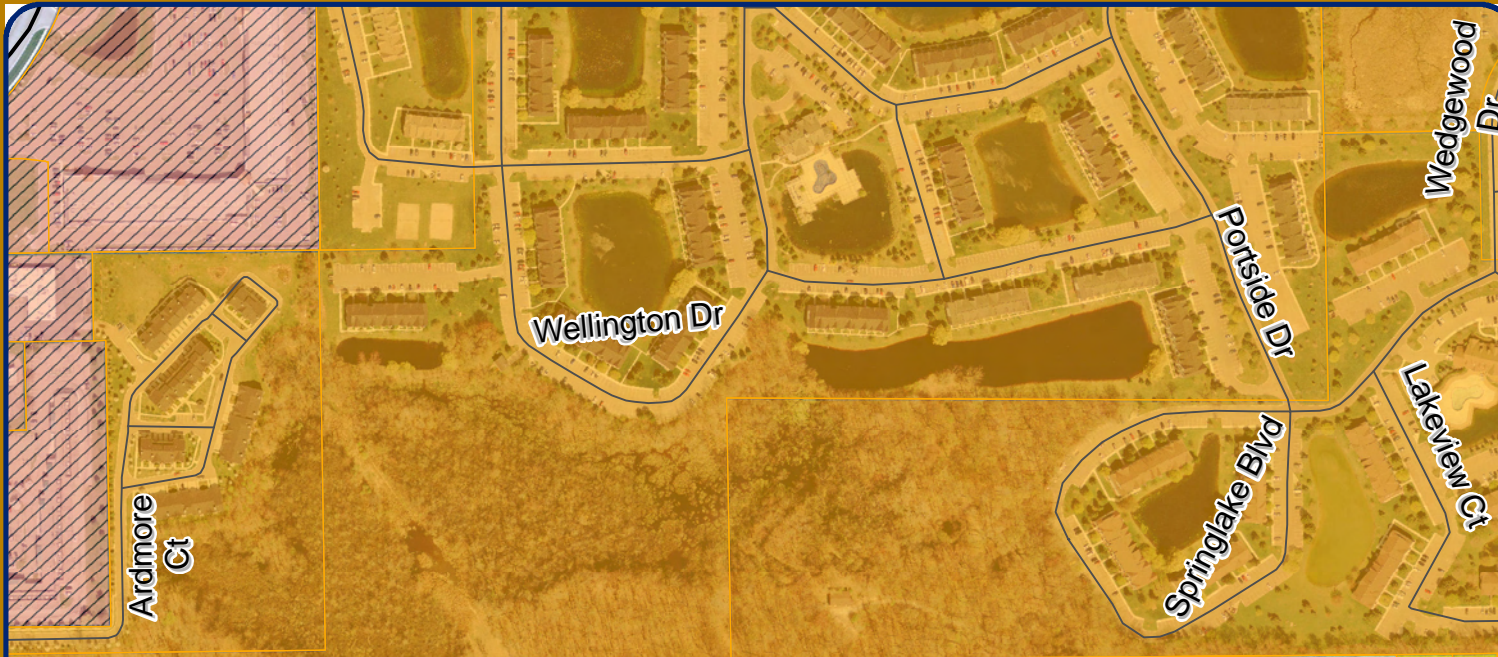
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JSP14-07 Beck North Lot 56

Future Land Use



Map Legend

-  Subject Property
-  Single Family
-  Multiple Family
-  Industrial R&D Technology
-  Community Commercial
-  Private Park



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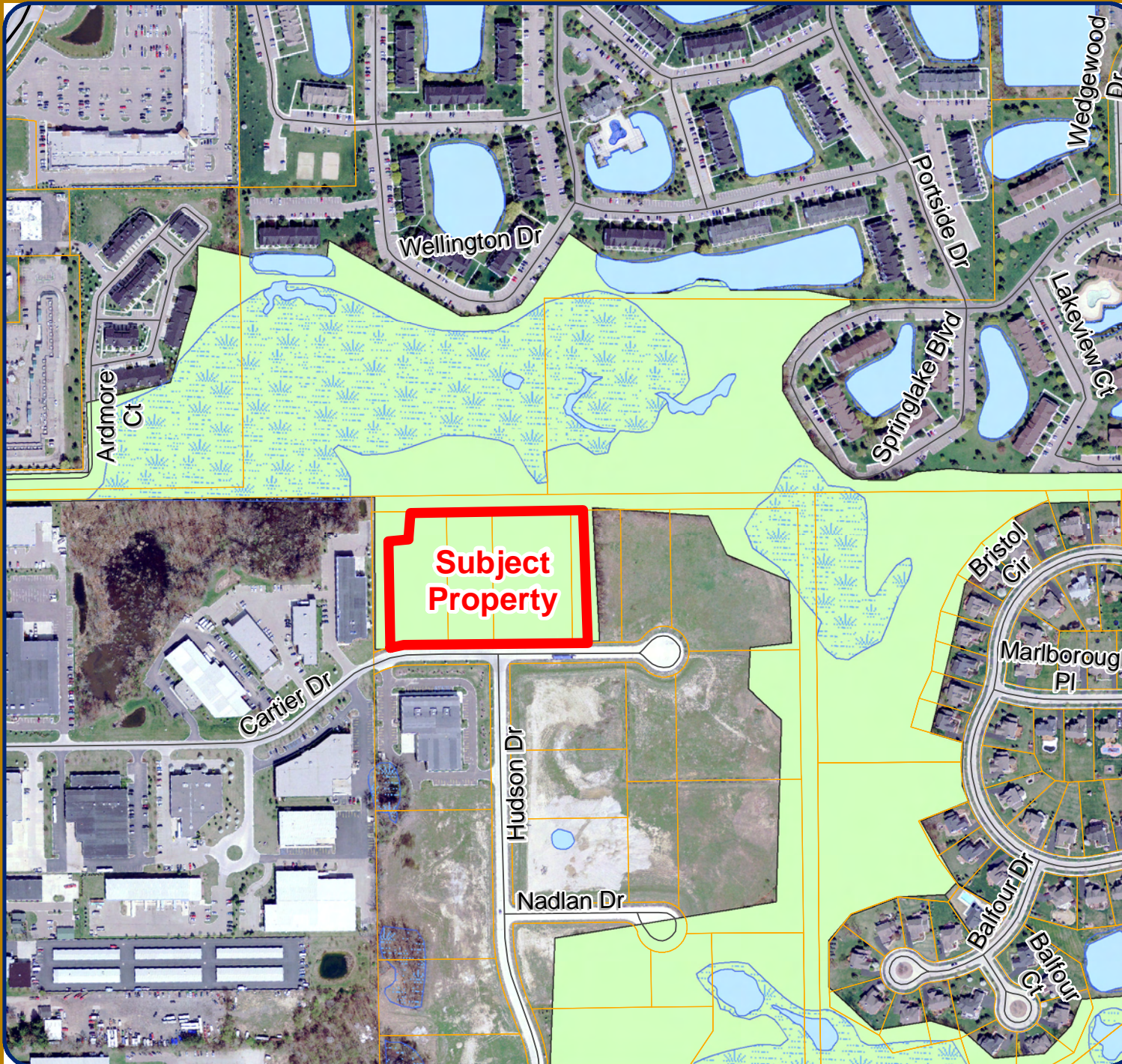
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JSP14-07 Beck North Lot 56

Natural Features



Map Legend

 Subject Property

 Pond

 Wetlands

 Woodlands



1 inch = 434 feet



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SITE PLAN

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

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

Revised March 20, 2014

Planning Review

Beck North Lot 56

JSP14-07

Petitioner

Amson Dembs Development

Review Type

Preliminary Site Plan and Special Land Use

Property Characteristics

- Site Location: North side of Cartier Drive at Hudson Drive (Section 4)
- Site School District: Walled Lake Consolidated Schools
- Site Zoning: I-1, Light Industrial
- Adjoining Zoning: North: RM-1: Low-Density Multiple Family; East, West, and South: I-1
- Site Use(s): Vacant
- Adjoining Uses: North: Multiple-family apartments; East, West and South: Vacant; Various office/industrial
- Site Size: 5.5 acres
- Building Size: 88,904 square feet
- Plan Date: 02/21/14

Project Summary

The applicant is proposing to construct an 88,904 square foot speculative industrial building in the Beck North Corporate Park. The proposed building will be approximately 26,886 sq. ft. of office space on two floors, with the remainder to be used as industrial/research space depending on the eventual tenant. Associated parking, landscaping and other site work would also be done. Industrial/research uses when abutting a residential district requires special land use approval.

Recommendation

Approval of the ***Preliminary Site Plan and Special Land Use is recommended***. The plan conforms to the requirements of the Zoning Ordinance for the I-1 district as indicated in this review letter and attached chart. There are minor Planning related items that need to be addressed at the time of Final Site Plan review in addition to **two variance requests that must be heard by the Zoning Board of Appeals for the location of the loading docks to face a residential district and to exceed the building height adjacent to a residential district**. Planning Commission approval of the Preliminary Site Plan is required.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 19 (I-1, Light Industrial District), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance. Please see the attached charts for information pertaining to ordinance requirements. Items in **bold** below must be addressed and incorporated as part of the final site plan submittal.

1. Loading Docks: Wherever a permitted I-1 use abuts a residential district, the truck wells, loading docks and doors are not permitted on the wall facing a residential district. The proposed site plan has the loading zone located on the north wall facing the residential district to the north; therefore **the applicant will need to seek a Zoning Board of Appeals variance for the location of the loading dock as depicted. Because the site is heavily buffered by existing regulated woodlands and wetlands both on and off the site, the closest residential building is located over 700 feet away, and the loading zone is recessed from the northernmost wall, staff supports the requested variance.**
2. Building Height: Wherever a permitted I-1 use abuts a residential district, the maximum building height shall be 25 feet. Rooftop equipment can exceed the maximum height up to five feet, by providing a five foot setback from all building faces for every one foot of additional height. The proposed site plan depicts a 29 ft. 4in. tall building with an additional 6 ft. of rooftop screening; therefore **the applicant will need to seek a Zoning Board of Appeals variance for the building height as depicted. Because the site is heavily buffered by existing regulated woodlands and wetlands both on and off the site, and because the closest residential building is located over 700 feet away, staff supports the requested variance.**
3. Noise Impact Statement: Industrial/research uses when abutting a residential district in the I-1 District require the submission of a noise impact statement. **The applicant shall submit the required noise impact statement.** Refer to Section 2519.10.c of the Zoning Ordinance for noise impact statement requirements. Alternately, a waiver of this requirement from the Planning Commission could be requested.
4. Speculative Industrial/research Use: The applicant has designed the building as a speculative building with the intent that it be used for industrial and/or research uses, and as such is a Special Land Use because it is adjacent to residential zoning. Once a tenant is identified and more details on the exact use of the building and the proposed floor plan have been provided, a modification to the Special Land Use Permit may be required if it does not align with the site plan as proposed. **The applicant should follow-up with the Planning Division before applying for building permits for the interior build-out.**
5. Master Deed Amendment: It appears a lot split and combination is required in order to assemble the proposed lot for development purposes. This will require a change to the exhibit B of the existing Master Deed for the property to reflect the new unit numbers and boundaries. **Plans cannot be stamped approved until the master deed changes are submitted for review by City staff and the City attorney's office.**
6. Economic Information: The applicant has the estimated amount of construction workers needed to complete the building shell alone is approximately 120 with another 200 workers needed to complete the interior building improvements once a tenant is identified. The building is sized to house a company employing over 120 people. **The applicant should indicate in their response letter the expected approximate construction cost of the project.**
7. Site History: As part of the original approval of the Beck North Corporate Park in 1999, there was much discussion regarding whether or not these parcels were adjacent to a residential district, as they relate to the 50 foot City owned, industrially zoned parcel that is located between these parcels and the residential district to the north. **It was determined by the Planning Commission, and reinforced by the Zoning Board of Appeals (minutes attached), that for planning purposes these parcels are to be considered adjacent to a residential district because zoning regulations cannot be circumvented by separating the parcel from the adjacent district by an undevelopable strip of land. Therefore the industrial/research uses shall be treated as special land uses and have additional regulations in terms of building setbacks, building height, and orientation of loading docks.**

Special Land Use Considerations

Industrial/research uses when abutting a residential district in the I-1 District falls under the Special Land Use requirements of Section 1902. The main planning related requirement with respect to Special Land Use is the submittal of a noise impact statement to ensure compliance with the

factors below. Section 2516.2.c of the Zoning Ordinance outlines specific factors the Planning Commission shall consider in the review of any Special Land Use:

- (1) Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.
- (2) Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.
- (3) Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- (4) Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
- (5) Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- (6) Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
- (7) Whether, relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested **prior to the Planning Commission meeting and with the Final Site Plan submittal.**

Site Addressing

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

Pre-Construction Meeting

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

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 sroediger@cityofnovi.org.



Sara Roediger, AICP – Planner

Planning Review Summary Chart

Beck North Lot 56
 Preliminary Site Plan Review
 Plan Date: 02-21-14

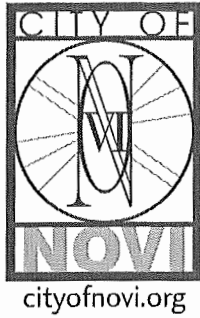
Item	Proposed	Meets Requirements?	Comments
Master Plan Industrial Research Development Technology	No change	Yes	
Zoning I-1 Light Industrial District	No change	Yes	
Use Uses listed in Section 1901 & 1902	Speculative 75,461 sq. ft. light industrial building (40% GFA office, 60% GFA industrial /research)	Yes	Special land use when abutting a Residential District Area, property to the north is zoned RM-1 (Low Density Multiple Family Residential) Tenants should check with Planning Department prior to leasing space to ensure use is consistent with special land use criteria
Special Conditions When Abutting Residential (Section 1905.4)			
a. Truck wells & loading docks not permitted on side facing residential	Truck wells & loading dock facing residential	No	The applicant will be requesting a variance from the ZBA
b. No outside storage, parking shall not be closer than 100 ft. from boundary of residential district	Parking 105 ft. from north residential district, note 18 on Sheet 2 prohibits outside storage	Yes	
c. Maximum height is 25 ft.	29 ft. 4in. plus 6 ft. to top of RTU screen	No	The applicant will be requesting a variance from the ZBA
d. No floodlighting on façade facing residential	Note 17 on Sheet 2 prohibits floodlights on façade facing residential	Yes	Lighting plan required at time of Final Site Plan review
e. 10 ft. high berm required	Berm not proposed in order to preserve existing woodlands	No	Berm may be waived by Planning Commission when adjacent to woodland, see the landscape review letter for additional information
Min. Building Setbacks (Sec. 2400)			

Item	Proposed	Meets Requirements?	Comments
a. Front (south): 40 ft.	40.25 ft.	Yes	
b. Rear (north): 20 ft.	118.76 ft.	Yes	
c. Side (east): 20 ft.	51.8 ft.	Yes	
d. Side (west): 20 ft.	215+ ft.	Yes	
Min. Parking Setbacks (Sec. 2400)			
a. Front (south): 40 ft.	40 ft.	Yes	
b. Rear (north): 10 ft.	50 ft.	Yes	
c. Side (east): 10 ft.	10 ft.	Yes	
d. Side (west): 10 ft.	10 ft.	Yes	
Number of Parking Spaces (Sec. 2505) <u>Office = 23,814 sq. ft. of GLA</u> 1 space per 222 sq. ft. of GLA = 107 spaces <u>Industrial/ Research = 60,238 sq. ft. of UFA</u> 1 space for each 700 sq. ft. of UFA or 5 plus 1 for each 1 ½ employees in the largest working shift, whichever is greater = 86 spaces 107 spaces + 86 spaces = 193 spaces required	194 spaces	Yes	Parking requirements will be confirmed when a use is proposed & the number of employees in the largest working shift is identified
Parking Space & Maneuvering Lane Dimensions (Sec. 2506) 9 ft. x 19 ft. parking spaces with 24 ft. drives 9 ft. x 17 ft. parking spaces along 7 ft. interior sidewalks, provided a 4 in. curb at these locations & along landscaping	9 ft. x 19 ft. interior spaces with 24 ft. drives 9 ft. x 17 ft. perimeter spaces along 7 ft. interior sidewalks & landscaping	Yes	
Barrier Free Spaces (ADA standard) 7 spaces, including 2 van accessible spaces	7 barrier free spaces (2 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code) 8 ft. wide with an 8 ft. wide access aisle for van accessible	8 ft. wide with an 8 ft. wide access aisle for van accessible	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual) 1 barrier free sign per space	1 barrier free sign per space	Yes	
Loading Spaces (Sec. 2507.3 & 1905.4.b) Must be in rear yard & not permitted on side facing residential	3 truck wells & 1 14 ft. overhead door, located in the rear yard	No	The applicant will be requesting a variance from the ZBA
Accessory Structure Setback- Dumpster (Sec. 2503)	Dumpsters in the rear yard &	Yes	

Item	Proposed	Meets Requirements?	Comments
<p>Located in the rear or interior side yard</p> <p>Min. 10 ft. from any building unless structurally attached & setback the same as parking from all property lines</p>	<p>setback 50 ft. from north property line</p>		
<p>Dumpster Requirements (City Code Sec. 21-145)</p> <p>Screening of not less than 5 ft. on 3 sides of dumpster required, interior bumpers or posts must also be shown</p> <p>Screening should be 1 foot taller than dumpster</p>	<p>Screening per requirements provided</p>	<p>Yes</p>	
<p>Sidewalks and Pathways (Sub. Ord. Sec. 4.05, Bicycle & Pedestrian A)</p> <p>5 to 8 ft. wide sidewalks/pathways shall be constructed along all major thoroughfares & collectors per DCS, but not along industrial service streets per Subdivision Ordinance</p> <p>Building exits must be connected to sidewalk system or parking lot</p>	<p>Consistent with the existing office park, sidewalks are not provided</p> <p>Building entrances connected to parking lot & BF ramps</p>	<p>Yes</p>	
<p>Bicycle Parking Facilities (Sec. 2526)</p> <p>5% of required auto parking spaces 201 x 0.05 = 10 bicycle parking spaces</p> <p>Located along the building approach line & easily accessible from the building entrance</p> <p>Max. 120 ft. from entrance being served or the nearest auto parking space to that entrance</p> <p>Be accessible via a paved 6 ft. route & separated from auto facilities</p> <p>4 ft. maneuvering lane with a 6 ft. parking space width & a depth of 2 ft. for single spaces & 2.5 ft. for double spaces</p>	<p>10 bicycle parking spaces</p> <p>Meets, location, accessibility & dimensional requirements</p>	<p>Yes</p>	
<p>Woodlands (City Code Chpt. 37)</p> <p>Replacement of removed trees</p>	<p>622 replacement tree credits are required, 622 are proposed</p>	<p>Woodland field verification at PSP</p>	<p>61 replacement tree credits & contribute 561 credits into Tree Fund</p> <p>Woodland Permit required, see the environmental comments for additional information</p>

Item	Proposed	Meets Requirements?	Comments
Master Deed	Not provided	Information to be provided	The Master Deed will need to be amended to reflect the new unit numbers and boundaries
Exterior Lighting (Section 2511) Photometric plan and exterior lighting details needed at preliminary site plan since adjacent to residential	Not provided	Information to be provided	Lighting plan required at time of Final Site Plan review
Economic Impact Total cost of the proposed building & site improvements Number of anticipated jobs created (during construction & after building is occupied, if known)	Estimated 320 construction jobs, the building could contain up to 120 jobs	Additional information to be provided	The expected approximate construction cost of the project should be included
Noise Impact Statement (Sec. 2519.10.c.) Noise impact statement required for all Special Land Use approvals	Not provided	No	A noise impact statement shall be submitted in accordance with Sec. 2519.10.c
Signs (Chpt. 28) Signs are not regulated by the Planning Division or Planning Commission	None shown	If a sign is proposed, contact Jeannie Niland at 248.347.0438 or jniland@cityofnovi.org for information	

ENGINEERING REVIEW



PLAN REVIEW CENTER REPORT

March 7, 2014

Engineering Review

BCNP Lot 56

JSP14-0007

Petitioner

Amson Dembs Development Inc., property owner

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: N. of Cartier Drive and E. of Beck Road
- Site Size: 5.46 acres
- Plan Date: February 21, 2014

Project Summary

- Construction of an approximately 88,904 square-foot building and associated parking. Site access would be provided driveways off of Cartier Drive.
- Water service would be provided by an 8-inch fire service lead and a 2-inch water service lead. Two additional fire hydrants are proposed off of an 8-inch extension from the existing 12-inch water main on Cartier Drive.
- Sanitary sewer service would be provided by a non-domestic lead from the existing 8-inch sanitary sewer on Cartier Drive.
- Storm water would be collected by two collection systems with the western portion of the site tributary to dissipation basin A and the eastern portion tributary to dissipation basin C per the Beck North Phase II Storm Water Management Plan.

Recommendation

Approval of the Preliminary Site Plan and Preliminary Storm Water Management Plan is recommended.

Comments:

The Preliminary Site Plan meets the general requirements of Chapter 11, the Storm Water Management Ordinance and the Engineering Design Manual with the following items to be addressed at the time of Final Site Plan submittal (further engineering detail will be required at the time of the final site plan submittal):

General

1. The City standard detail sheets are not required for the Final Site Plan submittal. They will be required with the Stamping Set submittal.

2. Submit a completed Non-Domestic User Survey to Community Development.
3. Provide the liber and page numbers on the plan for all existing easements within the proposed parcel limits.
4. Provide a minimum of two ties to established section or quarter section corners.
5. Revise the plan set to reference at least one city established benchmark. BM #1 is not included on the City's benchmark data base. An interactive map of the City's established survey benchmarks can be found under the 'Map Gallery' tab on cityofnovi.org.
6. Provide a utility crossing table indicating that at least 18-inch vertical clearance will be provided at each crossing.
7. Soil borings shall be provided to review the constructability of the proposed development (utilities, pavement, etc.). Borings identifying soil types and groundwater elevation shall be submitted with the final site plan.

Water Main

8. Provide a profile for the proposed water main with the pipe invert and stationing of all valves, fittings, flanges, hydrants, blow-offs, high and low points, and any other appurtenances.
9. Three (3) sealed sets of revised utility plans along with the MDEQ permit application (1/07 rev.) for water main construction and the Streamlined Water Main Permit Checklist should be submitted to the Engineering Department for review, assuming no further design changes are anticipated. Utility plan sets shall include only the cover sheet, any applicable utility sheets and the standard detail sheets.

Sanitary Sewer

10. Provide the invert elevations for the proposed 6-inch sanitary sewer lead at the monitoring manhole, the connection to the existing lead under Hudson Drive, and at the proposed building riser.

Storm Sewer

11. Provide a profile of the proposed storm sewer showing a minimum cover of 3 feet and all catch basin sumps. Indicate all structure types and diameter.

Paving & Grading

12. Provide spot elevations at 50' intervals along the edge of pavement and along lines of surface flow.
13. Please note that the minimum slope for paved areas shall be one (1) percent unless otherwise specifically approved by the City.
14. Revise the plan set to provide a minimum slope of five (5) percent away from the finish grade elevation of building for a minimum distance of ten (10) feet for non-paved areas adjacent to the building.

The following must be submitted at the time of Final Site Plan submittal:

15. A letter from either the applicant or the applicant's engineer must be submitted with the Final Site Plan highlighting the changes made to the plans addressing each of the comments listed above and indicating the revised sheets involved.
16. An itemized construction cost estimate must be submitted to the Community Development Department at the time of Final Site Plan submittal for the determination of plan review and construction inspection fees. This estimate should only include the civil site work and not any costs associated with construction of the building or any demolition work. **The cost estimate must be itemized** for each utility (water, sanitary, storm sewer), on-site paving, right-of-way paving (including proposed right-of-way), grading, and the storm water basin (basin construction, control structure, pretreatment structure and restoration).

The following must be submitted at the time of Stamping Set submittal:

17. A draft copy of the 20-foot wide access easement for the sanitary sewer monitoring manhole to be constructed on the site must be submitted to the Community Development Department.
18. A draft copy of the 20-foot wide easement for the water main to be constructed on the site must be submitted to the Community Development Department.
19. A draft copy of the proposed cross-access easement on the site must be submitted to the Community Development Department.
20. Please note that incomplete legal submittals or legal submittals that are not accompanied by the City's legal review transmittal form will not be accepted by Community Development. All easement documents shall be unsigned and in draft form until directed otherwise by the City Attorney.

The following must be addressed prior to construction:

21. A pre-construction meeting shall be required prior to any site work being started. Please contact Sarah Marchioni in the Community Development Department to setup a meeting (248-347-0430).
22. A City of Novi Grading Permit will be required prior to any grading on the site. This permit will be issued at the pre-construction meeting. Once determined, a grading permit fee must be paid to the City Treasurer's Office.
23. A Soil Erosion Control Permit must be obtained from the City of Novi. Contact Sarah Marchioni in the Community Development Department (248-347-0430) for forms and information.
24. A permit for work within the right-of-way of Cartier Drive must be obtained from the City of Novi. The application is available from the City Engineering Department and should be filed at the time of Final Site Plan submittal.

Please contact the Engineering Department at 248-347-0454 for further information.

25. Construction Inspection Fees to be determined once the construction cost estimate is submitted must be paid prior to the pre-construction meeting.
26. A permit for water main construction must be obtained from the MDEQ. This permit application must be submitted through the City Engineer after the water main plans have been approved.
27. An incomplete site work performance guarantee for this development will be calculated (equal to 1.5 times the amount required to complete the site improvements, excluding the storm water facilities) as specified in the Performance Guarantee Ordinance. This guarantee will be posted prior to TCO, at which time it may be reduced based on percentage of construction completed.
28. A street sign financial guarantee in an amount to be determined (\$400 per traffic control sign proposed) must be posted at the Treasurer's Office.

Please contact Adam Wayne at (248) 735-5648 with any questions.



cc: Brian Coburn, Engineering
Sara Roediger, Community Development Department
Michael Andrews, Water & Sewer Dept.

TRAFFIC REVIEW

March 4, 2014

Barbara McBeth, AICP
Deputy Director of Community Development
City of Novi
45175 W. Ten Mile Rd.
Novi, MI 48375

SUBJECT: Beck North Unit 56, JSP14-0007, Traffic Review of Preliminary Site Plan, PSP14-0021

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments.

Recommendation

We recommend approval of the preliminary site plan, subject to the items shown below in **bold** being satisfactorily addressed on the final site plan.

Site Description

What is the applicant proposing, and what are the surrounding land uses and road network?

1. The applicant is proposing an 88,904-s.f. light-industrial building on the north side of Cartier Drive opposite Hudson Drive, abutting the Novi-Wixom city limit. Both sites across Cartier to the south are developed, but the neighboring site to the east is not.

Trip Generation

How much new traffic would be generated?

2. On average, a light-industrial building of the proposed size can be expected to generate about 82 one-way vehicle trips in the AM peak hour (72 in and 10 out) and 86 such trips in the PM peak hour (10 in and 76 out).

Vehicular Access Locations

Do the proposed "driveway" locations meet City spacing standards?

3. Yes. The 378 ft between the two proposed access drives is well in excess of the City minimum same-side driveway spacing for a 25-mph roadway (105 ft). No other driveway spacing standards apply.

Vehicular Access Improvements

Will there be any improvements to the abutting road(s) at the proposed access point(s)?

4. No, and none are required.

Access Drive Design and Control

Are the proposed design, pavement markings, and signage satisfactory?

5. Yes.

Pedestrian Access

Are pedestrians safely and reasonably accommodated?

6. Yes.

Circulation and Parking

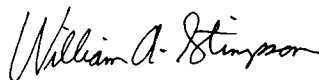
Can vehicles safely and conveniently maneuver through the site?

7. **Typical end island length (32 ft, back-to-back) should be labeled on the plan.**
8. The Traffic Signing and Striping Requirements, listed on plan sheet 2, should be refined to more explicitly reinforce current MMUTCD guidelines. Specifically:
 - a. **Note 3 should change the word “markings” to the word “striping” (see comment b, below). Also, another sentence should be added to note 3, stating that “Where a handicapped parking space abuts a non-handicapped space, the two spaces shall be separated by abutting blue and white stripes.”**
 - b. **A note should be added stating that each International Symbol of Accessibility (wheelchair) to be painted on the pavement shall be white.**
 - c. Note 4 should be made more general, since it applies to all end parking spaces adjacent to sidewalks and landscape areas, not necessarily just “raised islands.” We suggest new wording as follows: **“An end parking space abutting a curb or walk should be 8 ft wide if designated a handicapped space or 9 ft wide if not. Per general site note 15, these widths are referenced to the face of curb or walk.”**

Sincerely,
CLEARZONING, INC.



Rodney L. Arroyo, AICP
President



William A. Stimpson, P.E.
Director of Traffic Engineering

LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

March 6, 2014

Preliminary Site Plan

Beck North Lot 56 JSP14-07

Review Type

Preliminary Landscape Review

Property Characteristics

Site Location: Cartier at Hudson Drive
Site Zoning: I-1: Light Industrial District
Adjoining Zoning: North, south, east, west: I-1 Light Industrial
Site Use(s): Light Industrial
Adjoining Uses: Light Industrial or Unoccupied
Site Size: 5.46 net acres
Plan Date: 2/20/2014

Recommendation

Preliminary Site Plan Approval for Beck North Lot 56 – JSP14-07 is recommended.

Ordinance Considerations

Adjacent to Residential (Sec. 2509.3.a.)

1. The project property is adjacent to residential zoning to the north. Typically a 10-15' high berm would be required. The northerly boundary of the property is currently mature regulated woodlands. Installation of a berm would require the removal of quality trees. Proposed is a 50' wide woodland buffer to the parking and 120' to the building. The Applicant is not proposing a berm in order to preserve the woodlands. In addition, the Applicant is proposing augmenting the existing woodlands by planting nearly 50 native trees. **A Planning Commission waiver would be required to exempt the berm in order to save the existing woodlands. Staff would support the waiver provided a conservation easement is provided along this property boundary.**

Adjacent to Public Rights-of-Way – Berm (Wall) & Buffer (Sec. 2509.3.b.)

1. A 40' wide greenbelt is required along the Cartier road frontage. This requirement has been met.
2. A 3' high berm is required. The berm must be landscaped with shrubs and perennials. This requirement has been met.
3. A canopy tree or large evergreen is required for each 40 l.f. of frontage. Fifteen (15) trees are required. This requirement has been met.
4. A sub-canopy tree is required for each 35 l.f. of frontage. Seventeen (17) trees are required. This requirement has been met.

Street Tree Requirements (Sec. 2509.3.b.)

1. A street tree is required for every 55 l.f. of road frontage. Eight (8) trees are required along Cartier. This requirement has been met.

Parking Landscape (Sec. 2509.3.c.)

1. A total of 3,333 s.f. of parking lot landscape area is required. This requirement has been met.
2. A total of forty four (44) parking lot canopy trees are required. This requirement has been met.
3. Perimeter trees are required for every 35 l.f. of parking lot boundary. Thirty seven (37) trees are required. Forty four (44) have been provided. This requirement has been met.
4. No portion of the proposed parking contains an excess of 15 contiguous spaces.

Building Foundation Landscape (Sec. 2509.3.d.)

1. A 4' wide landscape bed is required at the full foundation with the exception of access areas. This requirement has been met.
2. A total building foundation landscape area of 8' times the foundation perimeter is required. 9,168 s.f. is required. A total of 9,866 s.f. has been provided. This requirement has been met.

Plant List (LDM)

1. The Plant List as provided meets the requirements of the Ordinance and the Landscape Design Manual.

Planting Notations and Details (LDM)

1. Planting Details and Notations meet the requirements of the Ordinance and the Landscape Design Manual.

Storm Basin Landscape (LDM)

1. No storm basin is proposed with the project.

Irrigation (Sec. 2509 3.f.(6)(b))

1. An Irrigation Plan must be provided upon future submittals. The cul-de-sac must be irrigated.

General

1. Snow deposit areas have been shown as required.
2. Clear vision corners are shown as required.
3. Please see the woodland and wetland reviews for further comments.

Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification.

Reviewed by: David R. Beschke, RLA

WOODLAND REVIEW



Environmental Consulting & Technology, Inc.

March 6, 2014

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Beck North Corporate Park, Unit 56 (JSP14-0007)
Woodland Review of the Preliminary Site Plan (PSP14-0021)

Dear Ms. McBeth:

Environmental Consulting & Technology, Inc. (ECT) has reviewed the proposed Beck North Corporate Park Unit 56 Preliminary Site Plan (Plan) including plan sheets prepared by Alpine Engineering, Inc. and Allen Design (landscape plans) dated February 21, 2014. The Plan was reviewed for conformance with the City of Novi Woodland Protection Ordinance Chapter 37.

The proposed development is located within Beck North Corporate Park, north of West Road between Beck and West Park Roads (Section 4). This Unit is located north of the intersection of Hudson Drive and Cartier Drive. The proposed project includes the construction of a 13,443 square foot 2-story office building, 62,018 square foot industrial/research building and proposed parking.

What follows is a summary of our findings regarding on-site woodlands and proposed woodland impacts associated with the proposed project.

Onsite Woodland Evaluation

ECT has reviewed the City of Novi Official Woodlands Map and completed an onsite Woodland Evaluation on Tuesday, March 4, 2014. An existing tree survey has been completed for this Unit. The *Woodland Plan* (Sheet L-3) contains an existing tree survey. The *Tree List* (Sheet L-4) contains the existing tree list.

The surveyed trees have been marked with metal tags hung on fishing line allowing ECT to compare the tree diameters reported on the *Tree List* to the existing tree diameters in the field. ECT found that the *Woodland Plan* and the *Tree List* appear to accurately depict the location, species composition and the size of the existing trees. ECT took a sample of diameter-at-breast-height (d.b.h.) measurements and found that the data provided on the Plan was consistent with the field measurements.

The entire site is approximately 5.5 acres with regulated woodland mapped across the majority of the property (see Figure 1). On-site woodland is dominated by bitternut and shagbark hickory, red oak, white oak, sugar maple American hornbeam and several other species.

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Blvd., Suite 300
Ann Arbor, MI
48105

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FAX (734)
769-3164

An Equal Opportunity/Affirmative Action Employer
www.ectinc.com

Woodland Impact Review

As shown, there appear to be substantial impacts proposed to regulated woodlands associated with the site construction. It appears as if the proposed work (proposed building and proposed parking areas) will cover the majority of the Unit and will involve a considerable number of tree removals.

A *Woodland Summary* Table has been included on the *Woodland Plan*. The Applicant has noted the following:

- Total Trees: 480
- Dead Trees: 4
- Exempt Trees (<8" d.b.h): 23
- Net Regulated Trees: 453

In addition, the information provided on the *Woodland Summary* Table notes:

- Regulated Trees Removed: 336
- Regulated Trees Preserved: 121

- Stems to be Removed 8" to 11": 119 Trees (Requiring 119 Replacements)
- Stems to be Removed 11" to 20": 136 Trees (Requiring 272 Replacements)
- Stems to be Removed 20" to 30": 25 Trees (Requiring 75 Replacements)
- Stems to be Removed 30"+: 8 Trees (Requiring 32 Replacements)

- Total Replacement Trees Required: 622

- Total Replacement Tree Credits Provided: 61
(The Applicant proposes to pay 561 credits to the City of Novi Tree Fund)

Woodland Permit

Proposed woodland impacts will require a Woodland Permit from the City of Novi that allows for the removal of trees eight (8)-inch diameter-at-breast-height (d.b.h.) or greater. Such trees shall be relocated or replaced by the permit grantee. All replacement trees shall be two and one-half (2 ½) inches caliper or greater.

In general, it appears as if the Applicant is prepared to meet the requirements of the City of Novi Woodland Ordinance.

Comments and Conditions

1. After review of the *Tree List*, it should be noted that Tree #357 (3-stem red maple; 7"/14"/14") would require 4 Woodland Replacements as opposed to 5 as shown on the Plan. For multi-stemmed trees, Woodland Replacements required are calculated by summing the d.b.h. of each stem greater than or equal to 8 inches and dividing the total by 8. All fractional Woodland Replacements required are rounded up to the nearest whole tree replacement.
2. The *Woodland Replacement* chart on Sheet L-1 (*Landscape Plan*) notes that 66 Woodland Replacement Trees are being provided (61 deciduous trees and 10 coniferous). The 10 coniferous trees (Canadian hemlock) will be 8' in height and have a 2:1 woodland replacement value. The Woodland Replacement Requirements section on Sheet L-1 notes that 61 Woodland Replacement trees will be provided. This discrepancy should be corrected as necessary.

Recommendation

ECT recommends **conditional approval for woodlands** of the Preliminary Site Plan for Beck North Corporate Park, Unit 56 at this time, contingent upon satisfactory resolution of the above *Comments and Conditions*.

If you have any questions please feel free to contact our office

Respectfully,

ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC.



Peter F. Hill, P.E.
Senior Associate Engineer

cc: David Beschke, City of Novi, Licensed Landscape Architect
Kristen Kapelanski, AICP, City of Novi Planner
Angela Pawlowski, City of Novi, Senior Customer Service
Sara Roediger, City of Novi Planner

Attachment: Figure 1. City of Novi Regulated Wetland & Woodland Map



Figure 1. City of Novi Regulated Wetland & Woodland Map (approximate property boundary shown in red). Regulated Woodland areas are shown in green.

FAÇADE REVIEW



March 3, 2014

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

Re: **FACADE ORDINANCE - Facade Review**
Beck North Corporate Park Lot 56, PSP14-0021
 Façade Region: 3, Zoning District: I-1

Dear Ms. McBeth;

The following is the Facade Review for Preliminary Site Plan Approval of the above referenced project based on the drawings prepared by Faudie Architecture, dated 1/23/14. The percentages of materials proposed for each façade are as shown on the table below. The maximum percentages allowed by the Schedule Regulating Façade Materials (AKA Façade Chart) of Ordinance Section 2520 are shown in the right hand column. Materials in non-compliance with the Façade Chart, if any, are highlighted in bold.

62,000 S.F. Building	South (Front)	West	North	East	Ordinance Maximum (Minimum)
Split Faced CMU	38%	39%	70%	75%	75% (Notes 2 & 13)
Striated, Single Score CMU	14%	14%	23%	17%	75% (Notes 2 & 13)
Burnished CMU, Stached Bond Pattern	1%	3%	0%	0%	75% (Notes 2 & 13)
Flat Metal Panels	42%	35%	1%	0%	75%
Ribbed Metal Panels (Roof Screens)	5%	9%	6%	8%	50%
Combined percentage of all types of CMU	53%	56%	93%	92%	75% (Notes 2 & 13)

Notes:

2 - Ground , polished, burnished and striated CMU are only permitted if laid in stacked bond pattern.

13. The combined maximum percentage of all types of CMU shall not be greater than 75% of any one building or façade.

As shown above the combined percentage of all types of CMU exceed the maximum percentage allowed by the Ordinance on the north and east facades. A Section 9 Waiver is required for these deviations. No sample board was provided for this project.

This building is located at the northern terminus of Hudson Drive. As a result, the south façade of the proposed building will be highly visible to all northbound traffic. Similarly, the west façade will be highly visible to traffic entering the corporate park from the west on Cartier Drive. It should be noted that these facades are carefully designed with an interesting composition of materials and are in full compliance with the Ordinance. The north façade abuts residential property and appears to be significantly screened by both on and off-site natural vegetation. For this reason it is our recommendation that the design is consistent with the intent and purpose of the Façade Ordinance. A Section 9 Waiver is recommended for the overage of the combined types of CMU on the east and north facades.

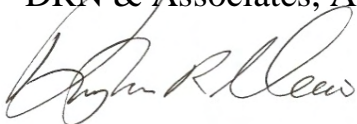
A sample board showing carefully coordinated earth-toned colors should be provided prior to the Planning Commission meeting.

Notes to the Applicant: Façade Ordinance requires inspection(s) for all projects. Materials displayed on the approved sample board will be compared to materials delivered to the site. It is the applicant's responsibility to request the inspection of each façade material at the appropriate time. Inspections may be requested using the Novi Building Department's Online Inspection Portal with the following link. Please click on "Click here to Request an Inspection" under "Contractors", then click "Façade".

<http://www.cityofnovi.org/Services/CommDev/OnlineInspectionPortal.asp>.

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

Sincerely,
DRN & Associates, Architects PC



Douglas R. Necci, AIA

FIRE REVIEW



February 10, 2014

March 3, 2014

TO: Barbara McBeth- Deputy Director of Community Development
Kristen Kapelanski- Plan Review Center
Sara Roediger- Plan Review Center

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Gwen Markham

Andrew Mutch

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Laura Marie Casey

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**Director of Public Safety
Chief of Police**
David E. Molloy

Director of EMS/Fire Operations
Jeffery R. Johnson

Assistant Chief of Police
Victor C.M. Lauria

Assistant Chief of Police
Jerrod S. Hart

RE: Beck North Lot #56

PSP #14-0014

PSP #14-0021

Project Description:

A 75,460sq. ft. building on Cartier Dr. in section #4

Comments:

Review meets fire department standards

Recommendation:

Approval

Sincerely,

Joseph Shelton- Fire Marshal
City of Novi – Fire Dept.

cc: file

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

cityofnovi.org

APPLICANT RESPONSE LETTER



46892 West Road, Suite 109
Novi, Michigan 48377
Phone: (248) 926-3701
Fax: (248) 926-3765
Web: www.alpine-inc.net

March 17, 2014

Sara Roediger, AICP
City of Novi Community Development Department
45175 West 10 Mile Road
Novi, Michigan 48375

Re: **Beck North Corporate Park- Unit 56**
Response to Preliminary Site Plan Comments
City of Novi Review# JSP14-07

Dear Sara:

We offer the below comments, on behalf of our client, to the Novi review package received on March 14, 2014. Additional plan revisions will be made to satisfy City Departments at a later date during the Final Site Plan process as indicated in the review package.

Planning Review dated March 10, 2014

Review recommends approval of the Preliminary Site Plan and Special Land Use. Items listed in the review letter will be addressed at Final Site Plan.

1. The applicant will request a variance from the ZBA for the location of the loading dock.
2. The applicant will request a variance from the ZBA for the building height.
3. Noise impact requirements will be addressed by the applicant.
4. The applicant will follow-up with the Planning Division before applying for building permits for the interior build-out.
5. Revised master deed will be submitted for review.
6. Expected approximate construction cost of the project is \$2,930,000.

Engineering Review dated March 7, 2014

Review recommends approval of the Preliminary Site Plan and Preliminary Storm Water Management Plan. Items listed in the review letter will be addressed at Final Site Plan.

General

1. City standard detail sheets will be provided with stamping sets.
2. Non-Domestic User Survey will be provided by the applicant.
3. Liber and page numbers will be provided for existing easements within the parcel limits.
4. Two ties to established section corners will be provided.
5. One City benchmark will be referenced.
6. Utility crossing information will be provided.
7. Soil borings will be provided by the applicant.

Water Main

8. Public water main will be profiled with details.
9. MDEQ water main permit application and plans will be submitted at a later date.

Sanitary Sewer

10. Sanitary sewer profile and elevations will be provided.

Storm Sewer

11. Storm sewer profiles with 3 feet minimum cover will be provided.

Paving and Grading

12. Additional spot elevations will be provided along edge of pavement and along lines of surface flow.
13. A note will be provided that minimum slopes shall be 1% minimum.



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Phone: (248) 926-3701
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Web: www.alpine-inc.net

14. 5% minimum slope for a minimum distance of 10 feet will be provided away from the building in non-paved areas.

Required at the time of Final Site Plan submittal

15. Letter is provided.

16. Cost estimate will be provided.

Required at the time of Stamping Set submittal

17.-20. Draft easements will be provided.

Required prior to construction

21.-28. Items will be provided prior to construction, as necessary.

Clearzoning, Inc. Review dated March 4, 2014

Review recommends approval of the Preliminary Site Plan, subject to several items being addressed at the time of Final Site Plan. Items listed in the review letter will be addressed at Final Site Plan.

Landscape Review dated March 6, 2014

Review recommends approval of the Preliminary Site Plan, subject to several items being addressed at the time of Final Site Plan. A Planning Commission waiver is requested to exempt the berm in order to save the existing woodlands. Items listed in the review letter will be addressed at Final Site Plan.

ECT Woodland Review dated March 6, 2014

Review recommends conditional approval for woodlands of the preliminary site plan subject to minor comments being addressed. These items will be addressed at Final Site Plan.

Facade Review dated March 3, 2014

Review recommends approval.

City of Novi Fire Department Review dated February 10, 2014

Letter indicates review meets Fire Department standards.

If you have any questions please feel free to call our office at (248) 926-3701.

Regards,
Alpine Engineering Inc.


Tom Gizoni, PE

Enclosures

cc: Amson Dembs Development, Inc.



46855 Magellan Dr., Suite 200
Novi, Michigan 48377
(248) 380-7100 • Fax (248) 560-3030

February 20, 2014

City of Novi
Planning Department
Kristen Kapelanski
45125 West Ten Mile Rd.
Novi, MI. 48375

Re: SP#PSP14-0014 Beck North Lot 56

Dear Ms. Kapelanski

This letter is intended to provide you with information regarding the potential jobs created during and after the construction of the above referenced project.

During the construction phase of the project the estimated amount of workers involved to complete the building shell is 120 jobs plus an additional 200 jobs upon the interior tenant improvement construction once a tenant is secured.

The building is sized with parking for a company to move in and possibly create 120+ jobs.

Please do not hesitate to contact me if you require any further information regarding this topic.

Respectfully

A handwritten signature in black ink, appearing to be 'CM', written over a horizontal line.

Chris Miller

PLANNING COMMISSION
MEETING MINUTES - EXCERPT
NOVEMBER 3, 1999

REGULAR MEETING OF THE NOVI PLANNING COMMISSION

WEDNESDAY, NOVEMBER 3, 1999 AT 7:30 P.M.

1. BECK NORTH CORPORATE PARK

David Stewart, Northern Equities Group, requesting that the Planning Commission make a determination regarding adjacency to a residential district.

Brian Hughes, representing Northern Equities Group, apologized for Mr. Stewart not being there. Member Capello had asked him before the meeting what the purpose was? He indicated to Member Capello that if he was going to be categorically denied then he would just go to the ZBA.

Member Capello stated that he has discussed it with Mr. Weisberger. In his opinion, if the Commissioners give him any kind of positive determination then it will not be binding on any future plans that is brought before the Planning Commission at anytime in the future. He does not think that a positive recommendation would Mr. Stewart anything. If a denial is given, then Mr. Weisberger believes that Mr. Stewart can take it to the ZBA to get a blanket-variance for all of the lots. He disagrees with it but if it can be done than he is not going to oppose it when Mr. Stewart comes before him. He thinks that a denial is the only way that will get permanent relief.

Mr. Hughes stated that it is what he is looking for, he does not want to do a lot by lot basis.

Member Capello stated that if he did grant approval it would not be binding on any of the future Planning Commissioners.

Mr. Hughes asked if he could tell him why the ZBA would be binding?

Mr. Weisberger stated that if he is asking the Planning Commission to decide whether they agree with the letter than eight (8) members might do it. However, the body is going to change over time and he might not have the same eight-(8) members when his plans come before them. At that time, they can then decide that they did not agree with the Planning Commission on November 3, 1999. The only thing that will be binding is if a decision is made, that they agree with the city attorney's office, the fifty-(50) foot land strip is a circumvention of the requirements. The ZBA can issue a binding opinion or variance.

Mr. Hughes stated that if that is the case then he would rather have the denial tonight and go to the ZBA.

Member Capello stated that a denial by the ZBA would not affect the Commissioners decision. However, approval by ZBA granting the variance will affect the Commissioners decision.

Mr. Hughes stated that there is additional information that Neil Sosin presented to the Mayor and the city attorney's office. It that takes the park and divides it into six (6) phases, which gets more into the natural buffers that already exist.

Member Capello stated that he thinks that it is a very good argument to make to the ZBA for the variance.

Mr. Arroyo stated that in the event that the denial does take place and they go to the ZBA there is an actual site condo plan that is going through the review process right now. Once they get the determination then the Commissioners will see it. The appeal to the ZBA is not going to be to get

the project approved, it is only going to be to address this one (1) issue and the project will come before the Commissioners to act upon.

Member Koneda asked if what was presented is a preliminary site plan for the condominium development?

Mr. Arroyo stated that there has been an actual submittal that has gone through consultant review at one editoration and is waiting for a re-submittal to address concerns.

Member Koneda asked that it has not gone through the consultants so there are no comments? It appears to him that this affects the four-(4) lots that abut the fifty (50) foot buffer and all of the other lots are not affected. The issue of the setback does not come before the Commissioners as part of the site condominium plan, it only comes on when each individual site plan is done.

Mr. Arroyo stated that is correct. However, the applicant is attempting to divide the property and if they are a Special Land Use for them, they will need wider lots. They do not want to move forward and get approval of the site condominium plan until they get the question answered.

Mr. Hughes stated that is correct.

Member Mutch asked what the options are? He is unclear of what actions, as a Commission, is supposed to be taking or is empowered to take at this point.

Mr. Weisberger stated that he had sat down with Mr. Watson and this is not the run-of-the-mill Matters for Consideration. What is being asked tonight by the applicant is to either 1) agree with the attorneys opinion, which is the fifty (50) foot strip is a circumvention of the Zoning Ordinance. 2) Agree with Mr. Stewart's letter that it is not. If you agree with Mr. Stewart's letter it is just a vote of confidence to the applicant that down the road he might get the same interpretation by the Planning Commission when the plans actually come through. If you agree with the attorney's interpretation it is his opinion that it is considered a decision of the Commission, which would then give them jurisdiction to appeal that decision to the ZBA for a variance. It is really a jurisdictional issue.

Member Mutch asked that it could be approved tonight but on an individual plan by plan basis it would not apply?

Mr. Weisberger stated that the decision tonight would not be binding.

Member Mutch asked if it is an either/or decision or can they say there is adjacency at some points and not others?

Mr. Weisberger stated that the decision should be uniform throughout. Either it is interpreted as circumventing or not. The only reason that it might change case by case is that there may be different members of the board as each plan comes through.

Member Mutch asked if it is approved could it be appealed?

Mr. Weisberger stated that it could be appealed if the Commissioners give it a negative decision on certain aspects but he urges them to be uniform in their decision.

Member Mutch asked that if it were approved would they be able to go to ZBA?

Mr. Weisberger stated that they could, but it would be time consuming.

Member Piccinini stated that if their approval is non-binding then she does not get the point of why it is front of the Commissions at all.

Mr. Weisberger stated that if they make decision then the decision is an appealable decision. To go in front of the ZBA then they would have to go on an appeal of something.

Member Koneda stated that the Commissioners would be doing the applicant a favor by saving them the expense of going through the whole site condominium submission with the consultants.

Mr. Weisberger stated that the Commission would be giving them direction.

Mr. Hughes stated that it is their intent because they have already spent significant money in getting the project developed to the first phase. It is their intent to go to the ZBA and go for the variance before the additional planning.

Member Mutch asked if Ms. Lemke had any input on the layout or design of the property since it talks about connecting habitat areas?

Ms. Lemke stated that she did not have any input to the fifty-(50) feet. However, she has looked at the property as a whole and the fifty-(50) feet. It is a significant hedgerow and is a wildlife corridor.

Member Mutch stated that his understanding is that people as well as wildlife would use the trail. He is confused because there is no city parkland east or north of the property. He is not sure where the trail goes, trails are not built in the city that connect residential habitat areas to city parks. He asked if Parks and Recreation has been involved?

Mr. Wahl stated that he has not been involved in this in a hands-on fashion where he could give anymore details other than what the consultant's participation has been.

Member Mutch asked if the city owns the property at this point?

Mr. Weisberger stated that it is his understanding that the city does own it.

Member Mutch asked if the city went to have to property rezoned to residential would the ZBA grant the variance anyway?

Mr. Weisberger asked if it was rezoned before the process?

Member Mutch stated after.

Mr. Weisberger stated that it is how the variance request is phrased.

Mr. Arroyo stated that a rezoning would impact their property because many of the standards that apply when you are adjacent to residential are setbacks measured from where the residential district is. Currently the residential district starts on the east side of that fifty (50) foot strip. For example, parking is supposed to be one hundred (100) feet from a residential district when you are in an industrial. They can include the fifty-(50) feet and then only have an additional fifty (50) feet because it is measured from where the residential district is. If the fifty (50) feet were to be rezoned to residential then they would have to measure the one hundred (100) foot setback from the west side of the fifty (50) foot strip and it would impact the property more. It does have an impact on how they build on their property. Right now, some of the Ordinance provisions are not

hurting them because the fifty-(50) foot strip is there. They are still measuring from where the residential district is and not where the fifty-(50) foot strip is. It is an unusual situation.

Chairperson Csordas asked where the park is?

Mr. Arroyo stated that he is not sure which one they are talking about.

Mr. Hughes stated that it is to the southeast. The fifty-(50) foot habitat is owned by the city, which was an agreement that was entered into on February 1998.

Member Mutch asked if there is any language in the agreement regarding the adjacency issue?

Mr. Hughes stated no that it is not addressed.

Mr. Weisberger stated that he does not believe that the adjacency issue was ever discussed.

Member Mutch asked that if the ZBA grants the variance then could the applicant have tier two or three uses adjacent to the habitat trail?

Mr. Arroyo stated that it would be true. If the ZBA finds that they are not adjacent to residential then there could be tier two or three uses on the property. If it were adjacent then there would only be the tier one or two uses permitted. There are setback issues and also use issues. The tier two uses would not be Special Land Uses if it were not adjacent to residential. If it was adjacent to residential then all of the typical Light-Industrial uses become Special Land Uses.

Member Capello stated that variance could be limited to certain things such as the setback and they would still have to comply with certain land use restrictions because it would still abut residential.

Mr. Arroyo stated that there is potential. The ZBA can act in a reasonable manner and attach reasonable conditions. It seems to be an unusual finding but it could happen.

Member Capello stated that they could grant certain setback variances but still require them to comply with other sections of the Ordinance.

Mr. Arroyo stated that they could make a finding that it is adjacent to residential but they could grant variances for setbacks and they would still have to go through the Special Land Use procedures. It would be the same but they could get relief for setbacks.

PM-99-11-254 THE BECK NORTH CORPORATE PARK IS ADJACENT TO RESIDENTIAL AND THAT THE FIFTY FOOT PARCEL WAS CREATED TO CIRCUMVENT THE ADJACENCY REQUIREMENTS

Moved by Capello, seconded by Churella, CARRIED UNANIMOUSLY (7-1): The Beck North Corporate Park is adjacent to residential and that the fifty-foot parcel was created to circumvent the adjacency requirements

VOTE ON PM-99-11-254 PASSES

Yes: Capello, Churella, Csordas, Koneda, Mutch, Piccinini, and Richards

No: Watza

ZONING BOARD OF APPEALS
MEETING MINUTES - EXCERPT
DECEMBER 7, 1999

REGULAR MEETING – ZONING BOARD OF APPEALS – CITY OF NOVI

Tuesday – December 7, 1999

Case No. 99-086 filed by David Stewart, representing Northern Equities Group

David Stewart of the Northern Equities Group is requesting a blanket variance to allow the development of Beck North Corporate Park as though it did not abut a residential district.

Neil Sossin was present and duly sworn.

Neil Sossin: We are here tonight before you to seek an interpretation of your zoning ordinance as it relates to section 200-9C of the Novi Zoning Ordinance and as it relates to Beck North Corporate Park.

Neil Sossin: Let me go back and give you a little bit of history as to why we are here now. We also own the property to the south of this which is also a light industrial park and worked in quite amount of detail, time and commitment with the City of Novi and their consultants through the period of late 1997 and early into 1998 to arrive at an agreement with the City which was called the Taft Road Development Agreement. It included Northern Equities Group donating to the City the right of way for Taft Road as it went over our parcels to the south and it also included approximately 12 additional easements that we granted to the City to allow the construction of the Taft Road extension and it included a number of other easements for utilities and other public types of improvements. In addition it also included a 50 foot wide wildlife/nature trail which is described on the exhibit on the wall and which you also previously received a copy; which circumvented the entire parcel of Beck North Corporate Park. The ordinance provided that we were providing the City with public ownership of this land. We worked with the City in this dedication of the property to the City. It has an estimated value of an excess of \$800,000.00 and what we sought was the aspect of having the wildlife area be a sufficient buffer between Beck North Corporate Park and the residential areas that are located to the east of Beck North Corporate Park.

Neil Sossin: We are here before you tonight for your interpretation of that issue as it relates to paragraph 200.9C of the Zoning Ordinance which specifies that the limitations relative to this ordinance cannot be circumvented by separating a parcel from an adjacent or abutting use district by a parcel of land which is undevelopable because of its size or accessibility. What we are standing before you and stating is that we worked with the City, we met with the City, we met with the City's consultants, we met with the City's legal counsel, we entered into an agreement under which the addition of a wildlife/trail to the City would act as a buffer between our property being developed as a light industrial park on the west and the residential land located on the east. There was never an act to circumvent since we were dealing with the City it seems very hard to argue that we could be circumventing and the fact that this land is being developed under your ordinance where under section 201 it indicates that a land is being developed if its use as open land comes before the City as a new use; which now we were taking land that previously was zoned for light industrial and now is being deemed or replaced into a new use of a nature trail.

Neil Sossin: The first determination that we would like and would ask that you make is that you interpret this provision in the affirmative to us. If, however, you do not view that what we have stated is correct we would ask that you consider a variance to indicate that the fact that the nature trail does abut our industrial acts as a sufficient buffer such that the parcels that are being developed along the edge of the nature trail would be not subject to the issue of industrial abutting residential. We have attempted to explain the natural variances that are in existence on the property. We have several areas that have been laid out in a letter that was sent to the City describing the various areas under which the property has natural buffers and this is laid out and I don't mean to be redundant by going through this again; but we have many areas in through here to the north where there are large amounts of existing wetlands or natural woodland areas and that this would act as a sufficient buffer. In this area down in the number 6 area where the buffer is not as great, we have a problem here because of the topography being such that these properties are much, much higher than our parcel. In any circumstance for us to begin to put berms

or to do things on the bottom on our site serves of no benefit and I have had conversations with the neighbors in the area under which we would put evergreen trees to allow for screening up on their property or possibly with the nature trail itself to allow for the screening to assist the neighbors so that they are not looking across into the park. Whether we have a building that is setback 100 feet under the normal abutting residential we are in a situation now where we would have 50 foot of setback because of the nature trail and another 20 feet under the normal ordinance provisions. So we are talking about a 30 foot difference here. Also the fact that because of this large topol area it may even serve to see less if the building were abutting the area here and were a little closer to the topol drop rather than further away. So I would ask again, that you consider the request for the interpretation and if that is interpretation is to the negative that you then review our proposal for a determination as outlined previously. Thank you.

Chairman Brennan indicated there was a total of 18 Notices sent to adjacent property owners. There was one written response received voicing objection. Copy in file.

AUDIENCE PARTICIPATION

Arnold Serlin: I am representative of Bristol Corners Subdivision, I am president of the homeowners association and I am also associated with the Novi Group, the developers.

Arnold Serlin: I would like to talk just about what the request is in front of the Board tonight. That is a variance from the ordinance. I have heard it used a number of times tonight and I guess you need to display a hardship for a variance. I haven't seen a hardship. I have studied their plans and I still don't see a hardship. They have 200 acres that they are developing and when they bought the property they knew exactly what they were buying and they knew exactly what the restrictions were, what the setbacks were, there is no hardship. But, be that as it may I think that the Board needs tonight not to address buffers, that is not what they are here for, they are here for a blanket variance to allow them to build closer to residential. Buffers can be discussed and correct me if I am wrong, Tamara, at the level of the Planning Commission if they see fit to grant variances for screening because of habitat or natural features or topography they have that right. I don't believe that it has to come to this Board; I may be wrong but I think that is the case. This is the wrong venue, I believe, to discuss buffers.

Arnold Serlin: With that in mind, let's talk about a couple of other things. First of all, I disagree completely with their interpretation as to what is developable. It is in the ordinance and I read the ordinance a little differently apparently than they do. Apparently they also read the ordinance a little different than the City Attorney does or the Planning Commission does, who determined that this was a circumvention of the ordinance.

Arnold Serlin: First of all, I would like to indicate that I don't believe that the nature trail and in my drawing the 50 foot buffer that they granted to the City, and I guess that I am a little surprised because of what I understand the reputation of these gentlemen is to be very sophisticated, good business men. If and I heard this earlier before, they are asking you to make a determination that the City entered an agreement with them that is not explicit in the agreement. There is nothing in the agreement that says that they were to be granted any variances, any relief from the requirements of setbacks, buffers, screens or whatever you want to call it, between their light industrial and our residential because they granted a 50 foot easement or 50 foot buffer strip or wildlife trail to the City and this City accepted it. I have a copy of the agreement and there is nothing in there that says a thing about any relief from any requirements of light industrial. Nothing. If it was to be a part of that agreement I would have thought that businessmen that have done this any number of times would have included in the agreement those issues that were important to them at the time because they become important now. It is not a part of the agreement. It was never a part of the agreement and I don't know why they could now come back and say because they granted this easement or buffer that they are entitled to this. There is no discussion of it anyplace. I have talked to everybody in the City that I can think of to discuss this issue with them and nobody can remember and selective memory perhaps, I don't know, nobody can remember any discussion about any relief from the requirements of the zoning ordinance.

Arnold Serlin: Now let's talk about the definitions. He claims, Mr. Sossin claims, that by definition he has created a new use and therefore he is no longer adjacent to residential. Well his zoning didn't change – his zoning is still light industrial. The zoning has not changed. He gave the City the property. My contention is that the property is not developable because of this reason. First of all there is now access to it or the access is limited. It doesn't connect an open area to another open area. It is not a part of an ecological or environmental mapping of anything in this City. I have talked to Linda Lemke she said there is no identification of that strip with the exception of some small woodlands that are barely to the north of his property or the north end that are considered a part of a habitat or wildlife area or preservation area. It starts no place and it ends no place. In fact it ends at the property line which I believe is the property line between Novi and Wixom at his north corner.

Arnold Serlin: Now development by definition does say and I won't read the whole thing it is short but it does say "the use of open land for a new use" and I contend this is not a new use. I contend that when he bought the property he had setbacks and when you look at the definition of setbacks it talks about minimum yards of front, side, rear, etc. that cannot be developed or built upon that are to be continued to be used as open space or as open land. I contend that the 50 feet that he gave to the City was 50 feet of setback that he doesn't have to have now. What he is asking you to say is "well that is fine, you gave us 50 feet and we will let you move closer", that is not true. He gave you nothing. He gave you 50 foot of setback that he cannot use period. He couldn't use it then, it had to be maintained as open space; it is still maintained as open space. So I contend that there is no change of use of that property. It was always going to be open space and in particular in the area where there are woods and trees. It was going to be open space and there was no question about that. Look at the definitions that is what setback talks about.

Arnold Serlin: If there is some question about open space versus open land, there is a statement in the ordinance that says "terms herein and not identified, shall have the meaning customarily assigned to them", which means that I think that open space and open land are interchangeable.

Arnold Serlin: I don't want to talk about buffers but I will touch on it briefly. I would like to hand something out to you that is a little more definitive than what has been displayed here. (pass out given to Board)

Arnold Serlin: I have an aerial photograph of our area that shows super imposed on it both our subdivision and their proposed plan. Excuse the quality of the reproduction, but it is a photograph that was copied and it does make it a little difficult to read. If you can read the orange line between the 2 parcels; and what I did here to prove my point and to dispute Mr. Sossin's point, that is our subdivision as you see it on the right hand side. What you see is that 2/3rds of it is developed. The lower southern 38 lots have not been developed yet. There are 140 lots that are platted. Mr. Sossin's subdivision is on the left. Now lets point out for a minute, if I can, and you saw his drawing and I have reproduced it here, to the best of my ability I placed the numbers that he has had on his plan in front of you that he has shown you tonight of the wooded areas that he claims are buffers. This is the only thing that I want to talk to you about regarding buffers, because he talked about them. Those woods are not his woods. Those woods are my woods. Those woods belong to the apartments to the north of him. Those are my woods. Every single one of those numbers is on my property. What he is asking you is to consider a buffer that we preserved as part of an agreement in perpetuity to preserve that highly quality regulated woodlands. We did that at some expense to us. We bought the property knowing that there were woodlands on the property and we also bought the property knowing that there was light industrial next to us. We bought that property knowing that there was woodlands on the property and knowing that we were going to preserve it as much as we could. This was a compromise. This was an arrangement that we worked out with the Planning Commission, the woodlands people, Chris Pargoff at the time was in charge of that and he is no easy guy to deal with and I am sure that you know that. We sacrificed I would say 2 dozen lots for all the woodlands that we preserved on this site. You can't say to me "gee, you did a nice job of preserving the woodlands, Mr. Serlin and we are sorry that you lost 24 lots, Mr. Serlin but we think that we are going to grant your neighbor the ability to build closer to you because you provided the trees that he is calling his buffer", I am sorry that just doesn't work for me and it shouldn't work for you and it certainly doesn't work for him. Now I don't know if you have been out to the site or driven the site but you can see right through those trees and that is about all I want to do about touching on the buffers. These buffers

are not his, they are mine. It is not my responsibility to protect me from him, it is his to protect him from me. I want you to understand that because I think that it is implicit in the ordinance.

Member Meyer: Before you put that away, you were talking about the orange line.....

Arnold Serlin: The orange line is the 50 foot buffer strip that they have dedicated to the City and the City has accepted. I want you to notice that in several areas it comes very close to our property. In fact in some areas we abut our property line with the backs of our lots. In particular in the south end there are absolutely no trees. If you have been out there you can see that, it is tough to drive back there because the roads aren't in yet but you can drive back there or walk back there and in fact you can see the open space from West Road. I have stood on those lots and I looked back towards West Road and I have pictures of standing virtually on the easement and you can see the traffic on West Road. There is nothing behind me, a few straggly trees that I know will come out.

Arnold Serlin: What they are doing besides the fact that they want to remove this buffer, there are other considerations that need to be taken into account when you review this. Those considerations are also a part of the light industrial ordinance. They don't talk just about buffers, they don't talk about screening, they talk about what you can build facing a residential area. Now if he is granted this variance considering that he is not adjacent to residential, that means that 20 feet away from the buffer line which would be 70 feet from our property he could put a 20 foot high building. If he doesn't want to put the building there, he can put loading docks, he can put trucks, he can put parking, he can put traffic; that is explicitly prohibited by the ordinance when it is adjacent to residential. You cannot have that facing residential. If you grant him the variance he has the right to do that, you can't qualify it, that is his right to do that. I object to that strenuously.

Arnold Serlin: Now they talk in one of their letters that one of his associates may have sent to the City about the money they have spent and the investment that they have made in that property; \$50,000.00 in engineering fees, they have 18 months worth of effort. Well gentlemen, we have 10 times that much in engineering fees. We have 5 million dollars of in the ground construction. We have \$25 million dollars worth of houses on our property. This isn't speculation, this isn't somebody's plant, this is in the ground. You talk about an investment. That is the investment that I am trying to protect tonight. I would suggest that you consider that very seriously if that is a part of their argument and apparently it is because it was in one of their communications.

Arnold Serlin: There are a number of other issues that I would like to touch on very briefly and I think that the thing that you need to consider beside the fact that their expectation was that they were going to receive variances or they weren't going to be considered adjacent to residential. Their expectations, gentlemen, is not your obligation. Their expectations should have been itemized, identified and solved before they ever came here. They shouldn't even be before this Board for this, it is silly, ridiculous. They should have taken care of this long before.

Arnold Serlin: I don't know if I have much more to add to this other than, I am sure that you folks know what your responsibility is to this City and to the people who have invested in this City, to the people that are living in this City to protect their health, welfare, safety and comfort that would certainly be impinged upon if they are allowed this variance. If it is a variance; I don't know the hardship. I have said that before and I have heard that before tonight and I hope that becomes an issue here. They have 200 acres, they knew what they were buying when they bought the property, they knew what they were buying into when they bought the property. They knew what the setbacks were; there is no hardship. They have 200 acres, they might have to make a couple of lots smaller, that is fine. We lost 24 lots or more because of what we preserved on our property. I think that they should be given the same consideration as we are and as what we have done. We did it, they should be doing it as well. They didn't have to give that. Someone said that the City insisted, I can't find anybody in the City that says that they insisted on that wildlife trail. We gave preservation easements all through our property. We own property on both sides of West Road, we gave a preservation easement on the east side of West Road along Walled Lake so that no development would occur; it is an easement, we can't touch it any more than they could touch it if we

gave it to the City. We didn't give it to the City, we did the same thing and accomplished the same goal. We have nothing to gain and nothing to lose, we gave what we gave because it was the right and proper thing to do. When you talk about good faith, our good faith is in your hands. Our good faith is depending upon the reliance and not the expectations that this ordinance provides for us to protect our residents, our development and the future of our development. I would be happy to answer any questions about anything that I said. Thank you.

Member Harrington: How many people are in your subdivision?

Arnold Serlin: There is 72 lots in the first sub and I think that 62 are sold and probably 52 are lived in now.

Brad Bach, I live on West Park Drive which abuts the property that is owned by Northern Equities. I think that Mr. Serlin did a very thorough job of pointing out all of the key interests that the residents would have as the existing property owners. I would just merely point out that when I looked at buying my parcel, which is just under 10 acres, I went down to the City and I read over all of the ordinances pertaining to residential that abuts industrial property. I read them very carefully and it was a lot of deliberation on my part as to whether I should proceed in buying residential that abuts industrial. Frankly, my feeling is that the property should more appropriately

have been zoned and constructed as multiple dwellings but that was not the zoning on it and we took into strong consideration the requirements of the code for this abutting property. It was really in light of the strength of the code that we decided to proceed and make the purchase and build our home there. So, to consider at this point, 8 years after we purchased our property the zoning ordinance has not changed the code has not changed, but we are asking or Mr. Sossin is asking you to basically sweep away all of the ordinance and all the code all in one decision; that we have based our decisions on for years. I think that is pretty self explanatory and it is pretty obvious that it would be an inappropriate action to take. I think it is stated pretty clearly in the public hearing notice that we were sent, it says "limitations may not be circumvented by separating the parcel from the adjacent or abutting use district by parcel or strip of land which is undevelopable because of it's size or accessibility". That to me is a clear statement right in the ordinance that you can't do what they are attempting to do. It is stated right on our ordinance that it is something and the way that I read it I think it is pretty obvious that it saying that what they are attempting to do is to circumvent the ordinance and that is spoken directly against in the code. One other point that I am interested in knowing and this is probably not where I would find the answer, but I would like to know that since that strip has been deeded to the City, who is going to be maintaining that strip? Who is going to be maintaining if there is an industrial park and there is probably be some garbage considerations that would be a part and if the wind is blowing out of the direction of the west, which it normally does, is it just going to take this 50 foot strip and fill it with garbage over the course of so many years as employees throw their litter out the window or what have you. I would say that the most important consideration that we are looking at it is the implicit nature of the code that prevents the things; and I don't want to be repetitious but it is so important for us as neighboring residents, to not have the concern over the truck traffic, over the lighting and the noise generated from the project that might go in there. I thank you for your time and encourage you to make the decision to not make this request.

Brooks Decker, I am a resident on West Park Drive. My property abuts the industrial zoned property that Mr. Sossin is proposing to develop. I am opposed to the issuance of a blanket variance if the issue is setbacks then the consideration should be limited and specifically stating the variance for just setbacks. The blanket variance would just be all encompassing and could take into scope far more issues than just setbacks.

Dana Howe, I live on West Park Drive. My property does not directly abut the property but it does directly abut the new development in the subdivision that Mr. Serlin has referred to. Very close to that property. Probably from my property I can see where that strip is that we are talking about. I am opposed to any blanket variance of any kind just on principle. We have no idea of what that would entail. We don't know what would be proposed. It wouldn't even need to be proposed if the blanket variance was allowed. We appreciate the fact that the 50 foot buffer was donated to the City, I guess. My neighbor Brad brought up

some good points about that and what type of maintenance would be needed in the future for that. Mr. Sossin alluded to things that have been given to the City, the right of way for sewers and different things and all of that and as part of that development I would say and I am not sure that was a gift because anything that came through there was of benefit to that development. The Beck West, I believe we would be referring to, or the Taft Road extension; without that road the whole development was not feasible and there would be no development allowed unless that road had been built through there. So, what has been given to the City is probably nothing in return to the development that was made possible because of that. Not only do we have a problem with the site problem from the residential to the industrial, you also have the noise problem, we already have the railroad coming through there which the trains come through frequently day and night. I do hear them in the evening and in the night time I wake up and hear them. My neighbors have made allusions to the noise just from the railroad tracks and the development that we are talking about here is between the residential and the railroad tracks. So noise, I think, would be another important factor in this development. I think it is important that we do preserve the integrity of the residential subdivision that is going in, there is a substantial number of homes that will be built close to that industrial property; several of those lots will be backing up to the industrial. I think it is important that we preserve that for the future homeowners that will be moving into that area.

DISCUSSION

Don Saven: It was brought up earlier that we are here to deal with an interpretation regarding this particular matter. An interpretation was not applied for. This was strictly for an issue regarding a blanket variance. I was very specific about the application as it came in because I was concerned about that particular matter myself. Therefore, if you go to the application and also from what was indicated on the application regarding Mr. Stewart's letter.

Tamara Buswinka: I have no comment, but I will be happy to answer any questions.

Member Harrington: Is it the sense of the Board then, and I assume that we concur that we are dealing only the variance issue and we are not going to deal with an interpretation this evening and not having been properly noticed which would not preclude us from addressing that issue at some further point in time if the petitioner wishes to bring it.

Chairman Brennan: More specifically, we are addressing the applicant's request for a blanket variance, not just a variance. Yes, that is how I interpret this.

Member Meyer: I would just simply like to say that I teach my students every day at the academy where I teach that the basic question of life is "what is real?" and what is real here is that the request is "as though it did not abut a residential district"; well it does abut a residential district. That is the reality of the situation here. So, in my mind I think that the very fact that it does abut a residential district would indicate that there is no way that we can grant this variance.

Chairman Brennan: I think that Mr. Serlin's presentation was very strong. His case is very strong. I would not be interested in any variance request that impacts a residential community that already exists. This parcel, the Beck Road North, is on the drawing board and I see no reason and have heard no hardship that says that they can't meet ordinance.

Member Harrington: I have a couple of thoughts on this variance request. Number one, implicit in my rulings in cases that deal with this is that I view the City as having the same responsibilities in this community as any other citizen and the City is subject to the variances rules passed by the ordinance which are a matter of statutory authority by the State of Michigan. The fact that the City may have had some involvement in this confusion that is out there, has no relevance whatsoever to our decision. We are here to apply statutory criteria as to whether or not a variance should be granted. I am not influenced in any regard by what the representation of the City's acts may or may not have been. I am sure that the City may have a different version as to what has occurred. That is number one. Number two, I don't know

that blanket variance finds its way any where in the Novi Code and if it does and I don't recall ever seeing it, I certainly don't think that we have the power to grant a blanket variance where it changes in the statutory terms the essential character of the real estate that is involved. Nothing could be clearer than the door, if we grant this variance, would be open wide to a whole host of character changes which would not otherwise apply if this is a residential area. Third, it would appear to me that whatever this hardship may be certainly is self created to the extent that someone should have known better what the appropriate zoning was, or at least raised the question. I think that burden falls upon the petitioner who is in the position of seeking variance and seeking to develop, I think that is the petitioner's obligation. Finally there is no showing whatsoever any hardship here or even a suggestion that the parcel cannot be developed or used in such a form or such a fashion as to provide a reasonable return on the investment of the developers. It may not be the highest and best, but the affect of what we would be doing with a blanket variance is blanket rezoning. That is one thing for sure that we don't have the power to do is to re-zone a parcel. I think that is what we are invited to do and I think it is a very dangerous path for us to take and I don't think that we have the power to do it.

Vice-Chairman Bauer: I would agree with that 100%.

Chairman Brennan: I think that we have a sense, at least those who have made comment, that we are perhaps ready for a motion.

Moved by Member Meyer,

Seconded by Vice-Chairman Bauer,

THAT IN CASE NO. 99-086 THAT THE VARIANCE REQUEST BE DENIED, DUE TO A LACK OF HARDSHIP.

Discussion on motion:

Member Harrington: Mr. Meyer, I support your motion but I would request that your motion be amended to reflect the following additional reasons every one of which, in my mind, would be sufficient to deny the variance, not simply just hardship. THE EFFECT OF GRANTING THE VARIANCE WOULD BE TO AFFECT A RE-ZONING OF THE PARCEL, THAT THE HARDSHIP IS SELF-CREATED, AND THERE IS NO DEMONSTRATION OR SHOWING THAT THE PROPERTY CANNOT OTHERWISE BE USED OR DEVELOPED.

Member Meyer: I am comfortable with that, and I would ask that it be included in the motion.

Vice-Chairman Bauer: Second.

Member Meyer: I have something to say after the vote.

Roll Call: Yeas (6) Nays (0) **Motion Carried**