



**CITY OF NOVI CITY COUNCIL
DECEMBER 20, 2021**

SUBJECT: Consideration of a Third Amendment to the Selective Development Consent Judgment in order to allow 'Places of Worship' as permitted uses for the subject property, known as Oak Pointe Plaza. The subject property is located on the east side of Novi Road, south of Nine Mile Road, in Section 35.

SUBMITTING DEPARTMENT: Community Development

BACKGROUND INFORMATION:

In 1988, the City and the then owner Selective Development entered into a consent judgement. The judgment indicates that the property can be developed with permitted uses under B-1 zoning as it existed in 1988. A first amendment in 1992 added restaurant use. The applicant received approval in 2020 for a second amendment to the consent judgment, which allowed two additional uses for the subject property: indoor recreational facility and instructional centers. The applicant now requests a third amendment of the consent judgement in order to permit Places of Worship uses.

The subject property is known as 'Oak Pointe Plaza'. It is a 51,375 sq.ft. 4-building shopping center built on a 7.5 acre site. Each building is on a separate parcel and under separate ownership. The proposed amendment is requested in order to allow Impact Church to lease space in the building at 22104 Novi Road.

The church proposes to occupy 9,000 square feet of the 20,500 square foot building, with no changes to the exterior. The facility would include an auditorium with stage, office, two rooms for children's services, two rooms for specialized and volunteer team services, a lobby and restrooms. The letter from Impact Church in your packet explains that their weekly attendance ranges from 75-100 people. If the church experiences a growth in attendance, they state that they would add a second service on Sundays. All services take place weekly on Sundays and religious holidays. According to the current owner, the lease space has been vacant for over thirteen years.

The attached memo addresses the following items in order to provide more information on applicant's request and staff review:

1. Allowable use per the approved consent judgment
2. Consent judgment versus zoning ordinance: proposed use applicability

3. Impact of proposed Church on surrounding uses
4. Master Plan guidance
5. Staff Recommendation

STAFF RECOMMENDATION

Based on our review, it is staff's opinion that Impact Church is a less intense use which will have minor to no impact on the other uses in the shopping center or the residential neighborhoods to the west of Novi Road. **Please refer to the memo for a more detailed analysis of projected impacts on surrounding uses.** However, the amendment, if approved, 1) would apply to all four properties of the Consent Judgment and 2) would apply to all types of places of worship.

Staff recommends that future Places of Worship should be reviewed on an individual basis. As the impacts of other Places of Worship are currently unknown, staff recommends the following changes in **bold and underline** to the current language (*in italics*) of the Second Amended Judgement, item F:

"Upon completion, said development shall be utilized solely for uses permitted within the B-1 local business district, together with restaurant use, pursuant to the City of Novi Zoning Ordinance No. 84-18, as amended as of October 18, 1988. In addition, public or private indoor recreation facilities shall be permitted, subject to the following conditions:

- 1. The proposed indoor recreation use as described in the attached Exhibit C shall be permitted at 22104 Novi Road.*
- 2. Any other future indoor recreational uses smaller than 2,000 square feet shall be considered a principal permitted use.*
- 3. Any other future indoor recreational uses larger than 2,000 square feet shall be subject to the special land use requirements listed in 6.1.2.C of the Zoning Ordinance.*
- 4. All such future uses shall be subject to requirements of Section 4.89 of Zoning Ordinance relating to service of alcoholic beverages.*
- 5. No outside uses other than parking and loading shall be permitted.*

Further, places of worship shall be permitted, subject to the following conditions:

- 1. The proposed Place of Worship, Impact Church, shall be permitted to lease space in the building at 22104 Novi Road, subject to administrative site plan review and approval for any exterior modifications of the site.**
- 2. Any future Place of Worship smaller than 10,000 square feet shall be permitted provided services are held during non-peak traffic hours.**
- 3. Any future Places of Worship larger than 10,000 square feet, and/or those that hold services during peak traffic hours, shall be subject to the special land use**

requirements listed in 6.1.2.C of the Zoning Ordinance, including approval by the Planning Commission.

4. **No outside uses other than parking and loading shall be permitted.**

NEXT STEPS

If the Council approves the amendment, the City Attorney will work with the applicant's attorney to administratively draft the necessary legal filing prior bringing the item to City Council for consideration. If approved, the amendment will go to Circuit Court for approval of the Third Amended Judgement. The development would then proceed in the normal course for any development project subject to listed conditions in the amended judgment.

RECOMMENDED ACTION: Direct the City Attorney to work with the applicant's attorney to draft the necessary legal filing for a Third Amendment to Consent Judgment in the case of Selective Development v City of Novi in order to allow 'Places of Worship' as a permitted uses for the subject property, subject to conditions listed in the motion as follows:

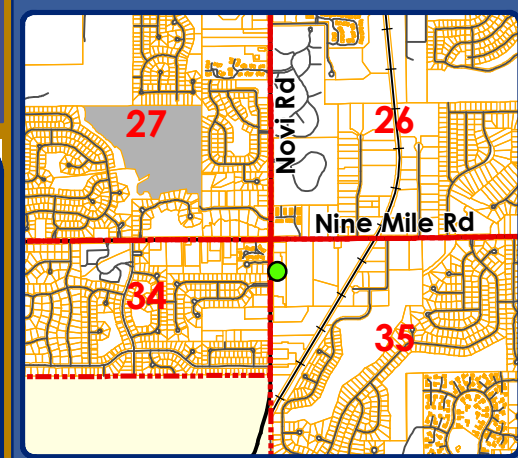
Places of worship shall be permitted, subject to the following conditions:

1. **The proposed Place of Worship, Impact Church, shall be permitted to lease space in the building at 22104 Novi Road, subject to administrative site plan review and approval for any exterior modifications of the site.**
2. **Any future Place of Worship smaller than 10,000 square feet shall be permitted provided services are held during non-peak traffic hours.**
3. **Any future Places of Worship larger than 10,000 square feet, and/or those that hold services during peak traffic hours, shall be subject to the special land use requirements listed in 6.1.2.C of the Zoning Ordinance, including approval by the Planning Commission.**
4. **No outside uses other than parking and loading shall be permitted.**

MAPS
Location
Zoning
Future Land Use
Natural Features


OAK POINTE PLAZA: IMPACT CHURCH

LOCATION




LEGEND

- Sections
- Subject Property
- Properties subject to consent judgement

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

Map Author: Lindsay Bell
Date: 12/13/21
Oak Pointe Plaza: Impact Church
Version #: 1

0 65 130 260 390 Feet
1 inch = 292 feet

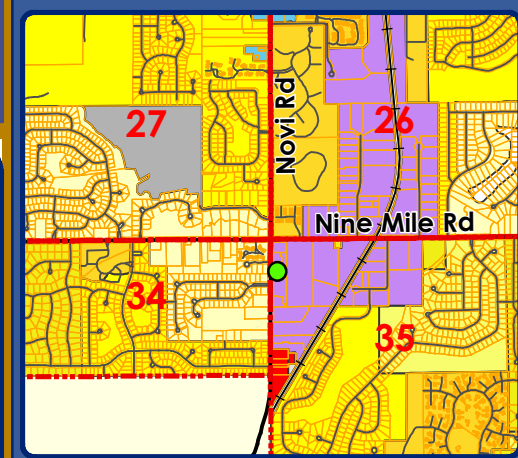
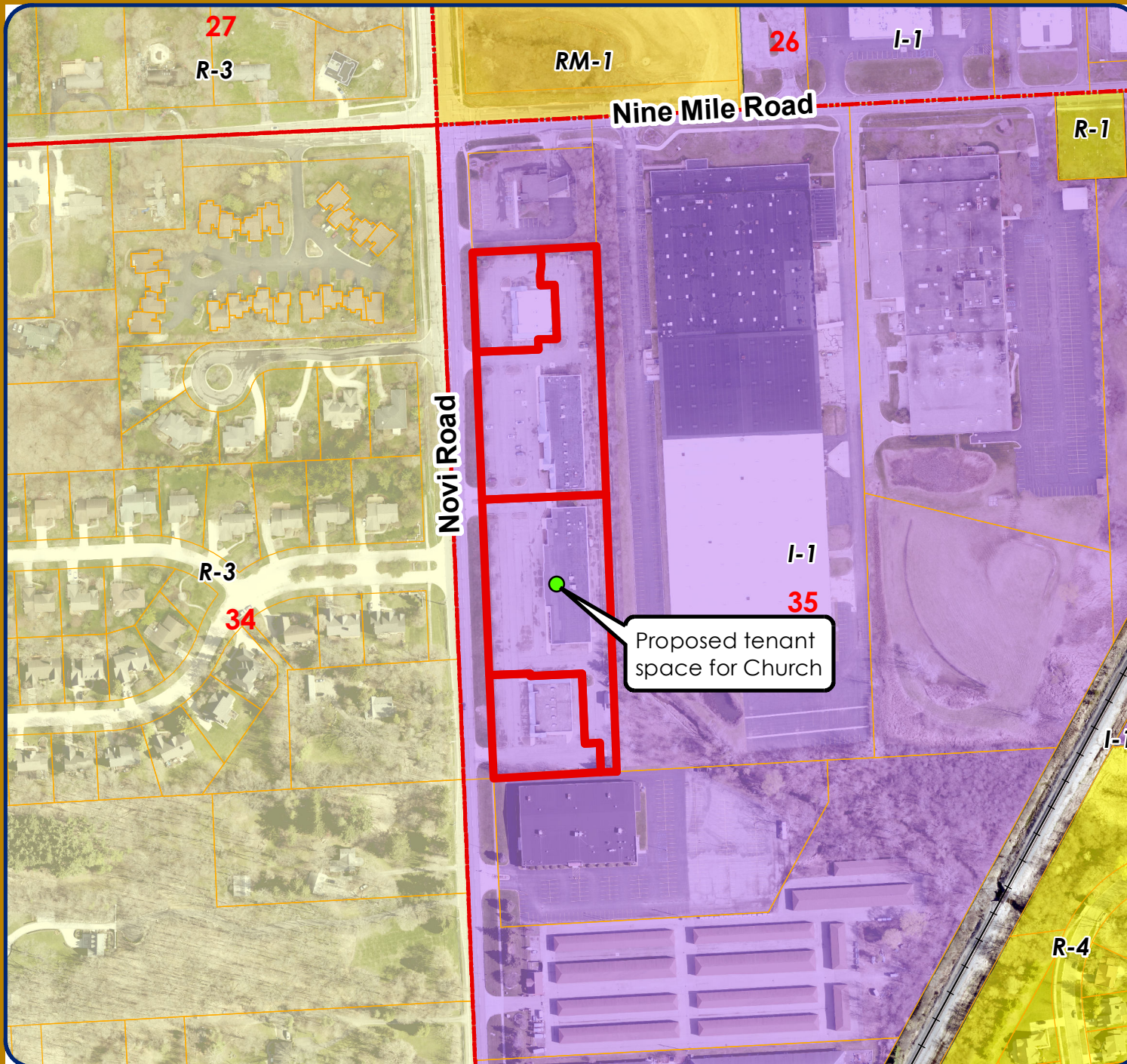


MAP INTERPRETATION NOTICE

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

OAK POINTE PLAZA: IMPACT CHURCH

ZONING



LEGEND

- Sections
- R-1: One-Family Residential District
- R-2: One-Family Residential
- R-3: One-Family Residential District
- R-4: One-Family Residential District
- RM-1: Low-Density Multiple Family
- B-3: General Business District
- I-1: Light Industrial District
- OS-1: Office Service District
- P-1: Vehicular Parking District
- Subject Property
- Properties subject to consent judgement

CITY OF NOVI
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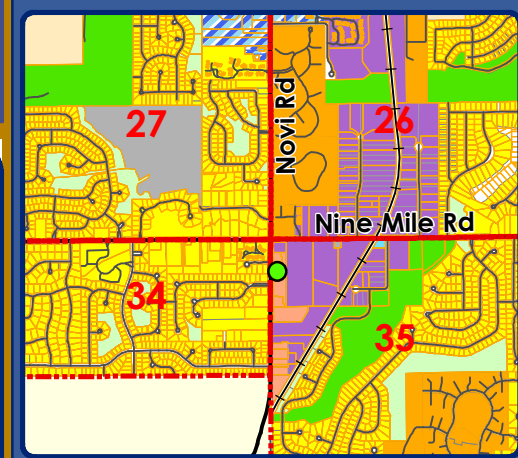
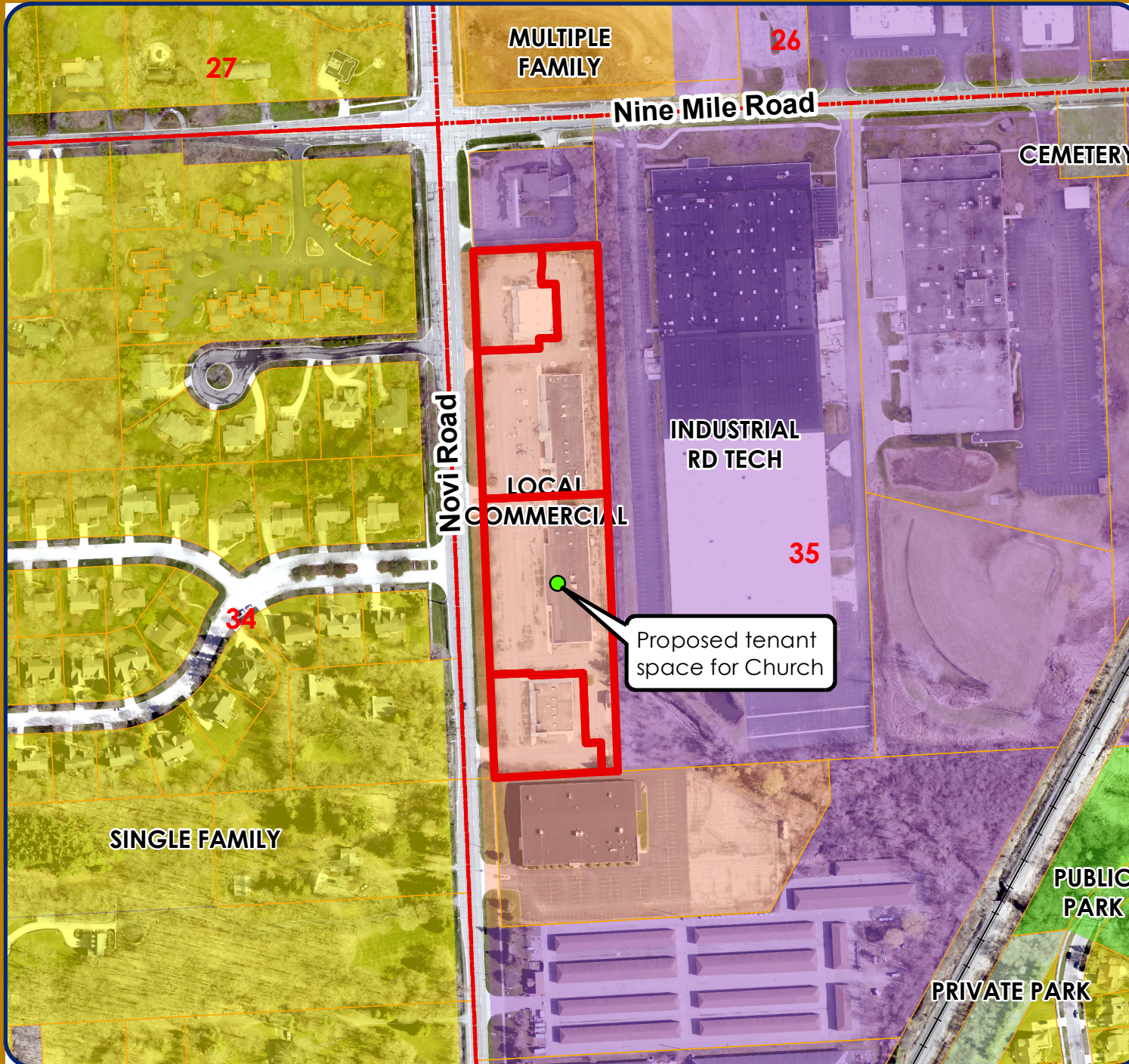
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OAK POINTE PLAZA: IMPACT CHURCH

FUTURE LAND USE




LEGEND

- Sections
- FUTURE LAND USE**
- Single Family
- Multiple Family
- Community Office
- Industrial RD Tech
- Local Commercial
- Educational Facility
- Public
- Public Park
- Private Park
- Cemetery


City of Novi
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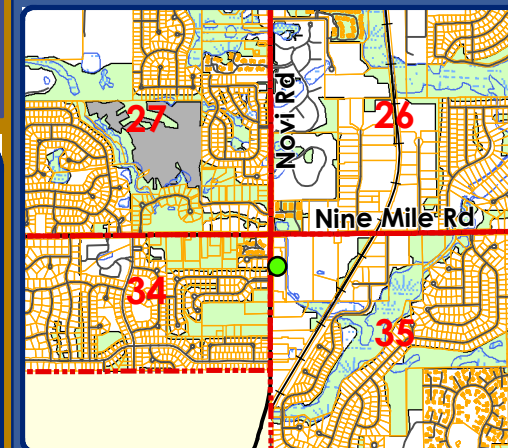


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OAK POINTE PLAZA: IMPACT CHURCH

NATURAL FEATURES



LEGEND

- Sections
- WETLANDS
- WOODLANDS
- Subject Property
- Properties subject to consent judgement



City of Novi

Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
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STAFF REVIEW MEMO

MEMORANDUM



TO: PETE AUGER, CITY MANAGER
FROM: LINDSAY BELL, AICP, SENIOR PLANNER
THROUGH: BARBARA MCBETH, AICP, CITY PLANNER
SUBJECT: THIRD AMENDMENT TO SELECTIVE DEVELOPMENT V
CITY OF NOVI
DATE: NOVEMBER 15, 2021

Recently, the owner of the property 22104 Novi Road approached the Community Development Department to discuss a prospective tenant for his building. The subject



property is known as 'Oak Pointe Plaza'. It is a 51,375 square foot, 4-building shopping center built on a 7.5 acre site, split into four parcels. One of the four properties was acquired by a successor owner, Nova Oak Properties, LLC, in July 2018, who seeks to secure approval to allow Impact Church to lease existing space at this location.

In 1988, the City and the then-owner Selective Development entered into a court-ordered Consent Judgement. The City of Novi Zoning Map refers to Light Industrial for the subject property. However, the Consent Judgment indicated that the property shall be developed with permitted uses under the B-1 zoning district as described in 1988. A copy of the list of uses is provided with the applicant's submittal packet, Exhibit B. A first amendment in 1992 added restaurants as a permitted use. A Second Amended Judgement (Exhibit D) was requested and approved by City Council in February 2020 to allow public or private recreation facilities and instructional centers, subject to conditions. The original site plan for this shopping center was approved in 1992. A copy of the plan is attached to the applicants submittal as Exhibit C.

This memo addresses the following items in order to provide more information on applicant's request and staff review:

1. Allowable uses per the approved consent judgment
2. Consent judgment versus zoning ordinance: proposed use applicability

3. Impact of proposed Church on surrounding uses
4. Master Plan goals
5. Staff Recommendation

ALLOWABLE USES PER THE APPROVED CONSENT JUDGMENT

Neither churches, places of worship, nor other uses that would include places of assembly (such as theatres, concert halls or private clubs) were listed as a permitted use in the B-1 District in the 1988 Zoning Ordinance. They were permitted in other districts either as principal permitted uses or as special land uses, including in the One-Family residential districts, OS-1, and OSC.

CONSENT JUDGMENT VERSUS ZONING ORDINANCE: PROPOSED USE APPLICABILITY

The larger suite in the existing building is built for a large warehouse style uses. It was previously occupied by an ACE Hardware store. According to the current owner, it has been vacant for over a decade. Staff reviewed the proposed uses in four different scenarios as listed below to review how it fits in these cases. The uses would not be permitted under either the B-1 or I-1 zoning districts, either at the time the consent judgement took effect or now.

	Places of Worship/Churches	Places of Assembly
Local Business, B-1 (1988) <i>Allowed per Consent Judgment</i>	Not permitted	Not permitted
Local Business, B-1 (2020) <i>Recommended Future land use category</i>	Not permitted	Not permitted
Light Industrial, I-1 (1988) <i>City's adopted zoning at the time of consent judgment</i>	Not permitted	Not permitted

<p>Light Industrial, I-1 (2020)</p> <p><i>For reference to current underlying zoning</i></p>	<p>Not permitted</p>	<p>Not permitted</p>
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Churches fall under the category of “Places of Worship” in the current City of Novi Zoning Ordinance. Places of worship are permitted as a special land use in single family districts (RA, R-1, R-2, R-3, R-4), and the NCC Non-Center Commercial districts, subject to certain qualifying conditions. In the B-2 Community Commercial, OS-1 Office Service, OSC Office Service Commercial, and RC Regional Center districts places of worship are principal permitted uses and are not subject to those qualifying conditions.

The proposed amendment would provide an opportunity to allow Impact Church as a permitted use via the Consent Judgement, although such use would not be permitted under the terms of the Zoning Ordinance for other properties throughout the city zoned B-1.

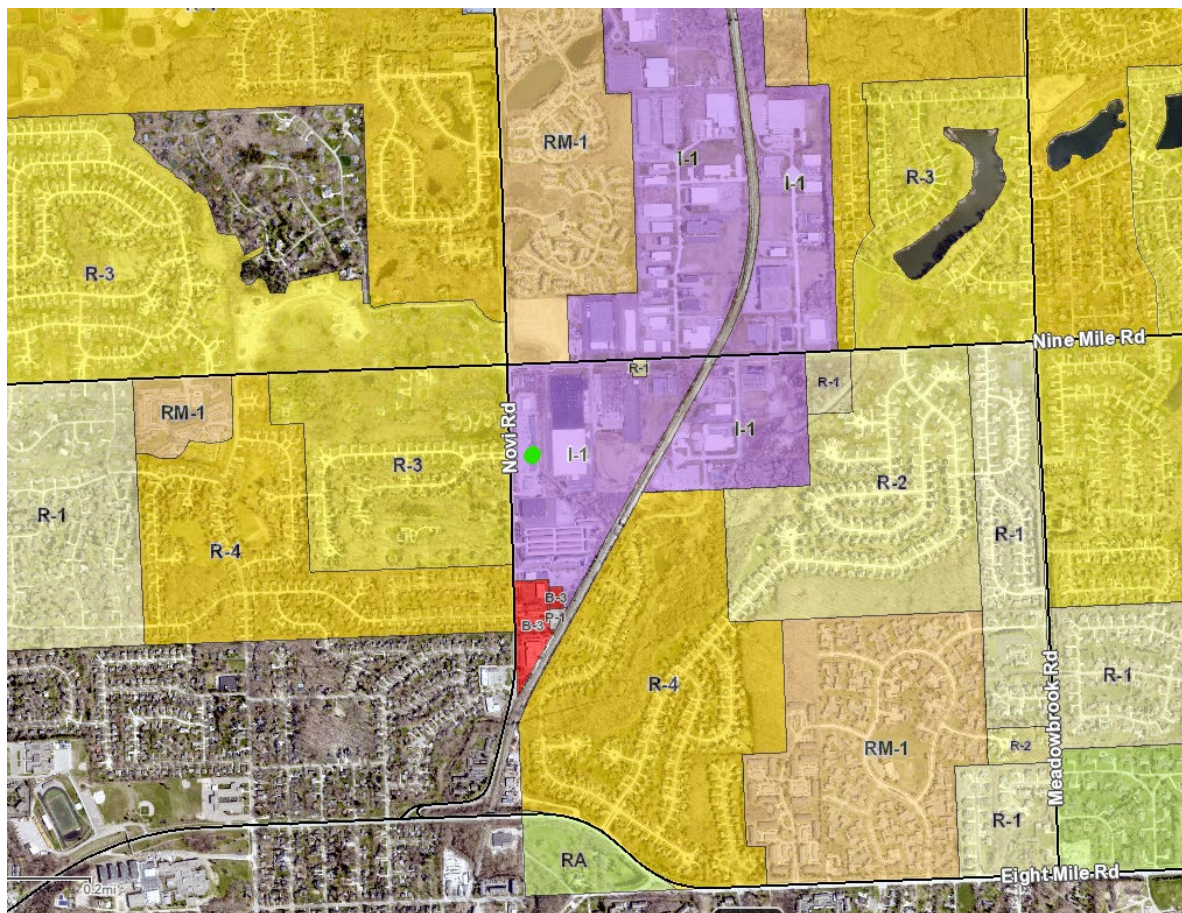


Figure 1: Zoning Map of Surrounding Area. Green Dot denotes location of Subject property

IMPACT OF PROPOSED CHURCH ON SURROUNDING USES

The proposed amendment to include 'Places of Worship' is requested to allow 'Impact Church' at this location. The church proposes to occupy 9,000 square feet of the 20,500 square foot building. The facility would include an auditorium with stage, office, two rooms for children's services, two rooms for specialized and volunteer team services, a lobby and restrooms. The letter from Impact Church in your packet explains that their weekly Sunday service attendance ranges from 75-100 people. If the church experiences a growth in attendance, they state that they would add a second service on Sundays rather than exceed this capacity. All church services take place weekly on Sundays and religious holidays.

The subject property is surrounded by I-1 zoned properties with office and warehouse uses to the east, north and south, and single family neighborhoods to the west across Novi Road. The southern part of Novi is predominantly single family residential, with some areas of industrial that border the railroad. These industrial uses are typically office and warehouse uses that are compatible with residential neighbors. The east side of Novi Road is developed with commercial uses from the city border north of Eight Mile to Nine Mile. See Figure 1 above for context.

- Current uses:** Oak Pointe Plaza has a mix of businesses ranging from retail, office and restaurants as noted in the table below. The hours of operation for the existing uses range from 8 am to 9 pm. Most of the businesses closed on Sundays. The building owned by the applicant has two tenants: Jazzercise and Everyday Health Massage & Spa. It was previously occupied by a Hardware store and restaurant and retail uses. Below is a list of current uses for the consent judgment properties. It also lists how the uses are identified subject to consent judgment conditions.

Address	Current uses	Uses identified per 1988 B-1 uses together with a restaurant, indoor recreation, instructional center uses
22264 Novi Road	Novi Home Design Center	Professional service
22240 Novi Road	CVS	Retail Business
	Frames Unlimited	Retail Business
	China Crown	Restaurant
	Bento 39 Japanese Carry Out	Restaurant
	Vacant space	

	Vacant: Proposed Impact Church	Requires amendment
22104 Novi Road	Everyday Health Massage & Spa	Personal Service Establishment
	Jazzercise	Instructional Center
22136 Novi Road	Artflux Dance Lab	Instructional Center
22002 Novi Road	Sylvan Learning	Instructional Center
	Brazilian Jiu Jitsu	Instructional Center
	Dentist	Professional service

- **Traffic:** The existing businesses have varied hours of operation, but most of them are open between 8 am to 9 pm. Peak hour usages for each use varies throughout the day. Impact Church indicated that they will almost exclusively be open on Sundays and religious holidays, which are off-peak times for traffic on Novi Road. **The peak traffic hours along Novi Road are typically between 6 am to 8 am and 4 pm to 6 pm on weekdays.**
- **Parking:** As part of 1992 site plan approval, a minimum of 357 spaces were required for this shopping center and 363 spaces are provided. The minimum parking requirements at that time (1 per 110 sf for the first 15,000 and 1 per 125 up to 450,000 square feet) were much higher the current standards (1 per 250 square feet). A church use requires 1 space for each three seats or persons permitted to capacity per current standards. With 100 attendees, 34 parking spaces would be required, which is nearly the same as the 1 per 250 square feet standard (9,000/250 sf = 36 spaces). There is ample parking available per current standards. **It appears that parking would not be a concern at this location. There is a shared parking agreement across the four parcels. The church will almost exclusively be open on Sundays during hours when many of the other businesses are closed, so they will not be competing for parking spaces.**
- **Outside uses:** One of the B-1 required conditions state that all business shall be conducted within enclosed building. The proposed floor plans do not indicate any outside activities. **The applicant confirmed that there will be no outside use other than parking.**
- **Changes to the Site/Building:** The applicant completed exterior building renovations in August 2019. The proposed use is not proposing additional exterior changes except for a sign, which would be subject to approval under the Sign Ordinance.

MASTER PLAN GUIDANCE

The 2016 Master Plan for Land Use addresses the need for economic development and strengthening community identity. One of the stated goals is to “Create a stronger cultural presence and identity for the City by...creating gathering places for residents and community activity.” Places of worship are considered gathering places and generate community activity that could further this goal. In addition, bringing a church that is currently operating in Livonia to a location in Novi would further the goal to “Retain and support the growth of existing businesses and attract new businesses to the City of Novi.” As the building is owned by a private company, leasing the space to a non-profit place of worship would not exempt the landowner from paying property taxes.

STAFF RECOMMENDATION

Staff recommends allowing Places of Worship as a permitted use under the Consent Judgement because it is not anticipated to have an adverse impact on the existing uses in the shopping center or surrounding land uses. Traffic, parking and noise concerns are anticipated to be less than many of the uses that could be permitted in the shopping center. In addition, utilizing existing vacant space supports the goals of the Master Plan.

Based on our preliminary review, it is staff's opinion that the specific proposed tenant Impact Church is a less intense use which will have minor to no impact on the surrounding residential neighborhood or on the traffic along Novi Road. Please refer to the **bold and underline** statements in this memo that support the request. Impact Church appears to be a good fit for the current location. However, the specific operations of other Places of Worship could have negative consequences if they have a larger number of congregants, outdoor activities, or hold services at times that would add traffic at peak rush hour on Novi Road.

The proposed amendment is requested by the applicant in order to allow Impact Church to lease space in the 22104 Novi Road building. However, the amendment, if approved, 1) would apply to all four properties of the Consent Judgment and 2) would apply to all types of places of worship.

Staff recommends that future Places of Worship should be reviewed on an individual basis. As the impacts of other Places of Worship are currently unknown, staff recommends the following changes in **bold and underline** to the current language (*in italics*) of the Second Amended Judgement, item F:

“Upon completion, said development shall be utilized solely for uses permitted within the B-1 local business district, together with restaurant use, pursuant to the City of Novi Zoning Ordinance No. 84-18, as amended as of October 18, 1988. In addition, public or private indoor recreation facilities shall be permitted, subject to the following conditions:

1. *The proposed indoor recreation use as described in the attached Exhibit C shall be permitted at 22104 Novi Road.*
2. *Any other future indoor recreational uses smaller than 2,000 square feet shall be considered a principal permitted use.*
3. *Any other future indoor recreational uses larger than 2,000 square feet shall be subject to the special land use requirements listed in 6.1.2.C of the Zoning Ordinance.*
4. *All such future uses shall be subject to requirements of Section 4.89 of Zoning Ordinance relating to service of alcoholic beverages.*
5. *No outside uses other than parking and loading shall be permitted.*

Further, places of worship shall be permitted, subject to the following conditions:

1. **The proposed Place of Worship, Impact Church, shall be permitted to lease space in the building at 22104 Novi Road, subject to administrative site plan review and approval for any exterior modifications of the site.**
2. **Any future Place of Worship smaller than 10,000 square feet shall be permitted provided services are held during non-peak traffic hours.**
3. **Any future Places of Worship larger than 10,000 square feet, and/or those that hold services during peak traffic hours, shall be subject to the special land use requirements listed in 6.1.2.C of the Zoning Ordinance.**
4. **No outside uses other than parking and loading shall be permitted.**

If the City Council approves the request to amend as presented by the staff, the City attorney will work with the applicant's attorney to administratively draft the necessary legal filing prior bringing the item to Circuit Court for approval of the Third Amended Judgement.

APPLICANT SUBMITTAL PACKET

L A W O F F I C E S
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D. B. LANDRY
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October 18, 2021

Barbara McBeth
City of Novi Planning Department
45175 Ten Mile Road
Novi, MI 48375

RE: Proposed Amended Judgment Oak Pointe Plaza by: Nova Oak Pointe
Properties, LLC
Our File No.: DID 27412

Dear Ms. McBeth:

I represent Nova Oak Pointe Properties, LLC (NOVA) who is seeking to amend a Judgment which controls the development of the commercial center on the southeast corner of Novi and Nine Mile Roads – Oak Pointe Plaza – to allow Places of Worship as an additional use. Nova owns one of the four commercial buildings that comprise Oak Pointe Plaza. Nova has executed a long-term (5-years with three 5-year extension options) with Impact Church, a predominantly African-American church.

Oak Pointe Properties was originally developed in the early 1990's and its approval and development was the subject of a lawsuit entitled *Selective Development v City of Novi*, Oakland County Circuit Court No. 87-329-917-CZ. A trial was conducted in that lawsuit and a Judgment was entered on October 18, 1988. The parties to that lawsuit entered an Amended Judgment on September 18, 1992, which has governed the development of Oak Pointe Plaza ever since. (See Ex. A, Amended Judgment). Thus, while the property is currently zoned I - 1 its development and use is governed by that Court Judgment.

The Judgment entered in 1992, provided that "development shall be utilized solely for uses permitted within the B-1 local business district, together with restaurant use, pursuant to the City of Novi Zoning No. 84-18, as amended as of October 18, 1988. (See Ex. A, p. 5).

Attached as Exhibit B, are the provisions of Article XIII of the 1988 City of Novi Zoning Ordinance regarding uses allowed in the B-1 zoning district. Those uses include principal permitted uses of retail business, personal service establishments,

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professional services, government buildings and “other uses similar to the above uses.” Uses permitted as special land uses included mortuary establishments. Therefore, pursuant to the Court Judgment, these B-1 uses as well as restaurants could be developed on the property.

Oak Pointe Plaza has undergone considerable changes in tenants in the 33-years since 1988. Attached as Exhibit C is a site plan for the property. The plaza consists of four separate buildings. The only consistent use has been the CVS store in the second building from the north. Nova purchased the third building from the north, depicted in blue on the attached Exhibit C. The building was formerly occupied by a hardware store (which has been vacant for many years), a Pizza Hut, cleaners and chiropractic office. Nova purchased this building and expended significant funds upgrading the façade of that entire building. The improvement is evident. The continued improvement of the entire plaza is, of course, dependent upon obtaining and keeping successful tenants. That is why Nova makes this request to amend the Judgment to allow Impact Church as a tenant on the property.

Over the years, many smaller tenants have come and gone in the entire plaza. It was learned that the building furthest to the south was occupied by a Sylvan Learning Instructional Center and a Martial Arts instructional center. Neither of those uses were included in the 1988 B-1 uses or the original Judgment. In February 2020, the Novi City Council approved a Second Amended Judgment which added to the permitted uses for this property, the additional uses of instructional centers and private indoor recreational facilities. (See Ex. D, Second Amended Judgment).¹ This Second Amended Judgment served the purpose of “cleaning-up” the matter of the two instructional centers which had been in operation at the plaza for years, by formerly recognizing those uses as permitted and approving as a permitted use the additional indoor recreational use “Novi Play” which was proposed to occupy Nova’s building. However, due to Covid, that indoor recreational use never came to fruition and the Nova building remains largely unoccupied.

When Nova approached the City and requested approval for Impact Church, it was agreed that the best way to pursue this request would be for Nova to seek an amendment of the Judgment to allow Places of Worship as a permitted use.

¹ The Second Amended Judgment was approved by the Novi City Council at its February 10, 2020 meeting. For some reason, the Judgment was not entered with the Court until March 17, 2021, presumably due to Covid.

LANDRY, MAZZEO & DEMBINSKI, P.C.

October 18, 2021

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Impact Church is a small predominantly African-American church with weekly Sunday services of approximately 75 - 100 congregants for worship services. (See attached Exhibit E.) This use is entirely consistent with, and certainly less intense, than a number of permitted uses under the current Judgment. The current Judgment allows 1988 B-1 uses along with restaurants, instructional centers, and indoor recreational facilities. Moreover, this property is current zoned I-1. While the Judgment specifically controls the property, the City's Master Plan and current zoning anticipate I-1 uses for this property and the surrounding properties. Those I-1 uses, include health and fitness facilities and trade or industrial schools as principal permitted uses.

In considering the potential use of Impact Church, or any place of worship, such use is no more intense than several uses currently permitted or the uses permitted under the current I-1 zoning for the surrounding properties.

Attached hereto as Exhibit F is a draft layout for the interior of Impact Church. (Please note, no modifications to the exterior of the building will be made and no outdoor uses are anticipated). Compare this with the specifically approved use of the indoor recreational facility "Novi Play". The Second Amended Judgment specifically approved Novi Play. (See Ex. D, p. 5, Para. F(1)). Attached as Exhibit G, is the indoor layout of Novi Play which was specifically approved. Novi Play included the leasing of 15,500 square feet and up to a maximum of 300 users at capacity. (See Ex. H, Novi City Council minutes February 20, 2020, p. 13). Novi Play included recreational activities for "children ages 1-12 and their nanny/babysitters and relatives" as well as "party rooms for families . . . periodic holiday, and special gathering events . . . summer day camps". (See Ex D Second Amended Judgment, Ex C, thereto). These uses are similar to Sunday worship service for Impact Church. In fact, the church use is less intense as it does not include such an intense use as an indoor recreational center which includes seven-days per week, hours 9:00 a.m. to 8:00 p.m. Monday through Saturday and Sunday from 12:00 p.m. to 6:00 p.m. Those were the hours of Novi Play as stated on the record to the City Council on February 20, 2020. (Ex. H, p. 14).

The 1988 B-1 uses which are allowed under the Judgment, include indoor instructional centers and mortuary establishments. A Sunday worship service is no different in intensity of use than a classroom with 75 - 100 attendees.

Perhaps the most identical use to Impact Church is the currently permitted use, subject to special land use conditions, of a mortuary establishment. A funeral home hosts viewings with religious services multiple times per week that often include more participants than Impact Church. Indeed, funeral services are religious services. Thus, the uses are virtually identical.

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Therefore, the addition of Places of Worship to the Judgment is consistent with the 1988 B-1 permitted uses, consistent with the uses allowed in the Second Amended Judgment of instructional centers and indoor recreational facilities and consistent with the current I-1 permitted uses for the surrounding properties of trade or industrial schools and health and fitness facilities. Indeed, an Impact Church is less intense than a large indoor gym such as L.A. Fitness and/or Life Time Fitness.

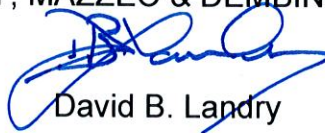
Nova requests that the City of Novi agree to amend the existing Judgment that controls Oak Pointe Plaza to include "Places of Worship" as a special land use subject to Section 6.1.2.C of the Novi Zoning Ordinance, just the same as mortuary establishments and consistent with the current Second Amended Judgment.

Please note, Oak Pointe Plaza has a shared parking agreement with approximately 400 available parking spaces. Parking will be no problem for a church with Sunday services.

We look forward to working with the City of Novi to allow this use and keep the Oak Pointe Plaza a viable property in the City of Novi and to add to the City of Novi Impact Church, a predominantly African-American church, to add to Novi's diversity. Please contact me if you need any additional information.

Very truly yours,

LANDRY, MAZZEO & DEMBINSKI, P.C.



David B. Landry

DBL/rhr
Encl.

EXHIBIT A: ORIGINAL CONSENT JUDGEMENT

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SELECTIVE DEVELOPMENT,
a Michigan corporation,

Plaintiff,

-vs-

CITY OF NOVI, a michigan
municipal corporation,

Defendant.

87-329917-CZ



Case No. 87-329917-CZ
HON. Edward Sosnick

JOSEPH F. GALVIN (P-13821)
LEROY L. ASHER (P-37972)
Attorneys for Plaintiff
MILLER, CANFIELD, PADDOCK and STONE
150 West Jefferson, Suite 2500
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(313) 963-6420

DAVID M. FRIED (P-13710)
DENNIS WATSON (P-31300)
Attorneys for Defendant
FRIED AND LEVITT, P.C.
30700 Telegraph, Suite 3655
Bingham Farms, MI 48025
(313) 645-1003

RECEIVED
19 2 19 92

A TRUE COPY
EDWARD ALLEN
Circuit Court Judge
Deputy

AMENDED JUDGMENT

At a session of said Court held in
Courthouse Tower, City of Pontiac,
Oakland County, Michigan on SEP 18 1992

PRESENT: THE HONORABLE EDWARD SOSNICK
Circuit Court Judge

Upon Stipulation and Consent of the parties, this Court
finds:

1. This matter having come before the Court for trial
on February 19, May 10, 12 and 13, June 13, June 30 and July 11,
1988;

2. The Court having issued a written opinion on July 27, 1988;

3. The Court having entered its Judgment on October 10, 1988. A copy of the Judgment is attached hereto as Exhibit "A";

4. Pursuant to the terms of the Judgment, Plaintiff, Selective Development Company, is permitted to construct a commercial convenience center, allowing all uses permitted in the B-1 local business district, together with restaurant use, including a grocery store, pursuant to the City of Novi Zoning Ordinance No. 84-18, as amended through the date of the Judgment;

5. The Court having maintained continuing jurisdiction in this matter;

6. The parties wish to modify the October 18, 1988 Judgment and this Amended Judgment shall supersede it;

7. The Defendant City of Novi having approved entry of this Amended Judgment on 27 July, 1992;

8. The parties agree that the operative provisions of this Amended Judgment are promises made by each of them to the extent that these provisions are applicable to their respective actions.

NOW, THEREFORE, IT IS HEREBY DECLARED, ORDERED AND ADJUDGED:

A. Plaintiff shall have the right to develop the property in accordance with the attached Exhibit "B". Exhibit "B" is the Final Site Plan for the "Oakpointe Plaza", further

identified as SP- 9104E, dated January, 1991 as amended through 8 SEPTEMBER, 1992, which shall be treated by the parties as an approved Final Site Plan. Provided, that Plaintiff shall construct a passing lane on the west side of Novi Road opposite the southern-most driveway of the development at such time as the warrants are met under the standards of the Oakland County Road Commission.

B. The City of Novi, its agents, servants and employees, are hereby enjoined from interfering with the Plaintiff's proposed use of the subject property in accordance with said Final Site Plan, provided, Plaintiff shall obtain all necessary permits for said development required by applicable codes, ordinances, statutes and other laws, and shall submit the required applications and fees therefor. Where approval of any such permit is within the jurisdiction of the City of Novi said approval shall not be unreasonably withheld, conditioned or delayed.

C. The City of Novi and Plaintiff understand that floor space in the buildings to be constructed on the Land is intended by Plaintiff to be leased to tenants, and that the needs of individual tenants will vary relative to the floor plan leased space and location of windows, below the canopy of exterior demising walls. Consequently, modifications to the buildings on the Land to satisfy the needs of such tenants relative to those elements may be made by written request to the Plaintiff and the written approval of the City's Planning consultant, without the

necessity of amending this Amended Judgment, which approval shall not be unreasonably delayed or withheld provided the request is consistent with the spirit and intent of this Amended Judgment. Provided further, such modifications shall not alter the building footprints, the facade materials or the architectural form of the buildings on the Land as depicted in Exhibit "B", and all tenants signage shall comport with applicable sign regulations as provided in Paragraph D.

D. The City of Novi shall grant Plaintiff, its contractors and subcontractors all City permits and authorizations necessary to develop the Land in accordance with this Amended Judgment, including those necessary to bring electricity, telephone, gas, cable television, water, and sewer to the Land and to construct all such utilities on the Land, provided Plaintiff has made all requisite filings and submissions and has paid the required fees. This shall not relieve Plaintiff from obtaining all necessary approvals, permits, and authorizations from applicable utilities, and governmental agencies other than the City of Novi and its boards, commissions, staff and consultants. The City of Novi shall not unreasonably delay in providing or issuing its permits, authorizations and submissions required in connection with the development and use of the Land in accordance with this Amended Judgment. The City of Novi, the City Engineer and those city officials, employees, and agents of the City of Novi who have the responsibility for approving plans submitted to them shall approve such engineering, construction, and other Plans

submitted by the Plaintiff which comply with this Amended Judgment and other applicable City Code requirements, subject to the provisions of Paragraph E hereof. As a condition to receiving permits for construction upon the Land, construction plans must be submitted and approved by the City in accordance with the State Construction Code, as enforced in the City of Novi pursuant to Chapter 7, Article II of the Novi Code of Ordinances in effect of on the date of this Amended Judgment. As a condition to receiving permits for signage on the Land, application for sign permits shall be submitted to and approved by the City of Novi Department of Building and Safety in accordance with Chapter 28. For purposes of applying Chapter 28, the Land shall be a "business district".

E. Future amendments to the City's Zoning Ordinance or other regulatory ordinances after October 18, 1988 shall not apply to prohibit development of the Land as provided in this Amended Judgment.

F. Upon completion, said development shall be utilized solely for uses permitted within the B-1 local business district, together with restaurant use, pursuant to the City of Novi Zoning Ordinance No. 84-18, as amended as of October 18, 1988.

G. It is further ordered and adjudged that this Amended Judgment is binding upon the parties, their heirs, successors and assigns. The obligations contained in this Amended Judgment shall run with the Land. A copy of the Amended Judgment

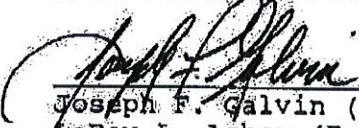
shall be recorded with the Oakland County Register of Deeds.

H. The Court retains jurisdiction to interpret and enforce the terms and conditions of this Amended Judgment, reconcile any differences between the parties that may arise relating to performance of the terms of this Amended Judgment, assure there is no unreasonable delay in the issuance of building or constructions permits or certificates of occupancy, and assure compliance by Plaintiff with all permits issued by the City.

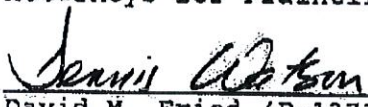
EDWARD SOSNICK
CIRCUIT JUDGE

Edward Sosnick, Circuit Judge

APPROVED AS TO FORM AND CONTENT:



Joseph F. Galvin (P-13821)
LeRoy L. Asher (P-37972)
Attorneys for Plaintiff



David M. Fried (P-13710)
Dennis Watson (P-31300)
Attorneys for Defendant

EXHIBIT B: 1984 ZONING ORDINANCE FOR B-1 DISTRICT

ARTICLE 13 - B-1 LOCAL BUSINESS DISTRICTS

SEC. 1300. INTENT:

The B-1 Local Business Districts, as herein established, are designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.

SEC. 1301. PRINCIPAL USES PERMITTED:

In a Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other specialty food products (excluding all restaurants), drugs, dry goods, clothing and notions or hardware.
2. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry-cleaners.
3. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
4. Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices and real estate offices.
5. Professional services including the following: offices of doctors, dentists and similar or allied professions.
6. Post office and similar governmental office buildings, serving persons living in the adjacent residential area.
7. Off-street parking lots.
8. Other uses similar to the above uses.
9. Accessory structures and uses customarily incident to the above permitted uses.

SEC. 1302. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to approval by the Planning Board in accordance with the public hearing requirements set forth and regulated in SEC. 3006 of this Ordinance.

1. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
2. Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.

SEC. 1303. REQUIRED CONDITIONS:

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises.

All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
2. See SEC. 2520 of this Ordinance regulating exterior building wall facade treatments, where applicable.
3. Site plans shall be prepared in accordance with the requirements of SEC. 2516 of this Ordinance and shall be subject to approval by the Planning Board prior to issuance of a building permit.
4. See ARTICLE 25 - GENERAL PROVISIONS relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the Article as they relate to uses permitted in the district.
5. See ARTICLE 24 - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings and providing minimum yard setbacks.

EXHIBIT C: SUBJECT PROPERTY

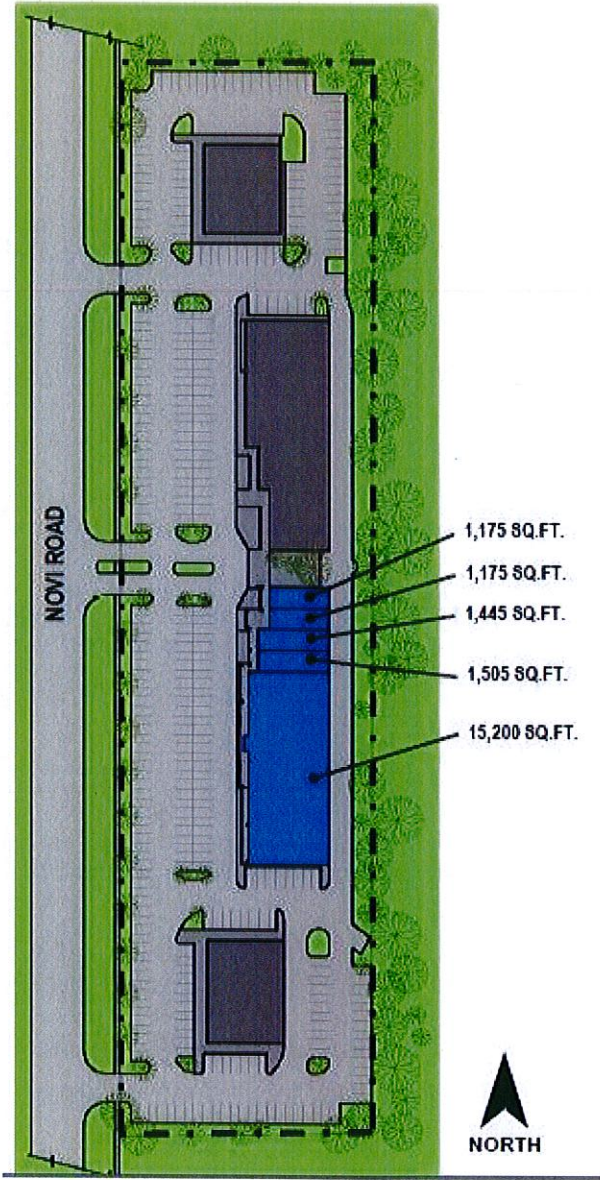


EXHIBIT D: SECOND AMENDED JUDGEMENT

IN THE STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SELECTIVE DEVELOPMENT,
a Michigan corporation

Plaintiff,

Case No. 87-329917-CZ
Hon. Yasmine I. Poles

NOVA OAK POINTE PROPERTIES OF
NOVI, LLC,

Successor-in-interest Plaintiff, as to certain
property

vs.

CITY OF NOVI, a Michigan municipal
corporation

Defendant.

LANDRY, MAZZEO & DEMBINSKI PC
DAVID B. LANDRY (P32055)
Attorneys for Plaintiff
37000 Grand River Ave., Ste 200
Farmington Hills, MI 48335

ROSATI, SCHULTZ, JOPPICH &
AMTSBUECHLER PC
THOMAS R. SCHULTZ (P42111)
Attorneys for Defendant
27555 Executive Dr., Ste 250
Farmington Hills, MI 48331

SECOND AMENDED JUDGMENT

At a session of said court held in
the City of Pontiac, County of Oakland,
State of Michigan on 3/17/2021

PRESENT: HON. Yasmine I. Poles
Circuit Court Judge

LAW OFFICES
LANDRY, MAZZEO &
DEMBINSKI, P.C.

37000 GRAND RIVER AVE.
SUITE 200
FARMINGTON HILLS
MICHIGAN 48335

(248) 476-6900
(248) 476-6564 FAX

Upon Stipulation and consent of the parties, this Court finds:

1. This matter originally having come before the Court for trial on February 19, May 10,12, and 13, June 13, June 30 and July 11, 1988;
2. The Court having issues a written opinion on July 27, 1988;
3. The Court having entered its judgment on October 18, 1988. A copy of the Judgment is attached hereto as Exhibit "A";
4. Pursuant to the terms of the original Judgment, Plaintiff, Selective Development company, is permitted to construct a commercial convenience center, allowing all uses permitted in the B-1 local business district, together with restaurant use, including a grocery store, pursuant to the City of Novi Zoning Ordinance No. 84-18, as amended through the date of the Judgment;
5. The Court having maintained continuing jurisdiction in this matter;
6. The parties subsequently modified the original October 18, 1988 Judgment by way of an Amended Judgment entered by the Court on September 18, 1992;
7. A part of the property covered by this Amended Judgment (the building and parcel designated as 22104 Novi Road) having since been acquired by Nova Oak Pointe Properties of Novi, LLC;
8. Nova and the City having determined to further amend the original Judgment of October 18, 1988 and the Amended Judgment of September 18, 1992 by entry of this Second Amended Judgment which shall supersede both the original Judgment and the Amended Judgment;
9. The Defendant City of Novi having approved entry of this Second Amended Judgment on February 10, 2020;

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10. The parties' agree that the operative provisions of this Second Amended Judgment are promises made by each of them to the extent that these provisions are applicable to their respective actions.

NOW THEREFORE, IT IS HEREBY DECLARED, ORDERED AND ADJUDGED:

- A. Plaintiff shall have the right to develop the property in accordance with the attached Exhibit "B". Exhibit "B" is the Final Site Plan for the "Oakpointe Plaza", further identified as SP-9104E, dated January, 1991 as amended through September, 1992, which shall be treated by the parties as an approved Final Site Plan. Provided, that Plaintiff shall construct a passing lane on the west side of Novi Road opposite the southern-most driveway of the development at such time as the warrants are met under the standards of the Oakland County Road Commission.
- B. The City of Novi, its agents, servants and employees, are hereby enjoined from interfering with the Plaintiff's proposed use of the subject property in accordance with said Final Site Plan, provided, Plaintiff shall obtain all necessary permits for said development required by applicable codes, ordinances, statutes and other laws, and shall submit the required applications and fees therefor. Where approval of any such permit is within the jurisdiction of the City of Novi said approval shall not be unreasonably withheld, conditioned or delayed.
- C. The City of Novi and Plaintiff understand that floor space in the buildings to be constructed on the Land is intended by Plaintiff to be leased to tenants, and that the needs of individual tenants will vary relative to the floor plan leased space and location of windows, below the canopy of exterior demising walls. Consequently, modifications to the buildings on the Land to satisfy the needs of such tenants relative to those elements may be made by written request to the Plaintiff and the written approval of the

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City's Planning consultant, without the necessity of amending this Second Amended Judgment, which approval shall not be unreasonably delayed or withheld provided the request is consistent with the spirit and intent of this Second Amended Judgment. Provided further, such modifications shall not alter the building footprints, the facade materials or the architectural form of the buildings on the Land as depicted in Exhibit "B", and all tenants signage shall comport with applicable sign regulations as provided in Paragraph D.

D. The city of Novi shall grant Plaintiff, its contractors and subcontractors all city permits and authorizations necessary to develop the Land in accordance with this Second Amended Judgment, including those necessary to bring electricity, telephone, gas, cable television, water, and sewer to the Land and to construct all such utilities on the Land, provided Plaintiff has made all requisite filings and submissions and has paid the required fees. This shall not relieve Plaintiff from obtaining all necessary approvals, permits, and authorizations from applicable utilities, and governmental agencies other than the city of Novi and its boards, commissions, staff and consultants. The City of Novi shall not unreasonably delay in providing or issuing its permits, authorizations and submissions required in connection with the development and use of the Land in accordance with this Second Amended Judgment. The city of Novi, the City Engineer and those city officials, employees, and agents of the City of Novi who have the responsibility for approving plans submitted to them shall approve such engineering, construction, and other Plans submitted by the Plaintiff which comply with this Second Amended Judgment and other applicable City Code requirements, subject to the provisions of Paragraph E hereof. As a condition to receiving permits for construction upon the Land, construction plans must be submitted and approved by the City in

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accordance with the state Construction Code, as enforced in the City of Novi pursuant to Chapter 7, Article II of the Novi Code of Ordinances in effect of on the date of this Second Amended Judgment. As a condition to receiving permits for signage on the Land, application for sign permits shall be submitted to and approved by the City of Novi Department of Building and Safety in accordance with Chapter 28. For purposes of applying Chapter 28, the Land shall be a “business district”.

- E. Future amendments to the city’s Zoning Ordinance or other regulatory ordinances after October 18, 1988 shall not apply to prohibit development of the Land as provided in this Second Amended Judgment.
- F. Upon completion, said development shall be utilized solely for uses permitted within the B-1 local business district, together with the restaurant use, pursuant to the City of Novi Zoning Ordinance No. 84-18, as amended as of October 18, 1988. In addition, public or private indoor recreation facilities and instructional centers shall be permitted, subject the following:
1. The proposed indoor recreation use as described in the attached Exhibit C shall be permitted at 22104 Novi Road.
 2. Any other future indoor recreational uses smaller than 2,000 square feet shall be considered a principal permitted use.
 3. Any other future indoor recreational uses larger than 2,000 square feet shall be subject to the special land use requirements listed in 6.1.2.C of the Zoning Ordinance.
 4. All such future uses shall be subject to requirements of Section 4.89 of Zoning Ordinance relating to service of alcoholic beverages.
 5. No outside uses other than parking and loading shall be permitted.
- G. It is further ordered and adjudged that this Second Amended Judgment is binding upon the parties, their heirs, successors and assigns. The obligations contained in this Second Amended Judgment shall run with the Land. A copy of this Second Amended Judgment

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DEMBINSKI, P.C.

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shall be recorded with the Oakland County Register of Deeds. Nova Oak Pointe Properties of Novi, LLC is hereby added to this case for the purpose of entry into this Second Amended Judgment and shall be designated as a "Successor-in-interest Plaintiff as to Certain Property." The Court retains jurisdiction to interpret and enforce the terms and conditions of this Second Amended Judgment, reconcile any differences between the parties that may arise relating to performance of the terms of this Second Amended Judgment, assure there is no unreasonable delay in the issuance of building or constructions permits or certificates of occupancy, and assure compliance by Plaintiff with all permits issued by the City.

/s/ Yasmine I. Poles

Circuit Judge

IN

APPROVED AS TO FORM AND CONTENT:

/s/ David B. Landry

David B. Landry (P32055)
Attorneys for Plaintiff

/s/ Thomas R. Schultz

Thomas R. Schultz (P42111)
Attorneys for Defendant

LAW OFFICES
LANDRY, MAZZEO &
DEMBINSKI, P.C.

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EXHIBIT A

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SELECTIVE DEVELOPMENT,
a Michigan corporation,

Plaintiff,

-vs-

CITY OF NOVI, a michigan
municipal corporation,

Defendant.

87-329917-CZ



Case No. 87-329917-CZ
HON. Edward Sosnick

JOSEPH F. GALVIN (P-13821)
LEROY L. ASHER (P-37972)
Attorneys for Plaintiff
MILLER, CANFIELD, PADDOCK and STONE
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Detroit, MI 48226
(313) 963-6420

DAVID M. FRIED (P-13710)
DENNIS WATSON (P-31300)
Attorneys for Defendant
FRIED AND LEVITT, P.C.
30700 Telegraph, Suite 3655
Bingham Farms, MI 48025
(313) 645-1003

RECEIVED
SEP 19 1992

A TRUE COPY
EDWARD SOSNICK
Circuit Court Judge
Deputy

AMENDED JUDGMENT

At a session of said Court held in
Courthouse Tower, City of Pontiac,
Oakland County, Michigan on SEP 18 1992

PRESENT: THE HONORABLE EDWARD SOSNICK
Circuit Court Judge

Upon Stipulation and Consent of the parties, this Court
finds:

1. This matter having come before the Court for trial
on February 19, May 10, 12 and 13, June 13, June 30 and July 11,
1988;

2. The Court having issued a written opinion on July 27, 1988;

3. The Court having entered its Judgment on October 10, 1988. A copy of the Judgment is attached hereto as Exhibit "A";

4. Pursuant to the terms of the Judgment, Plaintiff, Selective Development Company, is permitted to construct a commercial convenience center, allowing all uses permitted in the B-1 local business district, together with restaurant use, including a grocery store, pursuant to the City of Novi Zoning Ordinance No. 84-18, as amended through the date of the Judgment;

5. The Court having maintained continuing jurisdiction in this matter;

6. The parties wish to modify the October 18, 1988 Judgment and this Amended Judgment shall supersede it;

7. The Defendant City of Novi having approved entry of this Amended Judgment on 27 July, 1992;

8. The parties agree that the operative provisions of this Amended Judgment are promises made by each of them to the extent that these provisions are applicable to their respective actions.

NOW, THEREFORE, IT IS HEREBY DECLARED, ORDERED AND ADJUDGED:

A. Plaintiff shall have the right to develop the property in accordance with the attached Exhibit "B". Exhibit "B" is the Final Site Plan for the "Oakpointe Plaza", further

identified as SP- 9104E, dated January, 1991 as amended through 8 SEPTEMBER, 1992, which shall be treated by the parties as an approved Final Site Plan. Provided, that Plaintiff shall construct a passing lane on the west side of Novi Road opposite the southern-most driveway of the development at such time as the warrants are met under the standards of the Oakland County Road Commission.

B. The City of Novi, its agents, servants and employees, are hereby enjoined from interfering with the Plaintiff's proposed use of the subject property in accordance with said Final Site Plan, provided, Plaintiff shall obtain all necessary permits for said development required by applicable codes, ordinances, statutes and other laws, and shall submit the required applications and fees therefor. Where approval of any such permit is within the jurisdiction of the City of Novi said approval shall not be unreasonably withheld, conditioned or delayed.

C. The City of Novi and Plaintiff understand that floor space in the buildings to be constructed on the Land is intended by Plaintiff to be leased to tenants, and that the needs of individual tenants will vary relative to the floor plan leased space and location of windows, below the canopy of exterior demising walls. Consequently, modifications to the buildings on the Land to satisfy the needs of such tenants relative to those elements may be made by written request to the Plaintiff and the written approval of the City's Planning consultant, without the

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D. The City of Novi shall grant Plaintiff, its contractors and subcontractors all City permits and authorizations necessary to develop the Land in accordance with this Amended Judgment, including those necessary to bring electricity, telephone, gas, cable television, water, and sewer to the Land and to construct all such utilities on the Land, provided Plaintiff has made all requisite filings and submissions and has paid the required fees. This shall not relieve Plaintiff from obtaining all necessary approvals, permits, and authorizations from applicable utilities, and governmental agencies other than the City of Novi and its boards, commissions, staff and consultants. The City of Novi shall not unreasonably delay in providing or issuing its permits, authorizations and submissions required in connection with the development and use of the Land in accordance with this Amended Judgment. The City of Novi, the City Engineer and those city officials, employees, and agents of the City of Novi who have the responsibility for approving plans submitted to them shall approve such engineering, construction, and other Plans

submitted by the Plaintiff which comply with this Amended Judgment and other applicable City Code requirements, subject to the provisions of Paragraph E hereof. As a condition to receiving permits for construction upon the Land, construction plans must be submitted and approved by the City in accordance with the State Construction Code, as enforced in the City of Novi pursuant to Chapter 7, Article II of the Novi Code of Ordinances in effect of on the date of this Amended Judgment. As a condition to receiving permits for signage on the Land, application for sign permits shall be submitted to and approved by the City of Novi Department of Building and Safety in accordance with Chapter 28. For purposes of applying Chapter 28, the Land shall be a "business district".

E. Future amendments to the City's Zoning Ordinance or other regulatory ordinances after October 18, 1988 shall not apply to prohibit development of the Land as provided in this Amended Judgment.

F. Upon completion, said development shall be utilized solely for uses permitted within the B-1 local business district, together with restaurant use, pursuant to the City of Novi Zoning Ordinance No. 84-18, as amended as of October 18, 1988.

G. It is further ordered and adjudged that this Amended Judgment is binding upon the parties, their heirs, successors and assigns. The obligations contained in this Amended Judgment shall run with the Land. A copy of the Amended Judgment

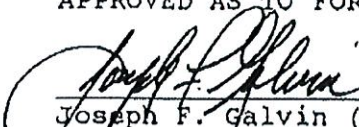
shall be recorded with the Oakland County Register of Deeds.

H. The Court retains jurisdiction to interpret and enforce the terms and conditions of this Amended Judgment, reconcile any differences between the parties that may arise relating to performance of the terms of this Amended Judgment, assure there is no unreasonable delay in the issuance of building or constructions permits or certificates of occupancy, and assure compliance by Plaintiff with all permits issued by the City.

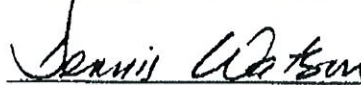
EDWARD SOSNICK
CIRCUIT JUDGE

Edward Sosnick, Circuit Judge

APPROVED AS TO FORM AND CONTENT:



Joseph F. Galvin (P-13821)
LeRoy L. Asher (P-37972)
Attorneys for Plaintiff



David M. Fried (P-13710)
Dennis Watson (P-31300)
Attorneys for Defendant

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

RECEIVED FOR FILING
SELECTIVE DEVELOPMENT COMPANY,
a Michigan corporation,

Plaintiff, '88 OCT 18 24:48

-vs-

Case No. 87 329917 CZ

CITY OF NOVI, a Michigan
municipal corporation,

HON. JAMES S. THORBURN

Defendant.

JOSEPH F. GALVIN (P 13821)
LEROY L. ASHER (P 37972)
Attorneys for Plaintiff
29201 Telegraph Road, Suite 500
Southfield, MI 48034
(313) 358-9500

DAVID M. FRIED (P 13710)
DENNIS WATSON (P 31300)
Attorneys for Defendant
30700 Telegraph Road, Suite 3655
Birmingham, MI 48010-3797
(313) 645-1003

A TRUE COPY
LYNN D. ALLEN
Oakland County Clerk - Registrar of Deeds
L. Allen

JUDGMENT

At a session of said Court held in the
Courthouse Towers, City of Pontiac, Oakland
County, Michigan, on OCT 18 1988.

PRESENT: HON. JAMES S. THORBURN
Circuit Court Judge

This matter having come before the Court for trial on
February 19, May 10, 12 and 13, June 30 and July 11, 1988, this
Court having considered all the testimony and exhibits presented,
having reviewed the proposed findings of fact and conclusions of
law submitted by the parties and the applicable law and having

Exhibit "A"

heard oral argument and the Court having issued a written opinion on July 27, 1988;

NOW, THEREFORE, FOR THE REASONS STATED IN THAT OPINION, IT IS HEREBY DECLARED, ORDERED AND ADJUDGED:

1. The classification and use of Plaintiff's property as I-1, Light Industrial District, as provided by City of Novi Zoning Ordinance No. 84-18, as amended, is void, unconstitutional and of no force and effect as applied to the Plaintiff, SELECTIVE DEVELOPMENT COMPANY'S property described as:

"A parcel of land located in the Northwest 1/4 of Section 35, T. 1N., R. 8E., Novi Twp., Oakland County, Michigan, more particularly described as follows:

"Commencing at the Northwest Corner of Section 35, Thence S. 00°15'00" W., 260.00 ft. along the West line of Section 35 (also being the centerline of Novi Road R.O.W) to the point of beginning, thence continuing S. 00°15'00" W., 1059.85 ft. along the West line of Section 35 (also being the centerline of Novi Road R.O.W.), thence N. 89°27'02" E., 309.12 feet., thence N. 00°21'00" E. 1058.48 ft., thence S. 89°42'30" W., 310.95 ft. to the point of beginning, containing 7.5379 acres more or less, and subject to any easements or restrictions of record or otherwise.

Also known as parcel Tax I.D. No. 22-35-101-026. (hereinafter "subject property")

2. The City of Novi, its agents, servants and employees are hereby enjoined from enforcing the existing I-1, Light Industrial District zoning designation, as contained in the City of Novi Zoning Ordinance No. 84-18, as amended, as it applies to the SELECTIVE DEVELOPMENT COMPANY property.

3. The City of Novi, its agents, servants and employees are hereby enjoined from interfering with the


Plaintiff's proposed use of subject property for a B-1, Local Business District, (as permitted in the B-1 Local Business District), convenience-commercial shopping center, together with restaurant use, including a grocery store, pursuant to City of Novi Zoning Ordinance No. 84-18, as amended, through the date of this Judgment.

4. This Court maintains continuing jurisdiction to see that the existing zoning designation of the SELECTIVE DEVELOPMENT COMPANY property is not enforced and that SELECTIVE DEVELOPMENT COMPANY is able to proceed with their proposed commercial convenience shopping plan.

JAMES S. THORBURN

JAMES S. THORBURN, Circuit Judge

APPROVED AS TO FORM ONLY:


JOSEPH F. GALVIN (P 13821)
Attorney for Plaintiff


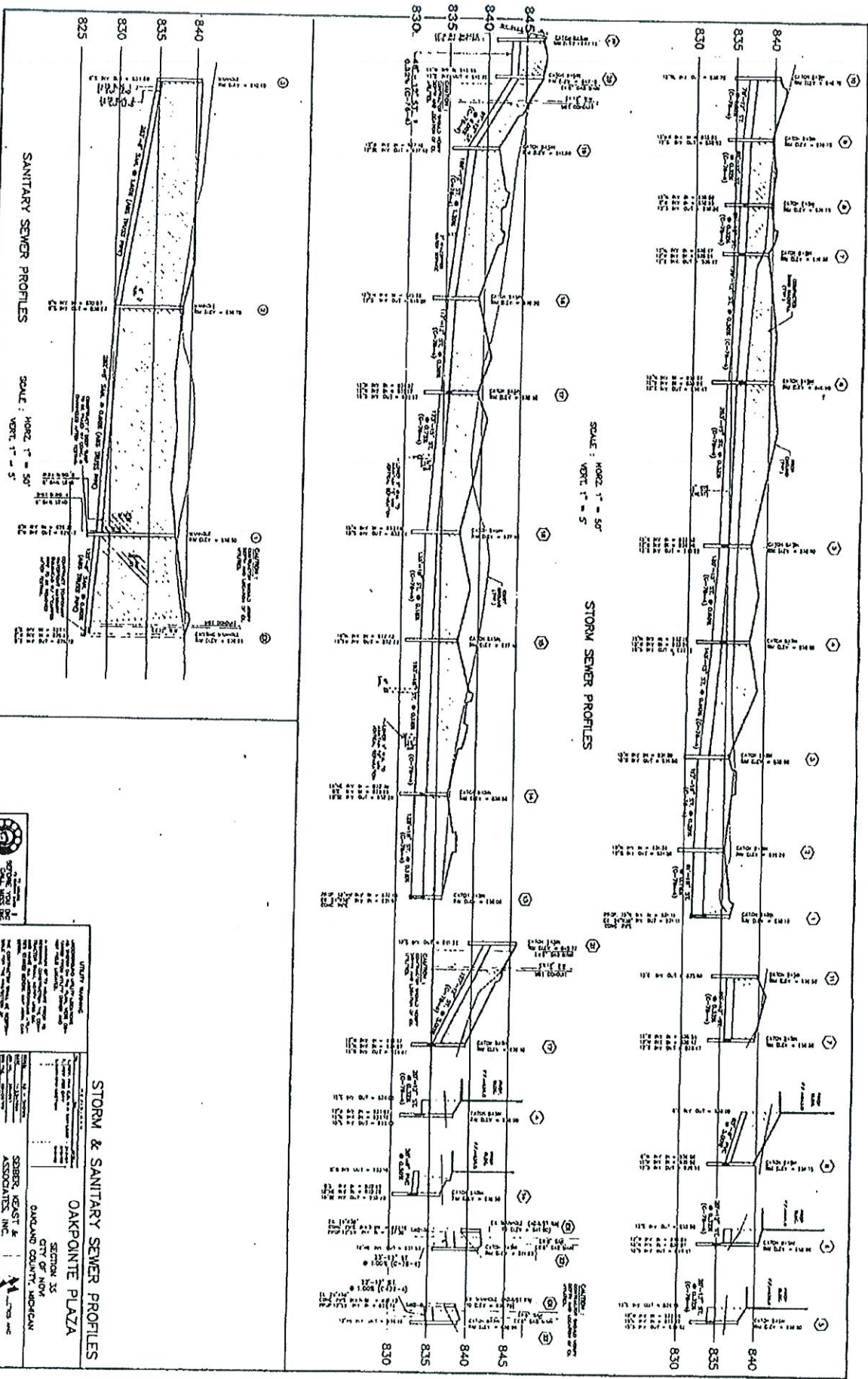

DAVID M. FRIED (P 13710)
Attorney for Defendant

EXHIBIT B

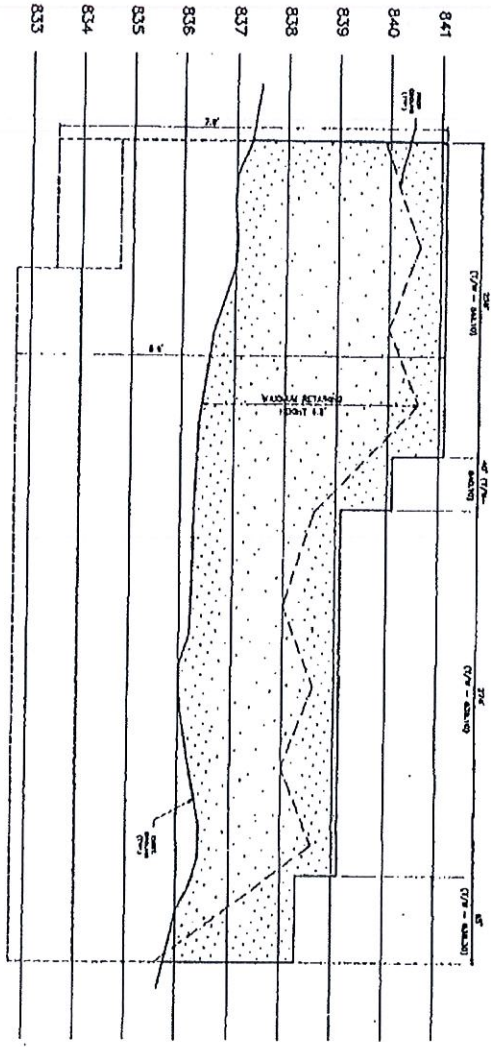


SANITARY SEWER PROFILES
SCALE: HORIZ. 1" = 50'
VERT. 1" = 5'

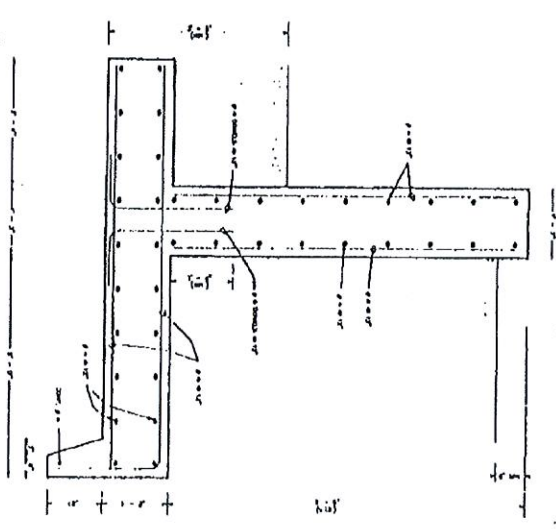


UTILITY RECORD
This drawing is a utility record showing the location and depth of existing and proposed utility lines. It is based on field observations and records. The utility lines shown include sanitary sewer lines, storm sewer lines, and other utilities. The drawing is to be used for planning and construction purposes only. It is not to be used for legal purposes.

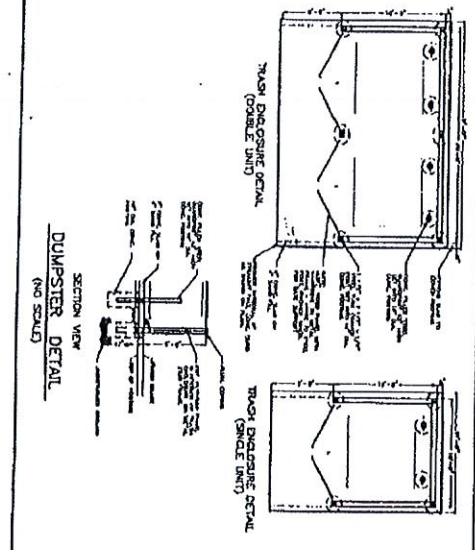
STORM & SANITARY SEWER PROFILES
DAKPOINTE PLAZA
SECTION 33
CITY OF NOWA
OKLAHOMA COUNTY, OKLAHOMA
SEBER, KEAST & ASSOCIATES, INC.
1000 N. W. 10th St., Suite 100
Nowata, Oklahoma 74850
PHONE: (918) 235-1111
FAX: (918) 235-1112
WWW: www.seberkeast.com



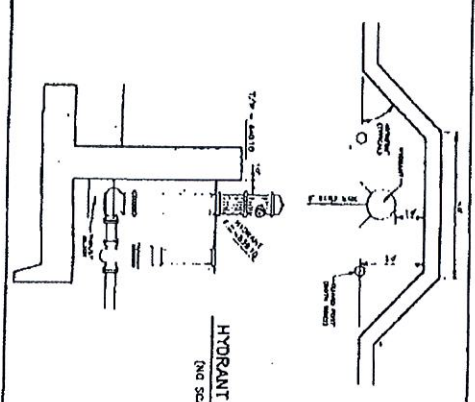
CONCRETE RETAINING WALL PROFILE
 SCALE: HORIZ. 1" = 40'
 VERT. 1" = 1'



RETAINING WALL CROSS SECTION
 (NO SCALE)

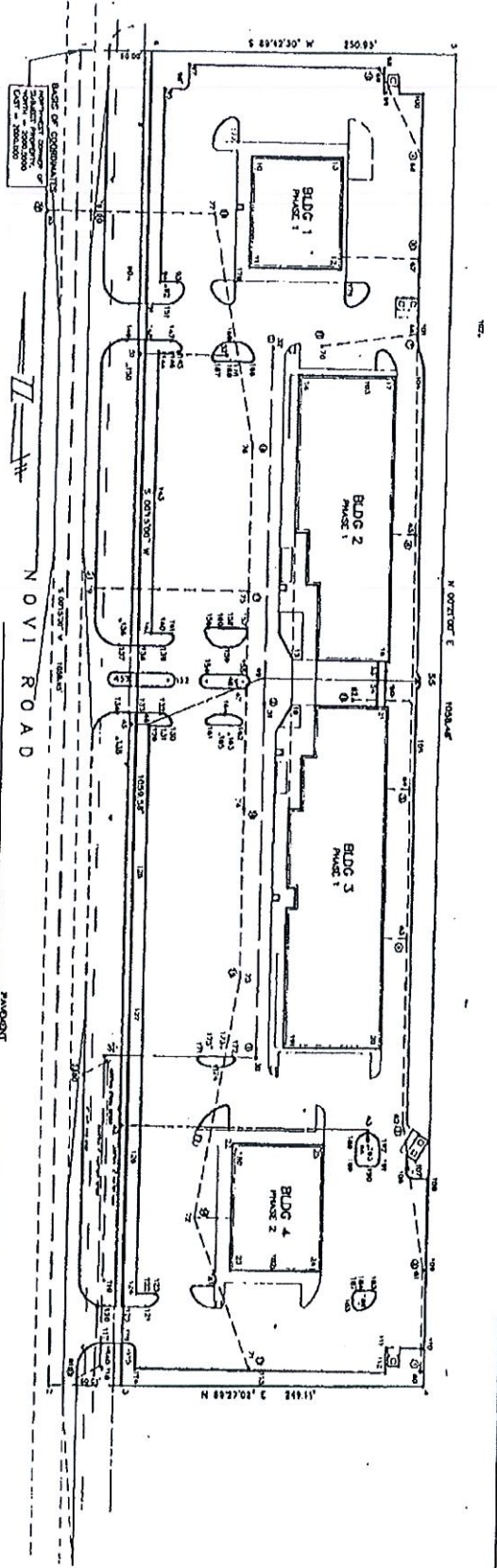


SECTION VIEW
 DUMPSTER DETAIL
 (NO SCALE)



HYDRANT DETAIL
 (NO SCALE)

RETAINING WALL & DETAILS
 OAKPOINTE PLAZA
 SECTION 25
 CITY OF NOVATO
 OAKLAND COUNTY, MICHIGAN
 SEBER, KEAST & ASSOCIATES, INC.
 ARCHITECTS



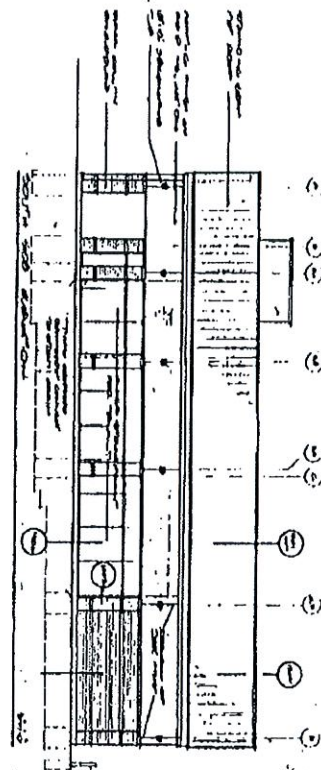
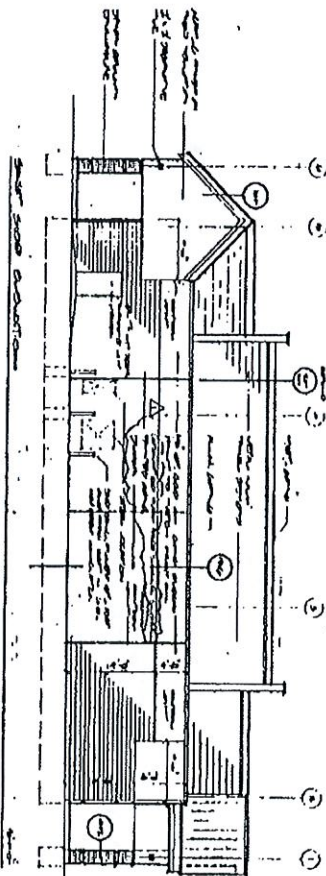
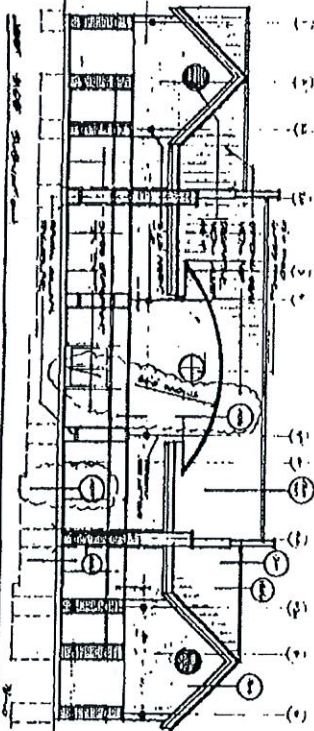
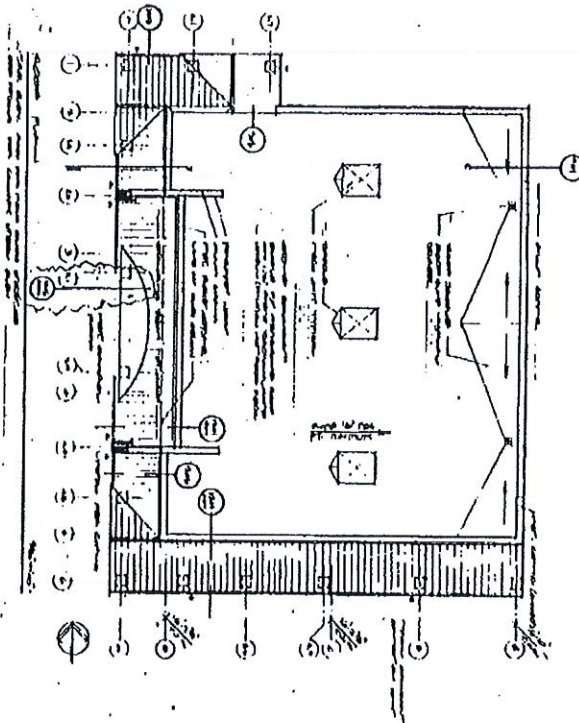
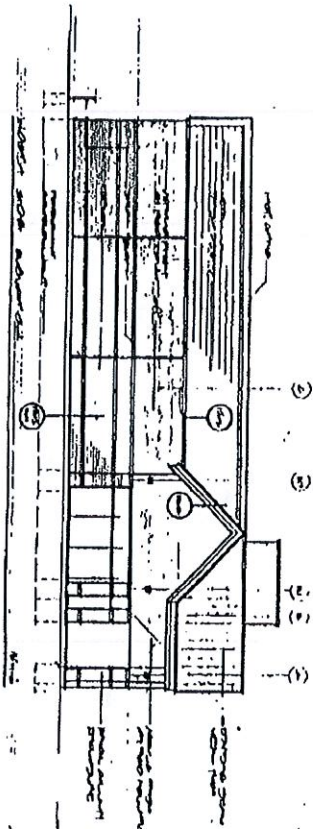
CONTRACT	DATE	DESCRIPTION	AMOUNT	PERCENTAGE	DATE	DESCRIPTION	AMOUNT	PERCENTAGE
2008-0001	12/15/08	BLDG 1 PHASE 1	1,100,000	100%	12/15/08	BLDG 1 PHASE 1	1,100,000	100%
2008-0002	12/15/08	BLDG 2 PHASE 1	1,100,000	100%	12/15/08	BLDG 2 PHASE 1	1,100,000	100%
2008-0003	12/15/08	BLDG 3 PHASE 1	1,100,000	100%	12/15/08	BLDG 3 PHASE 1	1,100,000	100%
2008-0004	12/15/08	BLDG 4 PHASE 2	1,100,000	100%	12/15/08	BLDG 4 PHASE 2	1,100,000	100%

CONTRACT	DATE	DESCRIPTION	AMOUNT	PERCENTAGE	DATE	DESCRIPTION	AMOUNT	PERCENTAGE
2008-0001	12/15/08	BLDG 1 PHASE 1	1,100,000	100%	12/15/08	BLDG 1 PHASE 1	1,100,000	100%
2008-0002	12/15/08	BLDG 2 PHASE 1	1,100,000	100%	12/15/08	BLDG 2 PHASE 1	1,100,000	100%
2008-0003	12/15/08	BLDG 3 PHASE 1	1,100,000	100%	12/15/08	BLDG 3 PHASE 1	1,100,000	100%
2008-0004	12/15/08	BLDG 4 PHASE 2	1,100,000	100%	12/15/08	BLDG 4 PHASE 2	1,100,000	100%

CONTRACT	DATE	DESCRIPTION	AMOUNT	PERCENTAGE	DATE	DESCRIPTION	AMOUNT	PERCENTAGE
2008-0001	12/15/08	BLDG 1 PHASE 1	1,100,000	100%	12/15/08	BLDG 1 PHASE 1	1,100,000	100%
2008-0002	12/15/08	BLDG 2 PHASE 1	1,100,000	100%	12/15/08	BLDG 2 PHASE 1	1,100,000	100%
2008-0003	12/15/08	BLDG 3 PHASE 1	1,100,000	100%	12/15/08	BLDG 3 PHASE 1	1,100,000	100%
2008-0004	12/15/08	BLDG 4 PHASE 2	1,100,000	100%	12/15/08	BLDG 4 PHASE 2	1,100,000	100%

SECTION 35
CITY OF NOVI
OAKPOINTE PLAZA
OAKLAND COUNTY, MICHIGAN

SEDER, KEAST & ASSOCIATES, INC.
MICHIGAN REGISTERED PROFESSIONAL ENGINEER
NO. 24500

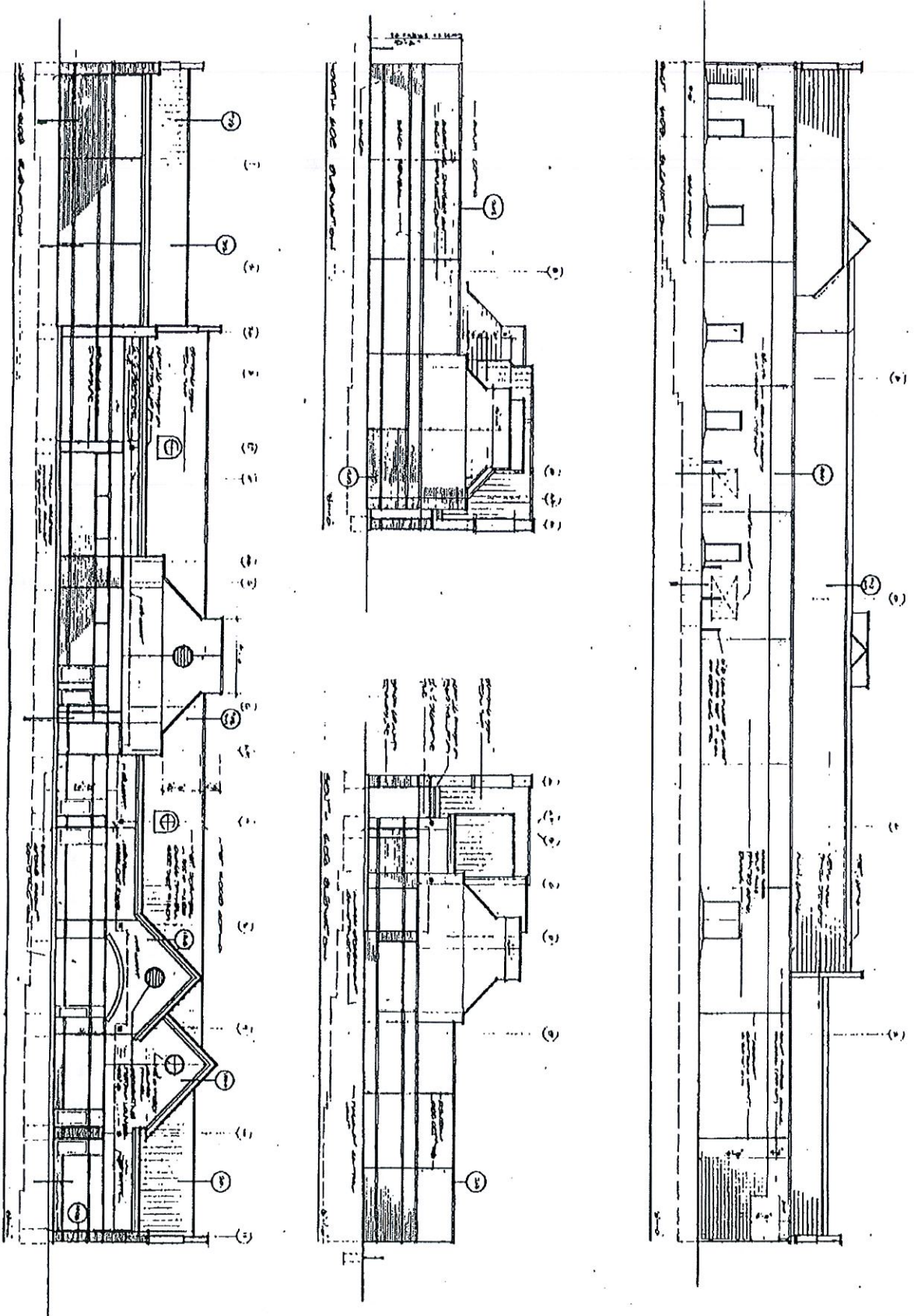


Alexander V. Bogaerts + Associates, P.C. • Architecture • Planning • Interior Design



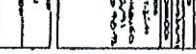

2	DATE	10/15/00
	PROJECT	2445 FRANKLIN ROAD
	CLIENT	2445 FRANKLIN ROAD
DESIGNED BY	ALEXANDER V. BOGAERTS	
DRAWN BY	ADRIAN VAN DER WOUDE	
CHECKED BY		
DATE		

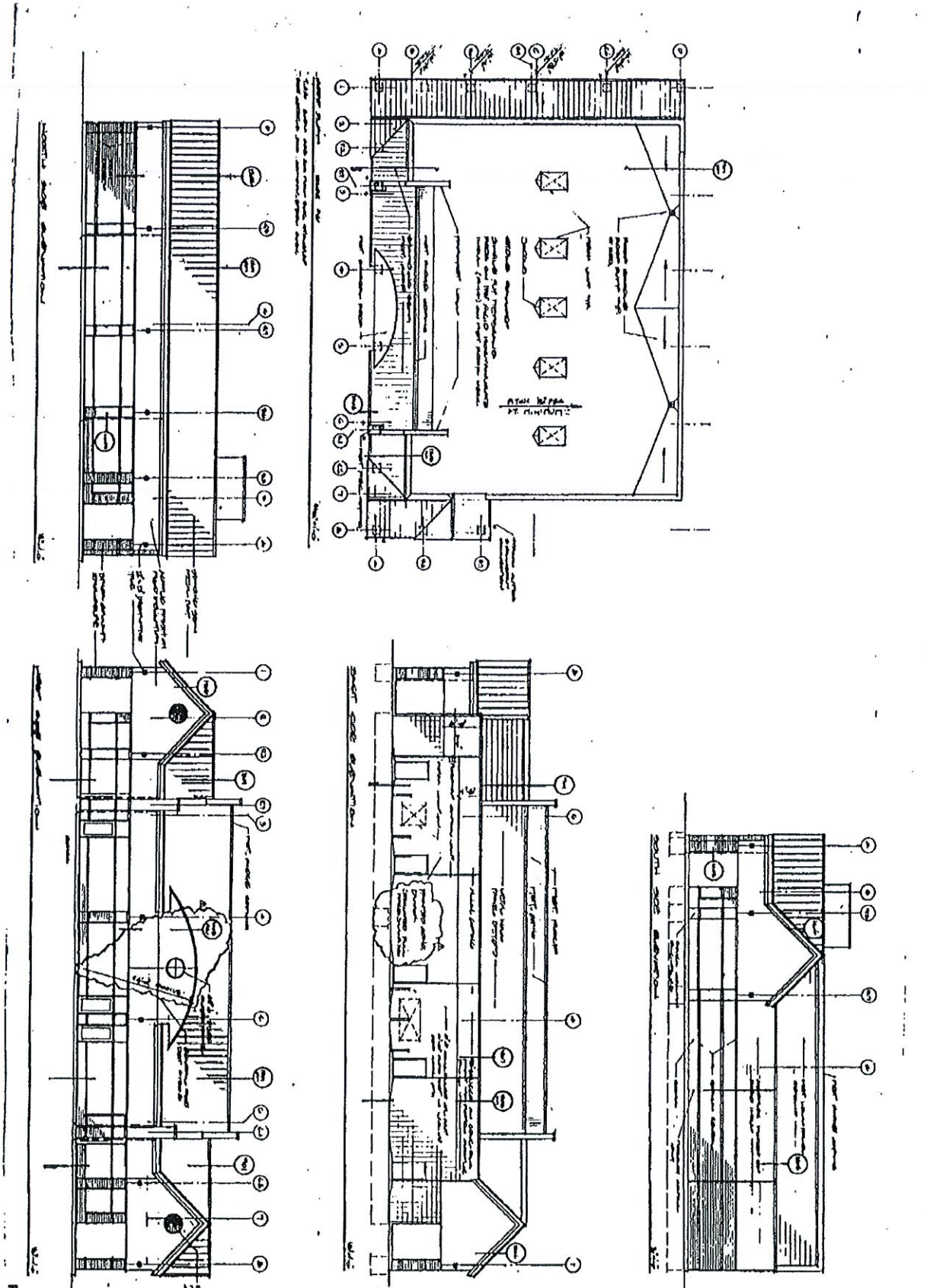
2445 Franklin Road
 Bloomfield Hills, MI 48302
 313 • 334 • 5000





Alexander V. Bogaerts + Associates, P.C. • Architecture • Planning • Interior Design

			SHEET NO. 1 GENERAL PLAN 1/2" = 1'-0"	SHEET NO. 2 ELEVATIONS 1/4" = 1'-0"	2445 Franklin Road Bloomfield Hills, MI 48302 313 • 334 • 5000	
			SHEET NO. 3 FLOOR PLANS 1/4" = 1'-0"	SHEET NO. 4 SECTION 1/4" = 1'-0"		



PHASE II

11	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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DATE	DESCRIPTION
11/11/01	CONCEPT PLAN
12/11/01	PRELIMINARY
01/11/02	SCHEMATIC DEVELOPMENT

DATE	DESCRIPTION
02/11/02	BLUETOOTH CASE PLAN
03/11/02	PHASE II



EXHIBIT C



Date: December 19, 2019
To: Barb McBeth, City Planner
City of Novi
From: Jeff and Kate Schamanek
Advance Management Solutions Group, d/b/a Novi Play!
Subject: Planning Dept. Approval for Novi Play -City of Novi Zoning and Consent Judgement

On behalf of Advance Management Solutions Group, LLC, d/b/a Novi Play! ("Novi Play!"), we look forward to the opportunity to become a part of the Novi business community, and thank you for your consideration of our request for the Planning Dept. approval for Novi Play at 22104 Novi Road, Novi.

As you may know or have discovered, we currently own and operate an existing Family Entertainment Center business called Rochester Play! in downtown Rochester, Michigan. This letter summarizes our request for approval in order to establish a similar indoor service facility at 22104 Novi Rd within the Oakpointe Plaza in the City of Novi. We believe we meet the condition of Article 13 – B-1 Local Business Districts. We also recognize your suggestion of amending the current Consent Judgement for this location. Below please reference our business background information and points to support the review and approval under the existing Zoning Ordinance. .

After a long selection process we decided to work with NOVA Oak Pointe Properties and locate Novi Play! in Oakpointe Plaza for the following reasons:

- City of Novi and surrounding communities family demographic that matches our exact target market
- Building location and amenities for our target family demographic market that provides a safe and secure access to visit us (less congested area of Novi Rd, simple parking and close proximity to our entrance)
- Outstanding appearance and condition of the building space we are acquiring within the Oakpointe Plaza
- Relatively few updates required to set up and establish our business in this building requiring no exterior changes and a few interior updates (minor wall partitions, ceiling updates, flooring updates, and minor plumbing enhancements)
- Ease of access for our customer base, our suppliers, and our staff to operate and conduct our premier family entertainment play and restaurant services
- Ample parking availability with no concern of parking infringement from or towards other tenants (currently Rochester Play! requires 54 parking spaces for our 10,400 ft² building. We have estimated that the 15,500 ft² Oakpointe Plaza will need to provide 70-75 of their estimated 400 spaces for our use)
- Reputation of and anticipated positive working relationship with the City of Novi and its services
- Little direct competition in the immediate area
- NOVA Oak Pointe Property's positive business and property management relationships.

For your understanding, we opened Rochester Play! in September of 2010 and continue to operate our business as the 'premier provider of indoor family play and restaurant center' for the City of Rochester and surrounding communities. Our customer base consists of mostly families of young children ages 1-12 and their nanny/baby sitters and relatives; local school/PTA, youth groups, youth teams, church groups, and childcare businesses; as well as other business workers in the community who frequent us for our restaurant services. We received Initial City of Rochester, Special Exception approval in 2010 as well as a second approval when we moved our operations across town in November of 2014 to a larger building where we continue to successfully operate today and employ 15-20 employees throughout the year. With the same beliefs we started with, that still hold true today, we believe our

business can deliver the same following set of services and have a positive impact to the City of Novi and surrounding communities:

- Offering an active, healthy, and premier play-based set of play and restaurant services
- Making it fun, entertaining, and comfortable for children AND adults of all ages
- The absolute need for a clean facility and equipment
- Having a safe and secure environment to play and socialize
- Being conveniently located and accessible for families to coordinate with other daily activities

In doing so, we look to provide our unique set of services including a premier indoor children's play center, a health conscious and tasty family restaurant, a distinctive banquet and party location, and various family and children's programs/events providing parents an opportunity to take their children to a healthy, clean, safe, secure, and entertaining location to play, socialize, and gather with their family and friends.

As you will see below, our current strategy and plan is to basically offer our existing approach and service model in order to also be the premier Family Entertainment Center in Novi and other local Michigan communities as we are in Rochester. Although not officially announced with any public press release or announcement, we are also already approved to open Grand Blanc Play! in the City of Grand Blanc. Specifically, with all our new locations, we are looking to offer the following:

Service Offering	Rochester Location	Grand Blanc Location
Family Indoor Play Center	<ul style="list-style-type: none"> ✓ High quality children's obstacle and open play structure and activities ✓ Separate toddler and older children's play areas and structures ✓ Comfortable adult observation and social gathering areas ✓ Indoor walking/stroller "trail" (track) ✓ Active gaming area 	<ul style="list-style-type: none"> ✓ High quality children's obstacle and open play structure and activities ✓ Separate toddler and older children's play areas and structures ✓ Comfortable adult observation and social gathering areas ✓ Indoor walking/stroller "trail" (track) ✓ Active gaming area
Restaurant, coffee, juice, and snack bar	<ul style="list-style-type: none"> ✓ Health conscious and tasty light meals, snacks, and drinks featuring sandwiches, salads, pizza, snacks, smoothies, coffees, and drinks ✓ Organic and gluten free options ✓ Promotion of healthier and greener lifestyle including recycling initiatives and learning opportunities for children (generates over 5x recycling than other trash!) ✓ Indoor table and bar seating ✓ Outdoor table seating 	<ul style="list-style-type: none"> ✓ Health conscious and tasty light meals, snacks, and drinks featuring sandwiches, salads, pizza, snacks, smoothies, coffees, and drinks ✓ Organic and gluten free options ✓ Promotion of healthier and greener lifestyle including recycling initiatives and learning opportunities for children (generates over 5x recycling than other trash!) ✓ Indoor table and bar seating
Children's banquet and party services	<ul style="list-style-type: none"> ✓ Multiple private party rooms for families, friends, teams and organizations to gather ✓ Optional 'private' rent entire play center party option ✓ Multiple party and themed party package offerings 	<ul style="list-style-type: none"> ✓ Multiple private party rooms for families, friends, teams and organizations to gather ✓ Optional 'private' rent entire play center party option ✓ Multiple party and themed party package offerings
Children's holiday events, special celebration event, programs and day camps	<ul style="list-style-type: none"> ✓ Monthly and periodic holiday and special gathering events ✓ Summer day camps ✓ Periodic 'program and play' events and classes 	<ul style="list-style-type: none"> ✓ Monthly and periodic holiday and special gathering events ✓ Summer day camps ✓ Periodic 'program and play' events and classes

In line with the City of Novi Zoning Ordinances and current Consent Judgement, we are excited to meet, review, and receive approval as directed primarily by Article 13 – B-1 Local Business Districts:

- **SEC 1300. INTENT:**
 - Our business establishment shall be a service establishment to meet the servicing needs of persons residing in nearby residential areas.
 - Our business model is completely based on B2C (business to community) service related business for neighborhood residents and not a B2B (business to business) model.
- **SEC 1301. PRINCIPAL USES PERMITTED:**
 - Our building use meets not one, but four of the defined uses outlined within the Zoning Ordinance and Consent Judgement:
 - #4 – Business establishment which performs services on the premises, such as but not limited to banks, loan companies, insurance offices and real estate offices. Our business performs all services on the premises.
 - #8 – Other uses similar to the above uses. Our business is a personal services establishment for residential families.
 - #7 – Off-street parking lots. Our business 100% uses off-street parking and the existing parking lot of Oakpointe Plaza.
 - Amended Use for Restaurants -
- **SEC 1302. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS – n/a:**
- **SEC 1303. REQUIRED CONDITIONS:**
 - #1 – We are a service establishment dealing directly with customers with all goods produced and sold on the premises.
 - #2 – There are no exterior changes, so the exterior building façade treatments meets regulations and remain the same.
 - #3 – There are no changes to the current Site Plan
 - #4 – There are no exterior changes, so the current off-street parking, off-street parking layout, landscaping, and screening all remain the same.
 - #5 – There are no exterior changes, so the current height and bulk of the building and provided minimum yard setbacks all remain the same.

This letter summarizes our present understanding and intent with respect to the City of Novi Zoning Ordinances, Oakland County Health Department, and our Novi Play! Business Plan. We believe that the nature of our business makes us well suited for approval for this space and ability to provide play and restaurant services to the Novi community.

We are enthusiastic about the opportunity to expand our operations, our community partnerships, and build upon the services and activities already offered within Novi and surrounding areas. We will plan on presenting any further details as required and will look for your review and approval during the January City Council meetings. Please feel free to contact us at (248) 790-5333 should you have any questions.

Respectfully,

Advance Management Solutions Group, LLC
d/b/a Novi Play!



Jeff and Kate Schamanek
Members, Owning Directors





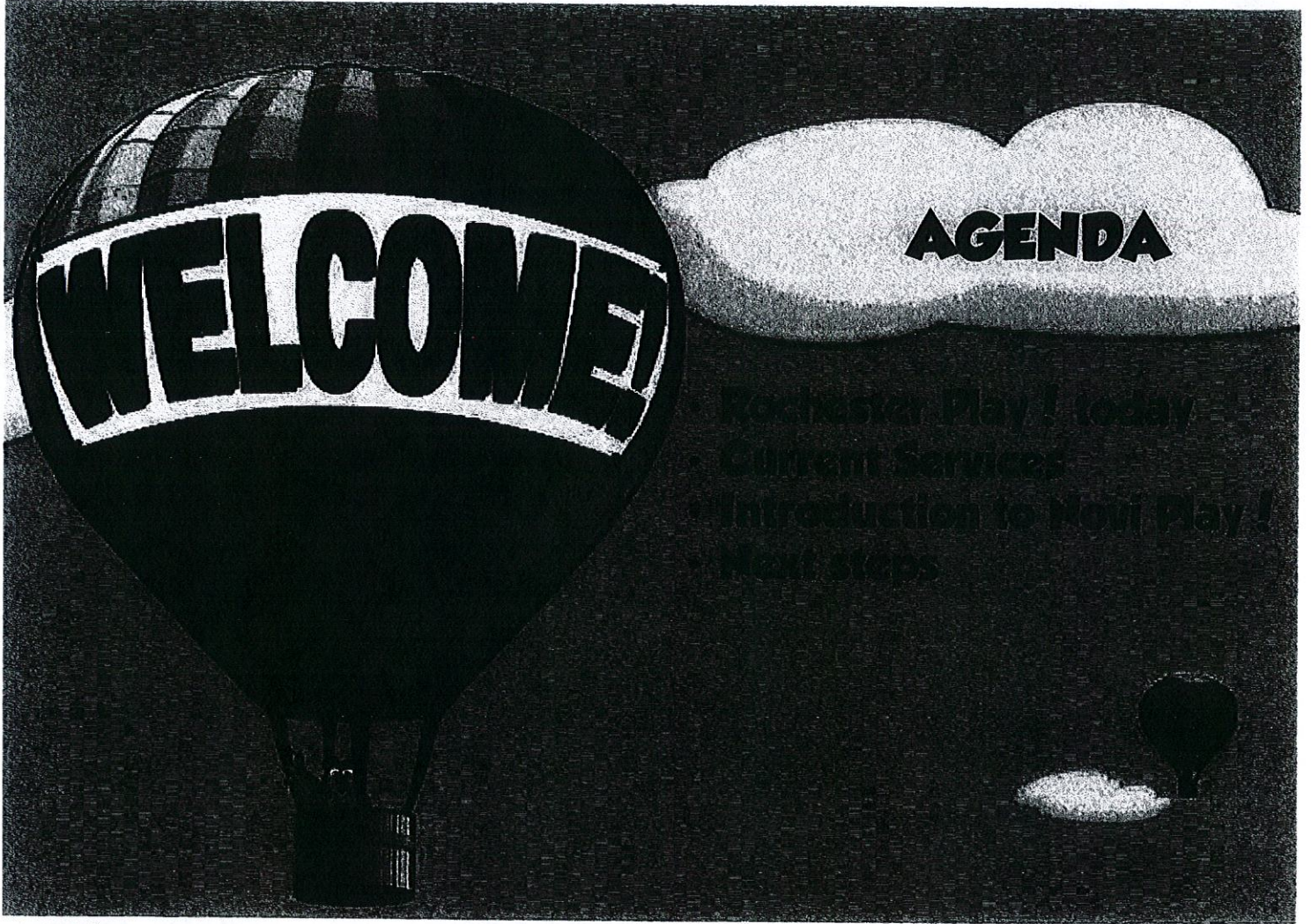
Introduction of Novi Play!

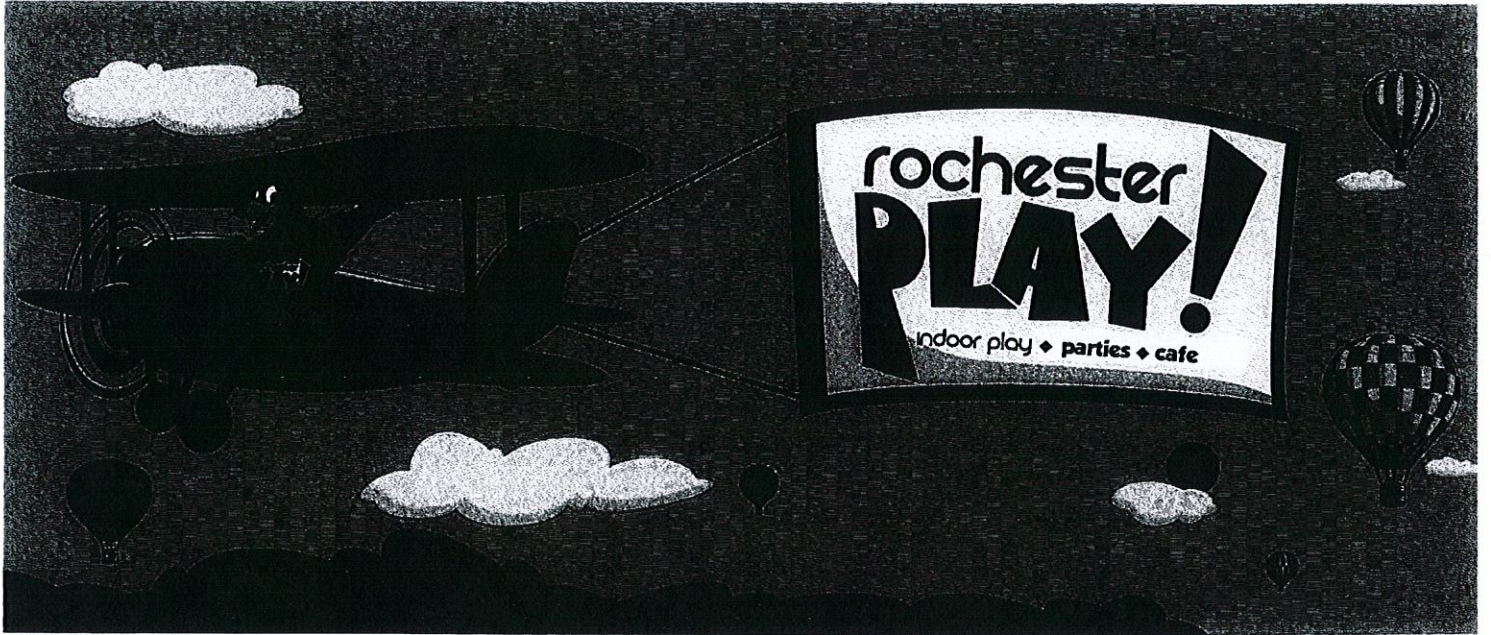
October 2019

'Growing a great model'

NOVI
PLAY!
indoor play • parties • cafe

rochester
PLAY!
indoor play • parties • cafe





Rochester's Premier Family Play, Restaurant, and Party Center!



History

- **First opened in original location in September, 2010**
- **Moved and opened in current location in November, 2014**
- **Family owned and operated**
- **Positive growth YoY**
- **Strong customer and community support**

Mission Statement

To make a positive difference in the lives of children and their families by providing premier children's activity and family play services where learning and development is disguised as PLAY!

Looking forward...

- **Continued delivery of 'premium' family play and restaurant services**
- **Primary focus on "active and healthier" family play and restaurant**
- **Being the most liked, fun, and active family destination where parents appreciate us as much as the kids love us – Active, Clean, Safe, Secure... and FUN!**
- **Expansion and enhancement of our desired services and operations**



Values

- **To our community**
 - **Customer Service**
 - **Employees and teamwork**
 - **Community engrained – schools, local services, activities**
 - **Businesses and partners**
- **For our future**
 - **Health and wellness**
 - **Environmental initiatives**
 - **Active, Clean, Safe, Secure... and FUN !**
- **With our commitment**
 - **Fiscal responsibility**
 - **Integrity**
 - **Commitment**



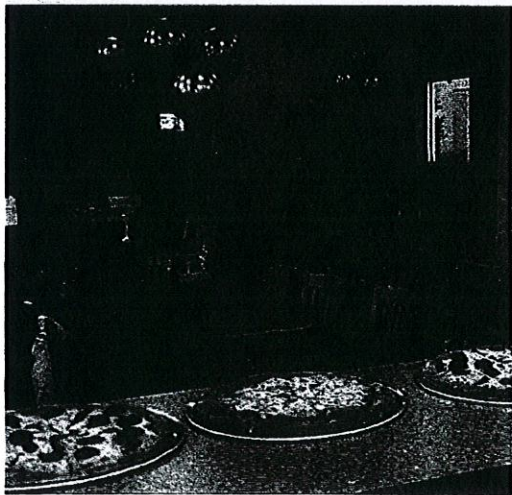
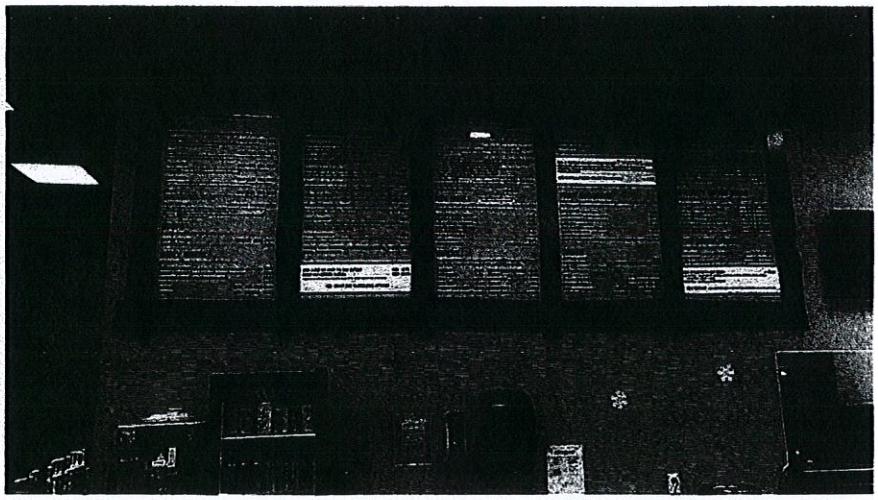
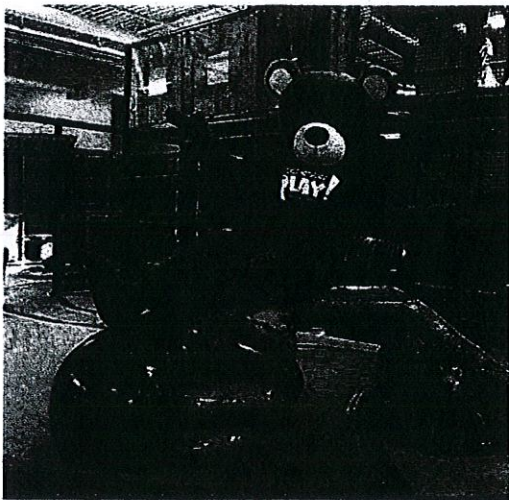
Beliefs

- **Offering an active, healthy, and entertaining play based set of services – play, restaurant, and parties**
- **Making it fun, entertaining, comfortable and healthy for children AND adults of all ages**
- **The absolute need for a clean facility and equipment**
- **Having a safe and secure environment to play and socialize**
- **Being conveniently located and accessible to coordinate with customers and other daily activities**
- **Supporting the community of which we work within**

The RP ! Organization and Team

- **Advance Management Solutions Group, LLC
d/b/a Rochester Play**
- **Jeff Schamanek – Co-owner, President**
- **Kate Schamanek – Co-owner, VP**
- **Kory Pawlowski – Operations Manager**
- **Assistant Managers (4)**
- **Café Associates (4-6)**
- **Party hosts (10-15)**
 - **High School students**
 - **College students**



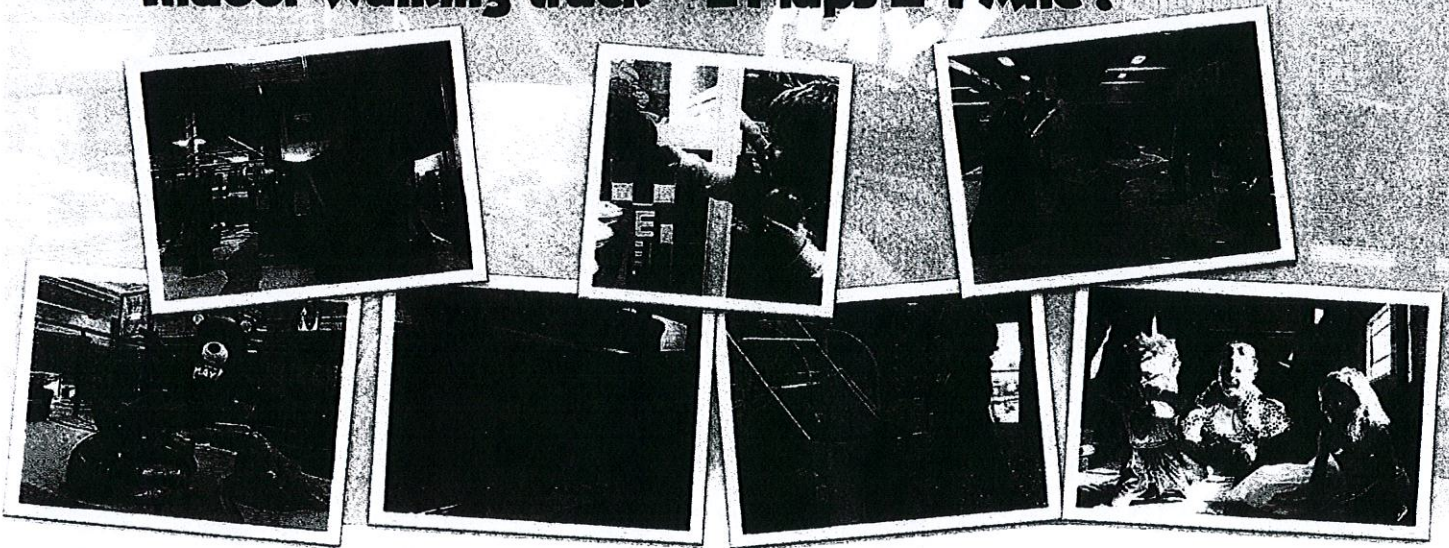


Successful Set of Services



Primary Services - Play

- **Active set of play opportunities with Michigan theme**
- **Soft side play structure**
- **Open carpeted play area**
- **Active gaming**
- **Indoor Walking track – 21 laps = 1 Mile !**



Primary Services - Restaurant

- **Health conscious and tasty menu options**
 - **Feature freshly prepared sandwiches, salads, and pizza**
 - **Organic and gluten free options**
 - **No deep frying**
 - **Healthier snack options – fruit cups, vegetable cups, baked fries, chips, bars, cheese sticks, and other snack options**
 - **100 % Fruit smoothies, 100 % fruit juice boxes, milk, water, fountain drinks, and other bottled drinks**
 - **Coffee and espresso drinks**
 - **Still have some “fun” options – Dippin’ Dots**
- **Healthier and greener lifestyle and environment focus**
 - **Recycling (generates over 5x more recycling than trash !)**
 - **No foam containers – recycled and paper plates, straws, and container products**

GLAZE

SOUP

ALL DAY SANDWICHES

MAC & CHEESE PIZZA

PIZZA

PIZZA SAUCE

COVER AND DRINKS MENU

BEVERAGES

COFFEE & TEA

APPETIZERS, WRAPS & PANINIS

APPETIZERS

WRAPS

PANINIS

Menu

- Sandwiches
- ("local parks")
- Wraps
- Panini's

SANDWICHES, WRAPS & PANINIS

PREMIER SANDWICHES \$12.75

WRAPS \$12.75

PANINIS \$12.75

ROASTY TURKEY & BACON \$12.75

CHICKEN & BACON \$12.75

VEGETARIAN \$12.75

ADD A CUP OF SOUP TO ANY MAIN ENTRÉE ADD \$2.75

MAXX ANY MAIN ENTRÉE A MEAL ADD \$3.00

ASK ABOUT OUR GLUTEN FREE OPTIONS!

SALADS

House Salad with dressing, croutons, & cheese \$5.99
 Caesar Salad with dressing, croutons, & cheese \$5.99
 Garden of Eatin' Salad with dressing, croutons, & cheese \$5.99
 Chicken Salad with dressing, croutons, & cheese \$5.99
 Tuna Salad with dressing, croutons, & cheese \$5.99
 Bacon Chicken Salad with dressing, croutons, & cheese \$5.99
 Bacon Tuna Salad with dressing, croutons, & cheese \$5.99
 Bacon Chicken Tuna Salad with dressing, croutons, & cheese \$5.99
 Bacon Chicken Tuna Salad with dressing, croutons, & cheese \$5.99
 Bacon Chicken Tuna Salad with dressing, croutons, & cheese \$5.99

ALL DAY DRINKS

Soft Drink \$1.99
 Iced Tea \$1.99
 Lemonade \$1.99
 Coffee \$1.99
 Espresso \$1.99
 Specialty Drink \$1.99
 Iced Coffee \$1.99

Hot-Brewing Coffee

House Blend \$1.99
 Colombian \$1.99
 Ethiopian \$1.99
 Guatemalan \$1.99
 Kenyan \$1.99
 Mexican \$1.99
 Peruvian \$1.99
 Sumatran \$1.99
 Yunnan \$1.99

NEW BLEND

House Blend \$1.99
 Colombian \$1.99
 Ethiopian \$1.99
 Guatemalan \$1.99
 Kenyan \$1.99
 Mexican \$1.99
 Peruvian \$1.99
 Sumatran \$1.99
 Yunnan \$1.99

COFFEE AND ESPRESSO DRINKS

House Blend \$1.99
 Colombian \$1.99
 Ethiopian \$1.99
 Guatemalan \$1.99
 Kenyan \$1.99
 Mexican \$1.99
 Peruvian \$1.99
 Sumatran \$1.99
 Yunnan \$1.99

SPECIALTY COFFEE DRINKS

House Blend \$1.99
 Colombian \$1.99
 Ethiopian \$1.99
 Guatemalan \$1.99
 Kenyan \$1.99
 Mexican \$1.99
 Peruvian \$1.99
 Sumatran \$1.99
 Yunnan \$1.99

APPETIZERS, SANDWICHES & PANINI

House Salad with dressing, croutons, & cheese \$5.99
 Caesar Salad with dressing, croutons, & cheese \$5.99
 Garden of Eatin' Salad with dressing, croutons, & cheese \$5.99
 Chicken Salad with dressing, croutons, & cheese \$5.99
 Tuna Salad with dressing, croutons, & cheese \$5.99
 Bacon Chicken Salad with dressing, croutons, & cheese \$5.99
 Bacon Tuna Salad with dressing, croutons, & cheese \$5.99
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 Bacon Chicken Tuna Salad with dressing, croutons, & cheese \$5.99
 Bacon Chicken Tuna Salad with dressing, croutons, & cheese \$5.99

BRACKS

House Salad with dressing, croutons, & cheese \$5.99
 Caesar Salad with dressing, croutons, & cheese \$5.99
 Garden of Eatin' Salad with dressing, croutons, & cheese \$5.99
 Chicken Salad with dressing, croutons, & cheese \$5.99
 Tuna Salad with dressing, croutons, & cheese \$5.99
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 Bacon Chicken Tuna Salad with dressing, croutons, & cheese \$5.99
 Bacon Chicken Tuna Salad with dressing, croutons, & cheese \$5.99
 Bacon Chicken Tuna Salad with dressing, croutons, & cheese \$5.99

Menu

- Coffees
- Espresso Drinks
- Specialty Drinks
- Iced Coffee

COFFEE AND ESPRESSO DRINKS
 All items with locally roasted great beans, top's & extra coffee beans

COFFEE - House Blend	Small \$1.99	Medium \$2.50	Large \$3.00
ESPRESSO - 1oz. Double Espresso	Small \$2.50	Medium \$3.00	Large \$3.50
MOCHA - 1oz. Double Espresso, Vanilla Syrup	Small \$3.50	Medium \$4.00	Large \$4.50
CAFE - 1oz. Double Espresso, Vanilla Syrup	Small \$3.50	Medium \$4.00	Large \$4.50
ESPRESSO - 1oz. Double Espresso, Vanilla Syrup	Small \$3.50	Medium \$4.00	Large \$4.50
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ESPRESSO - 1oz. Double Espresso, Vanilla Syrup	Small \$3.50	Medium \$4.00	Large \$4.50

SPECIALTY COFFEE DRINKS
 A delicious combination of your favorite coffee combination

ESPRESSO - 1oz. Double Espresso, Vanilla Syrup	Small \$3.50	Medium \$4.00	Large \$4.50
ESPRESSO - 1oz. Double Espresso, Vanilla Syrup	Small \$3.50	Medium \$4.00	Large \$4.50
ESPRESSO - 1oz. Double Espresso, Vanilla Syrup	Small \$3.50	Medium \$4.00	Large \$4.50
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ESPRESSO - 1oz. Double Espresso, Vanilla Syrup	Small \$3.50	Medium \$4.00	Large \$4.50

ICED COFFEE DRINKS
 Your coffee choice served over ice

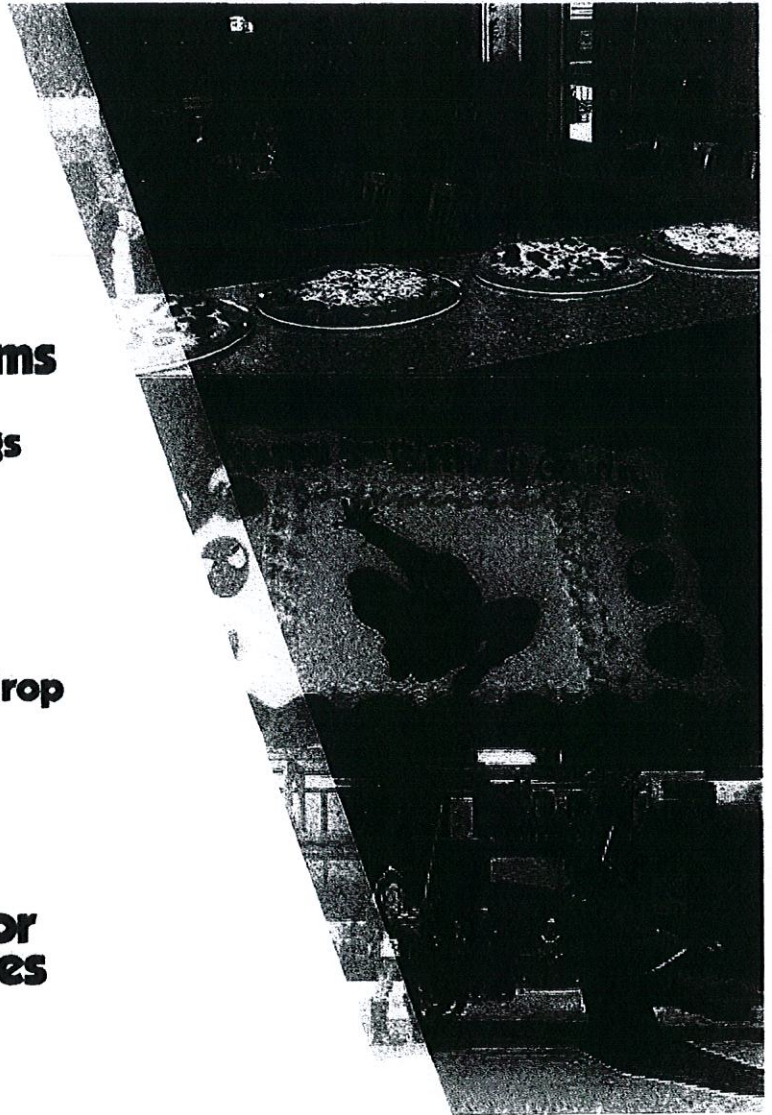
ICED COFFEE - 1oz. Double Espresso, Vanilla Syrup	Small \$2.50	Medium \$3.00	Large \$3.50
ICED COFFEE - 1oz. Double Espresso, Vanilla Syrup	Small \$2.50	Medium \$3.00	Large \$3.50
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ICED COFFEE - 1oz. Double Espresso, Vanilla Syrup	Small \$2.50	Medium \$3.00	Large \$3.50

ADD A FLAVOR TO ANY DRINK ea. \$0.50
 ALL BEVERAGES, ADD FLAVORS: CHOCOLATE, CHERRY, COCONUT, CUSTARD, MANGO, MINT, PEPPERMINT, RASPBERRY, VANILLA
 BONUS FLAV: CHOCOLATE, MINT, VANILLA

MUG 'RETURN' - USE YOUR OWN 16oz OR SMALLER MUG AND RECEIVE \$0.15 OFF ANY CUPPED DRINK!

Primary Services - Parties

- **Multi-use banquet rooms**
 - **Parties**
 - **Team and family gatherings**
 - **PTA and school group gatherings**
 - **Event craft rooms**
 - **Business partner events**
- **Annual events**
 - **Noon Year's Eve balloon drop**
 - **Easter Egg hunt**
 - **Halloween Monster Mash**
 - **12 Plays ! Of Christmas**
 - **Parent Night Out opportunities**
- **Leverage Restaurant for food and drinks services**



Interests and Opportunities



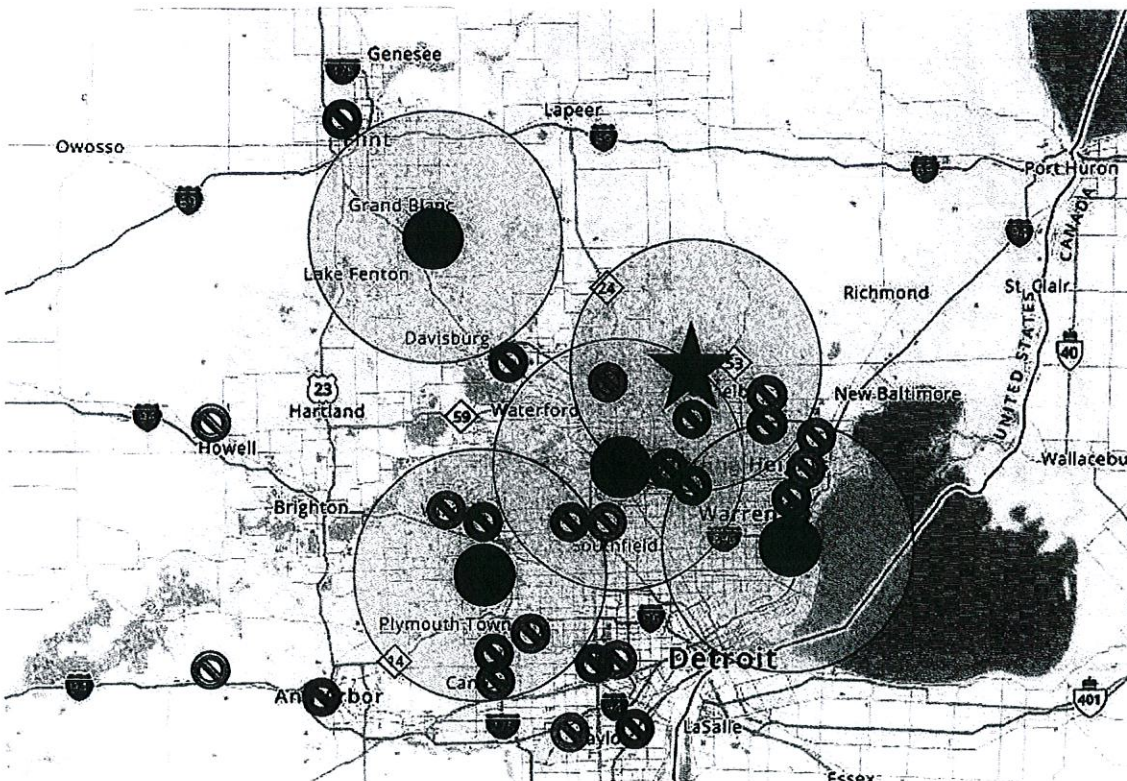
Next Steps

- **Expand 'Play !' into other locations**
 - **Research and finalize desired locations**
 - **Secure financing**
 - **Confirm business organization**
 - **Maximize operational model for multiple location efficiencies**
 - **Build and launch plans**
 - **Staggered phased approached with each location**
 - **Maximize and stagger contractors from one location to the next**

Location Consideration Factors

- **Community demographics**
 - Higher than average HH family makeup
 - Above average HH income
 - Desired community to live
 - Favorable school district(s)
 - Active and healthy community interests
- **Competitor locations**
- **Local government support**
- **Business community**
- **Favorable building locations (size, parking, costs, buildout, ease of access, etc)**
- **30 minutes drive apart from each Play ! location**

Metro Detroit Considerations



● Growth Considerations:

- Western suburbs
- Eastern suburbs
- SW of Rochester
- NW of Rochester

● Competitors (# loc):

- Jungle Java (3)
- Fort Clarkston (1)
- Detroit Kids City (2)
- Under the Sea (1)
- Pump It up (4)
- Chuck E. Cheese (10)
- Cast Away Café (1)
- Chelsea Tree House (1)



Location Needs

- **Locations**

- **Metro Detroit area**

- **North of Rochester**
 - **Western suburbs**
 - **South of Rochester**
 - **East suburbs**

- **Others**

- **Outside Michigan**
 - **Grand Rapids area**

- **Lot**

- **Parking (200+ capacity need – min. 50 spaces @ 4:1 zoning definition)**
 - **Nice to have outdoor use area (summer camps, future offerings)**

- **Building**

- **Minimum 10,000 ft² and 14' ceiling height**
 - **Zoning for 'recreation/entertainment' use (play, parties, café)**
 - **Buildout costs?**
 - **Ease of access – business supplies, customer drive**

**NOVI
PLAY!**

indoor play • parties • cafe

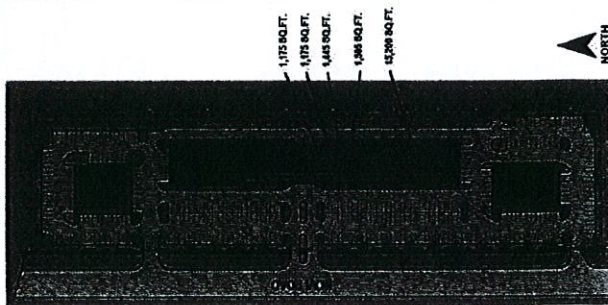
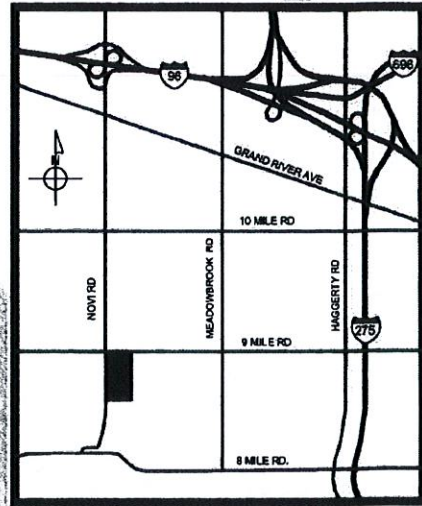
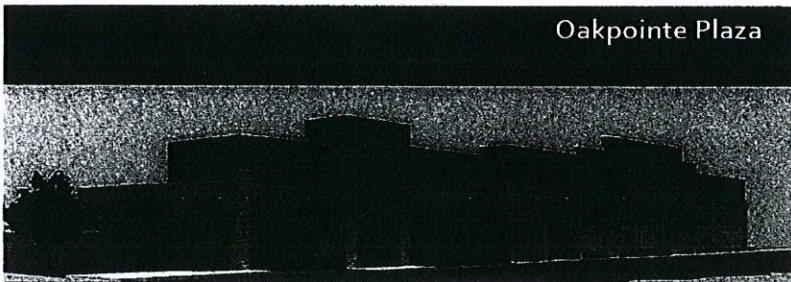
Novi Play!

Novi Play! -

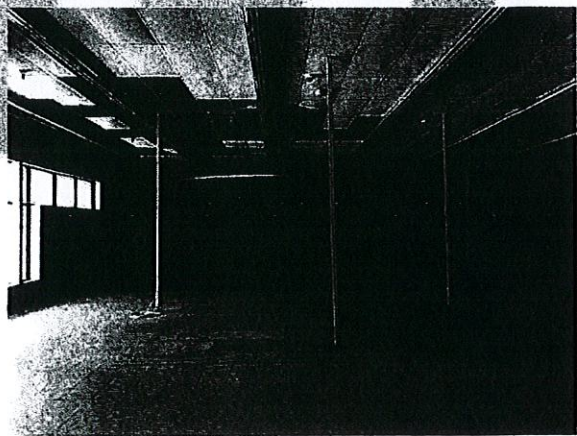
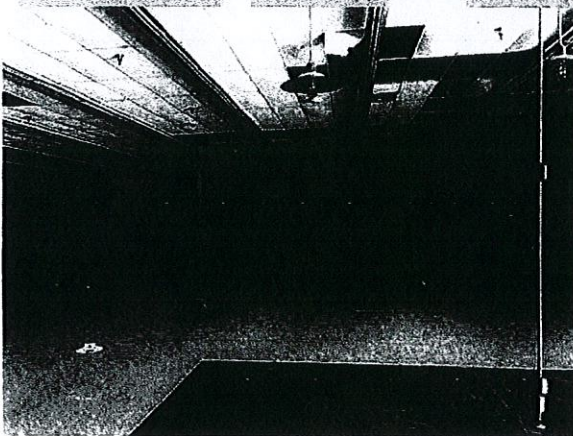
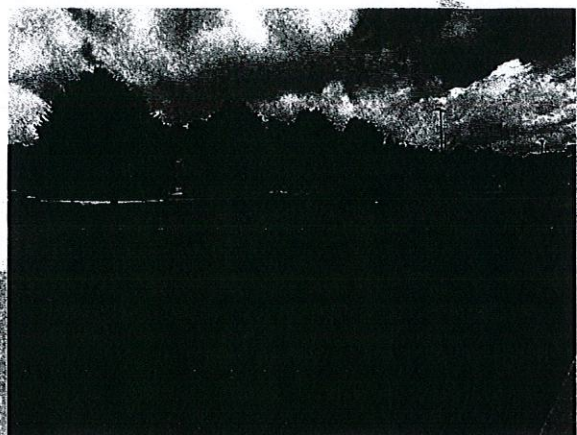
- **Location – Oakpoint Plaza, Novi, MI 48375**
- **Project Type – building lease, build-out and installation**
 - **Play Area (Play Structure, Ninja Course, Game Area, Dance Room, Lazer Frenzy, Virtual Reality, Viewing Furniture/Internet bars being considered)**
 - **Restaurant/Café (Kitchen Equipment, Bar Counters, Menu, Table/Chairs, Condiment Counter)**
 - **Banquet Rooms (Counters, Tables, Chairs, Video/Sound)**
 - **Other (Check-in, Shoe Cubbies, POS, Signage, Décor, Video/Sound, Startup)**
- **Background**
 - **Current business – Shopping mall recently renovated, multiple tenants, on border of Novi and Northville**
 - **Lease space size of 15,200 ft²**
 - **“Oakpoint plaza is a strong neighborhood center with mixed use retail, pharmaceutical, medical, and restaurant tenants”**
 - **Planned Services: Play, Restaurant, Parties (modeled off and expanded version of Rochester Play)**
- **Current Status**
 - **Anticipated January 2020 start**
 - **Approving lease, City approval, identifying contractors and suppliers**



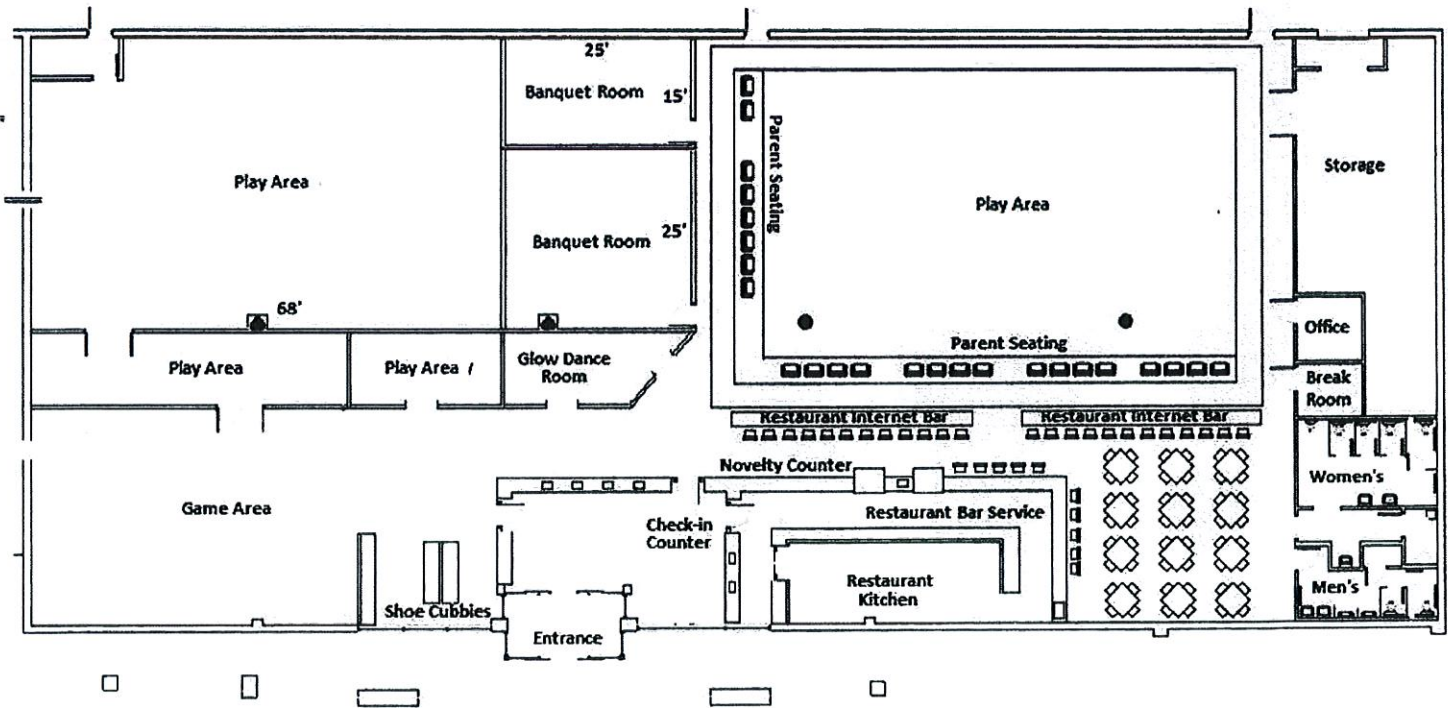
Novi Play !



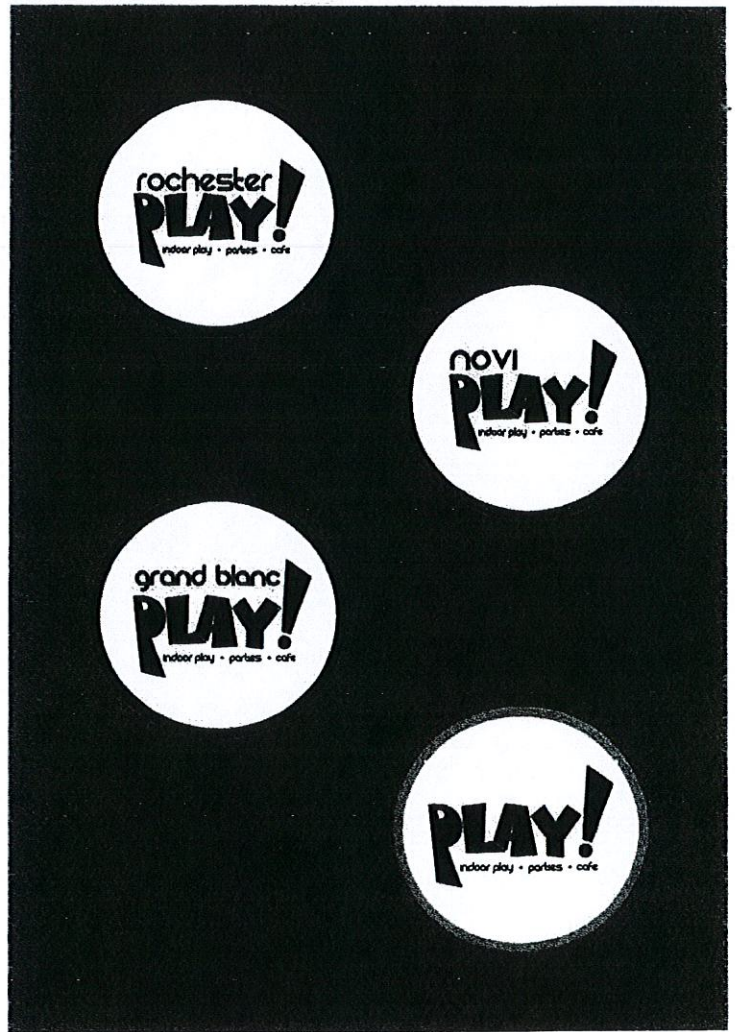
Novi Play !



Novi Play !



grand blanc + novi + rochester
PLAY!
indoor play + parties + cafe



Action Items/Next Steps?

THE END



Please contact us if you have questions...

Thank you!

NOVI Play! 248.650.PLAY (7529)

Jeff - 248.790.5333

Kate - 248.705.5283



12/10/19

Layout 2 N

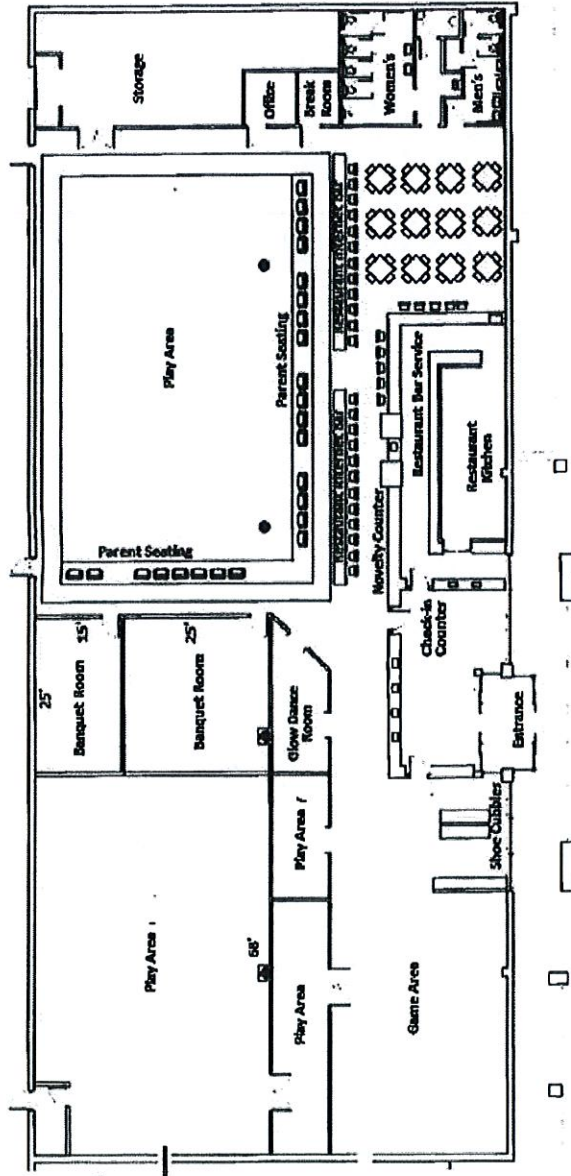


EXHIBIT E: IMPACT CHURCH STATEMENT



weareimpactdetroit.com

September 24, 2021

Barbara McBeth
City of Novi
45175 Ten Mile Road
Novi, MI 48375

Re: 22120 Novi Road

Dear Ms. McBeth,

I am writing this letter in accord with the property owner of 22104 Novi Road, Nova Oak Pointe Properties. It is a pleasure to share with you our usage and occupancy projections for this space, as follow up to Dr. Sunil Agrawal's meeting with you last week.

Ours is a nondenominational church. Currently, our weekly total attendance varies from 75 to 100 people, including adults, youth, and children. Our planned usage for each area is as follows:

- Auditorium - Weekly Sunday church services for approximately 65 adults
- IC Kids 1- Weekly Sunday church services for approximately 5 small children
- IC Kids 2 - Weekly Sunday church services for approximately 15 older children
- IC Students/Growth Track - Weekly Sunday church services and/or membership classes for approximately 8 people
- Dream Team - Check-in station for 5-10 volunteers at a time

Our model incorporates adding a second service time if needed. Rather than being at or above capacity regularly, we will begin holding an additional service to accommodate attendance growth.

I hope this additional information is helpful toward a positive determination by the Planning Commission. If they need anything further, please let us know how our team can assist.

Best Regards,

David L. John
Lead Pastor

P.O. Box 51520
Livonia, MI 48150

T: 248.873.7920
E: djohn@weareimpact.com

David John | Senior Pastor

DAVID JOHN | LEAD PASTOR, METRO DETROIT
[Djohn@weareimpact.com](mailto:djohn@weareimpact.com)

P.O. Box 51520, Livonia, MI 48150

WEAREIMPACTDETROIT.COM @WEAREIMPACTDETROIT

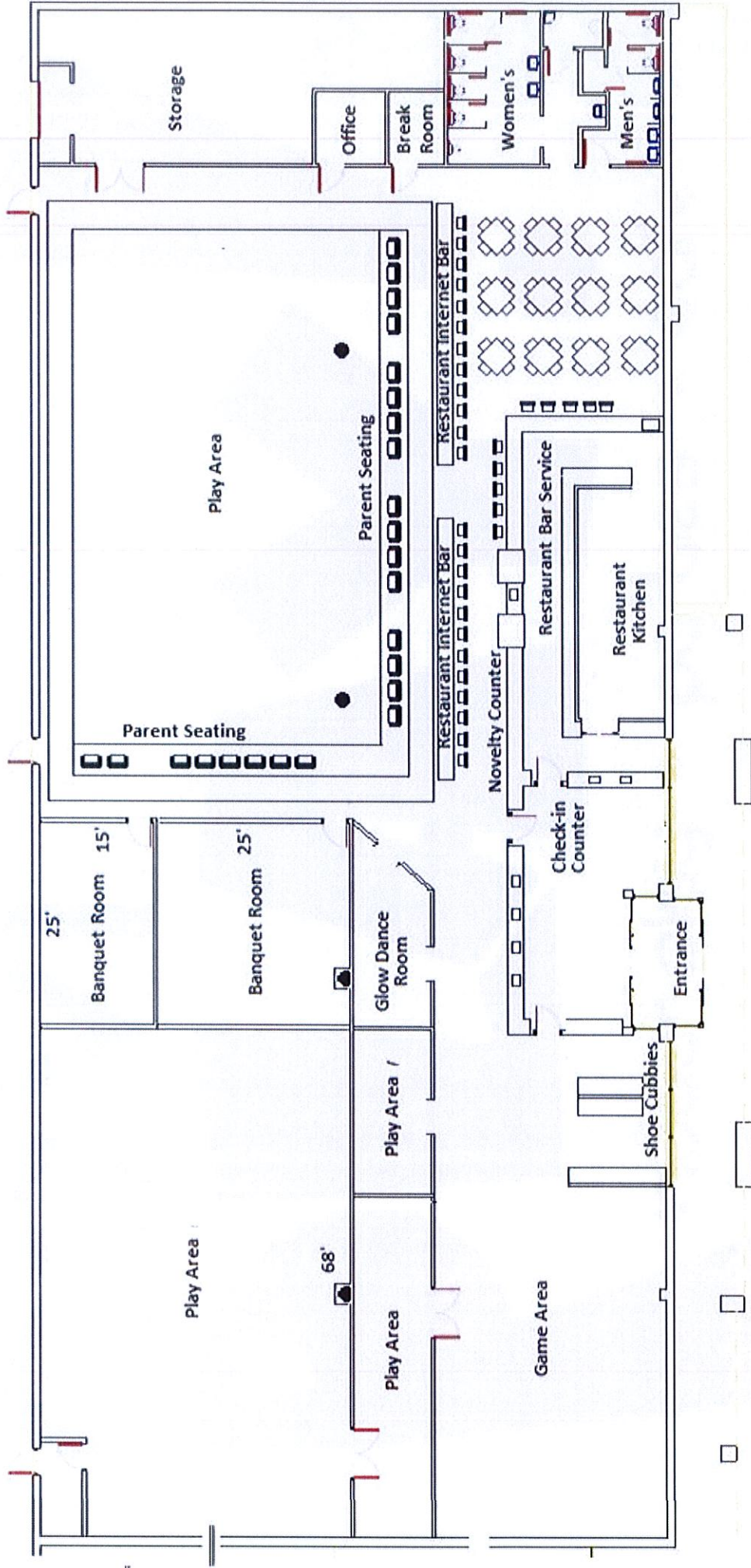
Image

From: sunil.agrawal@novacons-tafts.com <sunil.agrawal@novacons-tafts.com>
Sent: Wednesday, September 29, 2021 9:50 AM
To: David John
Subject: Letter

EXHIBIT F: PROPOSED CHURCH FLOORPLAN

EXHIBIT G: NOVI PLAY PROPOSED FLOORPLAN

Novi Play!



**EXHIBIT H: CITY COUNCIL MEETING MINUTES EXCERPT
FEBRUARY 10, 2020**

Land Rover development, for property located on the southwest corner of Grand River Avenue and Meadowbrook Road, in Section 23 of the City.

- F. Approval to authorize submission of an American Association of Retired Persons (AARP) grant application for a FitLot fitness park to be installed at Wildlife Woods Park.
- G. Approval of Claims and Warrants – Warrant No. 1053.

**Roll call vote on CM 20-02-011 Yeas: Mutch, Gatt, Staudt, Breen, Casey,
Crawford, Fischer
Nays: None**

MATTERS FOR COUNCIL ACTION

- 1. Consideration of approval of a Second Amendment to the Selective Development Consent Judgment in order to add 'Indoor Recreational Facility' and 'Instructional Center' as permitted uses for the subject property, known as Oak Pointe Plaza. The property is located on the east side of Novi Road south of Nine Mile Road, in Section 35.**

Mayor Gatt said the petitioner's attorney was here and welcome to address Council. Mr. Landry said they were there to request approval of a second amendment of a consent judgment that was entered into in 1992 regarding the developmental use of a commercial center at the corner of Novi Road and Nine Mile Road. There was litigation in 1988 and there was a trial. After the trial, the City entered into a consent judgment and later amended in 1992. At that time it was zoned B-1 and they added two uses, a restaurant and a grocery store and the catch-all of "other similar uses". The property developed into three parcels. The applicant, Sunil Agrawal, has been a business owner in the City for 28 years. He purchased the building and made significant developments to the property because he wants to market it. He has already invested significant funds in this and is asking for two changes to the consent judgment to add indoor recreational centers and instructional centers. The applicant has a commitment from a company that wants to operate Novi Play. It's a combination use that is part restaurant use and a play area for young children between the ages of one and twelve. It is not a daycare center; the children must be accompanied by an adult. The applicant already has a successful play area called Rochester Play. They believe the use is allowed under the current ordinance but administration wasn't so sure. They asked them to seek approval from Council. This is a unique situation because it is half restaurant and half indoor recreation center. The restaurant part is already approved and the current zoning of I-1 would allow the indoor recreational part. They are consistent with the consent judgment and the way the City wants this area to develop. The consent judgment says future ordinances shall not prohibit the development as it is allowed under the consent judgment. It doesn't say you can't add uses, it just says you can't take away uses. They are not seeking to take away any use; they just want to amend the consent judgment to include the indoor recreation and instructional

centers. It's interesting because in the southernmost building there are already two instructional centers there. While we are here, they will clean it up and add that use as well. His client is present as well as the owner and operator of Novi Play, Jeff Schamanek.

Mayor Gatt thanked him for the explanation and was confused why there were here. He asked if the establishment will have an arcade. Mr. Schamanek said he and his wife own Rochester Play and want to continue that with the new center. He said there will be a small gaming area. They make it part of the strategic aspect to offer an active and healthier approach to family entertainment. The games are directed to younger kids. Mayor Gatt asked the target age group. Mr. Schamanek said one to twelve years old. Mayor Gatt asked if it steered toward the younger range of that or older. Mr. Schamanek said younger, toddler age to school age. The families sometimes have older siblings so the gaming helps support that. Mayor Gatt asked where his closest competitor would be. Mr. Schamanek said Jungle Java in Farmington Hills. Some people might say Chuck E. Cheese, but they are a premium approach with what they offer in terms of play and food. Mayor Gatt asked if they would serve beer or wine. Mr. Schamanek said no.

Member Crawford clarified that their intent would be to not ask for a liquor license in the future. Mr. Schamanek said they can't predict the future but there are no plans. Member Crawford questioned it because the plan labels the counter as a bar. Mr. Schamanek said their idea of a bar was an open counter for people to sit at, not with alcohol. Member Crawford asked what their maximum occupancy would be. Mr. Schamanek said the calculation would be based off of their current building with a capacity of 220 but the new building is approximately 50% greater so possibly 300. Member Crawford said they have shared parking and asked if he felt there was sufficient parking for the maximum amount of people. Mr. Schamanek said absolutely. He said looking at their existing model, they have allocated 55 spots and if you increase that 50% you are looking at 75-80 spots. Member Crawford asked if there was parking on the east side of the building. Mr. Schamanek said that area was for loading only.

Mayor Pro Tem Staudt asked if there was any intention of having daily programs where you pick children up from daycare facilities or plans for buses coming in. Mr. Schamanek said no. Mayor Pro Tem Staudt asked the City Attorney if it would be a special land use that would come back to Council if they wanted to apply for a liquor license. Mr. Schultz said yes. Mayor Pro Tem Staudt said this will be a kick back and relax type of place and the natural thought is to do that with a glass of wine. If they chose to do that at some point that would have a different connotation and Council would have the opportunity to review that.

Member Breen appreciated the prior questions about a liquor license being pursued. She said she was excited to see this type of facility come to Novi. That particular area has been struggling to keep businesses. She wanted to clarify with the City Attorney that this would impact the consent judgment only and nothing in our Zoning Ordinance. Mr. Schultz said that was correct.

Member Casey asked what the hours of operation would be. Mr. Schamanek said they operate seven days a week. Monday through Saturday is 9am-8pm and Sunday is noon until 6pm. He said there are a couple times throughout the year where they might do something a bit earlier or later for special events. Member Casey asked if the business model was that people come in and pay an entrance fee and can stay however long they like. Mr. Schamanek said that was correct. They offer a membership approach with discounted visits as well.

Member Fischer asked for clarification on the play area. Mr. Schamanek said they are not a trampoline park or bounce house. It is fixed play with soft sided structures with some mazes. There is an open carpeted area for easy movement and smaller children. There is a separate toddler area that allows for added safety. He said there are ninja type courses and obstacle courses as well. Member Fischer said he would support this.

Member Mutch asked the City Attorney if the amendment to the consent judgment would apply to the entire plaza, not just this business. Mr. Schultz said yes. This particular use in this particular building would be permitted but anything going somewhere else, if over 2,000 square feet, would be a special land use in the future. Member Mutch said it was interesting to read the language under paragraph A that talks about if at some point the traffic conditions warrant it, the plaintiff would be required to construct a passing lane on the left side of Novi Road opposite the southernmost driveway of the development. It uses language if at such time the warrants are met under the standards of the Oakland County Road Commission. He said based on what has been shared by Mr. Landry, the applicant did not expect the amount of traffic would be generated to trigger that but he was curious how it would come into play in the future. This agreement has been in place for over 30 years. He asked if a new tenant comes in that produces more traffic, would it be flagged by staff in the review process. Ms. McBeth said that's what she would expect and a traffic study would be conducted. Member Mutch said because of the conversations they've had in the Road Committee they know that stretch of Novi Road is being looked at by the Road Commission. It may be addressed anyway. He hoped that these investments would trigger additional uses coming in and revitalize that center. He pointed out that stretch of Novi Road is challenging because it lacks a center turn lane. He said the consent judgment, being the age that it is, nobody who was involved in drafting that version of the agreement is around to question the changes. He asked if there was any conversation about scrapping it and doing a PRO or another agreement in place. He thought it was a broad range of uses, B-1 plus a restaurant and a grocery store, but there is a lot of potential hoop jumping that a potential client looking at the center might just throw up their hands. Mr. Schultz said there was no discussion like that, not that it would be a bad idea. There was some urgency to move on this. There are two or three other property owners who would be involved in a discussion that broad. He thought that could be a good idea. Member Mutch said when you go through litigation, things get heated and some of the language was abrasive. Mr. Schultz said it was originally a judgment as opposed to a consent judgment. Member Mutch said he could understand it but at this point and for how long the plaza and uses have been in place,

it seems like overkill in terms of what both sides want to accomplish here. He felt Council expressed agreement that they were fine with this particular use plus the existing uses, including the instructional centers. He said he was concerned with having this in place, whatever legal protections it gives the property owner, is also going to potentially create problems or extra hurdles for applicants. Mr. Schultz said that could be something to explore. Member Mutch said he was fully in support of this and thought it was an interesting use. He could see a lot of folks interested in utilizing it. He was looking forward to the addition and more importantly the investment. He hoped it was the start of many new businesses in this location.

CM 20-02-012 Moved by Casey, seconded by Crawford; CARRIED UNANIMOUSLY

Approval of a Second Amendment to the Selective Development Consent Judgment in order to add 'Indoor Recreational Facility' and 'Instructional Center' as permitted uses for the subject property, known as Oak Pointe Plaza, for the reasons provided in the staff review letter, and subject to approval of the final form of the Agreement by the City Manager's Office and the City Attorney, including any required amendments or revisions required by the Court for entry.

**Roll call vote on CM 20-02-012 Yeas: Gatt, Staudt, Breen, Casey, Crawford,
Fischer, Mutch
Nays: None**

2. Consideration of approval to award a two (2) year contract for fuel purchases to RKA Petroleum Companies and Petroleum Traders Corporation (a split award) for truck transport deliveries (over 5,000 gallons); and Atlas Oil Company and RKA Petroleum Companies (a split award) for tank wagon deliveries (under 5,000 gallons) through the Michigan Intergovernmental Trade Network (MITN) cooperative purchasing bid for an estimated annual amount of \$319,000.

CM 20-02-013 Moved by Crawford, seconded by Casey; CARRIED UNANIMOUSLY

Approval to award a two (2) year contract for fuel purchases to RKA Petroleum Companies and Petroleum Traders Corporation (a split award) for truck transport deliveries (over 5,000 gallons); and Atlas Oil Company and RKA Petroleum Companies (a split award) for tank wagon deliveries (under 5,000 gallons) through the Michigan Intergovernmental Trade Network (MITN) cooperative purchasing bid for an estimated annual amount of \$319,000.

**Roll call vote on CM 20-02-013 Yeas: Staudt, Breen, Casey, Crawford, Fischer
Mutch, Gatt
Nays: None**

APPLICANT RESPONSE LETTER

L A W O F F I C E S
LANDRY, MAZZEO & DEMBINSKI, P.C.
37000 GRAND RIVER AVENUE SUITE 200
FARMINGTON HILLS, MICHIGAN 48335
www.lmdlaw.com

TELEPHONE
(248) 476-6900

FACSIMILE
(248) 476-6564

D. B. LANDRY
dlandry@lmdlaw.com

November 23, 2021

Barbara McBeth
City of Novi Planning Department
45175 Ten Mile Road
Novi, MI 48375

RE: Proposed Amended Judgment - Oak Pointe Plaza by: Nova Oak Pointe Properties, LLC
Our File No.: DID 27412

Dear Ms. McBeth:

Please accept this as a response to the City Planning Department's review of our application for approval of an amendment to the Judgment which currently controls uses at the Oak Pointe Plaza, specifically 22104 Novi Road.

The applicant is in complete agreement with the Planning Department's review and recommendation of approval of a Third Amendment to the Judgment to add the additional use of Places of Worship. The applicant specifically proposes the use of Impact Church at 22104 Nine Mile Road, consisting of 9,000 square feet. The review letter of November 15, 2021 outlines the history of the Oak Pointe Plaza, the Court Judgment which governs allowable uses and analyzes the request of adding Places of Worship to the allowed uses. The Planning Department's recommendation to the city council is to approve a Third Amendment to the Judgment and the Planning Department points out the following:

- **TRAFFIC** The proposed use would not negatively impact traffic as the use would be almost exclusively on Sundays and religious holidays which are off-peak times for the other allowable uses and also off-peak times for traffic on Novi Road.
- **PARKING.** Parking is not a concern with respect to the proposed use as the shared parking agreement in existence for Oak Pointe Plaza provides more than sufficient parking and, in addition, the Sunday use would be at a time which is off-peak for the other allowable uses.

LANDRY, MAZZEO & DEMBINSKI, P.C.

November 23, 2021

Page 2

- **NO OUTSIDE USES.** The applicant will not conduct any use outside of the building other than for parking.
- **NO CHANGES IN THE SITE/BUILDING.** There will be no exterior building renovations other than the addition of a sign which would be subject to approval under the City of Novi sign ordinance.
- **PROPOSED USE IS CONSISTENT WITH THE MASTER PLAN.** The requested additional allowable use of Places of Worship is consistent with the Master Plan stated need for economic development and strengthening community identity as one of the goals is to “create a stronger cultural presence and identity for the City by. . .creating gathering places for residents and community activity.” As pointed out by the administration, Places of Worship are considered gathering places and generate community activity that could further this stated goal.
- **LIMITING SIZE OF PLACES OF WORSHIP/PROPOSED ADDITIONAL LANGUAGE TO THE AMENDED JUDGMENT.** The applicant is in agreement with the recommended language to be added to the amended judgment with respect to allowing Places of Worship as an allowable use. The language proposed by the City Planning Department is, in the opinion of the applicant, appropriate as it would include:
 - 1) Proposed Places of Worship should be permitted to lease space in the 22104 Novi Road building subject to the administrative site plan review and approval for any exterior modifications of the site.
 - 2) Any future Place of Worship smaller than 10,000 square feet shall be permitted provided services are held during non-peak traffic hours.
 - 3) Any future Places of Worship larger than 10,000 square feet, and/or those that hold services during peak traffic hours, shall be subject to the special land use requirements listed in 6.1.2.C of the Zoning Ordinance.
 - 4) No outside uses other than parking and loading shall be permitted.

LANDRY, MAZZEO & DEMBINSKI, P.C.

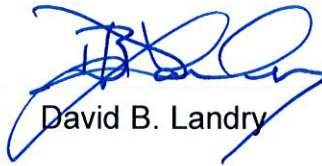
November 23, 2021

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The applicant looks forward to appearing before the Novi City Council at the next available agenda date of December 20, 2021 to address city council and seek approval for a Third Amendment to the Judgment to allow Places of Worship at this location.

Very truly yours,

LANDRY, MAZZEO & DEMBINSKI, P.C.



David B. Landry

DBL/rhr

Cc: Nova Oak Pointe Properties