

COMMUNITY DEVELOPMENT DEPARTMENT

45175 Ten Mile Road Novi, MI 48375 (248) 347-0415 Phone (248) 735-5600 Facsimile www.cityofnovi.org

ZONING BOARD OF APPEALS STAFF REPORT

FOR: City of Novi Zoning Board of Appeals ZONING BOARD APPEALS DATE: February 14, 2017

REGARDING: NO ADDRESS (50-22-14-376-017) PZ17-0002

BY: Larry Butler, Deputy Director Community Development

. GENERAL INFORMATION:

Applicant

LOCKARD CONSTRUCTION

Variance Type

DIMENSIONAL VARIANCE

Property Characteristics

Zoning District: OSC (office service commercial)

Location: north of Eleven Mile Road and east of Town Center Drive

Parcel #: 50-22-14-376-017

Request

The applicant is requesting a variance from the City of Novi Zoning Ordinance; Section 4.12.2.i.a to reduce the required outdoor recreation play area. This property is zoned OSC (OFFICE SERVICE COMMERCIAL).

II. STAFF COMMENTS:

A child care center is proposed for an existing site. The Zoning Ordinance requires a minimum outdoor recreation space on a per child basis. In this case, based on 150 children a minimum of 22,500 sf of outdoor play space is required. The request is to allow a reduction to just over 7227 sf.

III. RECOMMENDATION:

| | | | | | following | |
|--|--|--|--|--|-----------|--|
| | | | | | | |
| | | | | | | |

| 1. | I | move | that | we | <u>grant</u> | the | variance | in | Case | No. | PZ17-0002, | sought | by for |
|----|-----|------------|----------|-----------|--------------|-------|----------------|----|--------|-----|--------------------|-------------|-----------|
| | dif | ficulty re | equiring | | | | | | ecause | | oner has sho | own prac | tical |
| | | ٠, | | | | | ner will be ui | | , | • | nted or limite | d with resp | pect |
| | | (b) The | e prope | erty is u | ınique b | ecaus | se | | | | · | | |

| | (c) | Petitioner did not create the condition because |
|----|----------|---|
| | (d) | The relief granted will not unreasonably interfere with adjacent or surrounding properties because |
| | (e) | The relief if consistent with the spirit and intent of the ordinance because |
| | (f) | The variance granted is subject to: |
| | | 1 |
| | | 2 |
| | | 3 |
| | | 4 |
| 2. | l mo | ve that we <u>deny</u> the variance in Case No. PZ17-0002 , sought by |
| | for | |
| | praction | cal difficulty requiring |
| | (a) | The circumstances and features of the property including are not unique because they exist generally throughout the City. |
| | | |
| | (b) | The circumstances and features of the property relating to the variance request are self-created because |
| | (c) | The failure to grant relief will result in mere inconvenience or inability to attain higher economic or financial return based on Petitioners statements that |
| | (d) | The variance would result in interference with the adjacent and surrounding properties by |
| | (e) | Granting the variance would be inconsistent with the spirit and intent of the ordinance to |
| | | |

Should you have any further questions with regards to the matter please feel free to contact me at (248) 347-0417.

Larry Butler Deputy Director Community Development City of Novi



45175 Ten Mile Road Novi, Mi 48375 (248) 347-0415 Phane (248) 735-5600 Facsimile www.cityofnovi.org

ZONING BOARD OF APPEALS APPLICATION

APPLICATION MUST BE FILLED OUT COMPLETELY

| I. PROPERTY INFORMATION (Add | ose) A | Application fee: | | | | | |
|---|---|---|-------------------------------|--|--|--|--|
| PROJECTNAME / SUBDIVISION The Learning Experience | | | Mariles Bala | | | | |
| ADDRESS | | LOT/SNITE/SPACE # | Meeting Date: | | | | |
| SIDWELL# 376 01 | .7 May be o | blain from Assessing ant (248) 347-0485 | BA Case #: PZ | | | | |
| CROSS ROADS OF PROPERTY NOTCH EAST COTHER OF 11 M | ile Road and To | own Center Drive | | | | | |
| IS THE PROPERTY WITHIN A HOMEOWNER'S ASS | | REQUEST IS FOR: | | | | | |
| ☐ YES ☐ ND ☐ RESIDENTIAL ☐ COMMERCIAL ☐ VACANT PROPERTY ☐ SIGNAGE | | | | | | | |
| DOES YOUR APPEAL RESULT FROM A NOTICE OF VIOLATION OR CITATION ISSUED? YES NO | | | | | | | |
| II. APPLICANT INFORMATION | EMAIL ADDRESS | | | | | | |
| A. APPLICANT | Crausch@lockard | lonline.com | CELL PHONE NO. | | | | |
| NAME Lockard Construction | | | TELEPHONE NO. 319-277-8000 | | | | |
| ORGANIZATION/COMPANY Lockard Construction | | 7 | FAX NO. | | | | |
| ADDRESS 4501 Prairie Parkway | | CITY Cedar Falls | STATE IA | ZIP CODE 50613 | | | |
| | ERE IF APPLICANT IS ALSO | THE PROPERTY OWNER | | ······································ | | | |
| Identify the person or organization that owns the subject property: | Identify the person or organization that EMAL ADDRESS CEL PHONE NO. | | | | | | |
| | NAME GLJ Development, LLC f/k/a Singh VI, L.L.C. TREPHONENO. | | | | | | |
| ORGANIATION/COMPANY GLJ Development, LLC f/k/a Singh VI, L.L.C. FAXNO. | | | | | | | |
| ADDRESS 7125 Orchard Lake Ro | | Cny West Bloomfield | STATE MI | 7P CODE 48322 | | | |
| III. ZONING INFORMATION | | | | | | | |
| A. ZONING DISTRICT | 5 5 | D | = 1 | | | | |
| □ R-A □ R-1 □ R-2 | □ R-3 □ R-4 | | □мн | | | | |
| □ I-I □ I-2 □ RC | □ TC □ TC-1 | OTHER | , | | | | |
| 8. VARIANCE REQUESTED INDICATE ORDINANCE SECTION (S) AND | VARIANCE REQUESTED: | : | | | | | |
| 1. SectionSec. 4.12.2.1.a | | reduce required outdoo | r recreation space | (play area) | | | |
| 2. Section | • | | | | | | |
| | • | | | | | | |
| Section Variance requested Section Variance requested | | | | | | | |
| IV. FEES AND DRAWNINGS | | | | | | | |
| A. FEES | | | | | | | |
| Single Family Residential (Existing | g) \$200 🔲 (With Viol | ation) \$250 🗖 Single Fami | ily Residential (New) : | \$250 | | | |
| ☑ Multiple/Commercial/Industrial | \$300 | ation) \$400 🔲 Signs \$300 | (With Violation) | \$400 | | | |
| ☐ House Moves \$300 | | leetings (At discretion of Bo | oord) \$600 | | | | |
| B. DRAWINGS 1-COPY & 1 DIG: Dimensioned Drawings and Plans Site/Piot Plan Existing or proposed buildings or a | | Existing & proposed Location of existing | & proposed signs, if | | | | |
| Number & location of all on-site parking, if applicable Any other information relevant to the Variance application | | | | | | | |



ZONING BOARD OF APPEALS APPLICATION

| V. VARIANCE | | | | | | |
|---|--|--|--|--|--|--|
| A. VARIANCE (S) REQUESTED | | | | | | |
| ☐ DIMENSIONAL ☐ USE ☐ SIGN | | | | | | |
| There is a five-(5) hold period before work/action can be taken an variance approvals. | | | | | | |
| B. SIGN CASES (ONLY) Your signature on this application indicates that you agree to install a Mack-Up Sign is meeting. Failure to install a mack-up sign may result in your case not being heard by the schedule ZBA meeting, or cancelled. A mack-up sign is NOT to be actual sign, Upon approximately within live-(5) days of the meeting. If the case is denied, the applicant is responsive of the mack-up or actual sign (if erected under violation) within live-(5) days of the mack-up or actual sign (if erected under violation) within live-(5) days of the mack-up or actual sign (if erected under violation) within live-(5) days of the mack-up or actual sign (if erected under violation) within live-(5) days of the mack-up or actual sign (if erected under violation) within live-(5) days of the mack-up or actual sign (if erected under violation) within live-(5) days of the mack-up or actual sign (if erected under violation) within live-(5) days of the mack-up or actual sign (if erected under violation) within live-(5) days of the mack-up sign is NOT to be actual sign. | e Board, postponed to the next proval, the mock-up sign must be presible for all costs involved in the | | | | | |
| C. ORDINANCE | | | | | | |
| City of Novi Ordinance, Section 3107 – Miscellangous | | | | | | |
| No order of the Board permitting the erection of a building shall be valid for a period to building permit for such erection or atteration is obtained within such period and such a proceeds to completion in accordance with the terms of such permit. | nger than one-(1) year, unless a srection or alteration is started and | | | | | |
| No order of the Board permitting a use of a building or premises shall be valid for a pering eighty-(180) days unless such use is establish within such a period; provided, however, a dependent upon the erection or alteration or a building such order shall continue in to far such erection or alteration is obtained within one-(1) year and such erection or alteration in accordance with the terms of such permit. | where such use permitted is rce and effect if a building permit | | | | | |
| D. APPEAL THE DETERMINATION OF THE BUILDING OFFICIAL | | | | | | |
| PLEASE TAKE NOTICE: | | | | | | |
| The undersigned hereby appeals the determination of the Building Official / Inspector | or Ordinance made | | | | | |
| □ CONSTRUCT NEW HOME/BUILDING □ ADDITION TO EXISTING HOME/BUILDING □ SIGNAGE | | | | | | |
| ☐ ACCESSORY BUILDING ☐ USE ☐ OTHER | | | | | | |
| | | | | | | |
| LAU ADDUCANTA DECDENTY CICMATIESE | | | | | | |
| VI. APPLICANT & PROPERTY SIGNATURES | | | | | | |
| VI. APPLICANT & PROPERTY SIGNATURES A. APPLICANT | 1/2/17 | | | | | |
| A. APPLICANT | 1/3/17 | | | | | |
| | 1/3/17 | | | | | |
| Applicant Signature | 1/3/17 | | | | | |
| Applicant Signature a. PROPERTY OWNER | Dato | | | | | |
| Applicant Signature a. PROPERTY OWNER If the applicant is not the owner, the property owner must read and sign below The understand affirms and acknowledges that he, she or they are the owner(s) of the | v: e property described in this | | | | | |
| Applicant Signature applicant Signature applicant Signature | v: e property described in this | | | | | |
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| A. APPLICANT Applicant Signature 3. PROPERTY OWNER If the applicant is not the owner, the property owner must read and sign below The undersigned affirms and acknowledges that he, she or they are the owner(s) of the application, and is/ore aware of the contents of this application and related enclosure. | v: e property described in this es. | | | | | |
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Community Development Department

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REVIEW STANDARDS DIMENSIONAL VARIANCE

The Zoning Board of Appeals (ZBA) will review the application package and determine if the proposed Dimensional Variance meets the required standards for approval. In the space below, and on additional paper if necessary, explain how the proposed project meets each of the following standards. (Increased costs associated with complying with the Zoning Ordinance will not be considered a basis for granting a Dimensional Variance.)

Standard #1. Circumstances or Physical Conditions.

Explain the circumstances or physical conditions that apply to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Circumstances or physical conditions may include:

a. Shape of Lot. Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of the Zoning Ordinance or amendment. Describe below:

The site is not large enough to accommodate the required play ground area (22,500 sq. ft.) after the area for the ROW berm, landscaping, and parking is accounted for.

OR

b. Environmental Conditions. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure. **Describe below:**

OR

c. Abutting Property. The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of the Zoning Ordinance or would involve significant practical difficulties. **Describe below:**

Standard #2. Not Self-Created.

Describe the immediate practical difficulty causing the need for the Dimensional Variance, that the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e., is not self-created).

The site is not large enough to accommodate the required play ground area (22,500 sq. ft.) after the area for the ROW berm, landscaping, and parking is accounted for.

Standard #3. Strict Compliance.

Explain how the Dimensional Variance in strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

Under the current requirements, the minimum play ground area for 150 children is 22,500 sq. ft. The site is not large enough to provide this large of a play ground area and still provide the other necessary site components (ie ROW berms, landscaping, parking lot, dumpster area, loading/unloading area, and the building)

Standard #4. Minimum Variance Necessary.

Explain how the Dimensional Variance requested is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

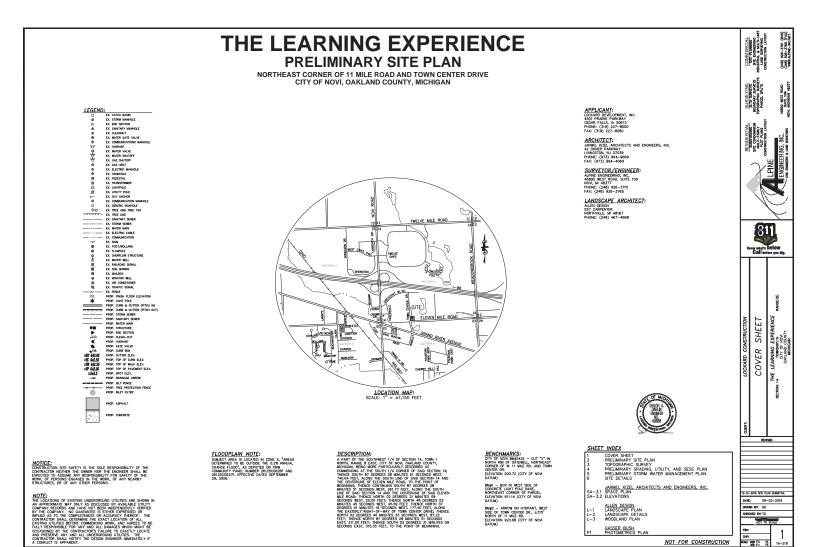
The Dimensional Variance for the size of the play ground area is the only variance requested and in our opinion is the minimum variance necessary. The Applicant could ask for a variance for the ROW berming and landscaping to gain additional play ground area; however this could lead to safety issues and would reduce the overall aesthetic.

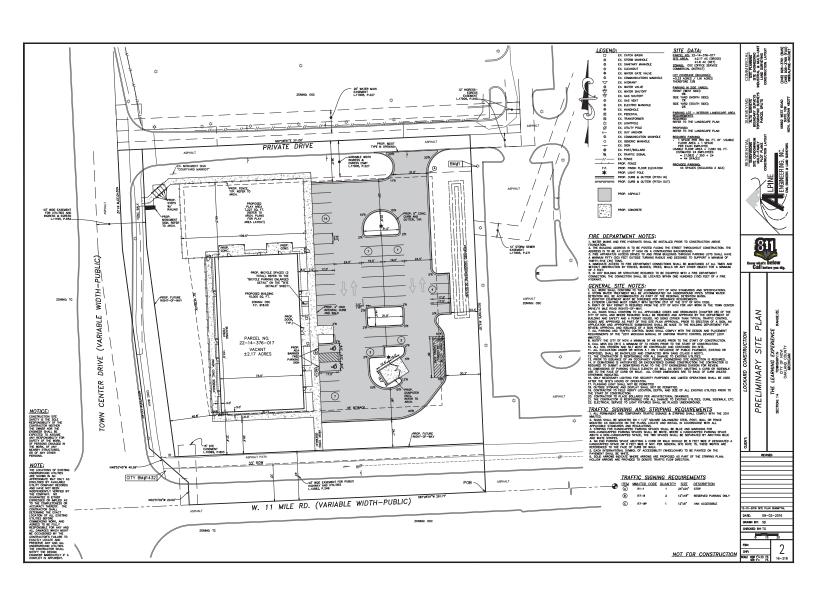
Standard #5. Adverse Impact on Surrounding Area.

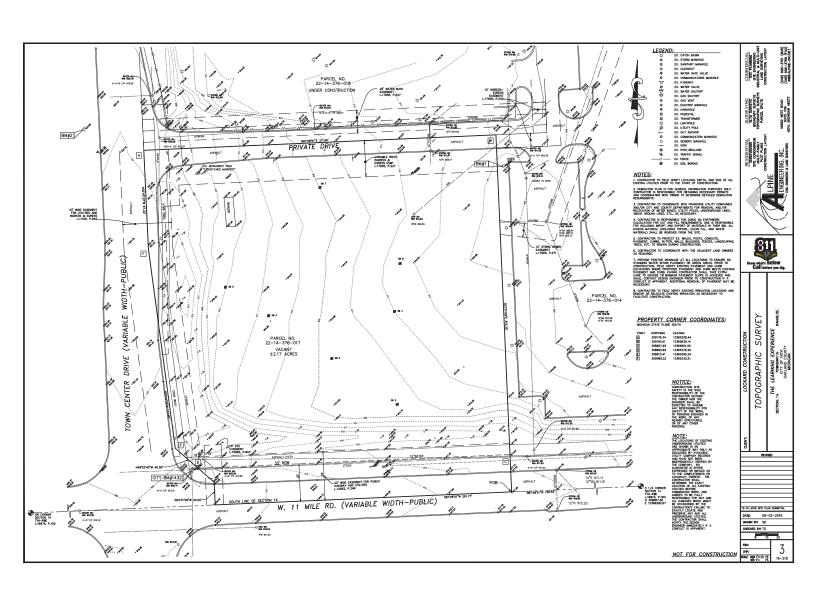
Explain how the Dimensional Variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

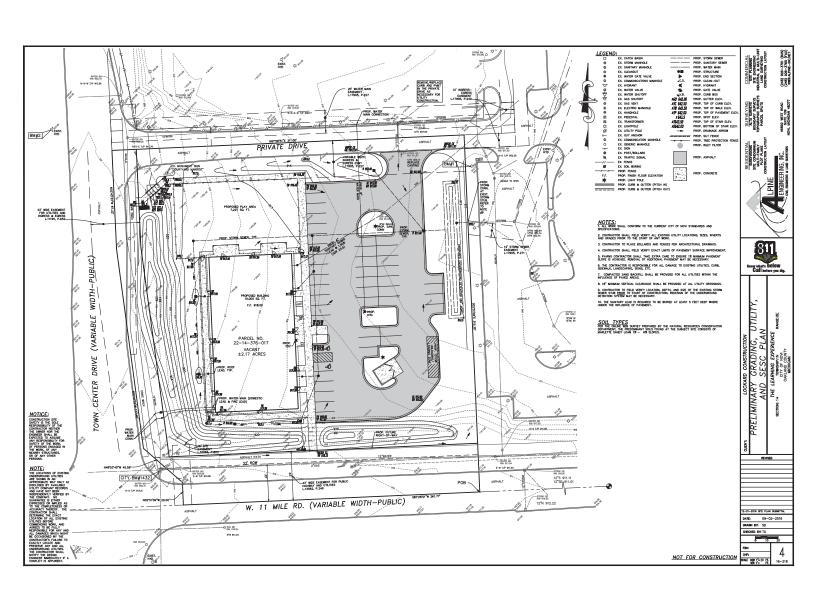
It is not anticipated that the requested Dimensional Variance will cause an adverse impact on surrounding property values, or the use and enjoyment of property in the neighborhood or zoning district.

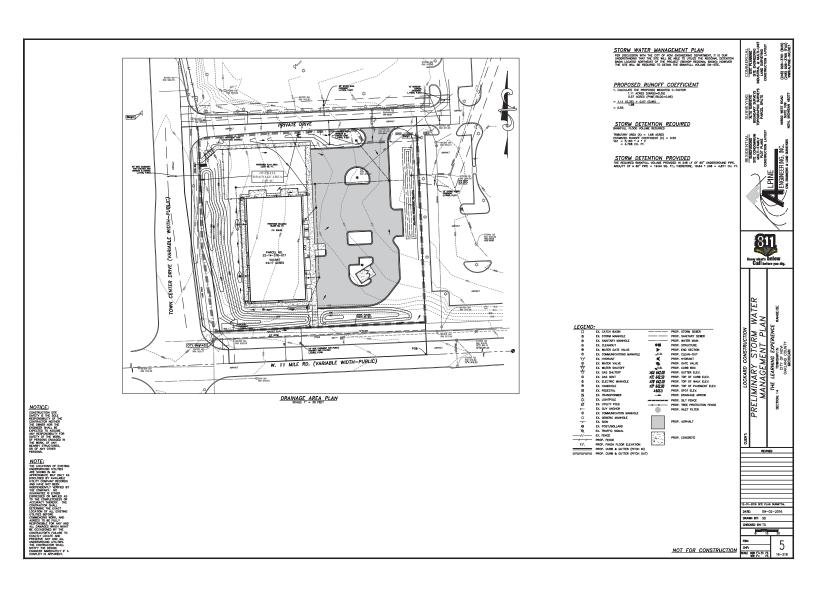
The proposed area allotted for the play ground is 7,227 sq. ft. which is the required amount of playground area for our Client, The Learning Experience. It is our understanding that this meets the State of Michigan requirements. It should also be noted that although the daycare is licensed to care for 150 children, the children would typically be allowed in the play ground area in shifts and therefore not all of the 150 children would be in the playground at the same time.

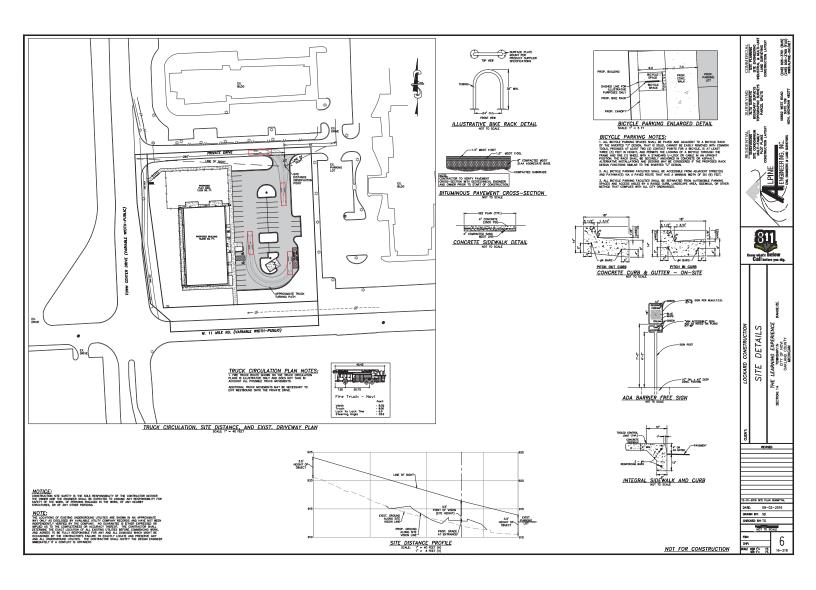


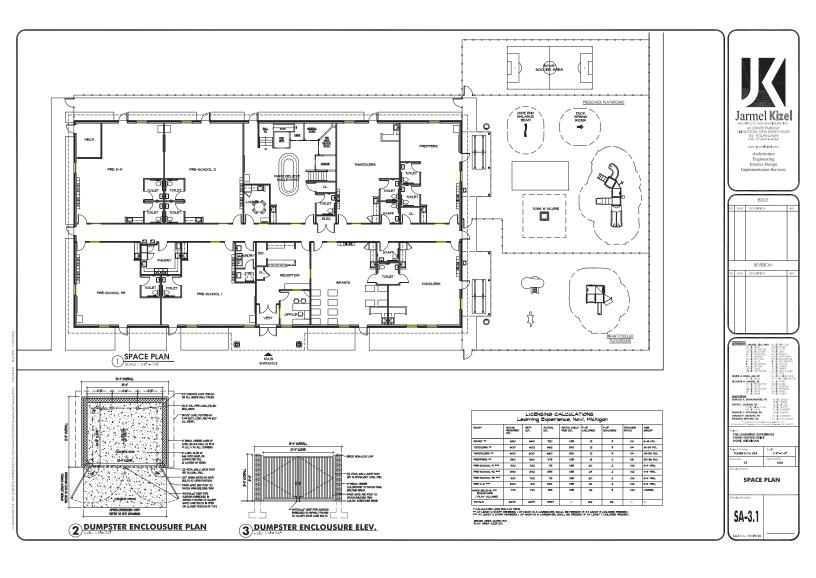


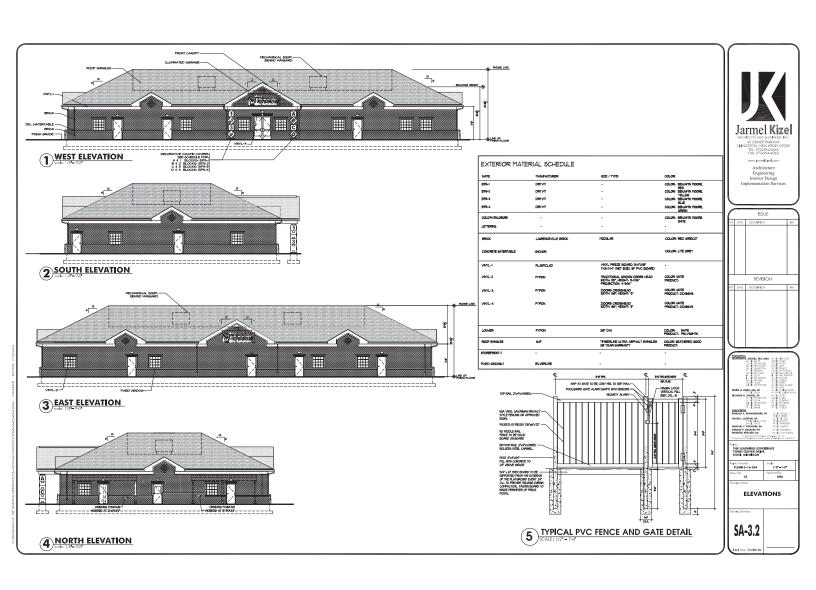












Existing Zorining
Parling Lot Landscaphy
Parling Lot Landscaphy
Parling Lot Landscaphy
Parling Space Areo
Vollosized Use Area
Landscape Area Required
5,989 6,1 x 10% – 507 s J.
13,037 s J. x 5% — 602 s J.
Landscape Area Shown
Cancopy Trees Shown
Cancopy Trees Shown
Cancopy Trees Shown
Desirated of Required
Cancopy Trees Shown 5,896 s.f. 13,037 s.f. 1,249 s.f. 620 Lf. 18 Trees (210 Lf. / 35') 3 Trees 420 l.f. 3,360 s.f. (420 l.f. x 8') 1,302 s.f. 101 Lf. 3 Trees (101 Lf. / 35') 3 Trees 5 Trees (101 Lf. / 20') 5 Trees

Building Perimeter Landscaping of 2,058 s.f. This is Due to Perimeter Walks and Play Area. This Landscape Area is

| | gay. | SCHOOL SATE | CONTROL DATE | Chicks | Ecocing | 1000 | 5695 | 5504 | _ | 50036 |
|-------|-------|--------------------------------------|------------------------|--------|----------|------|-------------|-----------|---|-----------|
| AC | | Amelanchier canadensis Shadblow | Shadblow Serviceberry | 2.5" | as shown | DAD | | \$ 250.00 | | 4.250.00 |
| AK | 10 | Acer x. feemanii 'Autumn Blaze' | Autumn Blaze Maple | 3.0" | as shown | DAD | | \$ 400.00 | | 4,000.00 |
| DN | 6 | Detula nigra | River Birch | 3.0" | as shown | DAD | | \$ 400.00 | 5 | 2,400.00 |
| EA | 55 | Euprymus sists 'Compacts' | Dwaf Burningbush | | as shown | | 30"-36" | \$ 50.00 | | 2,750.00 |
| HE | 103 | Hemerocallis Lemon Mint' | Lemon Mint Davilly | | as shown | | No. 2 Cont. | \$ 15.00 | 5 | 2,745.00 |
| GT | 7 | Gleditsia triacanthos v. 'Inemis' | Honeylocust | 3.0" | as shown | DAD | | \$ 400.00 | | 2,800.0 |
| LT | | Liriodendron tulipitera | Tulip Tree | 3.0" | as shown | | | \$ 400.00 | | 3,200.00 |
| MS | 12 | Malus 'Royal Raindrops' | Royal Raindroos Crab | 2.5" | as shown | DAD | | \$ 250.00 | | 3,000.00 |
| PA | | Pennisetum a. Hameln' | Dwaf Fountain Grass | | as shown | | No. 2 Cont. | \$ 15.00 | | 450.00 |
| PS | 3 | Pinus strobus | White Pine | | as shown | DAD | | \$ 350.00 | 5 | 1,050.00 |
| RG | 129 | Rudbeckis f. 'Goldstrum' | Black Eyed Susan | | as shown | | No. 2 Cont. | \$ 15.00 | | 1,935.00 |
| SP | 10 | Spirea x. burnalds 'Anthony Waterer' | Anthony Waterer Spires | | as shown | | 30'-36' | \$ 50.00 | | 900.0 |
| TC | 10 | Tilia cordata 'Chancole' | Chancellor Linden | 3.0" | as shown | DAD | | \$ 400.00 | 5 | 4,000.00 |
| TM | 27 | Taxus x. media 'Densilbrmis' | Dense Yew | | as shown | | 30'-36' | \$ 50.00 | | 1,350.00 |
| | 3,028 | Kentucky Blue Grass Seed (S.Y.) | | | | | | \$ 3.00 | 5 | 9,084.00 |
| Vulch | | | | | | | | | | |
| | 70 | 4" Deep Sheedded Hardwood Bark Mulch | | | | | | \$35/s.v. | 5 | 2.450.00 |
| | | Irrigation | | | | | | | 5 | 10,000.00 |
| | | | | | | | Total | | 5 | 56,364,00 |





Title: Landscape Plan

Project:

The Learning Experience Novl, Michigan

Prepared for:

Alpine Engineering
46892 West Road
Novi, Michigan 48377
248.926.3701

Revision: Submission Revised Issued: September 1, 2016 November 1, 2016

Job Number:

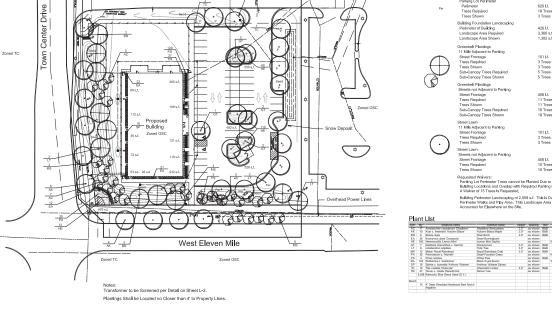
Checked By: Drawn By:

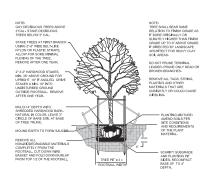


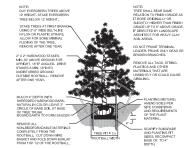


Sheet No.

L-1

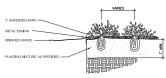


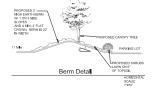




DECIDUOUS TREE PLANTING DETAIL

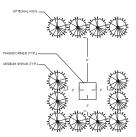




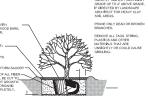


PERENNIAL PLANTING DETAIL





TRANSFORMER SCREENING DETAIL



SHRUB PLANTING DETAIL

LANDSCAPE NOTES

- CITY OF NOVI NOTES

 1. All licenses them and the health of the same relative to further dicharge.
 2. All proposed instance and the health of the same relative to further dicharge.
 2. All proposed instance are used in the signal of the same relative to the same

THE SITE WILL BE IM-INTAINED BY THE DEVELOPER IN ADCORDANCE WITH THE STANDARDS SET FORTH IN THE CITY OF MOVITORING ORDINANCE, THIS INCLUDES WEETING AND WATERING AS REQUIRED BY MORRAL WHITE HAVE PROVIDED.

PLANT MATERIALS SHALL BE GUARANTEED FOR 2 YEARS AND SHALL BE MAINTAINED IN ACCORDANCE WITH CITY ORDINANCES. WARRINN'S PERIOD BEGINS AT THE TIME OF CITY APPROVAL, WATERING AS NICESSAYS SHALL OCCUR DURNG THE WARRANTY PERIOD.





Landscape Details

Project:

The Learning Experience Novl, Michigan

Prepared for:

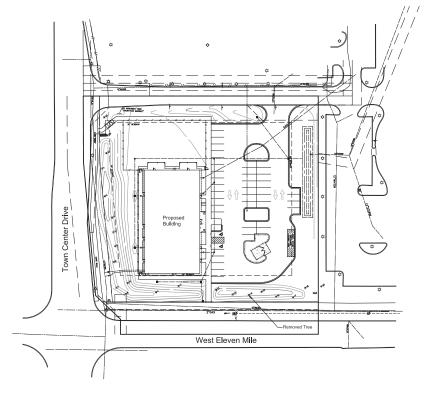
Revision:

Job Number:



Sheet No.

L-2





| TAG NO. | DIAMETER | COMMON NAME | BOTANICAL NAME | CONDITION | REMARKS | REPLACEMENT |
|---------|----------|------------------|------------------|-----------|---------------|-------------|
| - 1 | 9 | Acer x freemanii | Freeman Maple | Good | Remove | 0 |
| 2 | 12 | Acer x freemanii | Freeman Maple | Good | Remove | 0 |
| 3 | 9 | Austrian Pine | Pinus nigra | Poor | Remove | 0 |
| 4 | 11 | Austrian Pine | Pinus nigra | Poor | Remove | 0 |
| - 5 | 11 | Austrian Pine | Pinus nigra | Poor | Remove | 0 |
| 6 | 11 | Acer x freemanii | Freeman Maple | Good | Remove | 0 |
| 7 | Dead | | | | Remove | 0 |
| 8 | 11 | Austrian Pine | Pinus nigra | Poor | Remove | 0 |
| 2 | 14 | Acer x freemanii | Freeman Maple | Good | Remove | 0 |
| 10 | 6,9 | Austrian Pine | Pinus nigra | Poor | Remove | 0 |
| 11 | 11 | Crabapple | Malus spp. | Good | Remove | 0 |
| 12 | 14 | Acer x freemanii | Freeman Maple | Good | Remove | 0 |
| 13 | 14 | Acer x freemanii | Freeman Maple | Good | Remove | 0 |
| 14 | Dead | | | | Remove | 0 |
| 15 | 12 | Austrian Pine | Pinus nigra | Poor | Remove | 0 |
| 16 | 13 | Austrian Pine | Pinus nigra | Poor | Remove | 0 |
| 17 | 12 | Acer x freemanii | Freeman Maple | Good | Remove | 0 |
| 18 | 6 | Bradford Pear | Pyrus calleryana | Good | Remove | 0 |
| 19 | 6,6,6 | Bradford Pear | Pyrus calleryana | Good | Remove | 0 |
| 20 | 6.6 | Bradford Pear | Pyrus calleryana | Good | Save | |
| 21 | 10 | Acer x freemanii | Freeman Maple | Good | Remove | 0 |
| 22 | 13 | Bradford Pear | Pyrus calleryana | Fair | Remove | 0 |
| 23 | 9 | Austrian Pine | Pinus nigra | Poor | Remove | 0 |
| | | | | Renlace | ment Required | 0 |

| Woodland Summary | |
|------------------|--|
| | |

| Total Trees | 23 Trees |
|-----------------------------|-------------------|
| Less: 1 | |
| Non-Regulated Trees | 21 Trees |
| Dead Trees | 2 Trees |
| Net Regulated Trees | 0 Regulated Trees |
| Non-Regulated Trees Removed | 22 Trees |
| Note: | |





Title: Woodland Plan

Project:
The Learning Experience Novl, Michigan

Prepared for: Alphe Engineering 46892 West Road Novi, Michigan 48337 248.926.3701

Revision: Submission Revised

Job Number:

Checked By:

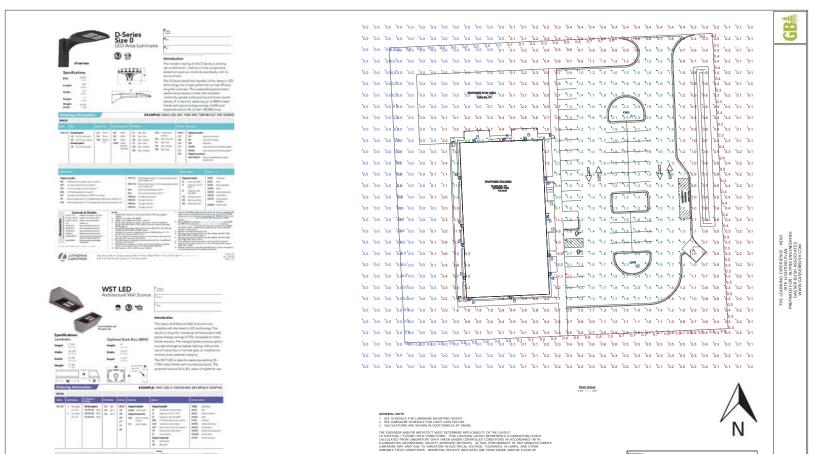




Sheet No.

L-3

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THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING AWALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND

Symbol

A LITHONIA LIGHTING

Description

DSHD LED with 40 LEDs (#1000 mA 4000K, Type 5 Wide Optics

Designer BW/KJS Date 8/2/2016 Scale Not to Scale Drawing No. #16-60363-V1 1 of 1



46892 West Road, Suite 109 Novi, Michigan 48377 Phone: (248) 926-3701 Fax: (248) 926-3765

Web: www.alpine-inc.net

January 4, 2017

via hand delivery

ATTN: Carol Chaput City of Novi Community Development Department 45175 West 10 Mile Road Novi, MI 48375

Re: The Learning Experience - Day Care Center

ZBA Submittal

Alpine Engineering Inc. Project #16-218

JSP16-19

Dear Carol:

On behalf of our client, Lockard, please find the additional information enclosed for your review and distribution

- Owners' signed copy of the "Zoning Board of Appeals" application
- Copy of the Review Standards
- One (1) set of Preliminary Site Plans (dated 12-01-2016)

If you have any questions/comments, please feel free to contact me at (248) 941-5624 or shiloh@alpine-inc.net.

Thank you.

Sincerely, Alpine Engineering, Inc.

Shiloh Dahlin

Senior Project Engineer

Cc:

Dustin Whitehead (Lockard) via email Paul Riordan (Lockard) via email