



CITY of NOVI CITY COUNCIL

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Agenda Item 3
November 13, 2007

SUBJECT Consideration of Zoning Map Amendment 18.678 to rezone from OS-2, Planned Office Service to OS-1, Office Service for property located on the north side of Ten Mile Road, west of Haggerty Road, in Section 24. The subject property is 6.57 acres.

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL: [Signature]

BACKGROUND INFORMATION:

The petitioner is requesting the rezoning of property located on the north side of Ten Mile Road, west of Haggerty Road in Section 24. The 6.57 acre parcel under review is currently zoned OS-2, Planned Office Service. The applicant has requested a rezoning of the parcel to OS-1, Office Service. The site is currently developed with a 23,327 square foot medical office building and parking area. Approximately 1.6 acres of the site is undeveloped along the west and south property lines.

The applicant has indicated that the rezoning is being requested to facilitate the expansion of the parking area on the site, in order to add five additional barrier free spaces and a patient drop-off area on the west side of the building and additional patient parking on the east side of the building. The applicant has indicated that the doctors presently occupying the building specialize in geriatric medicine and a majority of the patients have a difficult time walking to the building entrance. While not directly associated with this rezoning request, please see the attached plan showing possible changes to the site plan. The reduced parking setbacks of the OS-1 district as compared to those of the OS-2 district will permit the applicant to add this parking and still meet ordinance standards.

It should be noted that medical office uses are permitted in both the OS-1 and OS-2 districts. For the future development of the west part of the site, it should be noted that the proposed OS-1 district also permits banks, churches and personal service establishments, such as beauty shops and barber shops, along with other uses permitted subject to special conditions. The existing OS-2 district allows larger-scale office buildings with accessory uses contained within the office building. These uses within the larger building include a pharmacy, restaurant, barber shop or beauty shop, and are subject to certain conditions and with special land use approval.

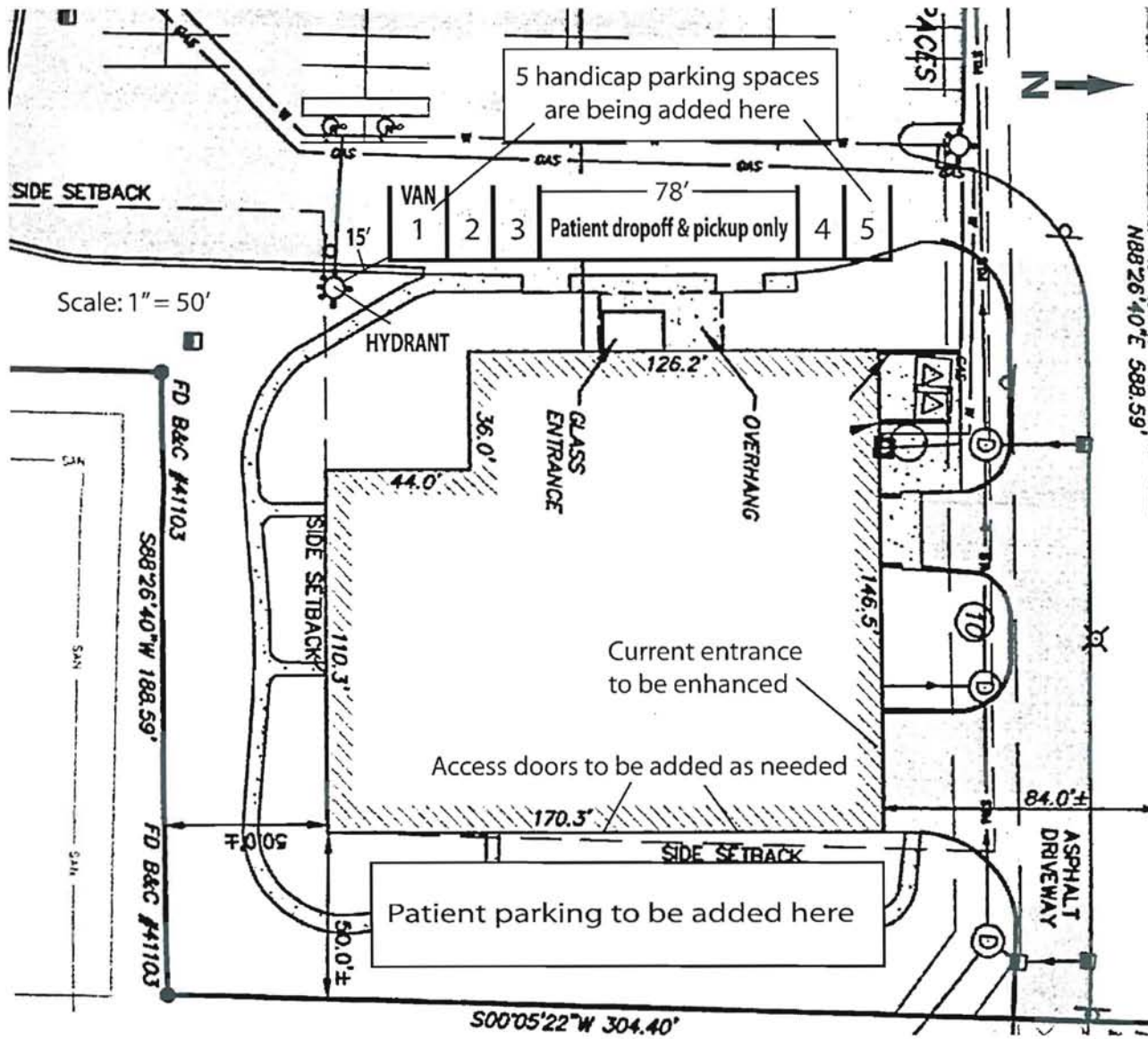
This matter was brought before the Planning Commission for a public hearing and recommendation on October 24, 2007. At that time, the Planning Commission made a positive recommendation to City Council for Rezoning 18.678. Please see the attached excerpt from the draft meeting minutes from the October 24, 2007 Planning Commission meeting.

RECOMMENDED ACTION: Approval of Zoning Map Amendment 18.678 to rezone from OS-2, Planned Office Service to OS-1, Office Service for property located on the north side of Ten Mile Road, west of Haggerty Road, in Section 24 for the reasons stated in the Planning Review Letter.

Table with 5 columns (1, 2, Y, N) and 5 rows (Mayor Landry, Council Member Capello, Council Member Crawford, Council Member Gatt)

Table with 5 columns (1, 2, Y, N) and 4 rows (Council Member Margolis, Council Member Mutch, Council Member Staudt)

ADDITIONAL PARKING TO BE PROPOSED



PLANNING REVIEW



PLAN REVIEW CENTER REPORT

September 23, 2007

Planning Review

DeLorean Associates, Inc.

Zoning Map Amendment 18.678

Petitioner

DeLorean Associates, Inc. (Jack Z. DeLorean)

Review Type

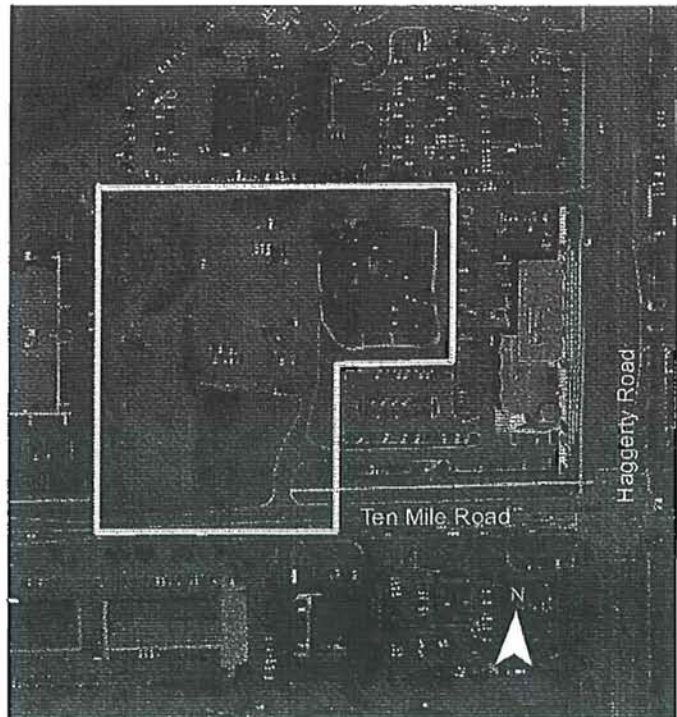
Rezoning Request from OS-2 (Planned Office Service) to OS-1 (Office Service)

Property Characteristics

- Site Location: North side of Ten Mile Road, west of Haggerty Road
- Site Zoning: OS-2, Planned Office Service
- Adjoining Zoning: North and East: B-3; West: OS-1; South: Ten Mile Road, OS-1
- Current Site Use: St. John Health – Medical Office
- Adjoining Uses: North: Chrysler Dealership; East: Jaguar Dealership; West: Brookside Medical; South: Comerica Bank, Holly Hill Professional Village
- School District: Novi Community School District
- Site Size: 6.57 acres

Project Summary

The site is currently developed with a 23, 327 square foot medical office building and parking area. Approximately 1.6 acres of the site is undeveloped along the west and south property lines. The petitioner is requesting the rezoning of a property on north side of Ten Mile Road, west of Haggerty Road in Section 24 of the City of Novi. The 6.57 acres under review are currently zoned OS-2, Planned Office Service. The applicant has requested a rezoning of the parcel to OS-1, Office Service. The applicant has indicated that the rezoning is



being requested to facilitate the expansion of the parking area on the site, more specifically to add five additional barrier free spaces and a patient drop-off area on the west side of the building and additional patient parking on the east side of the building. The applicant has indicated that the doctors presently occupying the building specialize in geriatric medicine and a majority of the patients have a difficult time walking to the building entrance. The reduced parking setbacks of the OS-1 district as compared to those of the OS-2 district will permit the applicant to add this parking and still meet ordinance standards. It should be noted that the OS-1 zoning district also permits some limited commercial establishments, such as indoor recreational facilities and beauty salons in addition to office-type uses, while the OS-2 district allows commercial establishments under certain conditions and with special land use approval.

Recommendation

Staff **recommends approval** of the proposed Zoning Map Amendment, which would rezone the property from OS-2, Planned Office Service, to OS-1, Office Service. The rezoning request is consistent with the Master Plan for Land Use, which recommends Office uses on the parcel. Approval is recommended for the following reasons.

- The requested zoning is in compliance with the Master Plan for Land Use, which calls for Office land uses on the property.
- The requested rezoning is very similar to the existing zoning on the site and would permit similar uses.
- The requested rezoning would not create a non-conformity in terms of use or dimensional standards of the ordinance.

Planning Commission Options

The Planning Commission has the following options for its recommendation to City Council:

1. Recommend rezoning of the parcel to OS-1, Office Service (**APPLICANT REQUEST, STAFF RECOMMENDATION**).
2. Deny the request, with the zoning of the property remaining OS-2, Planned Office Service.
3. Recommend rezoning of the parcels to any other classification that the Planning Commission determines is appropriate. **NOTE:** This option would require the Planning Commission to hold and send notice for another public hearing with the intention of recommending rezoning to the appropriate designation. At this time, Staff has not reviewed any other alternatives.

Master Plan for Land Use

The Master Plan for Land Use currently designates this property for Office zoning. A rezoning of the property to an OS-1 zoning would be consistent with the recommended actions of the Master Plan. The Master Plan recommends Office and Community Commercial uses for the adjacent properties and the immediate surrounding area.

Existing Zoning and Land Use

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

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

	Existing Zoning	Existing Land Use	Master Plan Land Use Designation
Subject Site	OS-2, Planned Office Service	St. John Health – Medical Office	Office
Northern Parcels	B-3, General Business	Chrysler Dealership	Community Commercial
Southern Parcels	OS-1, Office Service	Ten Mile Road, Comerica Bank, Holly Hill Professional Village	Office
Eastern Parcels	B-3, General Business	Jaguar Dealership	Community Commercial
Western Parcels	OS-1, Office Service	Brookside Medical	Office

Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the requested OS-1 zoning with the zoning and uses on the adjacent properties should be considered by the Planning Commission in making the recommendation to City Council on the rezoning request.

Directly to the **north** of the subject property is a Chrysler Dealership, zoned B-3, General Business. Changing the zoning of the subject property to OS-1 would not negatively affect the existing dealership parcel since all of the uses currently permitted in OS-1 are also permitted in OS-2. Furthermore, there is an existing medical office building on the site and that is proposed to remain so conditions would essentially remain the same, with the addition of some parking.

Directly to the **south** of the subject property is Ten Mile Road. On the southern side of Ten Mile Road are a Comerica Bank and the Holly Hill Professional Village. Both are in the OS-1, Office Service district. Changing the zoning of the subject property to OS-1 will not have a negative impact on either of these properties. Both properties are currently zoned OS-1 and the use of the subject property and the possible uses would essentially remain the same.

The property to the **west** of the subject property is in OS-1, Office Service district and contains Brookside Medical Office. Changing the zoning of the subject property to OS-1

will not have a negative impact on this property. The property is currently zoned OS-1 (which is the same as the proposed rezoning of the subject property) and the use of the subject property and the possible uses would essentially remain the same.

The property to the **east** of the subject parcel is zoned B-3, General Business and contains a Jaguar Dealership. The rezoning of the subject property would have little impact on the existing Jaguar Dealership as the uses permitted in OS-1 are also permitted in OS-2.

Comparison of Zoning Districts

The following table provides a comparison of the current and proposed zoning classifications. No alternatives have been provided at this time. The most logical alternatives, OSC and OST would both be problematic. The site currently has parking in the front yard. The OSC district prohibits front yard parking so a rezoning to OSC would create a non-conforming site. The OST district has the same setback regulations as the OS-2 district. Given the fact that the applicant has proposed this rezoning to reduce the size of the required setbacks, a rezoning to OST does not seem practical.

	OS-2 Zoning (Existing)	OS-1 Zoning (Proposed)
Principal Permitted Uses	<ol style="list-style-type: none"> 1. Office buildings, offices and office sales and service activities for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales and engineering and data processing; corporate offices and headquarters and office support functions, such as conference rooms, dining facilities, photographic facilities and record storage facilities. 2. Medical offices, including laboratories and clinics. 3. Facilities for human care, such as general hospitals, sanitariums, convalescent homes, hospice care facilities and assisted living facilities subject to the requirements of subsection 1101.3. 4. Off-street parking lots. 5. Accessory structures and uses customarily incident to the above permitted uses. 6. Publicly owned and operated parks, parkways and outdoor recreation 	<ol style="list-style-type: none"> 1. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales subject to the limitations contained in Section 1103, Required Conditions. 2. Medical office, including laboratories and clinics. 3. Facilities for human care such as general hospitals, sanitariums, convalescent homes, hospice care facilities and assisted living facilities (subject to specific conditions). 4. Banks, credit unions, savings and loan associations, and similar uses with drive-in facilities as an accessory use only. 5. Personal service establishments including barbershops, beauty shops, and health salons. 6. Off-street parking lots. 7. Churches. 8. Other uses similar to the above uses. 9. Accessory structures and uses customarily incident to the above

	OS-2 Zoning (Existing)	OS-1 Zoning (Proposed)
	facilities.	permitted uses. 10. Publicly owned and operated parks, parkways and outdoor recreational facilities.
Special Land Uses	<ol style="list-style-type: none"> One or more of the following uses which is accessory to and located in the same building as a principal use authorized by Section 2301: a pharmacy or apothecary shop, medical supply store, optical services, restaurants, barber shops or beauty shops, gift shops, travel agencies, health studios and related services for employees or offices (subject to specific conditions). Sit down restaurants (subject to specific conditions). 	<ol style="list-style-type: none"> An accessory use customarily related to a principal use authorized by this Section, such as but not limited to: a pharmacy or apothecary shop, stores limited to corrective garments or bandages, or optical service may be permitted. Mortuary establishments (subject to specific conditions). Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformers stations, or gas regulator stations. Day care centers and adult day care centers (subject to specific conditions). Public or private recreational facilities.
Minimum Lot Size	Based on the amount of off-street parking, landscaping, and setbacks required	Based on the amount of off-street parking, landscaping, and setbacks required
Building Height	3 stories –or– 42 feet	30 feet
Building Setbacks	Front: 50 feet Sides: 50 feet* Rear: 50 feet	Front: 20 feet Sides: 15 feet Rear: 20 feet
Parking Setbacks	Front: 20 feet Sides: 20 feet Rear: 20 feet	Front: 20 feet Sides: 10 feet Rear: 10 feet

*Three feet of horizontal setback for each foot of building height required.

Infrastructure Concerns

See Engineering review letter for specific discussion of water and sewer capacities in the area serving the subject property. The applicant was not required to submit a Traffic Impact Study with the rezoning request. Any specific and necessary improvements to the roadway will be reviewed at the time of Preliminary Site Plan submittal. See the traffic review letter for additional information regarding the proposed rezoning.

Natural Features

The regulated wetland and woodland maps indicates that there are no natural features in the City’s inventory at this time. The location of any woodlands and wetlands will need to be field verified by the applicant with the submittal of any site plan for the

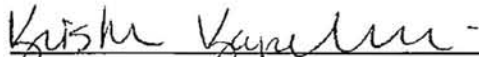
parcels. Impacts to these natural features will be reviewed and discussed during the site plan submittal for any project on the property.

Development Potential

Development under the current OS-2 zoning has resulted in a medical office building of about 23,000 square feet. A slightly larger professional office building could be constructed on the site, as parking requirements are reduced. Alternatively, a small office building (between 15,000 and 20,000 square feet) could be constructed in the area of the site that is currently vacant. This would be in addition to the existing medical office. The proposed OS-1 zoning would allow a slightly larger building or an additional building in the vacant area of the site as the setbacks for the OS-1 district are reduced when compared to OS-2. There are also some limited commercial uses that would be permitted in the OS-1 district should the property ever be redeveloped.

Submittal Requirements

- The applicant has provided a survey and legal description of the property in accordance with submittal requirements.
- The rezoning sign has been erected on the property, in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request.



Kristen Kapelański, Planner- City of Novi 248-347-0586

TRAFFIC REVIEW



August 24, 2007

Ms. Barbara E. McBeth
Deputy Director Community Development
45175 West Ten Mile Road
Novi, MI 48375-3024

Re: Rezoning 18.678 – 1st Review
SP No. N/A
OHM Job No. 163-07-0421

As requested, we have reviewed the rezoning application, dated August 16, 2007, submitted by Jack Delorean from Delorean Associates, Inc. We offer the following comments:

OHM RECOMMENDATION

At this time, we recommend approval of the zoning change for this development.

DEVELOPMENT BACKGROUND

The site to be rezoned is located on the north side of 10 Mile Road, west of Haggerty Road. This location is surrounded by OS-1 & B-3 land uses. The site is 6.57 acres in size, currently zoned OS-2 (Planned Office Service).

The applicant is requesting that this site be rezoned from OS-2 to OS-1 (Office Service), for the proposed medical building development.

DISCUSSION

The rezoning would be in accordance with the current City of Novi Master Plan for Land Use. We also believe the estimated number of trips generated will not significantly change as a result of this zoning. As such, traffic and the roadway network in the vicinity of the site will not be adversely affected. Therefore, we support the rezoning request.

If you have any concerns or questions, please feel free to contact us at 734-522-6711.

Sincerely,
Orchard, Hiltz & McCliment, Inc.

A handwritten signature in black ink that reads 'Stephen B. Dearing'.

Stephen B. Dearing, P.E., PTOE.
Manager of Traffic Engineering

A handwritten signature in black ink that reads 'Anita S. Katkar'.

Anita S. Katkar, P.E.
Traffic Project Engineer

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ENGINEERING REVIEW



CITY OF NOVI
Engineering Division

MEMORANDUM

To: Barbara McBeth, AICP
Deputy Community Development Director

From: Brian T. Coburn, P.E. *BTC*
Civil Engineer

Date: September 20, 2007

Re: Rezoning Request 18.678
39500 W Ten Mile Road (near Haggerty)

In response to your request, we have reviewed the proposed rezoning of the a parcel located north of Ten Mile and west of Haggerty Road in Section 24 for potential impacts to public utilities. It is our understanding that the applicant is requesting that approximately 6.57 acres be rezoned from OS-2 to OS-1.

Water service and sanitary sewer service is available from utilities that are located on or adjacent to the site.

In reviewing the information provided, we have determined that the rezoning would result in no change in the water and sanitary sewer demands for these parcels. Therefore, we have no utility related concerns with the rezoning application as presented.

cc: Rob Hayes, P.E.; City Engineer
Ben Croy, P.E.; Plan Review Engineer
Benny McCusker, Public Works Director

**PLANNING COMMISSION MEETING MINUTES – EXCERPT
OCTOBER 24, 2007**



PLANNING COMMISSION
 REGULAR MEETING
 REZONING 18.678 EXCERPT
 WEDNESDAY, OCTOBER 24, 2007 7:00 PM
 COUNCIL CHAMBERS - NOVI CIVIC CENTER
 45175 W. TEN MILE, NOVI, MI 48375
 (248) 347-0475
 cityofnovi.org

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Members John Avdoulos, Victor Cassis, Andrew Gutman, Michael Lynch, Michael Meyer, Wayne Wrobel

Absent: Members Brian Burke (excused), Mark Pehrson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Ben Croy, Civil Engineer; Kristin Kolb, City Attorney

PUBLIC HEARING**1. ZONING MAP AMENDMENT 18.678**

Public Hearing on the request of DeLorean Associates, LLC for a recommendation to City Council for rezoning of property in Section 24, north of Ten Mile, west of Haggerty Road, from OS-2, Planned Office Service, to OS-1, Office Service District. The subject property is 6.57 acres.

Planner Kristen Kapelanski described this rezoning request that would take the site from OS-2 to OS-1. It is master planned for Office. The site currently houses a 23,327 square-foot medical office building. To the north is a Chrysler dealership, zoned B-3 and master planned for Community Commercial. To the east is a Jaguar Dealership, zoned B-3 and master planned for Community Commercial. To the west is Brookside Medical, zoned OS-1 and master planned for Office. To the south are a Comerica Bank and Holly Hill Professional Village, zoned OS-1 and master planned for Office. There are no wetlands or woodlands.

This rezoning will facilitate the expansion of the parking area. The Applicant would like to add more handicapped parking and a patient drop-off area on the west side of the building. Closer parking will better serve the needs of the elderly patients. The Staff supports their request. It is consistent with the Master Plan and consistent with the existing character of the area. It would not create any non-conformities. It would be zoned consistent with its neighbors. The Traffic Review supports the request. The Engineering Review has no major issues with the request.

No one from the audience wished to speak and no correspondence was received so Chair Cassis closed the Public Hearing.

Later in the evening, Member Meyer asked that correspondence in support of the rezoning from Alli Fayz of Pheasant Run Plaza, Inc. be noted in the minutes. Mr. Fayz stated that the rezoning would be beneficial to the community.

Mr. DeLorean explained that this change would allow them to place parking closer to the building that would not make it necessary for the elderly patients to walk in the driveway in order to get to the building.

Moved by Member Lynch, seconded by Member Gutman:

In the matter of Zoning Map Amendment 18.678 for Jack DeLorean of DeLorean Associates, Inc., motion to recommend approval to City Council to rezone the subject property from OS-2, Planned Office Service, to OS-1, Office Service, for the reason that it is in compliance with the Master Plan for Land Use.

DISCUSSION

Member Wrobel asked about the leasing sign on the site. Mr. DeLorean said there are still vacant spaces in the building. Member Wrobel asked about the undeveloped western side of the site. Ms. Kapelanski said it is possible for that area to develop. The OS-1 and OS-2 offer similar uses, but the setbacks are very different. Member

Wrobel was concerned that OS-1 allows banks and OS-2 does not; he thinks the City has a gluttony of banks, and he didn't want to exacerbate that situation.

Mr. DeLorean responded that about 60% of the vacant land is a retention pond. They believe that they can someday build another 22,000 square-foot medical building with the rezoning. With the OS-2 zoning, this vacant land is virtually unbuildable.

Member Avdoulos explained that when the Master Plan and Zoning Committee reviewed this request, they bantered about the idea of the Applicant just seeking a ZBA variance for the setback and parking issues. However, a granted variance is not a sure thing. Because the request will benefit the site's development and it matches the adjacent zoning and Master Plan, the Committee found the request to be appropriate.

Chair Cassis agreed that this is the proper zoning.

ROLL CALL VOTE ON ZONING MAP AMENDMENT 18.678 MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN:

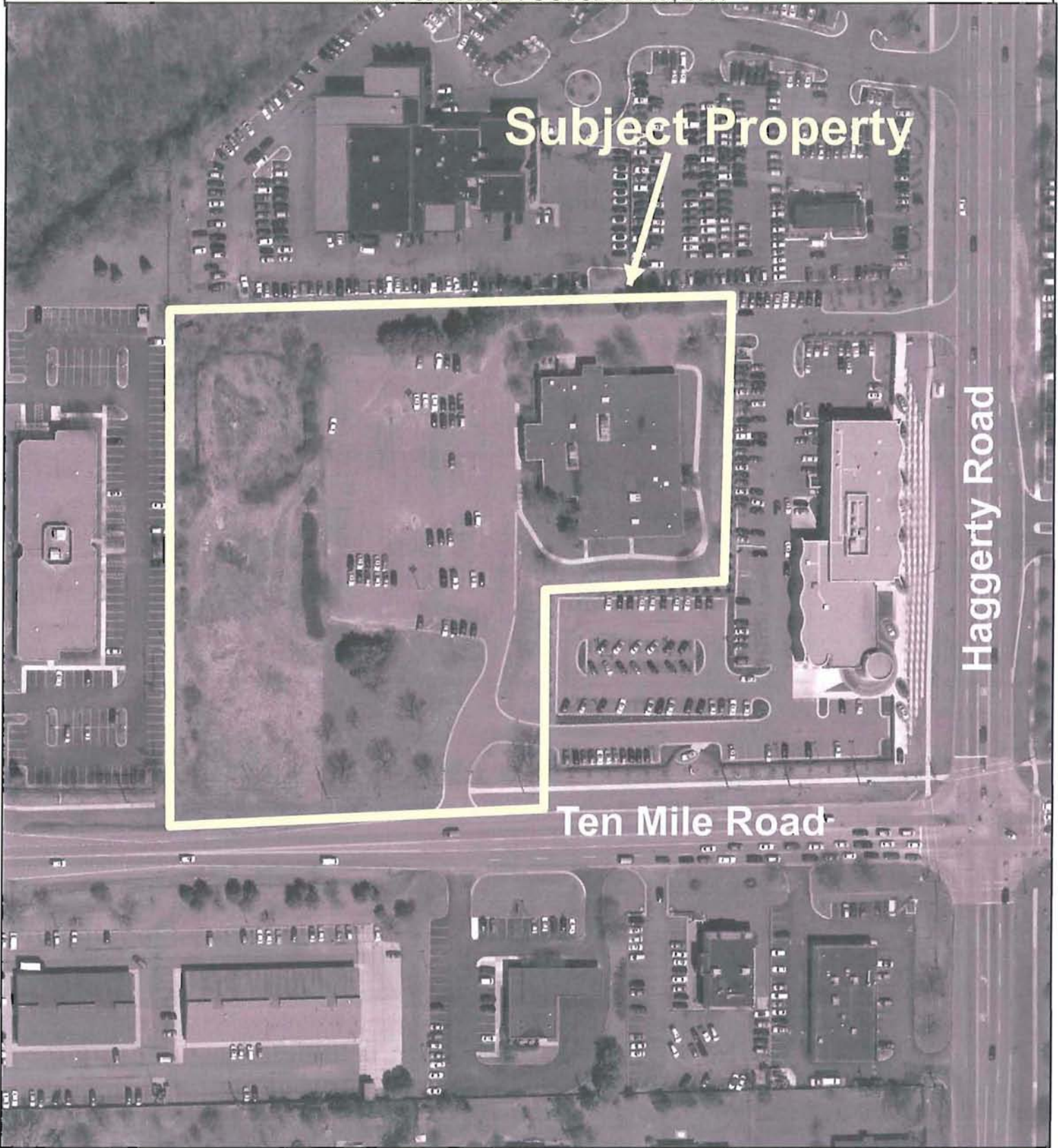
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MAPS
Location
Zoning
Future Land Use
Natural Features

Rezoning 18.678

Location

MAP CREATED: OCTOBER 15, 2007



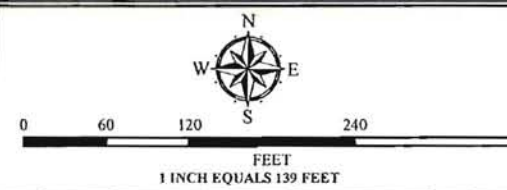
Subject Property

Haggerty Road

Ten Mile Road



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MAP AUTHOR: KRISTEN KAPELANSKI



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Rezoning 18.678

Zoning

MAP CREATED: OCTOBER 15, 2007

Legend

-  R-4: One-Family Residential District
-  B-1: Local Business District
-  B-3: General Business District
-  OS-1: Office Service District
-  OS-2: Planned Office Service District

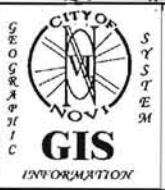
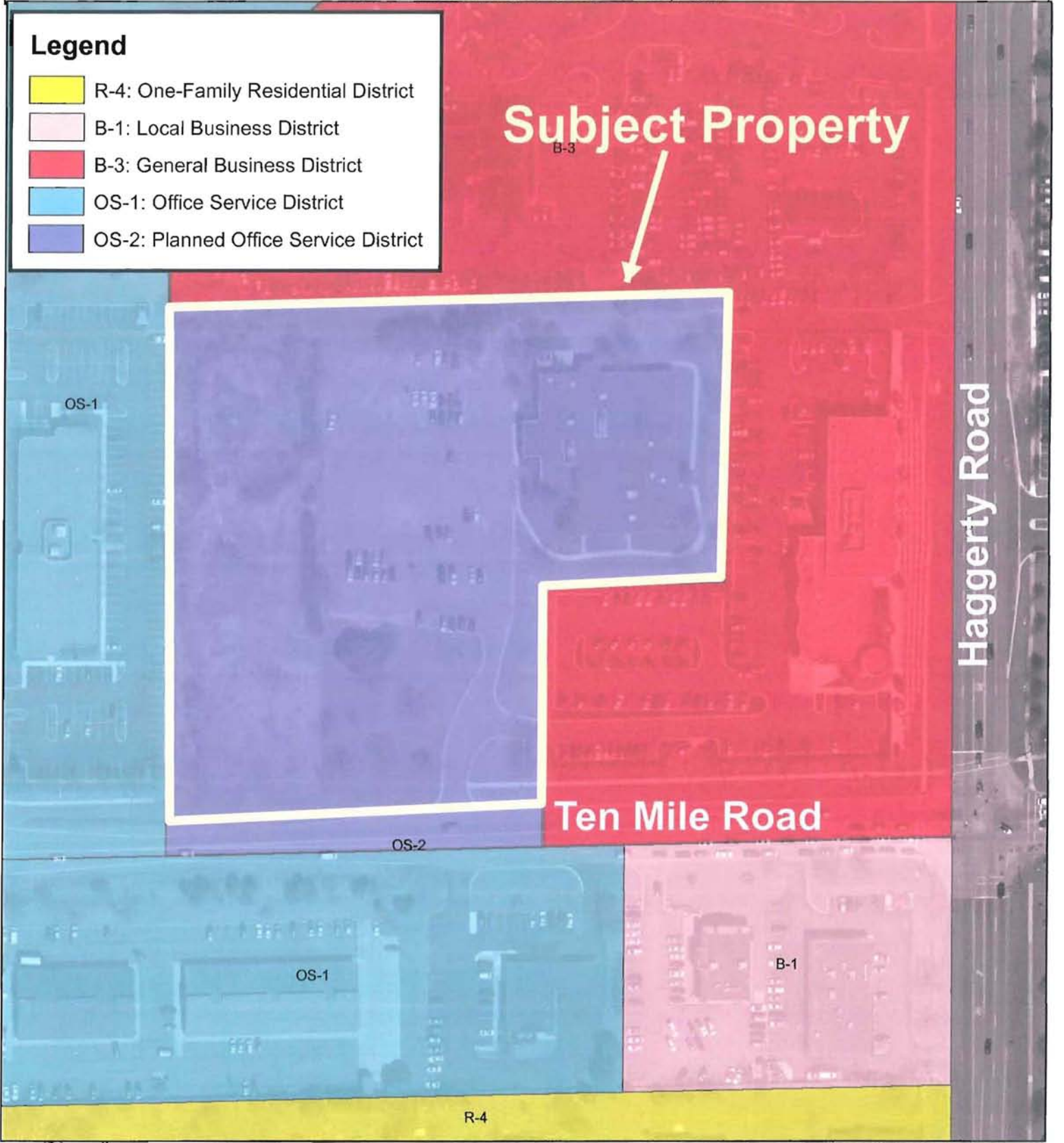
Subject Property

B-3

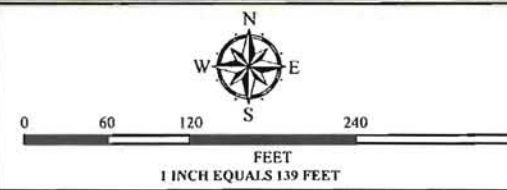


Haggerty Road

Ten Mile Road



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Rezoning 18.678

Future Land Use

MAP CREATED: OCTOBER 15, 2007

Legend

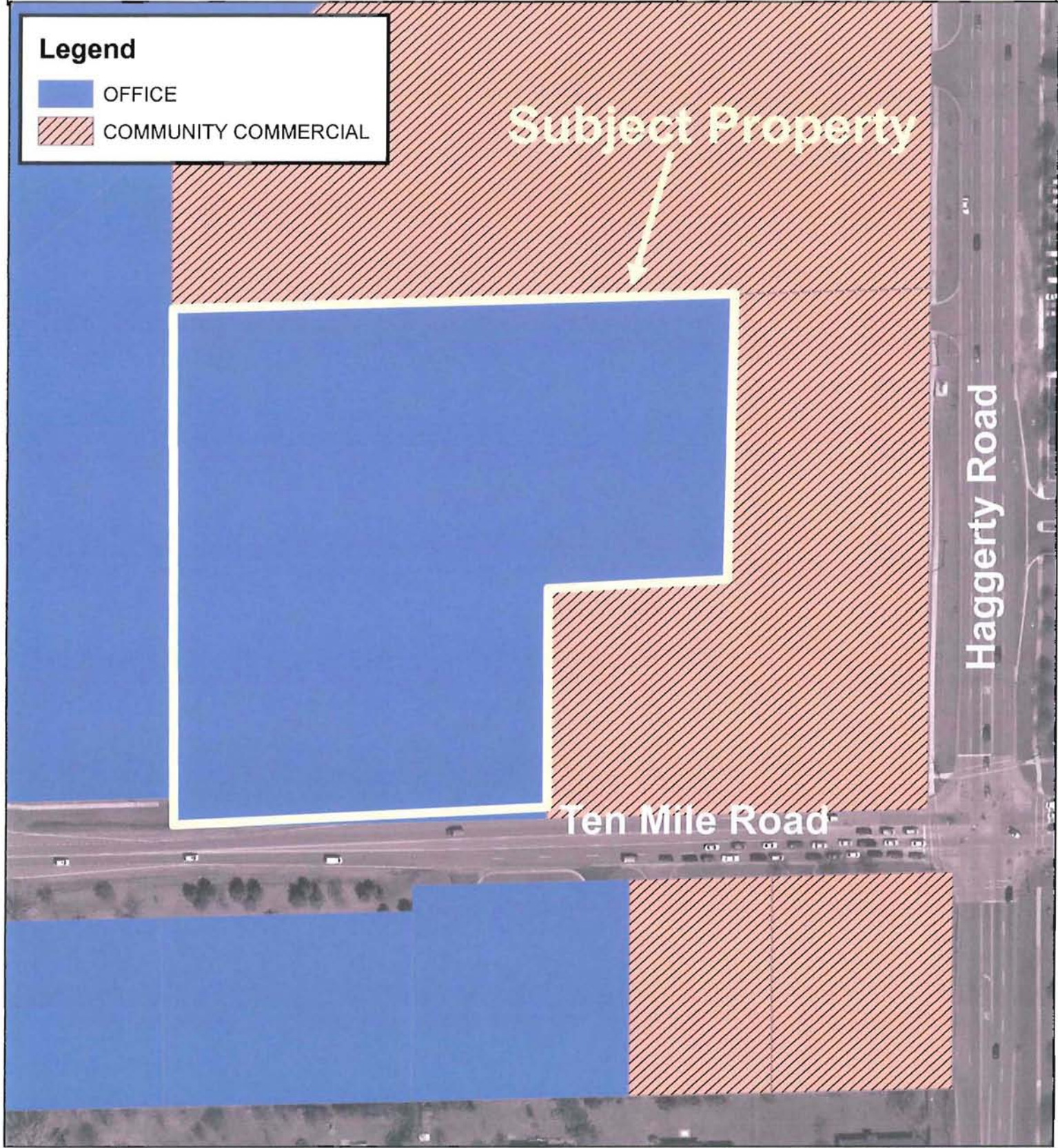
-  OFFICE
-  COMMUNITY COMMERCIAL

Subject Property

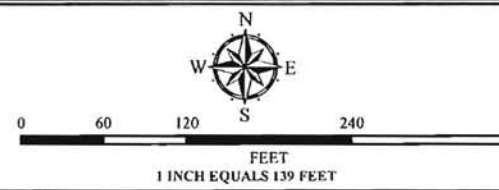


Haggerty Road

Ten Mile Road

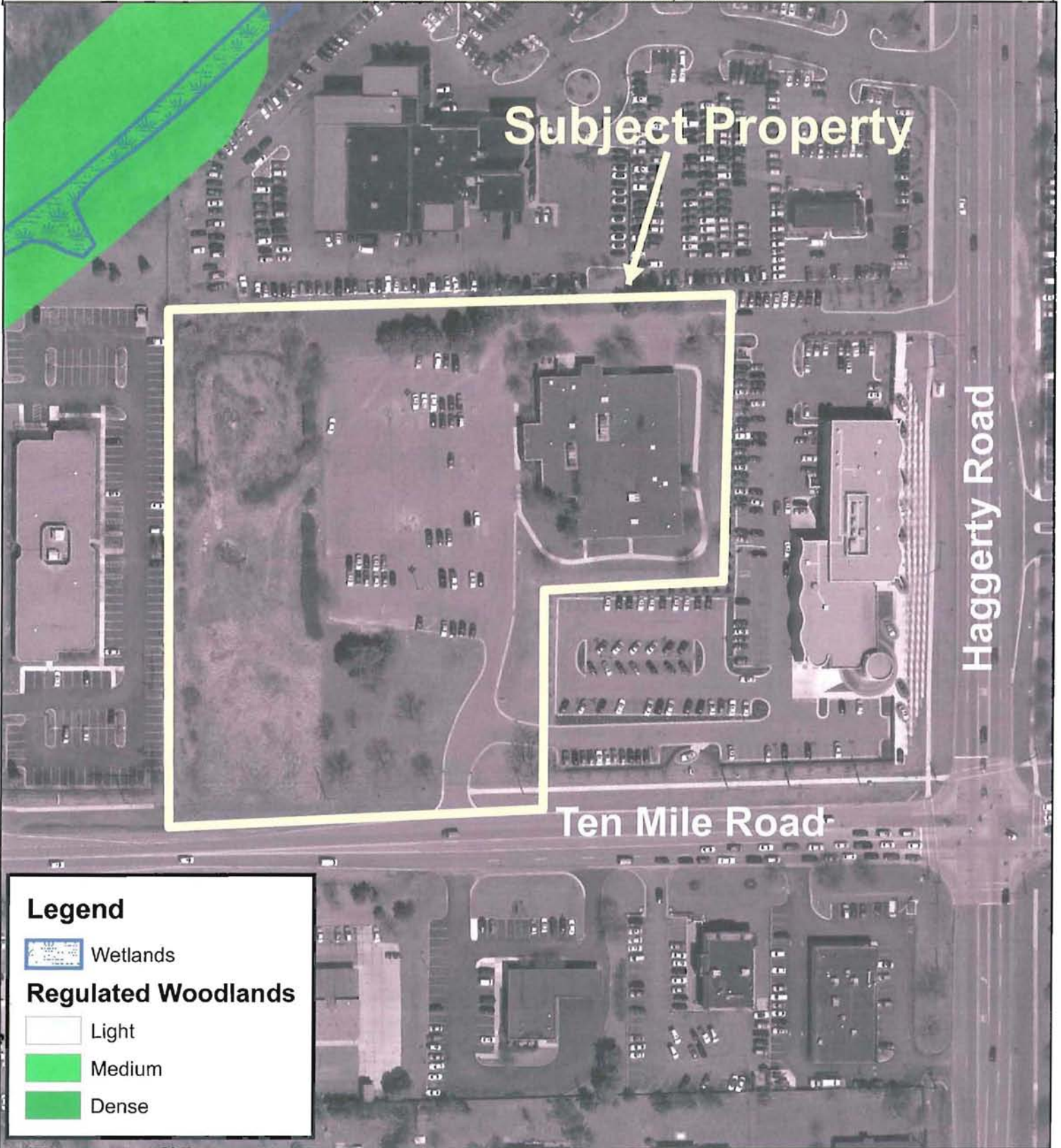


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Rezoning 18.678
Natural Features
MAP CREATED: OCTOBER 15, 2007



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