



## USA 2 GO SP10-11 WITH ZONING MAP AMENDMENT 18.694

### USA 2 GO, SP10-11 WITH ZONING MAP AMENDMENT 18.694

Public Hearing of the request of Novi Mile, LLC, for Planning Commission's recommendation to City Council for rezoning of property in Section 16, east of Beck Road, between I-96 and Grand River Avenue, from OST, Planned Office Service Technology, to FS, Freeway Service District with a Planned Rezoning Overlay (PRO). The subject property is approximately 1.81 acres.

### REQUIRED ACTION

Recommend to City Council approval or denial of rezoning request from OST, Planned Office Service Technology District to FS, Freeway Service District with Planned Rezoning Overlay.

REVIEW	RESULT	DATE	COMMENTS
Planning	<b>Approval of rezoning not recommended</b>  Comments provided on concept plan	01/19/10  03/02/10	<ul style="list-style-type: none"> <li>• <b>Proposed zoning is not in compliance with the Future Land Use Map.</b></li> <li>• Proposed zoning contrary to the anticipated recommendations of the Master Plan for Land Use update.</li> <li>• <b>Ordinance deviations outlined in the Planning Review Letter</b></li> </ul>
Engineering	Comments provided	03/02/10	Summary of findings provided
Traffic	Approval recommended	02/26/10	<ul style="list-style-type: none"> <li>• <b>Road connection should be made at the time of the next development abutting the proposed road.</b></li> <li>• Items to address at the time of the Preliminary Site Plan submittal.</li> </ul>
Landscaping	Comments provided	03/02/10	<ul style="list-style-type: none"> <li>• <b>Several landscape waivers required and outlined in the Landscape Review Letter.</b></li> <li>• Items to address at the time of the Preliminary Site Plan submittal.</li> </ul>
Façade	Modifications suggested	03/02/10	<ul style="list-style-type: none"> <li>• <b>Applicant should modify proposed canopy to meet the requirements of the façade chart.</b></li> <li>• Additional items to address at the time of Preliminary Site Plan</li> </ul>

			submittal.
Fire	Approval recommended	03/01/10	Items to address at the time of the Preliminary Site Plan submittal.
Signage	<b>Approval not recommended</b>	03/02/10	<b>ZBA variances needed for height and area of ground sign, number and location of wall signs, and gas station canopy signage.</b>

## Motion sheet

### Approval

In the matter of USA 2 Go, SP10-11 with Zoning Map Amendment 18.694, motion to **recommend approval** to the City Council to rezone the subject property from OST (Planned Office Service Technology) to FS (Freeway Service) with a Planned Rezoning Overlay with the following ordinance deviations...

- a. Ordinance deviations for the parking setback in the front yard (20' required, 10' provided), exterior side yard (20' required, 5' provided) and interior side yard (10' required, 5' provided);
- b. Ordinance deviation for the lack of required setback for the proposed dumpster (10' required, 5' provided);
- c. Ordinance deviations for the following landscaping requirements:
  - Three foot tall berm along the Beck Road frontage, with recommended additional plantings in the right of way
  - Three foot tall berm along the I-96 frontage, with recommended additional plantings in the right of way
  - Three foot tall berm along the access road frontage, with a partial berm and partial 3 foot tall wall, with the recommended continuation of this wall along the entire frontage
  - Interior parking lot landscaping deficiency of 333 square feet (2687 square feet required, 2356 square feet provided)
  - Lack of building foundation planting on the south side of the building.
  - Foundation planting area deficiency of 1482 square feet (2768 square feet required, 1286 square feet provided)
- d. Ordinance deviation for striped end island (near the northwest corner of the site);
- e. Two same-side driveway spacing waivers for the proposed access drives on the new service road (125 feet required, 90 feet and 61 feet provided);

And subject to the following PRO Conditions:

- f. Applicant shall construct the frontage road for the currently proposed development as shown on the PRO plan to public road standards;
- g. Applicant shall provide as part of the PRO Agreement a sixty foot right-of-way for the public collector road from Beck Road to Grand River Avenue as shown on the PRO concept plan;
- h. Applicant shall construct the remainder of the public collector road to public road standards at the time the development of any adjacent properties, whether by current owners or their successors and assigns or adjacent owners;
- i. Upon construction of the public collector road linking Beck Road and Grand River Avenue with the next development after the gas station development, left turns out onto Beck Road will be prohibited; provided, however, that at the time of any development approval or site plan approval, applicant or its successors and assigns can seek to address left turn issues as part of the development/site plan approval;
- j. Applicant shall provide an access easement to the City sanitary sewer force main and MDOT pond in the location shown on the PRO plan.

- k. Applicant shall initiate/recommence discussions with MDOT and the City to improve the storm water detention area between the gas station site and the I-96 freeway. The basin, owned by MDOT, may provide storm water retention benefits beyond the gas station site as a benefit to other parcels in the area;
- l. Applicant shall specify and propose future Beck Road access improvements (to be elaborated by the applicant);
- m. The following revisions to the PRO concept plan:
  - Applicant shall provide additional loading zone screening along the northern, southern and eastern property lines;
  - Applicant shall provide air dispensing facilities;
  - Applicant shall shift the southerly connection of the proposed road as indicated in the Traffic Review Letter;
  - Applicant shall redesign the gas station canopy to be in conformance with the façade chart;
  - Applicant shall provide additional vegetation along the easterly property line to screen the loading zone;
- n. Applicant shall comply with all of the conditions and items noted in the staff and consultant review letters;
- o. Planning Commission has no objection to the following deviations from the sign ordinance, to be considered by the ZBA pursuant to the Chapter 28 of the City Code, the sign ordinance:
  - Ground sign area (30 square feet permitted, 66 square feet provided);
  - Ground sign height (6 feet permitted, 11 feet 6 inches provided);
  - Three wall signs proposed: two for the gas station and one for the restaurant (No wall signs are permitted if the above ground sign lists two business names, except one wall sign oriented to freeway would be permitted);
  - Two gas station canopy signs are proposed (canopy signs are not permitted, except those signs showing the height of the canopy)
- p. *(Insert additional considerations here)*

*For the following reasons...*

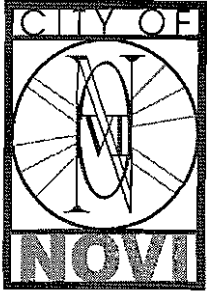
- Approval of the application accomplishes, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and results in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay;
- Sufficient conditions are included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the rezoning with Planned Rezoning Overlay; as the benefits which would reasonably be expected to accrue from the proposal are balanced against, and have been found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles; and

## Denial

In the matter of USA 2 Go, SP10-11 with Zoning Map Amendment 18.694, motion to **recommend denial** to the City Council to rezone the subject property from OST (Planned Office Service Technology) to FS (Freeway Service) with a Planned Rezoning Overlay, for the following reasons...

- *The proposed rezoning would be contrary to the recommendations of the current Master Plan for Land Use, which recommends office uses for the property;*
- *The proposed rezoning would be contrary an Implementation Strategy listed in the Master Plan, which states: "Limit the commercial uses to current locations, current zoning, or areas identified for commercial zoning in the Master Plan for Land Use;*
- *The existing OST zoning is consistent with the existing future land uses planned for the area;*
- *The infrastructure for the proposed rezoning, specifically the needed roadway network, are not in place to support the retail uses permitted in the FS District;*
- *The proposed site area is not large enough to accommodate the proposed building and associated parking and other features without requiring significant ordinance deviations; and*
- *Per the Zoning Ordinance, the applicant has not provided sufficient landscaping throughout the site or adequate screening of loading areas and parking areas.*

# PLANNING CONCEPT PLAN REVIEW



# PLAN REVIEW CENTER REPORT

March 2, 2010

## Planning Review of Concept Plan

46100 Grand River

### **SP10-11 with Zoning Map Amendment 18.694**

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#### **Petitioner**

Novi Mile LLC

#### **Review Type**

Concept plan review in conjunction with rezoning request from OST (Office Service Technology) to FS (Freeway Service)

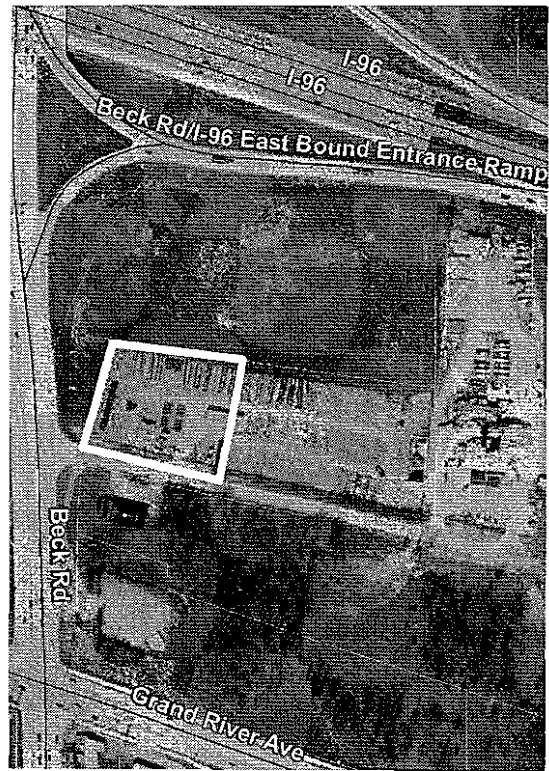
#### **Property Characteristics**

- Site Location: East side of Beck Road between I-96 and Grand River Avenue
- Site Zoning: OST, Office Service Technology
- Adjoining Zoning: North: I-96 right-of-way; South: OST; East: OST; West (across Beck Road): B-2, Community Business District
- Current Site Use: Former Nursery
- Adjoining Uses: North: I-96 right-of-way; South: Wixom Ready-Mix; East: Michigan Laser; West (across Beck Road): Westmarket Square Retail Development
- School District: Novi Community School District
- Proposed Rezoning Size: 1.81 acres
- Existing Parcel Size: 4.3 acres

#### **Project Summary**

The petitioner previously requested the rezoning of a 1.81 acre parcel of property on the east side of Beck Road between I-96 and Grand River Avenue in Section 16 of the City of Novi. The proposed rezoned area would be split off from a larger parcel totaling 4.3 acres. The subject property is currently zoned OST, Office Service Technology. The applicant has requested a rezoning of the parcel to FS, Freeway Service. The rezoning and subsequent PRO concept plan submittal is being proposed to facilitate the development of a 6,820 square foot gas station with an attached fast food drive-through restaurant on the site. The site is currently developed with a former nursery, which is no longer in use.

The proposed rezoning (Rezoning 18.694) is reviewed in the accompanying review letter. Rezoning 18.694 appeared before the Planning Commission on January 27, 2010 where the Planning Commission made a positive recommendation for the straight rezoning with the following motion:



"In the matter of Zoning Map Amendment 18.694 for Novi Mile, LLC, motion to recommend approval to the City Council to rezone the subject property from OST, Office Service Technology District to FS, Freeway Service District for the following reasons: a) Because of the uncertain economic times; b) Because the Master Plan process is incomplete at this time and; c) For the other reasons stated during the discussion."

The proposed rezoning appeared before the City Council on February 8, 2010. At the meeting the applicant indicated he would be willing to submit a concept plan and enter into a Planned Rezoning Overlay Agreement with the City. The Council then directed the applicant to work with staff to meet the requirements of the PRO Ordinance with the following motion:

"To postpone action on the rezoning request to allow time to submit a revised application with a PRO primarily because it was contrary to the recommendations of the current Master Plan; because of the size and influence of the freeway they needed to provide access to and from the parcel in an appropriate location; look at mutually beneficial conditions that could be included in the PRO; and in light of the application that had already been made, there would be no other fee, unless to pay consultants, and it would be considered that they were converting to a PRO process."

Following is a review of the proposed concept plan. Please see the Planning Review Letter for Rezoning 18.694 for a review of the proposed rezoning.

### **Recommendation**

**While the submittal of a Planned Rezoning Overlay Concept Plan and further discussions with the applicant have addressed some of staff's initial concerns about the rezoning request, staff continues to recommend the applicant postpone their proposal until the Master for Land Use update, which specifically addresses the future use of the subject property, is completed.**

***If the applicant chooses to move forward prior to the completion of the Master for Land Use update, staff would recommend denial of the proposed Zoning Map Amendment, which would rezone the subject property from OST, Office Service Technology to FS, Freeway Service with a Planned Rezoning Overlay. Denial is recommended for the following reasons.***

- The proposed rezoning to FS, Freeway Service would be contrary to the recommendations of the current Master Plan for Land Use, which recommends office uses for the property.
- The proposed rezoning would be contrary to an Implementation Strategy listed in the Master Plan, which states: *Limit commercial uses to current locations, current zoning, or areas identified for commercial zoning in the Master Plan for Land Use.*
- The existing OST zoning is consistent with the existing future land uses planned for the area.

The City of Novi is currently in the process of updating portions of the Master Plan for Land Use, including a study area encompassing the subject property. As noted later in this review letter, the recommendations of the Master Plan and Zoning Committee are being finalized and are likely to include the creation of a "Retail Service Overlay" provision for the subject property and surrounding properties. This new designation could not be utilized for development until district regulations were established via the approval of a proposed text amendment.

If approved by the City Council, the utilization of the PRO option allows this site to be rezoned to the FS District (where a gas station and fast food restaurant are permitted) while also providing



the City with some assurance of what will be developed in that location and holding the applicant to an approved concept plan. In addition, the applicant has proposed, as part of their public benefit, the development of a road that will run through the future "Retail Service Overlay" area connecting Beck Road and Grand River Avenue. The creation of this road is expected to be a significant part of the proposed "Retail Service Overlay" area as outlined in the recommended Master Plan for Land Use updates. The road is proposed to be constructed in full with the next plan submittal in this area.

### **Planning Commission Options**

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

1. Recommend rezoning of the parcel to FS, Freeway Service with a Planned Rezoning Overlay (*APPLICANT REQUEST*).
2. Recommend postponing a decision on the request until the completion of the Master Plan for Land Use update (**STAFF RECOMMENDATION**).
3. Deny the request, with the zoning of the property remaining OST, Office Service Technology (**STAFF SECONDARY RECOMMENDATION**).
4. Recommend rezoning of the parcel to any other classification that the Planning Commission determines is appropriate. **NOTE:** This option may require the Planning Commission to hold and send notices for another public hearing with the intention of recommending rezoning to the appropriate designation. At this time, Staff has not reviewed any other alternatives.

### **Major Conditions of Planned Rezoning Overlay Agreement**

The Planned Rezoning Overlay process involves a PRO plan and specific PRO conditions in conjunction with a rezoning request. The submittal requirements and the process are codified under the PRO ordinance (Article 34). Within the process, which is completely voluntary by the applicant, the applicant and City Council can agree on a series of conditions to be included as part of the approval.

The applicant is required to submit a conceptual plan and a list of terms that they are willing to include with the PRO agreement. The applicant's conceptual plan has been reviewed along with a letter describing the proposed use and suggesting items that could be included as public benefits. The following are items stated by the applicant to be included as part of the proposed public benefit.

- A master planned ring road with the first 220 linear feet to be constructed along with the proposed development and the remainder to be constructed at a later date. (Details of the timing of the installation of the road and responsibility need to be addressed in the PRO Agreement.)
- Access easement to City sanitary force main and MDOT pond.
- Future Beck Road access improvements. (**The applicant should provide clarification and further information about improvements planned for Beck Road.** Staff did not identify any proposed Beck Road improvements as part of the concept plan or conceptual road layout.)

### **Ordinance Deviations – Planned Rezoning Overlay**

Under Section 3402.D.1.c, deviations from the strict application of the Zoning Ordinance may be permitted by the City Council in the PRO agreement. These deviations must be accompanied by a finding by the City Council that "each Zoning Ordinance provision sought to be deviated would, if

*the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas.”* For each such deviation, City Council should make the above finding if they choose to include the items in the PRO agreement. The following are areas where the current concept plan does not appear to meet ordinance requirements. The applicant should include a list of ordinance deviations as part of the proposed PRO agreement. The proposed PRO agreement will be considered by City Council after tentative preliminary approval of the proposed concept plan and rezoning.

1. Parking Setbacks: Section 2400 lists the parking setbacks required for each district. Parking in the FS District is required to be setback 20 feet in the front yard and exterior side yard and 10 feet in the interior side yard. Parking is setback 10 feet on the front yard (western) and 5 feet on the exterior side yard (southern). Parking is setback 5 feet on the interior side yard (northern). **Due to the proposed size of the site, the applicant cannot meet the required parking setbacks and the City Council should act on this deviation.**
2. Loading Space Screening: Section 2302A.1 requires loading areas be shielded from rights-of-way and adjacent properties. The western side of the loading zone is screened by the proposed building but no screening is provided on the northern, southern and eastern sides. **The applicant should provide additional screening of the loading area on the northern, eastern and southern sides.**
3. Dumpster Location: Section 2503 lists the requirements for dumpsters and dumpster enclosures including the stipulation they must be setback equal to the parking setback, in this case 10 feet from the northern property line. The proposed dumpster and dumpster enclosure are setback 5 feet from the northern property line. **Due to the proposed size of the site, the applicant cannot meet the required dumpster setback and the City Council should act on this deviation.**
4. Air Dispensing Facilities: Section 15 of the City Code requires all gas stations to provide tire pressure/air dispensing facilities. No such facilities have been provided. **The applicant should provide air dispensing facilities.**
5. Ground Sign: The maximum permitted area of the proposed ground sign is 30 square feet and the maximum permitted height is 6 feet. The applicant has proposed an approximately 66.6 square foot ground sign with a maximum height of 11 feet 6 inches. **The applicant should reduce the area and height of the proposed ground sign to meet ordinance standards.**
6. Wall Sign: No building or parcel of land is permitted to have more than one sign. Two wall signs are proposed for the gas station and one wall sign is proposed for the fast food use. If the ground sign lists the two business uses, no wall signs are permitted. **The applicant should eliminate the proposed wall signs.**
7. Canopy Signs: No signs shall be placed on any canopy other than a sign showing the height of the canopy. Two canopy signs are proposed. **The applicant should eliminate the proposed canopy signs.**

8. Landscape Waivers: Please see the landscape review letter for additional information regarding landscape deficiencies and required waivers. **The applicant should provide the required landscaping as outlined in the Landscape Review Letter.**

**Items for Further Review and Discussion**

There are a variety of other items inherent in the review of any proposed development. At the time of Preliminary Site Plan review, further detail will be provided, allowing for a more detailed review of the proposed development. After this detailed review, additional variances may be uncovered, based on the actual product being proposed. This would require amendments to be made to the PRO Agreement, should the PRO be approved. **The applicant should address the items in bold at this time in order to avoid delays later in the project.**

1. Number of Parking Spaces: Section 2505 of the Zoning Ordinance requires fast food restaurants to have one parking space for each 60 square feet or one parking space for each two employees plus one parking space for each two employees plus one space for each two persons allowed under maximum capacity, including waiting areas, whichever is greater. The applicant has not provided a floor plan for the proposed fast food restaurant. Parking calculations cannot be finalized until a floor plan is provided. The applicant should be aware that if additional parking is needed based on the eventual floor plan, revisions to the PRO Agreement may be required.
2. Sidewalks: The on-going Master Plan update will include recommendations for a required sidewalk along Beck Road across the frontage of the site. This provision is not currently included in the Bicycle and Pedestrian Master Plan. However, the applicant should consider providing a sidewalk or pathway along Beck Road as part of the proposed plan or agreeing to provide sidewalk once pedestrian facilities are provided along the Beck Road bridge.
3. Façade: The Façade Review Letter indicates a Section 9 façade waiver is required for the current canopy design. The Façade Consultant has recommended the applicant consider redesigning the canopy to be more in compliance with the façade chart. **The applicant should review the attached Façade Review Letter and determine whether they would like to alter the proposed canopy or request a Section 9 façade waiver be included in the PRO Agreement.**
4. Conceptual Road Layout: The City's Traffic Consultant has reviewed the proposed road layout and recommended a minor modification to the southerly connection. **The applicant should review the attached Traffic Review Letter of the conceptual road layout and indicate whether they will shift the southerly connection as recommended in the review letter.**
5. Future Road Improvement Schedule: The applicant has indicated in their response letter (dated February 24, 2010) that the future road connection to Grand River Avenue will be made once the next parcel is developed by Novi Mile LLC. **Staff recommends that this proposed condition be slightly altered to read the road connection will be made when the next development that would abut the proposed public road is developed.**
6. Underground Storage Tank: The conceptual plan shows the underground storage tank located beneath proposed parking spaces on the northern property line. **The applicant should**

**provide additional information on how a gasoline tanker will fill the underground tank if cars are parked in the proposed spaces.**

### **Applicant Burden under PRO Ordinance**

The Planned Rezoning Overlay ordinance requires the applicant to make certain showings under the PRO ordinance that requirements and standards are met. The applicant should be prepared to discuss these items, especially in part a, where the ordinance suggests that the enhancement under the PRO request would be unlikely to be achieved or would not be assured without utilizing the Planned Rezoning Overlay. Section 3402.D.2 states the following:

1. *Approval of the application shall accomplish, among other things, and as determined in the discretion of the City Council, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.*
2. *Sufficient conditions shall be included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Planned Rezoning Overlay; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.*

### **Public Benefit Under PRO Ordinance**

At this time, the applicant has identified items of public benefit in the Project Description/PRO Review letter submitted as part of their application materials. These items should be weighed against the proposal to determine if the proposed PRO benefits **clearly outweigh** the detriments of the proposal. The benefits proposed include:

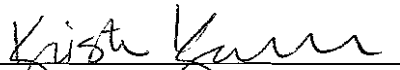
- Master planned ring road with 220 linear feet to be constructed with this development. (Please see the traffic review letter for additional information on the proposed location of the road. Please see the wetland review letter for additional information on natural features in the area of the proposed road.)
- Access easement to City sanitary force main and MDOT pond.
- Storm water improvements to treat public ROW drainage as well as provide treatment via sedimentation basin.
- Public utility improvements including a water main loop for flow and redundancy.
- Future Beck Road access improvements. **(The applicant should provide clarification and further information about improvements planned for Beck Road.** Staff did not identify any proposed Beck Road improvements as part of the concept plan or conceptual road layout.)

**Infrastructure Concerns**

See the Engineering review letter for specific discussion of water and sewer capacities in the area serving the subject property. The Engineering review indicates there will be an impact on utility demands as a result of the proposed rezoning and notes specific concerns related to the concept plan and items to be addressed at the time of the Preliminary Site Plan submittal. The applicant has submitted and the City's Traffic Consultant has reviewed the required traffic study. Overall, the study's content and methodology are acceptable. However, the City's Traffic Consultant does have substantial concerns regarding access specifically related to safely accommodating traffic turning into and out of the future development. The Traffic Review recommends left turns be prohibited once the proposed road connection to Grand River Avenue has been established. Additional items to be addressed on the Preliminary Site Plan submittal are also noted. Please see the traffic review letter for additional information. The Fire Marshal completed a review of the concept plan and noted that fire hydrants should be shown on the Preliminary Site Plan with 300' maximum spacing and no portion of the building more than 300' from a fire hydrant.

**Natural Features**

Per the City's Environmental Consultant, there are no regulated woodlands or wetlands on the gas station/fast food site. The proposed road layout does not appear to have a significant impact on existing regulated natural features. Impacts to natural features will be reviewed and discussed during the site plan review for the proposed road.



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**Planning Review Summary Chart**

USA 2 Go

Rezoning 18.694 with PRO – SP10-11

Plan Date: February 24, 2010

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Office	Community Commercial	No	The future land use map designation for the subject property is currently under review as part of the 2009 Master Plan Update presently underway. At this point in the process, staff and the Master Plan and Zoning Committee are formulating future land use alternatives for this area. Staff recommends the applicant postpone their petition until the Master Plan Updates are adopted in mid 2010.
Zoning	FS (proposed)	FS (proposed)	Yes	
Use	Gas stations, Auto repair, Retail to serve the needs of highway travelers, Motels, Hotels	Tim Horton's Drive-through restaurant and USA 2 Go Gas Station with Convenience Mart	Yes	
Building Height (Sec. 2400)	Maximum 25 feet	Approximately 23 feet	Yes	
<b>Building Setbacks (Section 2400)</b>				
Front (west)	30 feet	> 30 feet	Yes	
Interior Side (north)	10 feet	> 30 feet	Yes	
Exterior Side (south)	30 feet	> 30 feet	Yes	
Rear (east)	20 feet	> 30 feet	Yes	
<b>Parking Setbacks (Section 2400)</b>				
Front (west)	20 feet	10 feet	No	Due to the proposed size of the site the
Interior Side (north)	10 feet	5 feet	No	

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Side (south – assuming the private drive becomes a private road)	20 feet	5 feet	<b>No</b>	applicant cannot meet the required parking setbacks and the City Council should act on this deviation.
Rear (east)	10 feet	10 feet	Yes	
Number of Parking Spaces (Sec 2505)	<p>Fast Food: One for each 60 sq. ft. or one for each two employees plus one for each two persons allowed under maximum capacity (including waiting areas), whichever is greater</p> <p>1,802 sq. ft. / 60 = 30 spaces required</p> <p><b>30 spaces required for fast food</b></p> <p>Gas Station: One fueling space for each fuel nozzle. One space for each 50 sq. ft. of usable floor area in cashier's and office areas.</p> <p>186 sq. ft. / 50 = 4 spaces required</p> <p>Retail Space: One space for each 200 sq. ft. of gross leasable area.</p> <p>4,832 sq. ft. / 200 = 24 spaces required</p> <p><b>28 spaces required for gas station/ convenience mart</b></p> <p><b>58 spaces required for both uses</b></p>	<p>58 spaces provided</p> <p>16 fueling spaces proposed</p>	<p>Yes?</p>	<p>Applicant should be aware that parking calculations for Tim Horton's cannot be finalized until a floor plan is provided. If additional parking is needed based on the eventual floor plan, revisions to the PRO agreement may be required.</p>

Item	Required	Proposed	Meets Requirements?	Comments
Parking Space Dimensions (Sec. 2506)	9' x 19' parking space dimensions (9' x 17' if overhang on 7' wide interior sidewalk or landscaped area as long as detail indicates 4" curb) and 24' wide drives for 90° parking layout.  9' x 18' parking space dimensions and 18' wide drives for 60° parking layout.	9' x 17' parking space dimensions with 24' wide drive for 90° parking layout.  9' x 18' parking space dimensions and 18' wide drives for 60° parking layout.	Yes	<b>Applicant should indicate 4" curb where 17' spaces are shown.</b>
Barrier Free Spaces (Barrier Free Code)	2 accessible spaces; 1 space must be van accessible	3 accessible spaces (2 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8' wide with a 5' wide access aisle (8' wide access aisle for van accessible)	8' wide with a 5' wide access aisle and 8' wide with a 8' wide access aisle	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space.	One barrier free sign provided for each space.	Yes	
Loading Spaces (Sec. 2507)	10 square feet per front foot of building = 102 x 10 = 1,020 sq. ft.  All loading shall be in the rear yard or interior side yard if double fronted lot.	1,020 sq. ft. provided in the rear yard.	Yes	<b>The conceptual plan shows the underground storage tank located beneath proposed parking spaces on the northern property line. The applicant should provide additional information on how a gasoline tanker will fill the underground tank if cars are parked in the proposed spaces.</b>
Loading Space Screening (Sec. 2302A.1)	In the FS District, view of loading and waiting areas must be shielded from rights of way and adjacent properties.	Western side screened by proposed building, no additional screening provided.	No	<b>Applicant should provide additional screening of the loading area on the northern, eastern and southern sides.</b>



Item	Required	Proposed	Meets Requirements?	Comments
Stacking Spaces for Drive-through <u>(Sec. 2506)</u>	The distance between the order board and the pick-up window shall store 4 vehicles, and 4 vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).	4 vehicles stored between the menu board and the pick-up window (not including the vehicle at the pick-up window) and 4 vehicles stored in advance of the menu board (not including the vehicle at the menu board).	Yes	
Drive-through Lane Delineated <u>(Sec. 2506)</u>	Drive-through lanes shall be striped, marked, or otherwise delineated.	Some markings provided.	Yes	<u>Applicant should provided detailed pavement markings and signage at the time of Preliminary Site Plan to clearly delineate the drive-through lane.</u>
Bypass Lane for Drive-through <u>(Sec. 2506)</u>	Drive-through facilities shall provide 1 bypass lane. Such bypass lane shall be a minimum of 18' in width, unless otherwise determined by the Fire Marshal.	1 bypass lane with a minimum width of 18'.	Yes	
Width and Centerline Radius of Drive-through Lanes <u>(Sec. 2506)</u>	Drive-through lanes shall have a minimum 9' width and centerline radius of 25'.	9' width. 25' centerline radius provided.	Yes	
Drive-through Lanes Separation <u>(Sec. 2506)</u>	Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, and egress from, the property.	Drive-through lanes are situated on the rear side (east) of the proposed structure wrapping around the interior (north) side of the building.	Yes	
Accessory Structure Setback-Dumpster <u>(Sec. 2503)</u>	Accessory structures should be setback a minimum of 10 feet from any building attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear yard or interior side yard if a double-fronted lot.	Dumpster enclosure setback 30+ feet from the proposed building and setback 5 feet from adjacent property line in the interior yard.	No	<b>Due to the proposed size of the site the applicant cannot meet the required dumpster setback and the City Council should act on this deviation.</b>

Item	Required	Proposed	Meets Requirements?	Comments
<p>Dumpster (Chap. 21, Sec. 21-145)</p>	<p>Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.</p>	<p>Dumpster enclosure details not provided at this time.</p>	<p>No</p>	<p><u>The applicant should provide dumpster enclosure details at the time of Preliminary Site Plan.</u></p>

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Signs – Ground Sign (Chapter 28)	Gas Station: Maximum area 30 sq. ft. with fuel pricing not more than 50% of the sign	66.6 sq. ft. ground sign (approximate) with no gasoline pricing area shown.	No	Applicant should redesign the proposed ground sign to meet the required maximum size.  Applicant should be advised that if the gasoline pricing area occupies more than 50% of the ground sign, the PRO Agreement may need to be revised.
	Maximum allowed height of ground sign is 6 feet	11 foot 6 inch ground sign	No	Applicant should redesign the proposed ground sign to meet the required maximum height.
	Changeable copy ground signs are permitted for places of worship, movie theaters and similar entertainment venues, restaurants and recreational facilities at which events change on a regular basis and for gasoline service station fuel pricing.	Two of four panels listed as "digital tenant sign"	Yes?	Changeable copy signs permitted for restaurant and gasoline fuel pricing only.

Item	Required	Proposed	Meets Requirements?	Comments
<p>Exterior Signs – Wall Sign (<u>Chapter 28</u>)</p>	<p>No building or parcel of land is permitted to have more than one sign.</p>	<p>Two wall signs proposed for gas station and one wall sign for Tim Horton's.</p>	<p>No</p>	<p><b>The applicant has included a ground sign. If the ground sign lists the two business names (gas station and fast food restaurant), no wall signs are permitted. Applicant should remove the proposed wall signs.</b></p> <p>A building within the FS District that abuts the I-96 freeway is permitted an additional wall sign oriented toward the freeway. No sign has been proposed for this elevation.</p>
<p>Exterior Signs – Canopy Signs (<u>Chapter 28</u>)</p>	<p>No signs shall be placed on any canopy other than a sign showing the height of the canopy.</p>	<p>Two canopy signs proposed.</p>	<p>No</p>	<p><b>Applicant should remove the proposed canopy signs.</b></p>
<p>Exterior Lighting (<u>Sec. 2511</u>)</p>	<p>Photometric plan and exterior lighting details needed at final site plan.</p>	<p>No photometric plan provided.</p>		<p>Photometric plan to be submitted at the time of final site plan submittal. Specific lighting requirements exist in the ordinance for gas station canopies. Please see Section 2511 of the Zoning Ordinance for additional information.</p>
<p>Sidewalks (<u>City Code Sec. 11-276(b)</u>)</p>	<p>Building exits must be connected to sidewalk system or parking lot.</p> <p>In addition, since this area is intended to serve the surrounding developments, including the Providence Hospital campus, a sidewalk connection to the area should be provided.</p>	<p>Sidewalk proposed along the new road but no sidewalk provided along Beck Road.</p>	<p>No</p>	<p><b>The applicant should consider providing a 5' sidewalk along Beck Road (with an easement from MDOT) to connect into the larger sidewalk system and Providence Hospital campus.</b></p>

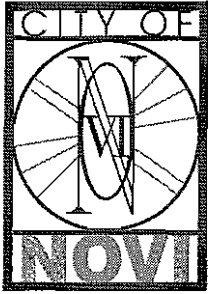
Item	Required	Proposed	Meets Requirements?	Comments
Gas Station Requirements (City Code Sec. 15)	Tire pressure/air dispensing facilities are required.	No air facilities provided.	No	<p><b>Applicant should provide air dispensing facilities.</b></p> <p><u>Applicant should consult Sec. 15 of the City Code for all regulations relating to gas station operation.</u></p>
PRO Requirements (3402)	Describe each Zoning Ordinance deviation and why if the not granted would prohibit an enhancement of the development that would be in the public interest, and describe how the deviation would be consistent with the City's Master Plan and compatible with the surrounding area.	<p>Applicant has proposed the eventual construction of a public road to extend from Beck Road to Grand River Avenue. The applicant is proposing to construct the 220 linear feet on the southern side of the proposed gas station property along with the development of the gas station site.</p> <p>Letter describing basic concept and deviations provided.</p>	Required materials have been provided.	
	Describe how an enhancement of the project area would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.			

SP 10-11 with Rezoning 18.694

Item	Required	Proposed	Meets Requirements?	Comments
	<p>Describe benefits which would reasonably be <u>expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments</u> thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles.</p>			

Prepared by Kristen Kapelanski, (248) 347-0586 or kkapelanski@cityofnovi.org

# PLANNING REZONING REVIEW



## PLAN REVIEW CENTER REPORT

January 19, 2010

### Planning Review

46100 Grand River

### Zoning Map Amendment 18.694

#### **Petitioner**

Novi Mile LLC

#### **Review Type**

Rezoning Request from OST (Office Service Technology) to FS (Freeway Service)

#### **Property Characteristics**

- Site Location: East side of Beck Road between I-96 and Grand River Avenue
- Site Zoning: OST, Office Service Technology
- Adjoining Zoning: North: I-96 right-of-way; South: OST; East: OST; West (across Beck Road): B-2, Community Business District
- Current Site Use: Former Nursery
- Adjoining Uses: North: I-96 right-of-way; South: Wixom Ready-Mix; East: Michigan Laser; West (across Beck Road): Westmarket Square Retail Development
- School District: Novi Community School District
- Proposed Rezoning Size: 1.81 acres
- Existing Parcel Size: 4.3 acres

#### **Project Summary**

The petitioner is requesting the rezoning of a 1.81 acre parcel of property on the east side of Beck Road between I-96 and Grand River Avenue in Section 16 of the City of Novi. The proposed rezoned area would be split off from a larger parcel totaling 4.3 acres. The subject property is currently zoned OST, Office Service Technology. The applicant has requested a rezoning of the parcel to FS, Freeway Service. The site is currently developed with a former nursery, which is no longer in use.

If the rezoning is granted, the applicant should be required to split the rezoned area from the larger parcel. The remainder of the parcel, east of the subject property to be rezoned should then be joined with an adjacent parcel or a new private or public road should be established. Otherwise, a landlocked parcel would be created, which is not permitted by the Zoning Ordinance.

A rezoning on this site (Rezoning 18.691) was previously proposed, reviewed by staff and presented to the Master Plan and Zoning Committee. At an earlier pre-application meeting, staff and consultants did a





preliminary review of the conceptual plan and noted some deficiencies in the plan regarding ordinance standards. In order to address some of those future potential deficiencies, the applicant has now proposed to increase the size of the area to be rezoned from 1.64 acres to 1.81 acres. The previous rezoning (Rezoning 18.691) also proposed to rezone the property from OST, Office Service Technology District to FS, Freeway Service District.

### **Current Status**

Presently, the Planning Commission has opened certain sections of the Master Plan for review and possible updates. The project area has been included in this review by the Master Plan and Zoning Committee for recommendation to the Planning Commission concerning the future land use of the site. This review should be completed in the coming months.

The applicant is proposing a Zoning Map Amendment, which would rezone the property from OST, Office Service Technology to FS, Freeway Service. As noted in this letter, the Master Plan for Land Use is currently under review by the Master Plan and Zoning Committee. The rezoning request could be evaluated differently depending on the Master Plan changes. Staff and the applicant have discussed the option of presenting the rezoning request with a Planned Rezoning Overlay (PRO). The applicant has declined the option to present a PRO at this time, although they have included a conceptual Preliminary Site Plan for reference only as part of their application materials. This review only evaluates the proposed "straight" rezoning and includes no review of the conceptual Preliminary Site Plan.

### **Recommendation**

**Staff recommends denial of the proposed zoning map amendment which would rezone the subject property from OST, Office Service Technology to FS, Freeway Service.** Alternatively, the applicant could postpone their proposal until the Master for Land Use update, which specifically addresses the future use of the subject property, is completed.

Denial is recommended for the following reasons.

- The proposed rezoning to FS, Freeway Service would be contrary to the recommendations of the current Master Plan for Land Use, which recommends office uses for the property.
- The proposed rezoning would be contrary to an Implementation Strategy listed in the Master Plan, which states: *Limit commercial uses to current locations, current zoning, or areas identified for commercial zoning in the Master Plan for Land Use.*
- The existing OST zoning is consistent with the existing future land uses planned for the area.
- The infrastructure for the proposed rezoning, specifically the needed roadway network, are not in place to support the retail uses permitted in the FS District. Please see the traffic review letter for additional information.

We note for the Planning Commission's information only that the proposed rezoning to FS, Freeway Service would be contrary to the anticipated recommendations of the Master Plan for Land Use currently under review since the Master Plan and Zoning Committee has been considering maintaining the OST land uses, but adding a "Retail Service Overlay" the standards for which have not been finalized.

### **Planning Commission Options**

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

1. Recommend rezoning of the parcel to FS, Freeway Service (*APPLICANT REQUEST*).
2. Deny the request, with the zoning of the property remaining OST, Office Service Technology (**STAFF RECOMMENDATION**).
3. Recommend postponing a decision on the request until the completion of the Master Plan for Land Use update (**STAFF SECONDARY RECOMMENDATION**).
4. Recommend rezoning of the parcel to any other classification that the Planning Commission determines is appropriate. **NOTE:** This option may 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 uses. A rezoning of the property to FS would be inconsistent with the recommended actions of the Master Plan. The Master Plan recommends office uses not only for this parcel, but also for the parcels immediately surrounding the subject property.

The Planning Commission may want to discuss whether this proposed rezoning would be considered a "spot zone," since it is an isolated 1.81 acre parcel proposed to be zoned to Freeway Service, which is separated from other commercial business districts by adjacent parcels and/or roadways.

The Master Plan for Land Use is currently under review by the Master Plan and Zoning Committee and the subject property is part of a larger study area to be examined as part of the Master Plan review. The recommendations of the Master Plan and Zoning Committee for the subject property are expected to be significantly different from the recommendations of the current Master Plan. The published recommendation of the Master Plan and Zoning Committee is for the Planning Commission to approve the creation of a retail overlay provision for the OST District within the Zoning Ordinance to accommodate limited retail uses. The mater plan for this retail service overlay area would include a road system to facilitate traffic movements of the larger retail service area, if this concept is adopted by the Planning Commission as a part of the Master Plan updates. Please see the accompanying Traffic Engineering review for further comments regarding traffic circulation in this area. This retail overlay provision would not take effect until language was drafted and approved as part a Zoning Ordinance text amendment. The Master Plan update should be completed in the coming months.

The previously proposed rezoning on the site (Rezoning 18.691) appeared before the Master Plan and Zoning Committee on November 19, 2009. At that meeting, the Committee worked on finalizing their recommendations for the aforementioned retail service overlay for the area and provided comments to the applicant on their proposed rezoning and concept plan. The Committee and staff noted the concept plan would benefit if a larger area were proposed to be rezoned and discussed with the applicant the possibility of a Planned Rezoning Overlay, which the applicant declined to use, and the possibility of postponing the proposal until the Master Plan update was complete. The applicant indicated they would like to move forward without waiting for the Master Plan update. Since that time, the applicant revised the rezoning application, increasing the size of the rezoning request from 1.64 acres to 1.81 acres.

**Master Plan and Zoning Committee**

This matter appeared before the Master Plan and Zoning Committee on November 19, 2009. At that meeting the Committee discussed the proposed rezoning and noted a Planned Rezoning Overlay may be appropriate on this parcel. They also had some concerns related to the fact that the proposed rezoning would not be consistent with the Future Land Use map. At the November 19<sup>th</sup> meeting, the Master Plan and Zoning Committee also discussed the possibility of a retail overlay district in the area including and surrounding the proposed rezoning.

**Existing Zoning and Land Use**

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

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

	<b>Existing Zoning</b>	<b>Existing Land Use</b>	<b>Master Plan Land Use Designation</b>
Subject Site	OST, Office Service Technology	Former Nursery	Office
Northern Parcels	I-96 right-of-way	I-96 right-of-way	I-96 right-of-way
Southern Parcels	OST, Office Service Technology	Wixom Ready-Mix	Office
Eastern Parcels	OST, Office Service Technology	Michigan Laser	Office
Western Parcels (across Beck Road)	B-2, Community Business	Westmarket Square Retail Development	Local Commercial

**Compatibility with Surrounding Land Use**

The surrounding land uses are shown on the above chart. The compatibility of the requested FS 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 I-96 right-of-way. There is likely to be little to no impact to the existing right-of-way if the property is rezoned.

The Wixom Ready-Mix plant is located directly **south** of the subject property. Based on the uses permitted in the zoning district, FS zoning would most likely bring additional traffic to the area which could impact the existing ready-mix facility. Convenience retail-type uses (i.e., gas station, fast food, etc.) would generate significantly more traffic than an office use.

Directly to the **east** of the subject property is Michigan Laser. As mentioned previously, FS zoning would potentially bring additional traffic to the area, but beyond that other impacts would be minimal.

Directly to the **west** of the subject property, across Beck Road is the West Market Square retail development. In addition to increased traffic in the area, depending on what is developed, retail

establishments in the Westmarket Square could experience increased competition if similar retail facilities are constructed on the subject property.

**Comparison of Zoning Districts**

The following table provides a comparison of the current and proposed zoning classifications. One alternative has been provided at this time, the B-3 General Business District. This district would allow uses similar to the FS district. However, at this time, the B-3 District does not permit drive-through restaurants. The applicant has indicated likely uses for the site include a gas station and a drive-through restaurant. The B-3 District would also be in conflict with the Master Plan for Land Use.

	<b>OST (Existing)</b>	<b>FS (Proposed)</b>	<b>B-3 (Alternate)</b>
Principal Permitted Uses	<ol style="list-style-type: none"> <li>1. All uses permitted and as otherwise regulated in the OS-2 District at Section 2301, 2302 and 2303.</li> <li>2. Data processing and computer centers; laser technology and application; repair, service and sale of communications equipment.</li> <li>3. Laboratories.</li> <li>4. Research, testing, design and development, technical training and activities (subject to certain conditions).</li> <li>5. Hotels and business motels (subject to certain conditions).</li> <li>6. Colleges and universities and other such post-secondary institutions of higher learning (subject to certain conditions).</li> <li>7. Motion picture, television, radio and photographic production facilities provided all activities are</li> </ol>	<ol style="list-style-type: none"> <li>1. Gasoline service stations and automobile repair, subject to the standards at Section 1402.1, parking garages and bus passenger stations.</li> <li>2. Retail establishments to serve the needs of highway travelers, including, but not limited to, gift shops and restaurants, not including drive-ins.</li> <li>3. Motels, hotels and transient lodging facilities (subject to certain conditions).</li> <li>4. Other uses similar to the above permitted uses.</li> <li>5. Accessory structures and uses.</li> </ol>	<ol style="list-style-type: none"> <li>1. Any retail business or service establishment permitted in the B-1 and B-2 Districts as Principal Permitted Uses and Special Land Uses subject to the restrictions therein.</li> <li>2. Auto wash when completely in an enclosed building.</li> <li>3. Bus passenger stations.</li> <li>4. New and used car salesroom, showroom, or office, except trucks and heavy off-road construction equipment.</li> <li>5. Other uses similar to the above permitted uses.</li> <li>6. Tattoo parlors.</li> <li>7. Publicly owned and operated parks, parkways and outdoor recreation facilities.</li> <li>8. Accessory structures and uses.</li> </ol>

	<b>OST (Existing)</b>	<b>FS (Proposed)</b>	<b>B-3 (Alternate)</b>
	<p>conducted within a completely enclosed building.</p> <p>8. Accessory buildings and uses.</p> <p>9. Other uses similar to the above uses.</p>		
Special Land Uses	No special land uses in the OST District.	No special land uses in the FS District.	<ol style="list-style-type: none"> <li>1. Outdoor space for the exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes or rental of trailers or automobiles (subject to certain conditions).</li> <li>2. Motel (subject to certain conditions).</li> <li>3. Business in the character of a drive-in or open front store (subject to certain conditions).</li> <li>4. Veterinary hospitals or clinics (subject to certain conditions).</li> <li>5. Plant materials nursery (subject to certain conditions).</li> <li>6. Public or private indoor recreational facilities and private outdoor recreational facilities.</li> <li>7. Mini-lube or quick oil change establishments (subject to certain conditions).</li> <li>8. Sale of produce and seasonal plant materials outdoors (subject to certain conditions).</li> </ol>
Minimum Lot Size	Based on the amount of off-street parking,	Based on the amount of off-street parking,	Based on the amount of off-street parking,

	<b>OST (Existing)</b>	<b>FS (Proposed)</b>	<b>B-3 (Alternate)</b>
	landscaping, and setbacks required.	landscaping, and setbacks required.	landscaping, and setbacks required.
Building Height	3 stories –or- 46 feet (additional height permitted if certain conditions are met)	1 story –or– 25 feet	30 feet
Building Setbacks	Front: 50 feet Sides: 50 feet Rear: 50 feet	Front: 30 feet Sides: 10 feet Rear: 20 feet	Front: 30 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	Front: 20 feet Sides: 10 feet Rear: 10 feet

**Infrastructure Concerns**

See the Engineering review letter for specific discussion of water and sewer capacities in the area serving the subject property. The Engineering review indicates there will be an impact on utility demands as a result of the proposed rezoning. Per the Site Plan Manual, a Rezoning Traffic Study is required for any proposed rezoning that would likely increase trips generated per day by 1,000 or more over one or more principal uses in the existing zoning district. The applicant has submitted and the City’s Traffic Consultant has reviewed the required traffic study. Overall, the study’s content and methodology are acceptable. However, the City’s Traffic Consultant does have substantial concerns regarding access specifically related to safely accommodating traffic turning into and out of the future development. Those concerns will need to be addressed when a full Traffic Impact Study is submitted with a Preliminary Site Plan. Please see the traffic review letter for additional information. Any future commercial developments would be subject to any approved recommendations of the draft Grand River and Beck Transportation Plan presented in the Master Plan update currently underway.

**Natural Features**

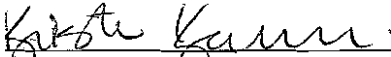
The regulated wetland and woodland maps indicate that there are no natural features on the subject property in the City’s inventory at this time. The location of any woodlands and wetlands will need to be field verified by the applicant with the submittal of any site plan for the parcels. Impacts to 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 OST zoning could result in an office building of approximately 11,000 square feet. The ultimate size of the facility would depend on the parking requirements associated with its specific use. A general office building on this site would increase this yield, due to the slightly lower parking demand when compared to a medical office. Considering the size of the subject property, the development of the parcel under the proposed FS zoning would most likely result in the development of a retail establishment, gas station or restaurant. The applicant has indicated it is their intention to construct a 16 pump gas station with associated 5,000 sq. ft. convenience store and a 2,000 sq. ft. fast food restaurant with a drive-through on the site should the rezoning be approved.

**Submittal Requirements**

- The applicant has provided a survey and legal description of the property in accordance with submittal requirements.
- The applicant has placed the rezoning signs on the property, in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request.
- The applicant has submitted the required Rezoning Traffic Study.

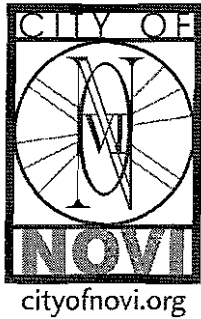


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Kristen Kapelanski, *ACIP*, Planner  
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# ENGINEERING REVIEW





## PLAN REVIEW CENTER REPORT

March 2, 2010

### Engineering Review

USA-2-Go  
SP #10-11

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#### Petitioner

USA-2-Go

#### Review Type

Concept Plan/ PRO

#### Property Characteristics

- Site Location: North side of Eleven Mile Road between Wixom and Beck Roads
- Site Size: 1.81 acres
- Date Received: 2/24/2010

#### Project Summary

- The applicant is proposing a rezoning overlay of 1.81 acres from OST to FS. The plan consists of constructing a 5,018 sf gas station and attached 1,802 sf Tim Horton's drive-thru restaurant with associated parking. Site access would be provided by two access points on the proposed roadway, which will later extend to Grand River Avenue.
- Water service is available along the west side of Beck Road and would need to be extended to the site.
- Sanitary sewer service is provided by an 8-inch sewer at the northwest corner of the site.
- Storm water would be collected by a single storm sewer collection system and routed to either the MDOT basin north of the site or proposed basin east of the site. All storm water shall detail for the 100-year storm.

**Additional Comments** (to be addressed prior to the Preliminary Site Plan submittal):

General

1. This review was based on preliminary information provided for Conceptual Plan/PRO review. As such, we have provided some basic comments below to assist in the preparation of a concept/preliminary site plan. Once the information below is provided, we will conduct a more thorough review.
2. Provide a note on the plans that all work shall conform to the current City of Novi standards and specifications.
3. The site plan shall be designed in accordance with the Design and Construction Standards (Chapter 11).
4. Please provide a 20-foot access easement through the site for our Water and Sewer Division to access the sanitary sewer easement north of the site. Also, provide a 15-foot access path from the end of the paved parking area to the property line that can support a 35-ton live load.
5. The Auto-Turn drawings at the bottom of the page show two paths for each truck, one that seems to intersect with the dumpster enclosure. Please give further detail and make corrections if necessary.
6. Provide a traffic control plan for the proposed road work activity on Eleven Mile Road.
7. A right-of-way permit will be required from both the Road Commission for Oakland County and City of Novi.

Utilities

8. The proposed watermain extension into the site shall not exceed 800-feet from the closest looped connection point. If it does, then a looped connection shall be required.

Storm Water Management Plan

9. It is the City's understanding that the applicant is working out an agreement with MDOT to use their basin for storm water detention of the proposed site and if access is not granted at the time of preliminary site plan submission, an alternate detention basin shall be proposed east of the site. An approved detention basin design/agreement is required prior to preliminary site plan approval.
10. Provide a sheet or sheets entitled "Storm Water Management Plan" (SWMP) that complies with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
11. The SWMP must detail the storm water system design, calculations, details, and maintenance as stated in the ordinance. The SWMP must address the discharge of storm water off-site, and evidence of its adequacy must be provided. This should be done by comparing pre- and post-development discharge rates and volumes. The area being used for this off-site discharge should be delineated and the ultimate location of discharge shown.
12. Access to each storm water facility and outlet standpipe shall be provided for maintenance purposes in accordance with Section 11-123 (c)(8) of the Design and Construction Standards.

Paving & Grading

13. It is the understanding of the Engineering Division that the proposed road connection to Grand River shall be installed with the next development fronting on that road. If that is the case then a temporary turn-around (cul-de-sac) and appurtenant easement shall be required for trucks and other vehicles to turn around the temporary stub road.
14. The City standard sidewalk/pathway location is typically 1-foot inside the right-of-way line as shown on the plan. In this case, since there is an additional 5-foot utility easement, please move the pathway up 1-foot to overlap the proposed right-of-way line of the proposed road. This will leave extra space between the sidewalk and roadway for planting, etc.
15. Since the pathway along Beck Road may not make the most sense to install at this point, consider connecting the pathway segment from Chase Bank to the proposed site for pedestrian traffic.
16. The proposed plan shows a pathway ramp in the Beck Road right-of-way leading to the road. An accepting ramp is required to be constructed on the other side of the proposed roadway.
17. Label the angles for all proposed angled parking spaces on the plan.
18. Please comply to the City end island detail for the plan. This includes ending the end islands 3-feet short of the stall length.
19. The City standard end island is required to be curbed. The current drawing submitted gives the impression the end island on the northwest corner of the site may be painted. In this case a deviation from the zoning ordinance would have to be worked out in the PRO agreement. A 3-inch mountable curb along with painting the end island is strongly encouraged by the Engineering Division.

Off-Site Easements

20. Any off-site easements must be executed prior to final approval of the plans. Drafts shall be submitted at the time of the Preliminary Site Plan submittal.

Please contact Lindon K. Ivezaj at (248) 735-5694 with any questions or concerns.

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cc: Brian T. Coburn, P.E., Senior Civil Engineer  
Ben Croy, P.E., Civil Engineer  
Kristen Kapelanski, Planner

## TRAFFIC REVIEW

February 26, 2010

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



**SUBJECT: Grand River and Beck Study Area – Revisions Proposed to Conceptual Road Layout**

Dear Ms. McBeth:

As you know, Novi Mile, LLC has proposed a revised conceptual PRO to facilitate the construction of a USA 2 Go (Gas Mart) – Tim Horton's retail establishment on the east side of Beck north of Grand River. The development plan includes the upgrading and easterly extension of the private road abutting the site (to the existing concrete plant). The alignment of this road would generally comply with the latest concept plan considered by the Master Plan and Zoning Committee (see attached), and its width (east of a flaring near Beck) would be 36 ft (back-to-back), the City standard for a non-residential collector.

We have recommended to the Planning Commission that the Novi Mile plan be approved, subject (in part) to (1) any curves on this collector being sized to provide a 35-mph design speed (to accommodate a potential 30-mph speed limit), and (2) the curbs being vertical (or "straight-faced"), to allow the road's possible future striping into one through lane in each direction and a two-way left-turn lane.

To better accommodate later phases of development contemplated by Novi Mile, LLC, the conceptual PRO now under review proposes that the first north-south connection east of Beck between the east-west collector and Grand River be located somewhat further east than shown in the City's latest concept plan. As can be seen on our attached mark-up of the latter, the connection now proposed would generally connect the frontage of the existing concrete plant (backing up to I-96) to a point directly across Grand River from an existing industrial driveway.

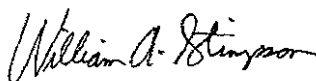
We support the new connector location proposed, and recommend that this change be made to the Master Plan and Zoning Committee's conceptual road plan. Furthermore, to provide a more-than-minimum opposite-side driveway spacing between the northerly connection and a corresponding north-south connection south of Grand River, we recommend that the southerly connection be shifted west one lot line, as shown on the attached mark-up.

Feel free to contact us if there are any questions regarding the above discussion.

Sincerely,  
BIRCHLER ARROYO ASSOCIATES, INC.

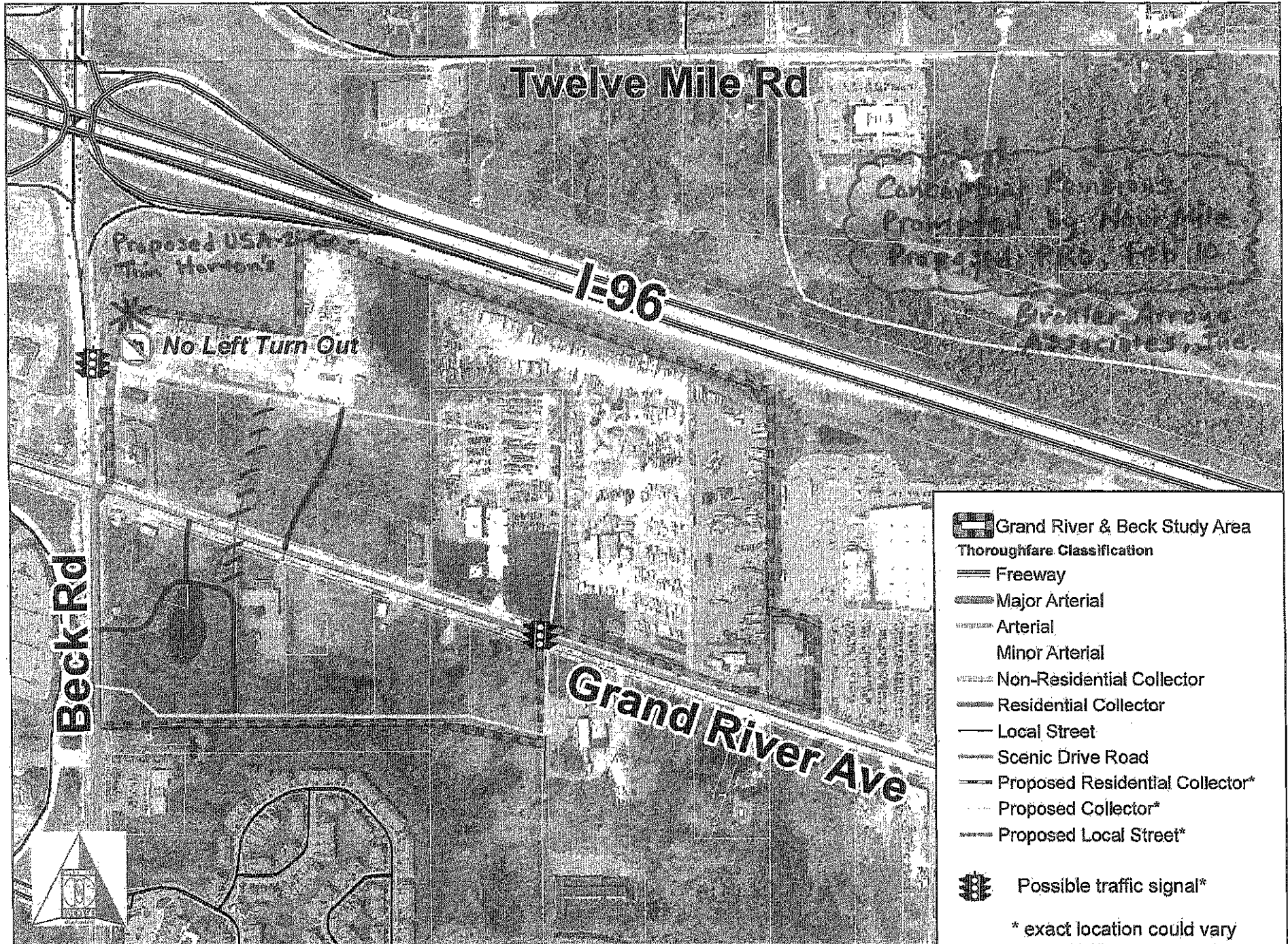


Rodney L. Arroyo, AICP  
Vice President



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

# GRAND RIVER AVE. and BECK RD. STUDY AREA TRANSPORTATION PLAN



- Grand River & Beck Study Area
- Thoroughfare Classification**
- Freeway
  - Major Arterial
  - Arterial
  - Minor Arterial
  - Non-Residential Collector
  - Residential Collector
  - Local Street
  - Scenic Drive Road
  - Proposed Residential Collector\*
  - Proposed Collector\*
  - Proposed Local Street\*



February 26, 2010

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



**SUBJECT: USA 2 Go - Tim Horton's Restaurant / Revised PRO (Conceptual),  
SP#10-11 and Rezoning 18.694, Traffic Review**

Dear Ms. McBeth:

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

### Recommendation

We recommend approval, subject to the issues shown below in **bold** being satisfactorily addressed on subsequent plans.

### Project Description

What is the applicant proposing?

1. The applicant, Novi Mile, LLC, proposes the rezoning of a 1.81-acre parcel, from Office Service Technology (OST) to PRO-FS (Freeway Service), to accommodate construction of a 16-fueling-position gas station, large (4,832-s.f.) convenience store, and 1,802-s.f. fast-food restaurant with drive-through lane.
2. The subject site is on the east side of Beck Road north of Grand River Avenue (see first two attachments to this letter). Access would be provided via two curb cuts on an existing private road serving a concrete plant, a small industrial building, and (via a relatively new frontage road) a bank on the northeast corner of Beck and Grand River. This abutting east-west road is the westernmost part of a future non-residential collector to serve all or most properties along the north side of Grand River between Beck and the Rock Financial Showplace (see third attachment).

### Trip Generation

How much traffic would the proposed development generate?

3. The table on the next page summarizes the trip generation forecasts presented in the applicant's traffic impact study. We have reviewed these forecasts and found them acceptable.

### Trip Generation Forecasts

Land Use	ITE Use	Size / Trip Type	Weekday Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
				In	Out	Total	In	Out	Total
General Office (Existing Zoning)	710	11,300 s.f.	248	29	4	33	15	76	91 <sup>2</sup>
Gas Station with Convenience Store	945	I-6 Fueling Positions	2,604	81	82	163	107	107	214
		Internal Capture	Unk.	Unk.	Unk.	Unk.	6	7	13
		Pass-By & Diverted	Unk.	50	51	101	57	56	113
Fast-Food Restaurant with Drive-Through	934	1,832 s.f.	909	46	44	90	32	30	62
		Internal Capture	Unk.	Unk.	Unk.	Unk.	7	6	13
		Pass-By & Diverted	Unk.	23	22	45	14	13	27
Total Site with PRO		Driveway Trips	3,513	127	126	253	139	137	276
		Internal Capture	Unk.	Unk.	Unk.	Unk.	13	13	26
		Pass-By & Diverted	Unk.	73	73	146	71	69	140
		New <sup>3</sup>	3,513	54	53	107	55	55	110

- <sup>1</sup> The numbers in the shaded rows are total one-way driveway trips. Internal capture trips are walking or driving trips between the gas pumps and restaurant. Pass-by trips are driveway trips already passing the site on Beck on their way to primary destinations elsewhere. Diverted link trips are driveway trips already passing through the area on I-96 or Grand River that will divert onto and off of Beck to access the site.
- <sup>2</sup> The ITE regression equation for this hour contains a large constant (i.e., mathematically, the number of trips for a zero use size), which is responsible for 79 of the 91 trips predicted. Under such circumstances, ITE's *Trip Generation Handbook* recommends use of the average rate (per 1,000 s.f.) rather than the equation; however, the average rate in this case predicts only 17 trips, or a value unrealistically low relative to the forecasted number of AM peak-hour trips. Based on the relative difference between the PM and AM average rates, we believe that the hypothetical office space would likely generate about 32 trips in the PM peak hour (or significantly less than the 91 trips predicted in the applicant's study).
- <sup>3</sup> For this calculation, "Unk." values above are assumed to be zero.

### Traffic Study

Was a study submitted and was it acceptable?

4. We have reviewed the applicant's traffic impact study, prepared by Bergmann Associates and dated 2-24-10, and found it acceptable. Highlights are as follows:
  - a. As can be seen in the table above, the proposed retail development would generate over 10 times as many daily one-way driveway trips as would the office development assumed under existing zoning. Differences during the AM and PM peak hours would be less, since much of the daily retail traffic occurs during normal "off-peak" hours.



- b. Current peak-hour volumes at Beck and Grand River, assumed not to change prior to completion of the proposed development in its hypothetical absence, were apparently (and appropriately) counted on a day with significant activity at the nearby Rock Financial Showplace.
- c. The study has reasonably assumed that newly generated trips would be distributed with 35% to/from either direction on Beck, 20% to/from the east on Grand River, and 10% to/from the west on Grand River. Pass-by trips would consist of 26-28% from either direction on Beck, and diverted trips would consist of 10-17% from I-96 and 6-13% from Grand River.
- d. Combining the trip generation and trip distribution predictions, the number of site trips exiting westbound from the collector road onto Beck would consist of 67 left turns and 59 right turns during the AM peak hour, and 67 left turns and 57 right turns during the PM peak hour. These volumes would join the 0 (zero) left and right turns in the current AM peak hour and the 1 left plus 6 right turns in the current PM peak hour (Figure 2 in the report misrepresents current collector volumes).
- e. Analysis with *Synchro / HCM* found that the addition of site-generated traffic at Beck and Grand River would not change the overall level of service (D in both peak hours). The levels of service for all individual movements would also remain unchanged, with the exception of eastbound Grand River in the PM peak, which would drop from D to E only because the current level is very close (within 1 sec of average delay) of E.
- f. A *SimTraffic* simulation found that southbound traffic on Beck would rarely back up past the collector road providing access to the subject site. The simulation also found that the left-turn pocket serving approaching left turns into the collector would have more-than-adequate storage space to accommodate the forecasted entering volumes.
- g. The *Synchro / HCM* simulation, however, has predicted very long left-turn delays exiting the collector onto Beck at build-out of the USA 2 Go – Tim Horton's. These delays would average some 171 sec in the AM peak hour and 314 sec in the PM peak hour (both well beyond the 50-sec threshold for level of service F). *SimTraffic* has predicted that westbound backups on the collector during the busiest 5% of the peak hour would reach 126 ft in the AM and 170 ft in the PM. It can be expected that the site's western driveway would be blocked by standing traffic a significant portion of either peak hour, and that the backups would extend to or slightly beyond the eastern driveway at the busiest times.
- h. Given the above results, it is likely that customers will start accepting shorter gaps in Beck Road traffic in which to exit to the left. On rare occasion one of those customers may find him or herself stranded in the median opening and interfering with inbound traffic. It is also possible that alternative routes to Grand River or Beck south of Grand River will be sought. Providing a direct connection between the collector road and Grand River would address this desire. At such time that connection is actually provided, the applicant (as well as other users of the existing private road) should be advised that the City will likely prohibit left turns onto Beck.

## Vehicular Access Locations

Do the proposed driveway locations meet City spacing standards?

5. The applicant has indicated that the two proposed site access drives are 61 ft apart (near-back-of-curb to near-back-up-curb), and the western drive is (according to the applicant's engineer) some 90 ft east of the near curb on Beck Road. Given the City's plans to have the applicant rebuild the existing private road to City collector standards, we recommend that it be assumed that the future speed limit will be 30 mph (pending speed studies once the road has been extended well east of Beck). The Design and Construction Standards require a minimum same-side driveway spacing for that speed of 125 ft (DCS Sec 11-216(d)(1)d). **For practical reasons, we support the two required Planning Commission waivers of the City's minimum same-side driveway spacing.**
6. The City's standard for minimum opposite-side driveway spacing does not apply to a non-arterial road.

## Vehicular Access Improvements

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

7. The plans now note the road abutting the site on the south as a "proposed private or public road." **We recommend that this note be changed to read "proposed public collector road," and that the "existing ingress & egress easement" be relabeled a proposed "60-ft right-of-way."** The inclusion of 5-ft wide utility easements beyond that 60-ft right-of-way are consistent with the DCS (Table VIII-A) for a non-residential collector, and they should be retained as proposed.
8. **To facilitate the future striping of the proposed collector as a three-lane street (as was done in 2009 on Cabot and Lewis Drives), the plans should clearly indicate that the curbing along the road will be vertical (aka straight-faced).**
9. When the new road abutting the site is extended further east, the assumed design speed should be 35 mph (per typical practice, 5 mph over the assumed speed limit). *A Policy on Geometric Design of Highways and Streets (AASHTO, 2004)* indicates that the minimum centerline radius for a road with that design speed but without superelevation (i.e., without "banking") should be 510 ft. According to the applicant's engineer, the horizontal curve either side of the future connection to Grand River is now drawn with a local-road radius of 230 ft. **The road extension to and just beyond the Grand River connection should be redesigned to provide centerline radii no smaller than 510 ft.**
10. The first road connection to Grand River east of Beck could be considered a local road once the east-west collector is extended further east and provided a signalized connection to Grand River (per the draft Master Plan Amendment; see third attached aerial photo). However, given that there is presently no guarantee that that latter connection will actually be built, we consider it advisable to design the westerly north-south connection as a collector as well. The applicant's plan for this latter connection appropriately shows a 60-ft wide right-of-way, 5-ft wide utility easements, and a 36-ft wide road section. **To facilitate future striping into three lanes, vertical curbing should be proposed.**

### Driveway Design and Control

Are the driveways acceptably designed and signed?

11. All curb radii, including the driveway returns, should be dimensioned on future plans to facilitate a proper review.

### Pedestrian Access

Are pedestrians safely and reasonably accommodated?

12. No sidewalk is proposed along the site's Beck Road frontage. Since the new single-point interchange was apparently not designed to accommodate pedestrians, and since there is a storm water basin close to the road between the interchange and the site, the exclusion of a sidewalk along the site's Beck road frontage is reasonable.
13. A 5-ft wide sidewalk is proposed along the site frontage on the future collector, set in a typical 1 ft from the future property line. This treatment would provide a minimal 6-ft wide landscape strip adjacent to the curb, the same as used along Cabot and Lewis Drives. No potentially sight-obstructing trees would be placed in this landscape strip (per plan sheet L-1).

### Parking and Circulation

Can vehicles safely and conveniently maneuver through the site?

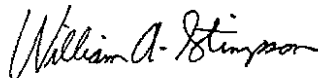
14. The proposed parking layout and internal traffic circulation appear satisfactory. We may have additional comments upon our review of a future, more completely dimensioned plan.

Sincerely,

BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP  
Vice President



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

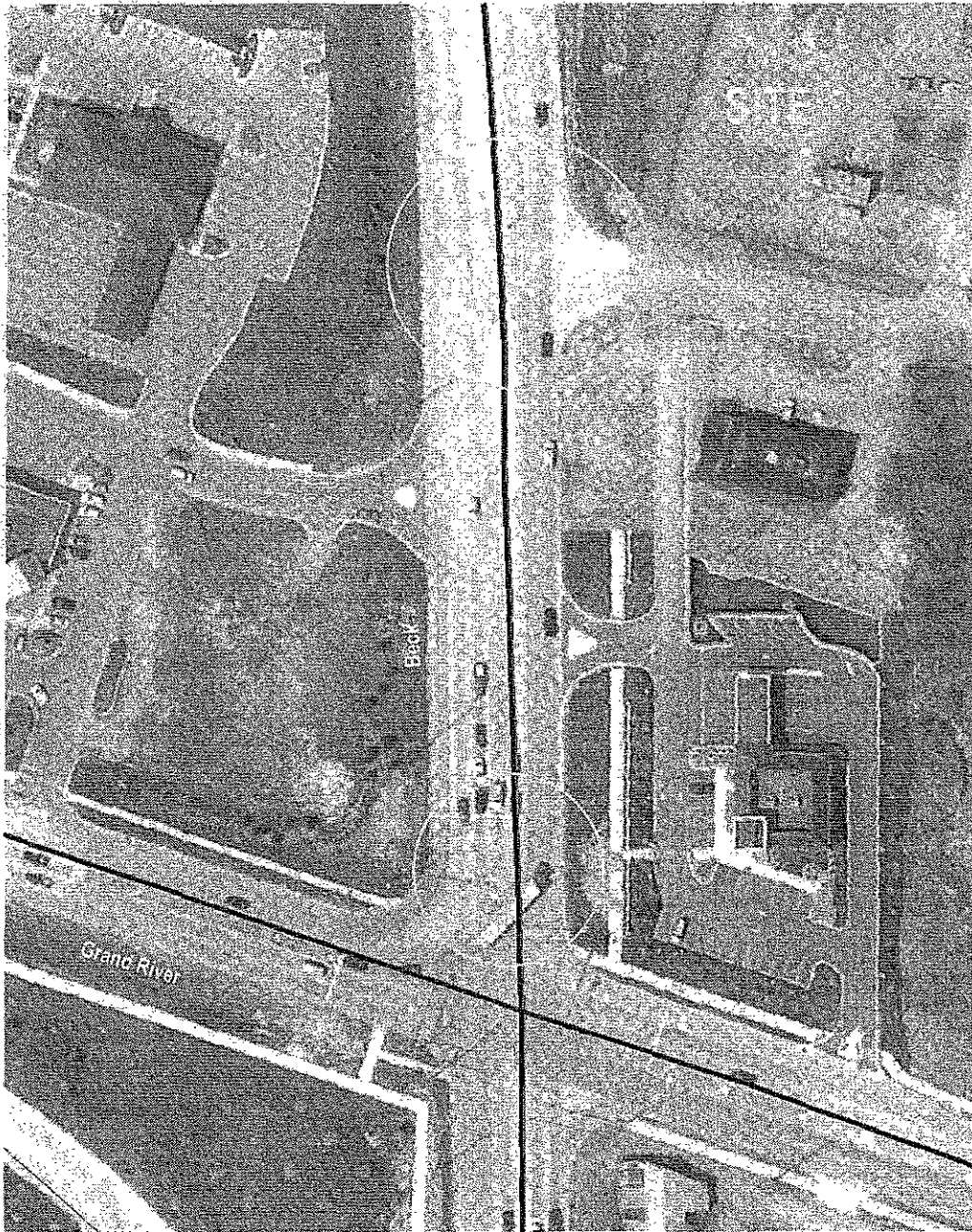


Photo courtesy of City of Novi



### Beck Just North of Grand River



**BACH**  
ASSOCIATES, INC.















Looking South Along Beck Near Site



# GRAND RIVER AVE. and BECK RD. STUDY AREA TRANSPORTATION PLAN



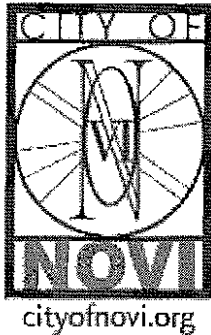
-  Grand River & Beck Study Area
- Thoroughfare Classification**
-  Freeway
  -  Major Arterial
  -  Arterial
  -  Minor Arterial
  -  Non-Residential Collector
  -  Residential Collector
  -  Local Street
  -  Scenic Drive Road
  -  Proposed Residential Collector\*
  -  Proposed Collector\*
  -  Proposed Local Street\*

 Possible traffic signal\*

\* exact location could vary



# LANDSCAPE REVIEW



# PLAN REVIEW CENTER REPORT

March 2, 2010

## Conceptual PRO Site Plan

USA 2 GO

### Review Type

Conceptual PRO Landscape Review

### Property Characteristics

- Site Location: Beck Road
- Site Zoning: OST – FS Proposed
- Plan Date: February 24, 2010

### Recommendation

**Approval of the Conceptual PRO Site Plan for SP# 10-11 USA 2 GO is recommended provided the applicant is permitted the deviations from ordinance standards for the PRO. The Applicant should discuss with the Planning Commission the concerns noted below.** The deviations requested are the result of the limited size of the site and the level of development proposed. Please address all other minor comments on subsequent submittals.

### Ordinance Considerations

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

1. A 3' tall landscaped berm is required along the I-96, Beck Road and access drives. **Eliminating the berms or reducing the berm height would require a deviation for the PRO.**
2. A 20' wide landscaped berm and greenbelt is required along all road frontages. The applicant has proposed a 12' to 19' greenbelt at the Beck Road frontage. The applicant should provide additional shrubs and perennials in order to meet opacity requirements for the berm areas. Acceptable plantings would include at least a double row of shrubs located on and near the crest of the berms. The applicant may wish to petition MDOT to allow planting on the right of way property. **Elimination of the berm or reducing the berm height would require a PRO deviation from ordinance standards.**
3. A 20' wide landscaped berm and greenbelt is required along all road frontages. The applicant has proposed a 5' greenbelt at the I-96 frontage. The applicant will need to provide additional shrubs and perennials in order to meet opacity requirements for the berm areas. The applicant may wish to petition MDOT to allow planting on the right of way property. **Elimination of the landscape berm or reducing the berm height would require a PRO deviation from ordinance standards.**
4. A 20' wide landscaped berm and greenbelt is required along all road frontages. The applicant has proposed a 7.2' greenbelt at the access road frontage. The applicant has proposed a 3' high wall for a portion of the frontage. **Staff would support the PRO deviation for use of the wall, but suggests that the wall could extend for the entire length of the frontage.**
5. Twenty five foot clear vision areas have been provided as required.

#### Street Tree Requirements (Sec. 2509.3.b.)

1. Five (5) Street Trees are required and have been provided along Beck Road.

#### Parking Landscape (Sec. 2509.3.c.)

1. A total of 2,687 SF of interior parking landscape area is required. A total of 2,354 SF has been provided. **A reduction of the remaining 333 square feet of interior landscape area would require a PRO deviation from ordinance standards.** Alternately,, the applicant may choose to locate other areas on the site to mitigate the remaining square footage.



2. A total of 36 Parking Lot Canopy Trees are required and have been provided.
3. Snow storage areas have been shown on the plan as required.

**Parking Lot Perimeter Canopy Trees (Sec. 2509.3.c.(3))**

1. Perimeter Parking Lot Canopy Trees are required per 35 LF surrounding parking and access areas. The Applicant has adequately provided for the requirement.

**Building Foundation Landscape (Sec. 2509.3.d.)**

1. A minimum 4' wide landscape bed is required around the entire building foundation with the exception of access areas. This has been provided along the east and west foundations. The north side of the building is proposed as a drive through lane. **Elimination of the foundation landscape area on the south side of the site would require a PRO deviation from ordinance standards.**
2. A total of 8' x the building foundation perimeter is required. A total of 2,768 SF of foundation landscape area is required. The applicant has provided 1,286 SF. **A reduction of the remaining 1,482 square feet of foundation landscape area would require a PRO deviation from ordinance standards.** Alternately, the applicant may choose to locate other areas on the site to mitigate the remaining square footage.

**Plant List (LDM)**

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

**Planting Notations and Details (LDM)**

1. The Planting Details and Notations as provided meets the requirements of the Ordinance and the Landscape Design Manual.

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

1. **Please provide an Irrigation Plan upon Stamping Set submittal.**

**General**

1. Please clearly depict all underground and overhead utilities. No canopy trees should be placed directly under or over utilities.
2. The loading zone is located to the rear of the building. **The applicant should plant additional vegetation along the easterly property boundary to help screen the zone.**

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

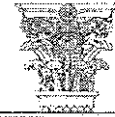


Reviewed by: David R. Beschke, RLA

## FAÇADE REVIEW



Phone: (248) 880-6523  
 E-Mail: dnecci@drnarchitects.com  
 Web: drnarchitects.com



DRN & ASSOCIATES, ARCHITECTS, PC

50850 Applebrooke Dr., Northville, MI 48167

March 2, 2010

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

Re: **FACADE ORDINANCE - Facade Review**  
**USA 2 GO - CONCEPTUAL / PRO, SP10-11**  
 Façade Region: 1, Zoning District: OST (FS)

Dear Ms. McBeth;

The following is the Facade Review for Conceptual/P.R.O. of the above referenced project based on the drawings prepared by GAV Associates, dated 2/24/10. The percentages of materials proposed for each façade are as shown on the table below. The maximum (and minimum) percentages allowed by the Schedule Regulating Façade Materials of Ordinance Section 2520 are shown in the right hand column. Materials in non-compliance with the Facade Schedule are highlighted in bold.

	WEST (Front)	NORTH	SOUTH	EAST (Rear)	Ordinance Maximum (Minimum)
BRICK	38%	76%	66%	89%	100% (30% MIN)
CULTURED STONE	20%	0%	13%	1%	50%
EIFS	9%	8%	11%	7%	25%
LIMESTONE	21%	12%	6%	1%	50%
FABRIC AWNING	9%	2%	2%	0%	10%
METAL TRIM	3%	2%	2%	2%	50%

**Recommendation:** As shown above, the percentages of all proposed materials are in full compliance with the facade Ordinance. Based on the conceptual drawings a section 9 Waiver will not be required for this project. The applicant should clarify the following items prior to submittal for Preliminary Site Plan; submit a sample board as required by section 2520.4.d of the Ordinance and clarify the material and color of the roof equipment screening indicated on the drawings.

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

Sincerely,  
 DRN & Associates, Architects PC

Douglas R. Necci, AIA



March 2, 2010

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

Re: **FACADE ORDINANCE - Facade Review**  
**USA 2 GO - CONCEPTUAL / PRO, SP10-11 - CANOPY**  
 Façade Region: 1, Zoning District: OST (FS)

Dear Ms. McBeth;

The following is the Facade Review for Conceptual/P.R.O. of the above referenced project based on the drawings prepared by GAV Associates, dated 2/24/10. The percentages of materials proposed for each façade are as shown on the table below. The maximum (and minimum) percentages allowed by the Schedule Regulating Façade Materials of Ordinance Section 2520 are shown in the right hand column. Materials in non-compliance with the Facade Schedule are highlighted in bold.

It should be noted that all materials were not clearly indicated on the drawings provided for the canopy and lacking the sample board the exact materials proposed could not be determined. Therefore, several assumptions were made as follows; the cornice was assumed to be EIFS, and the "Aluminum Wrap" which comprises the majority of the fascia area was assumed to be flat metal panels.

	WEST (Front)	NORTH	SOUTH	EAST (Rear)	Ordinance Maximum (Minimum)
BRICK	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	100% (30% MIN)
CULTURED STONE	11%	13%	13%	11%	50%
EIFS	19%	18%	18%	19%	25%
LIMESTONE	2%	2%	2%	2%	50%
FLAT METAL PAMELS (FASCIA)	<b>68%</b>	<b>67%</b>	<b>67%</b>	<b>68%</b>	50%

As shown above, on all facades the percentage of brick is below the minimum amount required by the Ordinance and the percentage of flat metal panels is above the maximum percentage allowed by the Ordinance. Based on the conceptual drawings a Section 9 Waiver will be required for the canopy portion of this project.

**Recommendation:** It is recommended that the following modifications be considered to avoid or qualify for a favorable recommendation for a Section 9 waiver. For this application the cultured stone material can be considered equivalent to brick however the size of the columns should be increased to bring the percentage of this material to approximately 30% of the overall facade as required by the Facade Chart. The percentage of flat metal panels should be reduced in lieu of another more favorable material such as EIFS, cultured stone or brick. This can be accomplished for example by increasing the size of the (EIFS) cornice and/or masonry columns and reducing the percentage of flat metal panels.

Section 2520.12 of the Ordinance applies specifically to canopies constructed adjacent to primary buildings. The design of the canopy is consistent with the requirement of this section that "not less than 30% of the facade of the canopy shall be of a material identical to a material used on the building."

The applicant should clarify the following items prior to submittal for Preliminary Site Plan; submit a sample board as required by section 2520.4.d of the Ordinance and clarify the materials and color of the cornice and "aluminum wrap" areas.

The proposed sign structure is nicely designed, matches the building facade and will enhance the overall project. The dumpster enclosure should be constructed of materials matching the building in a similar fashion.

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

Sincerely,  
DRN & Associates, Architects PC



Douglas R. Necci, AIA

# FIRE REVIEW



**CITY COUNCIL**

Mayor  
David B. Landry

Mayor Pro Tem  
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Justin Fischer

**City Manager**  
Clay J. Pearson

**Fire Chief**  
Frank Smith

**Deputy Fire Chief**  
Jeffrey Johnson

March 1, 2010

TO: Barbara McBeth, Deputy Director of Community Development, City of Novi

RE: USA 2 GO, N.W. Corner of Grand River Ave. & Beck Rd.

SP#: 10-11, Conceptual/PRO

**Project Description:**

6,820 S.F. mixed use, single story, commercial building proposed to house a gas station and a coffee/donut shop.

**Comments:**

1. Fire hydrants shall be shown on the utility plan in accessible locations at 300' maximum spacing and no part of a building shall be more than 300' from a fire hydrant.

**Recommendation:**

This plan is recommended for approval with the above comment being completed on the next plan submittal.

Sincerely,

Michael W. Evans  
Fire Marshal

cc: file

**Novi Fire Department**  
42975 Grand River Ave.  
Novi, Michigan 48375  
248.349-2162  
248.349-1724 fax

cityofnovi.org

**APPLICANT RESPONSE LETTERS**



**NOVI MILE, LLC**  
46100 Grand River Ave.  
Novi, MI 48374  
P (248) 348-5600 | F (248) 347-7720

**RECEIVED**  
FEB 24 2010  
CITY OF NOVI  
COMMUNITY DEVELOPMENT  
JA

February 24, 2010

Barbara McBeth  
Deputy Community Development Director  
City of Novi Community Development  
45175 W. Ten Mile Road  
Novi, Michigan 48375

RE: Novi Mile / USA 2 Go - **PRO**  
NE Corner of Grand River & Beck Road  
Response to Comments from City

Dear Ms. McBeth,

Please find attached (9) nine sets of revised documents for your review and approval. The drawings have been revised per the discussion points received on February 18, 2010 from the Community Development. The documents include the following exhibits:

- Road Exhibit (Legal Size)
- Architectural Floor Plan & Elevations (24x36)
- USA 2 Go Concept Plan (24x36)

In an effort to assist you with your review, we offer the following response to the received discussion points and questions:

**Road and Access Issues**

- Pavement / ROW / Easement widths are correct and noted.
- Improvement Schedule – Road frontage in front of the gas station will be built first (approximately 220 LF of pavement), the connect to Grand River will be built at a future date based on build out.
- Future Road Improvement Schedule – The connection to Grand River will be made contingent on a second proposed parcel development by Novi Mile LLC.
- Beck Road Access Location – Existing apron and easement is correct.
- Grand River Access Location – Located directly across from the #47087 Grand River (Parcel ID 22-16-151-002). The other aprons along Grand River Avenue are now shown on the road exhibit for reference. The Master Plan and Retail Overlay will need to be amended as noted.

- PRO Agreement Language – Flexibility in the language to allow potential relocation of ring road should the development change is noted. Beck Road Improvements – Reference to Traffic Study.
- Limit Access on Beck and Grand River – One additional curb cut is being proposed along Grand River west of the Ring Road access point. Please see the Road Exhibit.

**PRO Plan Issues:**

- Site Plan
  - Site Size - The total acreage for the USA 2 Go store is 1.81 Acres in order to address the comments received.
  - Driveway Separation – The apron locations are critical for our anticipated traffic flows for the store. We pulled the westerly apron as far as we could away from Beck Road to gain separation. A deviation will be required for this drive configuration.
  - Existing Curb Cuts – All curb cuts have been illustrated as requested within 300 feet of our site.
  - Truck Turning – Two truck circulation exhibits have been added to the Site Plan to illustrate the truck maneuvers within the parking lot area.
  - Storm Water Detention – The petitioner is pursuing improvements to the existing MDOT storm water detention basin located within the I-96 ROW. The improvements would include deepening the basin and providing treatment (sedimentation basin) as well as additional storage volume required for the entire Novi Mile development, as well as the public Grand River Avenue ROW drainage. We are also pursuing a temporary basin located just east of the site while the City, MDOT and the developer can enter into an agreement on the improvements for the existing MDOT basin.
  - Façade – Foundation landscaping has been provided on both the east and west sides of the building in order to address the “unsightly comment”. The north elevation has also been modified to include a Limestone Veneer Accent to break up the building elevation.
  - Signage – A deviation is being requested for the signage.
  - Sidewalk Along Beck Road – We feel the sidewalk along Beck Road is a safety issue and would not benefit the general public since it goes directly into the MDOT storm water basin located north of the site. The additional walk would also reduce the landscape area along Beck Road. If this is a requirement, we would also list this as a deviation.
  - Deviations Required – The following is a list of the deviation required for the Site Plan:
    - Parking Setback
      - Required = 20 feet front, 10 feet side
      - Provided = 10 feet front, 5 foot side
    - Trash Enclosure Setback
      - Required = 10 feet
      - Provided = 5 feet
    - Public Sidewalk Along Beck – not provided

- Driveway Separation
  - Required = 105 feet (25 MPH)
  - Provided = 61 feet
- Landscape Items
  - Beck Road Berm
  - Parking Lot Landscape Reduced by 333 SF
  - Greenbelts
    - 5 foot along I-96
    - 7.2 foot along Access Drive
    - 12-19 foot along Beck Road
  - Building Foundation Landscape Reduced by 1,482 sf
- Signage
  - Suggested = 30 SF per Sign
  - Proposed = See Plans
  - Suggested - No Canopy Signage
  - Proposed - Canopy Signage (Badge ) no color bands
- Site Plan Revisions – Based on the comments received we have added the Landscape Berm and a Knee High Wall along the Private Road to address screening issues. We have also added additional parking to obtain the required 58 spaces and provided foundation landscape to the east and west sides of the building.
- Secondary Access – The site currently has two points of access, one is Beck Road and a redundant Chase Bank access to Beck Road.

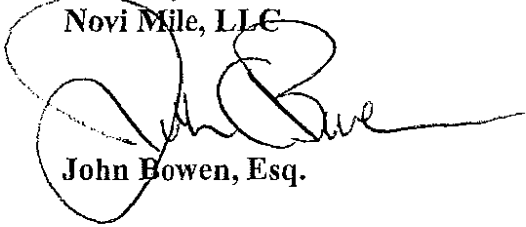
**Potential Public Benefits to Allow PRO Consideration:**

The proposed development will provide public benefit including the following items:

- Master Planned Ring Road
- Access Easement to City Sanitary Force Main and MDOT pond
- Storm Water Improvements to treat Public ROW drainage as well as provide treatment via sedimentation basin.
- Public Utility Improvements including a water main loop for flow and redundancy.
- Future Beck Road Access Improvements.

Should you have any questions on the above information, please call our office to discuss at (248) 348-5600. Thank you for all your help to date on this very important project.

Sincerely,  
Novi Mile, LLC



John Bowen, Esq.

**CONCEPT PLAN AND  
PROPOSED ROAD LAYOUT**

# USA 2 GO GAS-MART WITH TIM HORTONS

## SITE PLAN CITY OF NOVI, OAKLAND COUNTY

**ENGINEERING INC.**  
2500 WESTERN HOLLOWAY, SUITE 2  
ANN ARBOR, MI 48106  
(734) 963-2071 (BUS)  
(734) 963-2095 (FAX)  
WWW.AEPINE-INC.NET

**ALPINE ENGINEERING**  
4500 WEST ROAD  
ANN ARBOR, MI 48106  
(734) 963-2071 (BUS)  
(734) 963-2095 (FAX)

**CONSTRUCTION LAYOUT**  
RESIDENTIAL  
SITING  
CONSTRUCTION LAYOUT  
RESIDENTIAL  
SITING  
CONSTRUCTION LAYOUT  
RESIDENTIAL  
SITING  
CONSTRUCTION LAYOUT

**CONTRACTOR**  
3. REVIEWING DATE: BEFORE  
10/20/2015  
10/20/2015  
10/20/2015

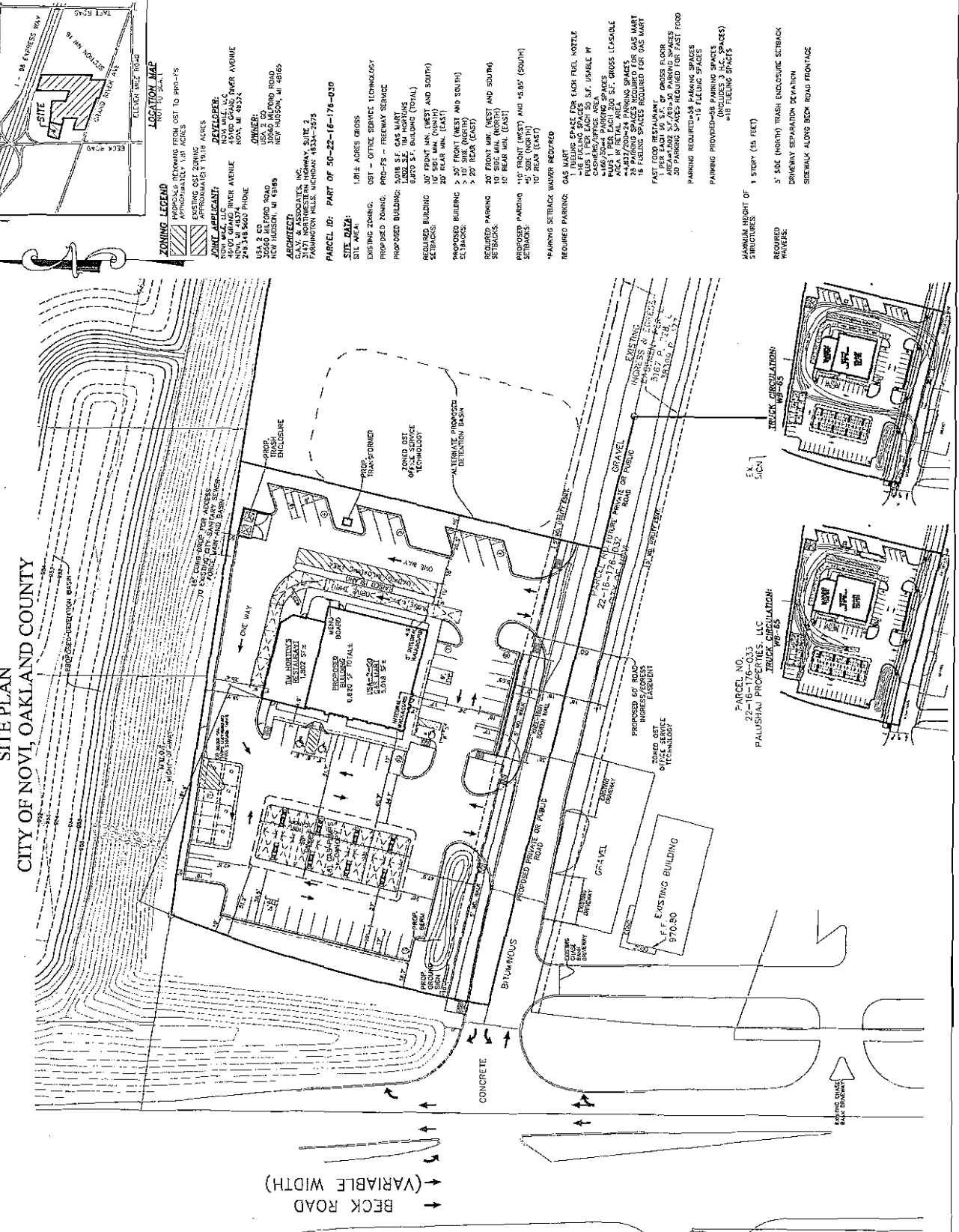
**GAS-MART WITH TIM HORTONS**  
**SITE PLAN**  
**NOVI MI, LLC/USA 2 GO**

SECTION: 16  
RANGE: B-E  
MICHIGAN  
COUNTY

DATE: 2/13/09  
DRAWN BY: TO  
CHECKED BY: M. M. W.  
SCALE: 1" = 100'-0"

NOVI MI, LLC/USA 2 GO  
10000 WESTERN HOLLOWAY, SUITE 2  
ANN ARBOR, MI 48106  
(734) 963-2071 (BUS)  
(734) 963-2095 (FAX)  
WWW.AEPINE-INC.NET

NOVI MI, LLC/USA 2 GO	10000 WESTERN HOLLOWAY, SUITE 2 ANN ARBOR, MI 48106 (734) 963-2071 (BUS) (734) 963-2095 (FAX) WWW.AEPINE-INC.NET
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**LOCATION MAP**  
NOT TO SCALE  
EASTERN HOLLOWAY ROAD  
BECK ROAD  
1-1 DE CYPRESS WAY  
SECTION 16  
SITE

**ZONING LEGEND**  
PROPOSED SETBACKS FROM OST TO PERMITS  
EXISTING SETBACKS FROM OST TO PERMITS  
APPROXIMATELY 100' ACRES  
APPROXIMATELY 100' ACRES  
APPROXIMATELY 100' ACRES  
APPROXIMATELY 100' ACRES

**DEVELOPER:**  
NOVI MI, LLC/USA 2 GO  
10000 WESTERN HOLLOWAY, SUITE 2  
ANN ARBOR, MI 48106  
(734) 963-2071 (BUS)  
(734) 963-2095 (FAX)  
WWW.AEPINE-INC.NET

**ARCHITECT:**  
G.A.V. & ASSOCIATES, INC.  
21471 NORTHWESTERN HOLLOWAY, SUITE 2  
ANN ARBOR, MI 48106  
(734) 963-2071 (BUS)  
(734) 963-2095 (FAX)  
WWW.AEPINE-INC.NET

**PARCEL ID: PART OF 50-22-16-176-03D**

**SITE DATA:**  
1.814 ACRES GROSS  
1.814 ACRES NET  
EXISTING ZONING: OST - OFFICE SERVICE TECHNOLOGY  
PROPOSED ZONING: PROPS - FREEMAN SERVICE  
PROPOSED BUILDING: 6,840 SF GAS MART  
8,400 SF. TIM HORTONS  
20' FRONT (WEST AND SOUTH) SETBACKS  
5' TO 20' REAR (EAST) SETBACKS  
20' FRONT (WEST AND SOUTH) SETBACKS  
5' TO 20' REAR (EAST) SETBACKS  
20' FRONT (WEST AND SOUTH) SETBACKS  
5' TO 20' REAR (EAST) SETBACKS  
20' FRONT (WEST AND SOUTH) SETBACKS  
5' TO 20' REAR (EAST) SETBACKS  
20' FRONT (WEST AND SOUTH) SETBACKS  
5' TO 20' REAR (EAST) SETBACKS

**REQUIRED PAVING:**  
1. PER EACH 10' S.F. OF GROSS FLOOR AREA, 30' PAVEMENT SPACES REQUIRED FOR FAST FOOD RESTAURANT.  
2. PER EACH 10' S.F. OF GROSS FLOOR AREA, 30' PAVEMENT SPACES REQUIRED FOR GAS MART.  
3. PER EACH 10' S.F. OF GROSS FLOOR AREA, 30' PAVEMENT SPACES REQUIRED FOR GAS MART.  
4. PER EACH 10' S.F. OF GROSS FLOOR AREA, 30' PAVEMENT SPACES REQUIRED FOR GAS MART.

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1. PER EACH 10' S.F. OF GROSS FLOOR AREA, 30' PAVEMENT SPACES REQUIRED FOR FAST FOOD RESTAURANT.  
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3. PER EACH 10' S.F. OF GROSS FLOOR AREA, 30' PAVEMENT SPACES REQUIRED FOR GAS MART.  
4. PER EACH 10' S.F. OF GROSS FLOOR AREA, 30' PAVEMENT SPACES REQUIRED FOR GAS MART.

**MINIMUM HEIGHT OF STRUCTURES:**  
1 STORY (14 FEET)

**REQUIRED WAIVERS:**  
5' SIDE (NORTH) TRASH ENCLOSURE SETBACK  
DRIVEWAY SEPARATION DEVIATION  
SIDEWALK ALONG BECK ROAD FRONTAGE

**BECK ROAD (VARIABLE WIDTH)**

**CONCRETE**

**PROPOSED PRIVATE OR PUBLIC ROAD OR DRIVEWAY**

**PROPOSED GAS MART INGRESS/EGRESS FACILITY**

**ZONED OST OFFICE SERVICE TECHNOLOGY**

**EXISTING BUILDING 970.50**

**GRAVEL**

**PROPOSED GAS MART INGRESS/EGRESS FACILITY**

**ZONED OST OFFICE SERVICE TECHNOLOGY**

**PROPOSED PRIVATE OR PUBLIC ROAD OR DRIVEWAY**

**CONCRETE**

**PROPOSED GAS MART INGRESS/EGRESS FACILITY**

**ZONED OST OFFICE SERVICE TECHNOLOGY**

**PROPOSED GAS MART INGRESS/EGRESS FACILITY**

**ZONED OST OFFICE SERVICE TECHNOLOGY**

**PROPOSED PRIVATE OR PUBLIC ROAD OR DRIVEWAY**

**CONCRETE**

**PROPOSED GAS MART INGRESS/EGRESS FACILITY**

**ZONED OST OFFICE SERVICE TECHNOLOGY**

**PROPOSED PRIVATE OR PUBLIC ROAD OR DRIVEWAY**

**CONCRETE**

**PROPOSED GAS MART INGRESS/EGRESS FACILITY**

**ZONED OST OFFICE SERVICE TECHNOLOGY**

**TRUCK CIRCULATION 100' x 50'**

**TRUCK CIRCULATION 100' x 50'**

**TRUCK CIRCULATION 100' x 50'**

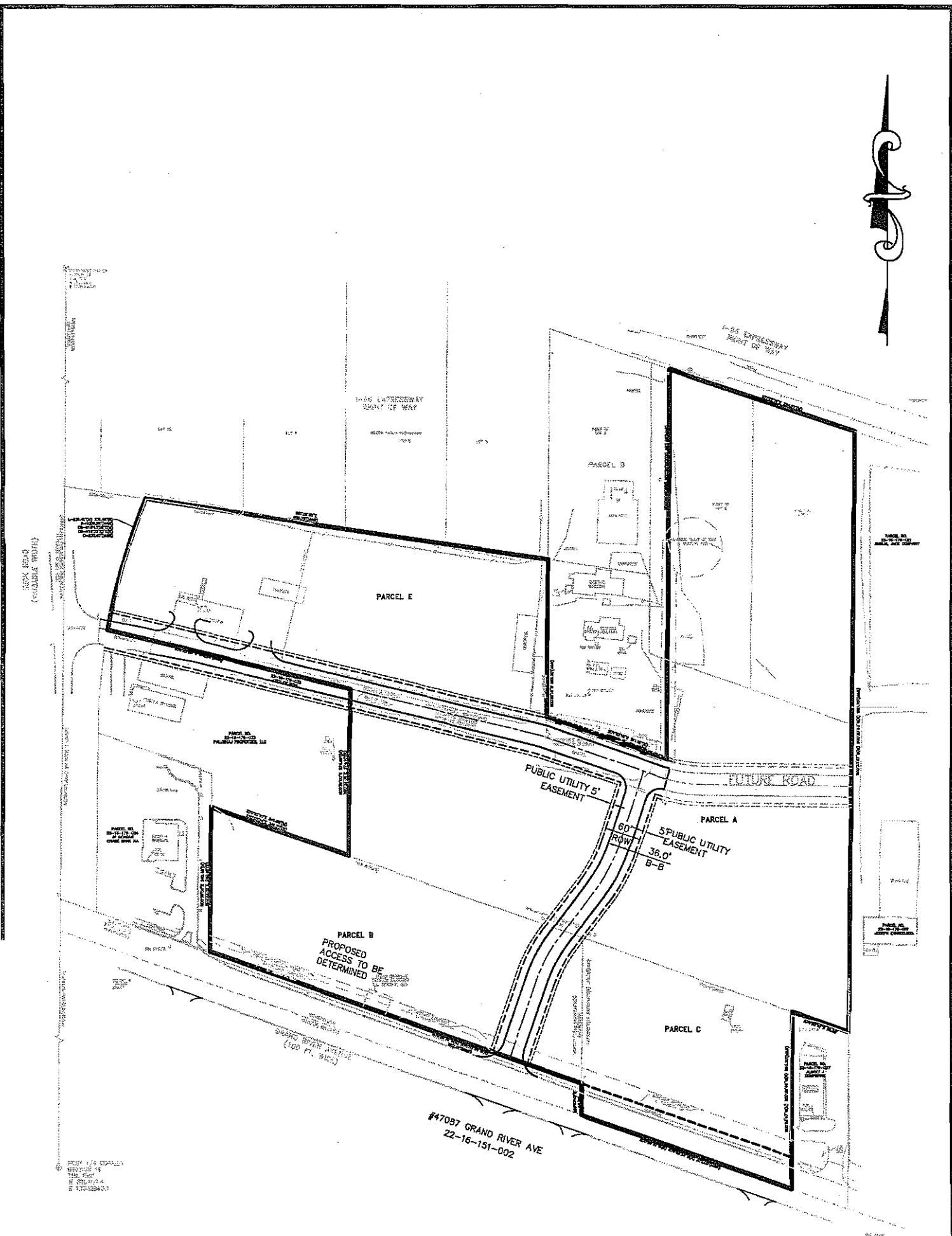
**TRUCK CIRCULATION 100' x 50'**

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NOVI MI, LLC/USA 2 GO	10000 WESTERN HOLLOWAY, SUITE 2 ANN ARBOR, MI 48106 (734) 963-2071 (BUS) (734) 963-2095 (FAX) WWW.AEPINE-INC.NET
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NOVI MI, LLC/USA 2 GO	10000 WESTERN HOLLOWAY, SUITE 2 ANN ARBOR, MI 48106 (734) 963-2071 (BUS) (734) 963-2095 (FAX) WWW.AEPINE-INC.NET



#47087 GRAND RIVER AVE  
22-16-151-002

SCALE 1/8" = 1'-0"  
DATE 11/14/14  
BY [signature]  
CHECKED [signature]

**CITY COUNCIL  
MEETING MINUTES EXCERPT  
February 8, 2010**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, FEBRUARY 8, 2010 AT 7:00 P.M.  
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Landry, Mayor Pro Tem Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt

**ALSO PRESENT:** Clay Pearson, City Manager  
Tom Schultz, City Attorney

**APPROVAL OF AGENDA**

**CM-10-02-012 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:  
To approve the Agenda as presented.**

**Voice Vote**

**MATTERS FOR COUNCIL ACTION – Part I**

- 5. Consideration of the request of Novi Mile, LLC for Zoning Map Amendment 18.694 to rezone property in Section 16, east of Beck Road between I-96 and Grand River Avenue, from OST, Office Service Technology District to FS, Freeway Service District. The subject property is approximately 1.81 acres.**

Blair Bowman was present representing Novi Mile, LLC. He said they were before Council with a positive recommendation from the Planning Commission for the rezoning of about 1.81 acres of property on the ramp or retention basin on the east side of Beck Road south of I-96 at the new interchange. He said while they were asking for a freeway service, there was also a recommendation that a PRO approach be considered subject to timing and consideration, and they would be open to that as well.

Mr. Pearson said there were at least two options. He said staff recommended the PRO option as it met the needs of the property owner and provided ability for the City to dictate how that important property would be developed. Mr. Pearson said they would expedite that with all due speed.

Mayor Landry asked Mr. Schultz if the public hearing could be done here. Mr. Schultz said the Planning Commission always had to do one but Council could do a public hearing as well. Mayor Landry said there only had to be one for the PRO and Mr. Schultz agreed. Mayor Landry said the Planning Commission could have a public hearing quickly and if Council decided to go with the PRO option, it could happen as fast as possible. Mr. Schultz agreed and said it was often a two step process, get initial direction from the Council and do an agreement. Then come back, and depending on what the results were in the Planning Commission, they could do the second step at the Council table in one step.



Member Crawford said this proposed zoning made a lot of sense, it's near the freeway, and she was ready to agree to it even without the PRO. However, she could understand going with the PRO conditions as long as they could be expedited because that was the real problem; delay, delay, they heard all the time. She said this wasn't the kind of climate where they wanted to delay candidates bringing business into the City.

Mayor Pro Tem Gatt stated he was ready to vote for this item without a PRO. He said it had a positive recommendation by the Planning Commission. He said if Mr. Bowman agreed to a PRO, he would commend him for that and ask the City to expedite this and not be greedy in their demands. He said hopefully they could get it back in a couple of weeks and it made perfect sense to him to rezone this freeway.

Member Margolis said she was happy to move for the PRO because she was not in favor of the rezoning, as it was not consistent with the Master Plan. She thought staff's major concern was with traffic patterns and roadways in the area that could be addressed in a PRO versus a strict rezoning.

**CM-10-02-019      Moved by Margolis, seconded by Fischer; MOTION CARRIED:  
To postpone action on the rezoning request to allow time to submit a revised application with a PRO primarily because it was contrary to the recommendations of the current Master Plan; because of the size and influence of the freeway they needed to provide access to and from the parcel in an appropriate location; look at mutually beneficial conditions that could be included in the PRO; and in light of the application that had already been made, there would be no other fee, unless to pay consultants, and it would be considered that they were converting to a PRO process.**

## **DISCUSSION**

Member Mutch asked if the City had any communication with MDOT, or was there any potential impact because of the location on the interchange with things related to site plan in terms of road improvements for the site.

Mr. Pearson said there had been discussions about adjacencies to that and about drainage to tie those together. He said those would be site plan specific issues. Member Mutch asked if they anticipated any level of review by MDOT, because if MDOT said they didn't want that kind of access at the location they were discussing, it would trump anything Council was interested in putting in there. Mr. Pearson said there was a permit because it was within 200 feet of their freeway right-of-way. Mr. Bowman said typically they would look for whose jurisdiction controlled that area and then there might be some other requirements. He said they had checked with MDOT and this was not in a limited service or restricted access area. He said it was a County road for that section between Grand River and Twelve Mile. He said they would be in discussions with the State anyway but those had been ongoing. Member Mutch said the proposal was not consistent with the Master Plan and generally he would not support something that was not consistent with that. He said the other concern he had was the proposed use at this location. There was existing B-3 zoned property to the south, which would accommodate a gas station, fast food use or whatever use would be allowed under the freeway zoning. Member Mutch said they were now creating a situation where they could

have that at two corners at the intersection of Grand River and Beck Road. The other concern was considering the multi million dollar investment the City made to the Beck Road Interchange, he was hoping to see the area develop with some higher and better uses. Member Mutch said for a gateway to the City, he was not looking for a gas station and that was what was proposed. He said the biggest concern he had with the proposal was the traffic impact. He thought for those people not familiar with the intersection, it was a very confusing setup because it was not a continuous left turn lane. He said the prospect of introducing a lot of traffic access at that point seemed like a really bad idea to him and a real potential for a lot of unnecessary congestion. He said he would have a hard time supporting any development contemplating putting an access point where it was currently located. He said now it was very low volume traffic, so it didn't cause a problem, but putting a high volume traffic generator would create an issue there. Member Mutch said that was why he asked if MDOT would be supportive of that; he thought long-term they would be looking at a traffic light and other improvements that would cause a problem in that stretch. Member Mutch said the PRO had the potential to bring some of those improvements in. However, with a single use, he didn't think they would see the level of improvements that would be needed for the long-term build out of that area. He said he questioned how effective that would be. Member Mutch said he would not support the general direction this was going for reasons stated, so he would not support the motion.

Mayor Pro Tem Gatt asked if the maker of the motion would accept a friendly amendment to put a time limit on this to be brought back within a couple of weeks. Member Margolis asked if it would be appropriate. Mr. Schultz said they had to set up a public hearing at the Planning Commission. They would have to see what days were available and publication dates with Ms. McBeth and the Clerk, so it would probably be more than a couple of weeks. However, they got the direction that it had to come back at the very first available meeting as soon as they could get the matter noticed and properly back in front of the Council.

Mayor Landry said he would not support the straight out rezoning because it was inconsistent with the Master Plan and he wanted to be careful to preserve it for future zoning decisions. He said he would be in support of a PRO. He thought they had proven they could work with developers and could work swiftly and make things happen in the best interest of the public and everyone. Mayor Landry said he was confident they could work these issues out. He thought a gas station at this location was fine and he didn't think it would be just an ordinary gas station. He thought it would be much bigger and akin to what's at Thirteen Mile and Novi Roads. He stated he would support the motion.

Mr. Bowman said they had made application before for a smaller parcel and then had a meeting with the City representatives where there was some discussion about roads and a larger road bed leading into Beck Road. This was something that the City was interested in. In doing that, the site had to get elongated a bit so they resubmitted it and had to pay another rezoning fee. He asked, having paid two rezoning fees, would they be subject to the PRO fees as well to move this forward or would those fees apply. Mr. Schultz thought he wouldn't call it a re-application. He said the ordinance actually used the word "convert" to a PRO process and he didn't know that they would have to impose another fee. So, subject to somebody suggesting they needed the money to pay consultants or whatever, there would be no obligation for him to impose that. It was suggested that the maker of the motion could include that in light of the application that had already been made, there would be no

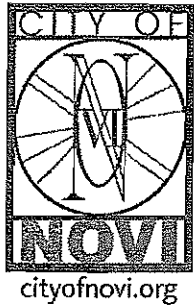
other fee and it would be considered that they were doing this in lieu of. Member Margolis agreed.

**Roll call vote on CM-10-02-019**

**Yeas: Landry, Gatt, Crawford, Fischer, Margolis,  
Staudt**

**Nays: Mutch**

**PLANNING COMMISSION  
MEETING MINUTES EXCERPT  
January 27, 2010**



## **Draft Excerpt from PLANNING COMMISSION MINUTES**

Draft Copy  
CITY OF NOVI

Regular Meeting

**Wednesday, January 27, 2010 | 7 PM**

Council Chambers | Novi Civic Center | 45175 W. Ten Mile  
(248) 347-0475

**Present:** Member Baratta, Member Cassis, Member Gutman, Member Lynch, Member Meyer, Chair Pehrson, Member Prince

**Absent:** Member Greco (excused), Member Larson (excused)

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Rod Arroyo, City Traffic Consultant; Tom Schultz, City Attorney

### **PUBLIC HEARINGS**

#### **1. ZONING MAP AMENDMENT 18.694**

Public Hearing of the request of Novi Mile, LLC, for Planning Commission's recommendation to City Council for rezoning of property in Section 16, east of Beck Road between I-96 and Grand River Avenue, from OST, Planned Office Service Technology, to FS, Freeway Service District. The subject property is approximately 1.81 acres.

Planner Kapelanski stated that the applicant is proposing to rezone a 1.8 acre site that is located on the east side of Beck Road between I-96 and Grand River Avenue. The site is currently vacant, but was formerly a nursery. To the north is MDOT right of way for I-96, to the east is the balance of the former nursery site. The Wixom Ready-Mix Plant is further to the east, to the south is the former Michigan Laser and across the street is West Market Square.

The subject property is currently zoned OST (Planned Office Service Technology) and the applicant is proposing FS (Freeway Service) zoning. The site is bordered by OST to the east and south. B-2, Planned Business zoning is located on the west side of Beck Road.

The Future Land Use Map indicates office uses for the subject property and the properties to the south and east. Local commercial uses are planned for the western side of Beck Road. The proposed rezoning to Freeway Service would be contrary to the current recommendations of the Future Land Use Map.

The applicant has indicated this rezoning has been proposed to facilitate the development of a gas station and drive-through fast-food restaurant on the site. The staff suggested the applicant submit a Planned Rezoning Overlay for the site, but the applicant has elected to propose a straight rezoning.

As the Commission is aware, certain sections of the Master Plan are currently under review including the area encompassing the subject property. The Master Plan and Zoning Committee has been considering maintaining the current OST uses in the area, but adding a retail service overlay provision. The rezoning request could be evaluated differently depending on the finalized Master Plan Update. However, any new districts or provisions included in the Master Plan Update could not be utilized unless a zoning ordinance amendment was approved.

The City's Traffic Consultant has completed a review of the proposed rezoning and the rezoning traffic study and finds the methodology to be sound. However, there are significant concerns regarding access to the site and the pending Master Plan Update for the area. The recommended Master Plan Update will include provisions for a proposed roadway system to improve circulation in the Grand River Avenue and Beck Road study area, which includes the subject property. Traffic Consultant Rod Arroyo is here this evening to answer questions regarding traffic concerns and could expound on what sorts of improvements are planned for that area.

The Community Development Department recommends denial of this request, as it is not consistent with the current Master Plan. The existing OST zoning is consistent with the future land uses planned for the area and the needed roadway network is not in place to support the retail uses permitted in the Freeway Service District.

The applicant is in attendance this evening.

Mr. Blair Bowman, representing Novi Mile, LLC came forward and stated he was proposing a straight rezoning

request for the 1.8 acres. The basis for this requested rezoning is a common sense approach and has been discussed at various levels for the last one and one-half years. Mr. Bowman expressed that the area would be well served by this rezoning and development. Surrounding businesses and property owners have indicated to Mr. Bowman that they would be very supportive of the area. It is consistent with the consensus discussed during the land use and planning process and with the Master Plan process currently underway.

The Master Plan and Zoning have been discussed at the Committee level. Mr. Bowman agrees that the master planning of this entire area is important and has to be followed through with and pursued. Mr. Bowman indicated his group is in ownership of a considerable amount of additional acreage in the immediate area.

Mr. Bowman indicated the application is one small component for which traffic issues and other issues will be dealt with at the site plan approval process. Some terms of a road system will definitely be part of the overall larger plan and program. For this particular small use, the applicant is ready to proceed at this time. The applicant's Traffic Consultants have indicated that the use would be supported by existing roadways. Anticipated trip generations and sound methodology have indicated that the property could support the use.

Mr. Bowman indicated he would like to move forward with this component and continue to proceed in good faith with the balance of the Master Planning process for the remainder of the property. Mr. Bowman indicated he hopes this is a common sense approach to an initial step in providing positive limited development for the community and the area.

Chair Pehrson asked Member Meyer if he had any correspondence regarding this public hearing.

Member Meyer said there is no correspondence for this item, but he does have correspondence connected with the Zoning Ordinance Text Amendment 18.239.

Chair Pehrson then asked if there was anyone in the audience that would like to participate and address the Commission on this matter. Seeing no one, Chair Pehrson closed the Public Hearing on this matter and turned it over to the Planning Commission.

Member Lynch asked if this was the Tim Horton gas station that was referenced at the Committee meeting. He requested the City's Traffic Consultant Rod Arroyo to come forward and give us his thoughts on what is being proposed and what affect it will have on traffic and circulation.

City Traffic Consultant Arroyo stated that the Commission has a copy of his review letter which provides an assessment of the rezoning traffic study that was supplied by the applicant's consultant. The primary component of that is a trip generation comparison between uses that would be allowed under existing zoning versus uses that would be allowed under the proposed zoning. The applicant's consultants provided this information and we believe the representation is consistent with the general office currently allowed and as compared with a gas station with convenience store along with the fast food restaurant and drive-through as indicated as a potential development.

Retail, gas station and fast food restaurant uses would typically generate more peak hour trips than an office use. Traffic Consultant Arroyo does have some concerns with the access to Beck Road, particularly regarding left turn access and its impacts on any use in the entire area.

Traffic Consultant Arroyo's firm has been working closely with the Master Plan and Zoning Committee and has looked at some alternative access plans on how this quadrant might develop to best handle the traffic circulation. One of the concepts that was discussed was to try to develop a road system that would be able to handle the traffic that would be turning in and out of this particular quadrant north of Grand River and east of Beck Road. The idea is to develop a collector road system that would run east/west from Beck and turn south to intersect at Grand River. Viewing the diagram on the screen, Traffic Consultant Arroyo identified a distance that is roughly one-third of a mile from the intersection of Beck and Grand River and one-third of a mile to the signal at the Rock Financial Showplace.

The concept here would be to have another local street that would end up being put in place on both sides of Grand River. Traveling from the subject site, this new road would enable you to travel south to Grand River and turn right or left onto Grand River, to be able to access locations east/west and north/south of the subject site. This type of system could either restrict left turns in and out of the subject property or possibly to explore whether or not a new traffic

signal could be installed. Spacing is an important consideration for traffic signals and would require further study. If a new signal did not go in, left turns may be required to be prohibited at that location. However, entering the site, left turns may be permitted.

None of these questions can be fully answered until there is a site plan along with a full traffic study. At that time, we can evaluate what type of turning traffic is going to occur, what type of potential improvements could be put in place to mitigate level of service issues and how this whole concept impacts the surrounding areas. There are a lot of questions that need to be answered in terms of access, but until more details are provided and more study is done to explore these issues, we cannot answer some of these questions. Traffic Consultant Arroyo said that this is an overview of the information before you now and description of some of the work that has been done working with the Master Plan and Zoning Committee.

Member Lynch stated that we have some experience with something similar to this on Wixom Road which he believes is a more intense use. There is a Dunkin Donuts, which is like a Tim Horton's, as well as a gas station and a Taco Bell. There is no signal there and there are a lot of left turns. On the other side of the street is a gas station and Meijer store. Member Lynch thinks this might be something for the Commission to consider as the Wixom Road interchange is very similar to what we have been talking about, and it does not seem to be as bad or intense.

City Traffic Consultant Arroyo stated that there are a couple of differences. At this location, there is the Providence Complex as well as the traffic impact of the Rock Financial Showplace. One of the things that was discussed were the traffic counts taken, and when there is a significant event at the showplace, it can have impacts on the Beck and Grand River intersection. There is a large commercial center on the west side of Beck and there is the potential for additional development. There are some differences particularly when you look at the heavy southbound left turn movement that occurs at times and how that might impact ingress and egress to the site. Another concern is if southbound vehicles are blocking the Beck Road driveway location - if left turns are permitted out of the driveway, waiting vehicles may obstruct vision for those left-turning exiting vehicles.

Member Lynch stated that when he was reviewing this and looked for something that was similar, he thought of the Wixom Road interchange. It is really intense and being that the land is not developed, Member Lynch thought this location would be less intense. At the Wixom Road interchange there is a street that curves around by the bar and out onto Grand River. Member Lynch thought this was similar situation. Member Lynch did not like the idea of the left turns and think those turns could be a problem. Comparing the Wixom/Grand River area and the Beck/Grand River area, Member Lynch believes the Wixom area is much more intense, with the uncertainty of what else is going to get developed in there. Overall, Member Lynch is looking forward to seeing one of the nicest gas stations in Novi and will wait for his colleague's comments.

Member Meyer stated that he noted from sitting on the Master Plan and Zoning Committee for part of the last year that it seems to him that prudence would dictate that we wait until the final presentation to the Planning Commission and then to the City Council regarding the Master Plan for Land Use, rather than making an exception regarding a 1.8 acre piece. Member Meyer asked Traffic Consultant Arroyo if he thinks there is a traffic issue and that maybe we should make the decision following the Master Plan for Land Use final presentation to the Planning Commission in the next few months.

Deputy Director McBeth answered that the Master Plan and Zoning Committee has been wrapping up their final recommendations and there is going to be one more meeting within the next few weeks and then there will be the Public Hearing in front of the Planning Commission.

Member Meyer apologized to Traffic Consultant Arroyo and stated that maybe he should not be asking him that question since the Planning Commission may be the ones who should make the decision. Member Meyer is asking primarily from the viewpoint of traffic and if that is the issue here tonight. Member Meyer believes that there may be a Special Land Use consideration on the 1.8 acres.

Traffic Consultant Arroyo stated that Planner Kapelanski has gone over a number of issues in her report that would be typically analyzed and maybe she would be the one to address all of the specific and various issues that come across to Planning. Traffic Consultant Arroyo stated that in terms of traffic, he has provided an overview of his letter. In the case of the rezoning, his firm does not typically make positive or negative recommendations from a traffic standpoint

being that it is a land use decision that encompasses a lot of different components and traffic is one of them. Traffic Consultant Arroyo indicated that there is a lot of good information on the table that he hopes is helpful to the Commission in making a decision.

Member Meyer thanked Traffic Consultant Arroyo and said he felt that there were two issues here that are impacting and seem to be running against one another. We have spent one and one-half years on this Master Plan for Land Use Study and Member Meyer still thinks it would be prudent once again to wait until that presentation is made for the Planning Commission and then to the City Council. On the other hand, Member Meyer believes that his goal of sitting on this Commission is to try to be one of the elements of making it a little more user friendly for the City of Novi and less hurdles for developers in order to do business in this city. Member Meyer feels we have done a lot of hard work this past one and one-half years on the Master Plan for Land Use and he does not want to be contributing to what is an image which is held by a number of people, namely that Novi is not a very friendly city to do business in.

Member Cassis asked Mr. Bowman if he still intended to use this piece of property of 1.8 acres for a gas station with beer and wine.

Mr. Bowman answered Member Cassis by saying that the operator which was here before you is dealing with the ordinance language amendment issue and he would determine that. Mr. Bowman stated that he is primarily here tonight to take the first step in resolving traffic use issues that Traffic Consultant Arroyo pointed out and to take the very first step in the process of getting to where we would actually be able to develop the station with whatever applicable ordinance there is relating to beer and wine, traffic and other items that the city regulates.

Member Cassis stated that he is perplexed by the last statement, that whatever ordinance there is for beer and wine or other items that the city regulates. Member Cassis was a proponent in trying to help with the beer and wine situation as you recall, but thought at that time a larger piece of property was needed. Mr. Bowman seemed to be coming back with a smaller parcel of property. Member Cassis asked the applicant if he intends to come back later and say that this is all the land I have, and want to include beer and wine at the gas station. Or is the intention to let go of the beer and wine. Member Cassis asked Mr. Bowman if he understood what he was saying.

Mr. Bowman answered that he did understand and that he was very confused that evening. Mr. Bowman is confident that the State regulation that was referred to is either inaccurate or a misplaced interpretation of a State statute. Mr. Bowman is also quite confident that as this process moves forward there will be an opportunity to discuss if the true intention is to require a 50,000 square foot gas station/convenience center. When the opportunity presents itself to deal with that ordinance, Mr. Bowman feels that a 5,000 square foot facility is comparably large, speaking to those that are of concern to the community. Mr. Bowman understands from a proliferation standpoint that some existing gas stations, or some that might be proposed later that are of a smaller nature, or a kiosk style, is not something the Commission wants to have the beer and wine and liquor license issue pertain to. Mr. Bowman fully supports that.

Mr. Bowman stated that this is a sizeable multipurpose facility that is consistent with what is going on in the industry now for a viable operation to build one of the nicest stations in the area and that is what it is going to have to be. It is going to be with a convenience center aspect, fuel delivery as well as a third party tenant in either a Tim Horton's or Starbucks or something of that nature or something that would be the trilogy going on in the complex. This facility is just under 6,000 square feet and very sizeable compared to other typical stations and is not going to be a Meijer's, Wal-Mart or Kroger. That is not what we are intending to do nor compete with and we do not want to give the impression to the people in the Providence area who have supported us that we are looking to compete on a regional scale with a major big-box use in that area.

Member Cassis asked Mr. Bowman of the three choices that we were considering last time, that as far as a station with beer and wine, are you leaning into the area of 50,000 square feet?

Mr. Bowman stated that he hoped this was a typo; a 50,000 square foot store is really an absolute prohibition. It is certainly not something we would be proposing.

Member Cassis said that his thoughts at the time this proposal first came before him at the Master Plan and Zoning Committee were that there was additional land next to this parcel and that maybe a complex or center could be created. Member Cassis is trying to understand if the 50,000 square foot requirement for a shopping center is



practical or not. Mr. Bowman's comments seem to indicate they maybe intending to put other uses next to the gas station, such as a Tim Horton's or a Starbucks or other extra things. Maybe the whole complex would be the situation where a 50,000 square foot facility may be applicable.

Mr. Bowman stated that unless he is missing something, he didn't know where the 50,000 square foot facility requirement came from. The gas station owner and Mr. Bowman thought that alternative may have been for a 50,000 square foot land requirement. Looking at the other stations within the community, there might be a concern that they would not meet the requirements. Or it may have been a typo.

Member Cassis asked City Attorney Schultz about the 50,000 square foot requirement.

City Attorney Schultz answered that he was not at the last meeting.

Member Cassis apologized and said, he went along with the program, thinking that was what was required.

City Attorney Schultz stated that the 50,000 square foot requirement is a real requirement, but it is not the only requirement. The general rule is no liquor, beer or wine can be sold at a gas station with some exceptions that apply in a city like Novi. One exception is, if you have a 50,000 square foot neighborhood center such as Sam's Club or something similar, alcohol sales would be permitted. The other exception is, regardless of size, a gas station can have a certain dollar value of merchandise, \$250,000, and that station would be permitted to sale alcohol. So, for example, the gas station at Thirteen Mile Road and Novi Road, the Sunshine Market, clearly not a 50,000 square foot building, more like a 2,000 or 3,000 square foot building, and according to the LCC they must have met the \$250,000 worth of merchandise exemption.

So when the Commission actually gets to the Zoning Ordinance Amendment as one of the later agenda items, the real question the Commission will be asking is regarding buildings or developments that aren't anywhere near the size of a Sam's Club or a Meijer's, will the sale of alcohol be an accessory use as far as the city is concerned even though it may be a much smaller building. A building of 5,000 square feet is a good size building for one of those markets, on the high end. But, it is not the size at that point that the Commission is looking at, it is: will a smaller station qualify for alcohol sales because they have the \$250,000 worth of merchandise excluding gas, excluding the liquor. If a station is 5,000 square feet, they are probably going to meet that threshold with cigarettes, food and deli and all the things the applicant is talking about. The applicant is probably going to meet that, so they would probably qualify for liquor sales.

Member Cassis asked City Attorney Schultz if an applicant did put a complex of different uses right along side of a gas station to equal or come close to that 50,000 square foot requirement, would alcohol sales at that gas station still be permitted or does the gas station itself have to be 50,000 square feet?

City Attorney Schultz stated that he thinks the applicant in this case would meet the minimum qualifications by putting in only 2,500 square feet with nothing around it and still qualify for alcohol sales because the minimum merchandise level is met. Or a gas station would get an automatic exemption if the gas station is in a neighborhood shopping center complex. Even if it's a small building, if they are in the neighborhood center, alcohol sales would still be permitted. I would defer to Planner Kapelanski with regard to the definition of a neighborhood shopping center.

Mr. Bowman stated that regarding conditions and requirements, they were all for that and in favor of making sure there is a quantitative and qualitative approach to putting in minimum standards that the city can use now and apply in the future. Conditions and requirements would be in place even if the State was not keeping careful tabs on whether or not stations met requirements or even if the State changed its own requirements these standards would assure that there wasn't a proliferation of gas stations with alcohol sales in Novi. Novi would still have their ordinance in place. Mr. Bowman does not disagree with and supports setting a size requirement. However, Mr. Bowman is not looking to build a Kroger competitor from that standpoint at this stage.

With regard to the final recommendations of the Master Plan and Rezoning process, Mr. Bowman believes they have been very consistent with the anticipated recommendations and have discussed the proposal openly and no Commissioner has said that this is not a good use for the area. From a use and a land use decision perspective, the applicant feels they fit right in to the anticipated recommendations of the Master Plan and will end up flowing with and

participating in the land use process. The balance of the site will continue along with the Master Plan process. Mr. Bowman stated roadway issues and all things discussed are truly of great interest to us and our site plan issues. Even the ordinance issue on the beer, wine and liquor license situation, this can be dealt with and we welcome the opportunity to work with the city to formalize that ordinance. Mr. Bowman continued noting that by reasonable standards, quality, even investment levels, that what is proposed is not just a gas station. It is a convenience center and a trilogy of uses that happens to also serve fuel. Mr. Bowman stated that the applicant would never propose something that would not be successful.

Member Cassis stated that he did lead the applicant into different terrain and beyond the specific rezoning request, but, hopefully the discussion cleared up a few things. Another thing the staff is concerned with is waiting for the decision on the Master Plan.

Mr. Bowman replied noting that they have been actively engaged in the Master Plan process and at this point they would like to move along with this modest component of an area that will eventually likely conform to the recommendations of the Master Plan. The Master Plan process has been on-going now for 13 or maybe 15 months, and when this development was initially proposed, Mr. Bowman was told to wait and go through the Master Plan process. Mr. Bowman continued stating that certainly we have participated and been dealing patiently with the process. Mr. Bowman stated he does not understand the process as well as the administration might, but from the limited amount that he has been involved, it seems it has a way to go. Right now, the market is something no one can predict. Mr. Bowman noted the extremely high quality product that the gas station owner is proposing and that the proposed owner is one of the best operators in the area. This proposal is almost two years in the making and watching the Master Plan process, Mr. Bowman is getting more and more concerned. At the same time, the owner is still engaged and still interested in doing the gas station. Mr. Bowman would like to simply advance this one modest, positive development opportunity that is available.

Member Cassis noted there is a question that was raised by our Planners concerning the remainder of the property not proposed to be rezoned. Perhaps it would be best to wait for the Master Plan recommendations so that there is a plan in place for that entire parcel.

Mr. Bowman stated that the proposed rezoning is part of a larger parcel, but again that is not inconsistent with hundreds of different examples in this community and many other communities as far as different zoning districts on a piece of property. Ultimately Mr. Bowman would hope to discuss and identify a logical place for some of those internal roadway improvements being discussed as part of the Master Plan update and he would totally support and participate in the process to determine where a logical roadway might go. The proposed rezoning is the first modest step for this area. The balance of the property should be a part of the overall Master Planning process.

Member Gutman noted the proposed rezoning and area has clearly been discussed as part of the Master Plan and Zoning Committee meetings. As a business person, Member Gutman is supportive of this project and thinks it is a good project; but as a Planning Commissioner, the proposed rezoning is not in compliance with the current Future Land Use Map and it is inconsistent with the existing Future Land Uses. Member Gutman addressed Deputy Director McBeth and asked if this use would be permitted in the Retail Service Overlay that has been contemplated as part of the Master Plan update.

Deputy Director McBeth stated that this was one of the things that the Committee has spent quite a bit of time discussing when looking at this study area. The uses that had been proposed and have been discussed this evening were uses that were discussed for inclusion in possible future ordinance language for the Retail Overlay option. There would also be an expectation that there would be certain infrastructure improvements and roads, in particular that staff would expect to see to make this retail overlay area function properly. Also, a roadway plan for the area needs to be defined, as the Committee has been trying to identify exactly where the road system would best be located. These are the types of details that staff would want to make sure were included in the master plan and possible ordinance language. Also, when the ordinance language is drafted there would likely be open-space requirements, standards for the setback, and mix and types of uses. The Committee has been discussing these aspects of the Retail Service Overlay provisions.

Member Gutman asked what other options would be available to the applicant today.

Deputy Director McBeth stated one option would be a rezoning request with the Planned Rezoning Overlay option. Staff discussed this option with the applicant when they first came in to discuss the rezoning. The applicant had brought a concept plan and there was some confusion before the meeting as to whether the applicant was requesting a rezoning with the Planned Rezoning Overlay option. It was clarified that it was a rezoning request only. The PRO option has been tried with several other rezoning requests in Novi with some success. The submittal typically involves a Concept Plan. It also requires the applicant to demonstrate a public benefit that would be over and above a typical rezoning request. Another alternative is to wait until the public hearing has been held for the Master Plan and the Master Plan has gone out for circulation to surrounding communities, Oakland County and utility companies. Staff could draft the ordinance language in the meantime. The timeframe for completing the plan and allowing time for circulation and comments would be about ninety days, including the time waiting for the plan to circulate.

Deputy Director McBeth stated that staff talked with the applicant about a couple of things that could be considered a public benefit for a submitted PRO request. One was a proposed regional detention basin for the site and other properties in the vicinity. Sidewalk improvements that would be above and beyond what would typically be expected were also discussed. But it is really up to the applicant to make the offer and it is not something that the city can insist on.

Mr. Bowman stated that the PRO might be possible, but then that starts to bring in all of the more regional planning concerns as far as what will happen to the larger parcel and what are the other uses anticipated as part of this development and all the things that realistically need to be fleshed out as part of the overall Master Planning. The proposed use is allowed under the Freeway Service district and will most likely be part of the recommended Retail Service Overlay. As part of the Master Plan and Zoning Committee process and the pre-application process, the parcel size was adjusted to be larger than the original request to allow for the larger right-of-ways that the city was interested in and to have some of the larger setbacks that were of concern. Mr. Bowman is still interested in doing something on a regional basin basis and all those things from a larger development perspective for the remainder of the land. That is the reason for trying to separate those sorts of site plan aspects from the basic rezoning, to try to keep it relatively straight forward and concentrate on the modest piece of the parcel that is prepared to move forward at this point. The traffic issues can be worked out as part of the site plan review process.

Member Baratta inquired as to whether a sixty or ninety day delay in a decision in order to provide additional time for the Master Plan review process to continue would adversely affect any existing deals with Tim Horton's.

Mr. Bowman said he would actually use the Tim Horton's as an example as the Commission can note that he has been referencing a third party tenant and not particularly Tim Horton's. Tim Horton's outlook on the Michigan market right now has changed in the last ninety days. In addition, Deputy Director McBeth's statement stating the map circulation process in itself is going to take 90 days does not mean that the process will be completed within ninety days. After the circulation process the Master Plan will need to be considered and then the actual development of a zoning district will need to take place in order for one to even be available to then file under. Waiting for the Master Plan process to be completed and then the Zoning Ordinance to be updated would be considerably more than a ninety day delay.

Member Baratta asked would a ninety day delay adversely affect the project?

Mr. Bowman stated a ninety day delay would adversely affect the project.

Member Baratta asked how much time did Mr. Bowman think he had on the deal; would sixty days adversely affect the deal?

Mr. Bowman answered that if the rezoning were approved or there was the absolute expectancy of approval within sixty days to be rezoned, that would work within the time frames. If the process extended beyond sixty days that would adversely affect it.

Member Baratta stated to be clear then, if this body deferred this decision for thirty to sixty days until the Master Plan and Zoning Committee came back with their official recommendation and this use was an approved use in this study area, that would not adversely affect the project. Member Baratta's overall point is if in thirty to sixty days there is an understanding of what this new district is going to be and assuming the applicant's proposed use is an acceptable

use, the Planning Commission can at that time come back and re-visit this request and properly vote.

Mr. Bowman asked if Member Baratta was stating that if the proposed use was consistent with the Master Plan recommendations, the proposal could proceed under the Freeway Service District?

Member Baratta did not know how the Commission would vote at that time.

Mr. Bowman stated that therein lies the difficulty, so yes, a delay would provide difficulty for the deal. The timeframes dictate that the property needs to be rezoned within the next ninety days and that is why this rezoning needs to proceed at this point in time.

Member Baratta asked if this rezoning request and proposed use was consistent with what the Master Plan and Zoning Committee is considering.

Deputy Director McBeth stated that the uses permitted in the Freeway Service District are consistent with what is expected to be put into an ordinance that staff would draft called the Retail Service Overlay. The standards for the district would be different from the Freeway Service and it would be an overlay district over the existing OST District.

Member Baratta confirmed that no matter what this new district is and how it is defined, it would allow this use.

Deputy Director McBeth stated that staff and the Master Plan and Zoning Committee had been talking about the same types of land uses.

City Attorney Schultz pointed out that the Master Plan update actually hasn't been approved by the full Planning Commission and the Master Plan and Zoning Committee is a Committee of four people. While there has not been that kind of detail determined yet, obviously it is a Retail Overlay.

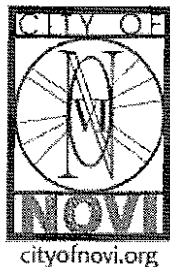
Chair Pehrson stated that he was not particularly supportive of a straight rezoning from OST to Freeway Service for all reasons that were depicted in the letter from Planner Kapelanski. The Planning Commission and city do not want to make this process any harsher on anyone than it absolutely needs to be. The process is there to be fair and balanced and its one that, with or without these economic times, would present same decision that would have to be made and my decision would still be the same. The process and threshold for rezoning a parcel is an established practice and the Planning Commission has mostly looked to the Master Plan for direction on proposed rezonings. Given the fact there is a process for an applicant to come back with a PRO that establishes the conditions of either this property by itself or the entire parcel is still a valid route to take to address these kinds of things. Just looking at this particular straight rezoning without consideration to the specific building or the sale of alcohol at gas stations, Chair Pehrson does not support the Freeway Service District on this particular parcel.

Member Cassis would like to make a motion but first would like to state his reasons for his motion. Member Cassis is a member of the Master Plan and Zoning Committee and it has been unfortunate that the process has taken a long time and it is not anyone's fault. We live in a very uncertain economic time. The applicant may say thirty days would not adversely affect this proposal, but being a business man Member Cassis knows how fragile our economic times are in the state and in the city. Mr. Bowman may say that sixty days would fit within the planned timeframe of the proposed rezoning, but he might be wrong. What is really preventing the Planning Commission from giving the applicant what he is asking for, which is the Freeway Service District and letting him take his chances before us at another meeting when the site plan comes in for review

**ROLL CALL VOTE ON ZONING MAP AMENDMENT 18.694, POSITIVE RECOMMENDATION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER BARATTA:**

**In the matter of Zoning Map Amendment 18.694 for Novi Mile, LLC, motion to recommend approval to the City Council to rezone the subject property from OST, (Office Service Technology District) to FS, (Freeway Service District) for the following reasons: a) Because of the uncertain economic times; b) Because the Master Plan process is incomplete at this time; and c) For the other reasons stated during the discussion. Motion carried 6-1. (Nay – Chair Pehrson)**

**MASTER PLAN AND ZONING COMMITTEE  
MEETING MINUTES EXCERPT  
November 19, 2009**



**MASTER PLANNING & ZONING**  
**City of Novi Planning Commission**  
**November 19, 2009 at 7:00 p.m.**  
**Novi Civic Center – Conference Room C**  
**45175 W. Ten Mile, Novi, MI 48375**  
**248) 347-0475**

**CALL TO ORDER**

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

**ROLL CALL**

**Present:** Members Victor Cassis, Andy Gutman, Michael Meyer

**Staff Support:** Mark Spencer, Planner, Barbara McBeth, Deputy Community Development Director, Kristen Kolb, City Attorney

**APPROVAL OF AGENDA AS AMENDED**

Moved by Member Meyer, seconded by Member Cassis – **Motion passed 3-0**

**VOICE VOTE ON AMENDED AGENDA APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER CASSIS**

**Matters for Discussion**

Item 1

Master Plan for Land Use Review

a) Recommended Master Plan Amendments

1) Grand River Avenue and Beck Road Study Area

**Future Land Use designations and Future Land Use Map**

Future land use designations. Staff proposes to eliminate the Office use designation in this study area and replace with Office, Research, Development and Technology for all Office use areas in this district. He explained that the Committee previously agreed to Staff's proposed amendment to eliminate the Office designations and replace with three new categories: Community Office; Office Commercial and Office, Research, Development and Technology. He stated Staff also proposes a definition for a special office area, Office, Research and Technology with a Retail Service Overlay. The [proposed] definition for retail service overlay is land uses designated with a Office, Research Development and Technology designation an additional retail services overlay designation to include retail service uses that serves party and visitors to an office use area including but not limited to fuel stations, car washes, restaurants including drive-thru's, and convenient stores in Office, Research, Development and Technology use areas.

Committee agreed with Planner Spencer on the definition.

Ms. Kristin Kolb [city attorney's office] stated that Mr. Schulz City Attorney was going to get Planner Spencer some comments on that, he wanted to formulate some language to fill in a gap in the master plan because right now there is no guidance on what that retail services overlay would include. He was going to propose adding a provision in there to indicate if and when that overlay is developed the standards that are developed will apply then that designation would kick in.

Planner Spencer asked Ms. Kolb "if it would only kick in when the standards are developed" is the language that you wanted to add to the definition.

Ms. Kolb responded yes. Mr. Schulz had a concern regarding a past parcel that there was no related district created and there were no standards or guidelines for how that overlay district would be implemented.

Planner Spencer indicated he had also included goals, objectives and implementation strategies. He added is there still another gap to go with this? Ms. Kolb stated yes. She also said that typically overlay districts have standards and guidelines. Ms. Kolb said that Mr. Schulz will get some language to the committee to consider.

John Bowen [in audience] commented that this is one of his issues with the overlay concept. As a developer he likes the idea of the overlay concept it gives the city some flexibility with the type of uses that are permitted. He stated they need some certainty with some pieces on what is permitted. He also indicated previously we had talked with the city about a parcel [pointing on map] in terms of commercial zoning or B-2 or B-3 something that would specifically outline what they could do with the site. He stated that is what is required to market the piece. You can say retail overlay allows for certain uses, but without an identification for instance, is a drugstore permitted across the street from Providence Hospital that would service people going to the hospital. He asked for Planner Spencer's opinion on that.

Planner Spencer stated his opinion is that the zoning ordinance would be developed under the Master Plan guidelines and that is something that would have to be figured out during the drafting of specific zoning ordinance language.

John Bowen stated we have been working on this since February and [the City] hasn't come up with a change of use for that site. Planner Spencer stated that the Master Plan changes come first and then the zoning ordinance follows it. Mr. Bowen agrees that the language needs to be more specific about what is contemplated.

Member Meyer stated if he is hearing correctly both from our attorney and from the conversation we are looking for a clarification of the uses. Ms. Kolb City Attorney stated that in any zoning district you would need some guidelines and regulations. Ms. Kolb also suggested to Planner Spencer to put some language to indicate that the retail services overlay essentially doesn't kick in until the standards are in place in the zoning ordinance. Planner Spencer answered he doesn't have a problem with putting that language in.

### **Related Objectives and Implementation Strategies**

Planner Spencer went on to discuss the goals, objectives and implementation strategies under the land use category are already in the master plan. The goal is to develop the Grand River and Beck Study Area in a manner that supports and compliments the neighboring areas. The objective is to develop the Grand River Avenue and Beck Road Study Area in a manner that facilitates continuing reinvestment in the area and high quality development. Implementation strategies would be to gradually phase out outdoor storage uses as redevelopment occurs in the study area. The second one is to encourage the use of landscaping or other buffering techniques to improve the appearance of the study area from I-96 and Grand River Avenue and Beck Road. The next objective is to improve traffic circulation in the Grand River and Beck Road Study Area with an implementation strategy of developing a new traffic circulation system as depicted on the Grand River Avenue and Beck Road Study Area Transportation Plan, to create greater potential for additional development and redevelopment to reduce conflict on Beck Road and Grand River Avenue. The last goal objective falls under the current economic physical category. The existing goal is to ensure that Novi continues to be a desirable place to do business. A current objective is to continue to promote and support development in Novi's Office Service Technology district. The strategy would be to investigate amending the zoning ordinance to permit retail services within office use areas designated on the Future Land Use Map for retail services overlay as a special development option conditioned on restricting access to streets other than arterial or section lined streets.

### **Transportation Plan Map**

Planner Spencer moved on to discuss the transportation review [committee's packet] dated November 17<sup>th</sup> from Birchler Arroyo and their recommendation stems from the three traffic alternatives we gave them. Planner Spencer went through the three alternatives with the committee. Based on the review from Birchler Arroyo they are recommending a modified option, which is to move the proposed loop road further away from the drive way into Providence Parkway this is to meet our current drive way spacing requirements. Planner Spencer said on the North side [pointing on map] this is where Birchler Arroyo originally proposed a traffic light [between Rock Financial and Beck Road] meets the Road Commission's requirement for spacing.

Mr. Bowen stated that he feels the collector road moving down further by the Rock Financial Showplace makes a great deal of sense he also added you would have freeway access and a Grand River access. He feels that will spur a lot of technical developments. He also said he would like to see that piece [the proposed Retail Service Overlay area] slide over [to the east] and get a little more retail space and make some parcels that are marketable.

Planner Spencer stated that we considered how many different retail services are needed to support this area for the motoring public and the people coming in and out of the area when making our recommendation.

Ms. McBeth Deputy Director of Community Development Department asked Planner Spencer how many acres are in the area that he has identified. Planner Spencer answered on the north side we have about 3 1/2 acres [pointing on map] 1.9 acres and 2.5 acres. Committee went on to discuss further with the audience the different parcels and what is usable for development and what is not.

Planner Spencer also said that Birchler Arroyo is strongly recommending no left turns onto Beck Road out of this area. Committee discussed the traffic situation further in the Beck Road and Grand River Avenue Study Area.

Mr. Bowen asked Planner Spencer if Birchler Arroyo explained why it would be a problem to put a signalization at Beck Road and Grand River.

Planner Spencer stated that Birchler Arroyo did say the existing left hand turn lane from the collector loop onto southbound Beck should be prohibited once there is an alternative route to Grand River.

The committee discussed further the collector road system and Birchler Arroyo's alternatives with the audience.

Chairperson Gutman asked Planner Spencer if the proposed retail overlay is providing additional services that don't already exist right now. Planner Spencer said yes.

Committee discussed further the Retail Service Overlay use designation in the area and how the increase in retail will generate more traffic.

Planner Spencer discussed staff's findings in Planner Spencer's review.

I-96 Grand River Avenue and Beck Road vicinity has a limited amount of retail services to serve visitors and employees who travel to the area. Allowing a limited amount of retail services in the study area is suggested in the retail services overlay designation and beyond what is permitted in the Office, Research, Development & Technology land use designation. [limited retail] may encourage the development and redevelopment of neighboring properties. Planner Spencer said staff's thoughts are if you had some conveniently located services it might encourage the location of an office building nearby.

Planner Spencer stated a limited amount of retail services could be designed to be compatible with



nearby Office, Research, Development & Industrial uses. Requiring retail service developments to have access to both Beck Road and Grand River Avenue will reduce traffic impacts of any retail development on Beck Road especially by eliminating left hand turns out onto to Beck Road north of Grand River Avenue which is recommended in the traffic engineering review letter of November 17, 2009.

Planner Spencer indicated that a new collector road system could facilitate the development of the existing deep lots fronting along Grand River Avenue by providing additional road frontage. Redesignating the Office Land Use Area in the Study Area to Office, Research, Development & Technology use designation will support the OST zoning district and help promote these areas as an attractive place for new and existing businesses to locate.

Planner Spencer stated in the 2001 Grand River geographic area plan supported a limited amount of retail in the Study Area. He said a limited amount of retail services in the Study Area would have little impact upon the city's infrastructure.

Mr. Spencer indicated that 55% of the 2009 Master Plan Review Survey respondents strongly agreed or agreed that it is important to provide retail services to serve the motoring public in areas in the city that have a high volume of visitors and employees that travel through the areas.

Planner Spencer stated next that 94% of those same survey respondents strongly agreed or agreed that it is important for new developments to have good internal roadway and driveway systems to minimize the impact upon existing road systems.

#### Review rezoning submittal 18.691

Planner Spencer will go through Planner Kristen Kapelanski's rezoning review.

The petition is for 1.64 acres currently zoned OST. The applicant is asking to rezone it to the Freeway Service District, which does not comply with the current Master Plan designation of Office uses. Staff is suggesting the applicant wait until the Master Plan process is completed and ordinance changes are in place.

Member Cassis asked how long would that take. Planner Spencer answered it could take about 3 months.

Chairperson Gutman asked Planner Spencer if we were to recommend approval of this rezoning what exposure would this bring to the city if we were to push this forward.

Planner Spencer answered it would give more leverage to other people to rezone properties that are contrary to the master plan.

Planner Spencer went on to discuss another consideration for zoning of this nature could be considered a spot zone since your only talking about 1.64 acre parcel surrounded by office [OST].

Planner Spencer stated that the infrastructure concerns he had previously gone over with the committee. He stated that he had talked about a potential development between 9,000 and 11,000 sq. ft of office to be placed on this parcel [pointing on map]. When compared to a 16 pump gas station and a 2,000 sq. ft fast food restaurant that could be placed on this parcel we are talking about 10 times the traffic impact.

Planner Spencer discussed some site issues with the committee.

John Bowen [in audience] stated that he has brought some boards to show the committee the high quality proposal of the gas station. It suits the quality that he feels the City of Novi expects and provides some uses to the area that are desperately needed. He stated he believes that they can meet the city's standards on site with either some argument for equivalency on parking we can deal with those issues. He stated we are asking the committee tonight to move the project forward.

He asked if the committee had any questions.

Planner Spencer wanted to comment about the traffic issues. One of issues Birchler Arroyo did mention is the pass through traffic. The amount of traffic and the amount of turn movements in and out of the site including the customers that will be coming off the road and will be going back onto the road are the things that slow the efficiency of the road way down.

Mr. Spencer asked Mr. Bowen about the floor plan of the building, is there going to be a beer room. Mr. Bowen stated that will be selling beer and wine. Mr. Bowen asked Planner Spencer if there was a city issue with that type of use. Planner Spencer stated he was just bringing this matter to the attention of the Committee and that the City was considering regulating alcohol sales at gas stations. He went on to talk about the features of the building.

Mr. Bowen stated that they would like customers to perceive them as a high end wine shop with liquor and convenience items. Committee discussed further the gas station/convenience store proposal.

Member Meyer stated that at the last Planning Commission meeting there was discussion of a possible ordinance amendment related to sales of liquor, beer and wine at gas stations.

Ms. Kolb City Attorney stated that we were trying to get some direction from the Planning Commission whether they wanted to pursue an ordinance and if so what kind of ordinance. She said they didn't want to pursue it at this time.

Ms. McBeth Deputy Community Development Director stated that the Planning Commission discussed looking at any additional statistics or any kind rationale further discussion to bring the Chief of Police in for further discussion, but no formal motion was made at that time.

Member Meyer stated that he thinks it would be important at some point to have a decision made on this issue.

Committee went to discuss the objectives with Mr. Bowen on the site. Mr. Bowen stated they would just like to move forward with the Planning Commission and then they can work out more of the details.

Member Meyer commented that we don't have a freeway service overlay in place. Planner Spencer responded by saying we do have a freeway service zoning district in place. Member Meyer asked what is preventing them from going ahead and presenting this to the Planning Commission. Planner Spencer stated there is nothing preventing them from doing that if they insist on going ahead with it they can go to the Planning Commission, but Staff's recommendation will be that it doesn't match the master plan.

Ms. Kolb City Attorney stated that there is an existing zoning district called freeway service that property is not zoned that way.

Mr. Bowen as a property owner asked the committee to take an existing zoning district and put it there right now while I have an active purchaser with an active site plan so that I can make my presentation to you and try to persuade you that in this particular circumstance that rezoning makes the best sense for the community and will be a worthwhile project for the city.

Chairperson Gutman stated that listening to Mr. Bowen comments here it sounds like his desire is to go before the Planning Commission, but the staff and The Master Plan & Zoning Committee has concerns with the project. Planner Spencer wanted to clarify that we are not saying we are not in support of the project, but with this type of project there are site plan issues, size of site kind of small would do better with a bigger site. Planner Spencer stated it could be proposed with a PRO or some other kind of concept plan that includes the infrastructure that we are saying is deficient.

Ms. McBeth stated they are not presenting this as a PRO so they are taking the risk whether they have enough land there to ask to be rezoned.

Mr. Bowen and the committee discussed a PRO process.

Chairperson Gutman stated that the staff thinks a PRO might be more acceptable. Ms. McBeth stated that we cannot require a PRO that is something that would be offered to the developer. The other thing is the freeway service district [gas stations, drive-thru's] are permitted uses in that district so there is no additional layer of protection of a special land use.

Planner Spencer stated that on rezoning petitions we have not had the Master Plan & Zoning Committee make a recommendation in several years there have been discussions. Each commissioner has said what they like or dislike to the applicant and then they take in that feedback before they go to the Planning Commission.

Chairperson Gutman stated to Mr. Spencer that he didn't think were making a recommendation on the project, we are making recommendation to go before the Planning Commission for rezoning. He questioned if we were doing that anymore. Planner Spencer indicated that in recent years the committee hasn't been making recommendations in favor or against any rezoning. Planner Spencer stated that is fine to tell the applicant to go before the Planning Commission with their application for rezoning.

Member Meyer asked Chairperson Gutman if this is 1 of 3 study areas in the city. Chairperson Gutman answered yes. Member Meyers asked if tonight is the night that we are making our comments as to whether this is what it's going to be on the master plan for land use that is recommended to the Planning Commission in January or February whenever the process is done, or is this just another conversation tonight without any decision.

Chairperson Gutman stated that is a very good question. The intent is to make a recommendation ultimately it will be bundled up in the end with the final review.

Chairperson Gutman asked Planner Spencer if he had anything else to put on record. Planner Spencer answered no unless Ms. McBeth had something. Ms. McBeth answered no. She asked Planner Spencer if he wanted to offer some guidance. Planner Spencer stated his guidance is to approve the text as submitted with the changes that City Attorney would make.

Member Cassis asked Planner Spencer if the boundaries are the same ones that Mr. Arroyo talked about.

Planner Spencer stated that Mr. Arroyo asked us to include this small piece [pointing on map] and Planner Spencer said he has no objection to adding that piece of the Ward property to the Retail Service Overlay area.

Mr. Bowen stated that alternative 3A would be an option for tonight that you could make a motion to approve, which would be to move the boundary line.

Committee went on to discuss the boundary line with Mr. Bowen and squaring off that small piece of property before the motion is made.

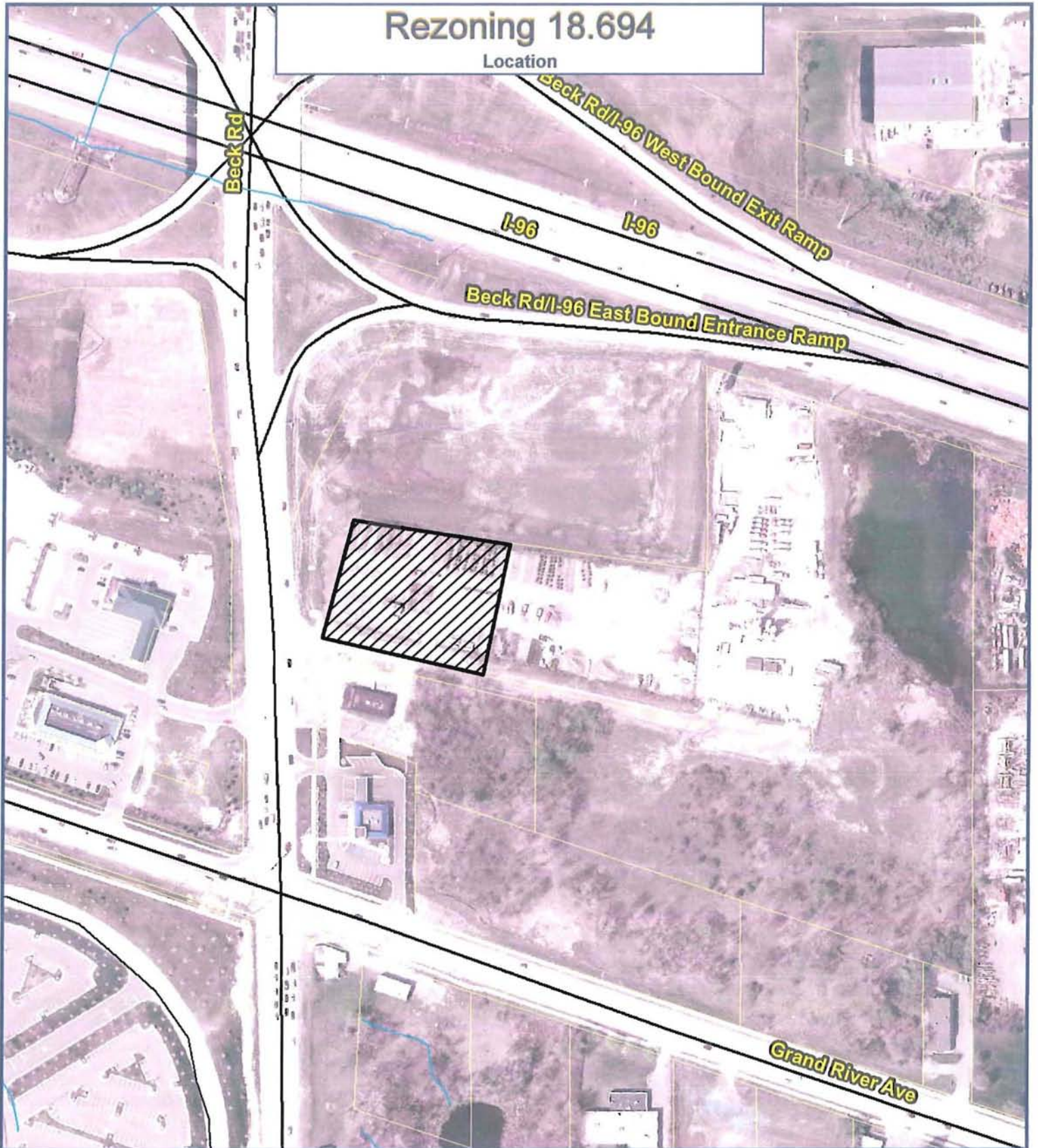
Motion by Member Cassis supported by Member Meyer to accept staff's addition of small area south of Grand River to Retail Service Overlay as recommended by Birchler Arroyo, and city attorney's changes to Retail Service Overlay definition. **Approved 3-0**

MAPS  
Location  
Zoning  
Future Land Use  
Natural Features




# Rezoning 18.694

Location



Map Author: Kristen Kapelanski  
Date: 01-15-10  
Project: Rezoning 18.694  
Version #: 1.0

### Map Legend

 Proposed Rezoning

#### 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.



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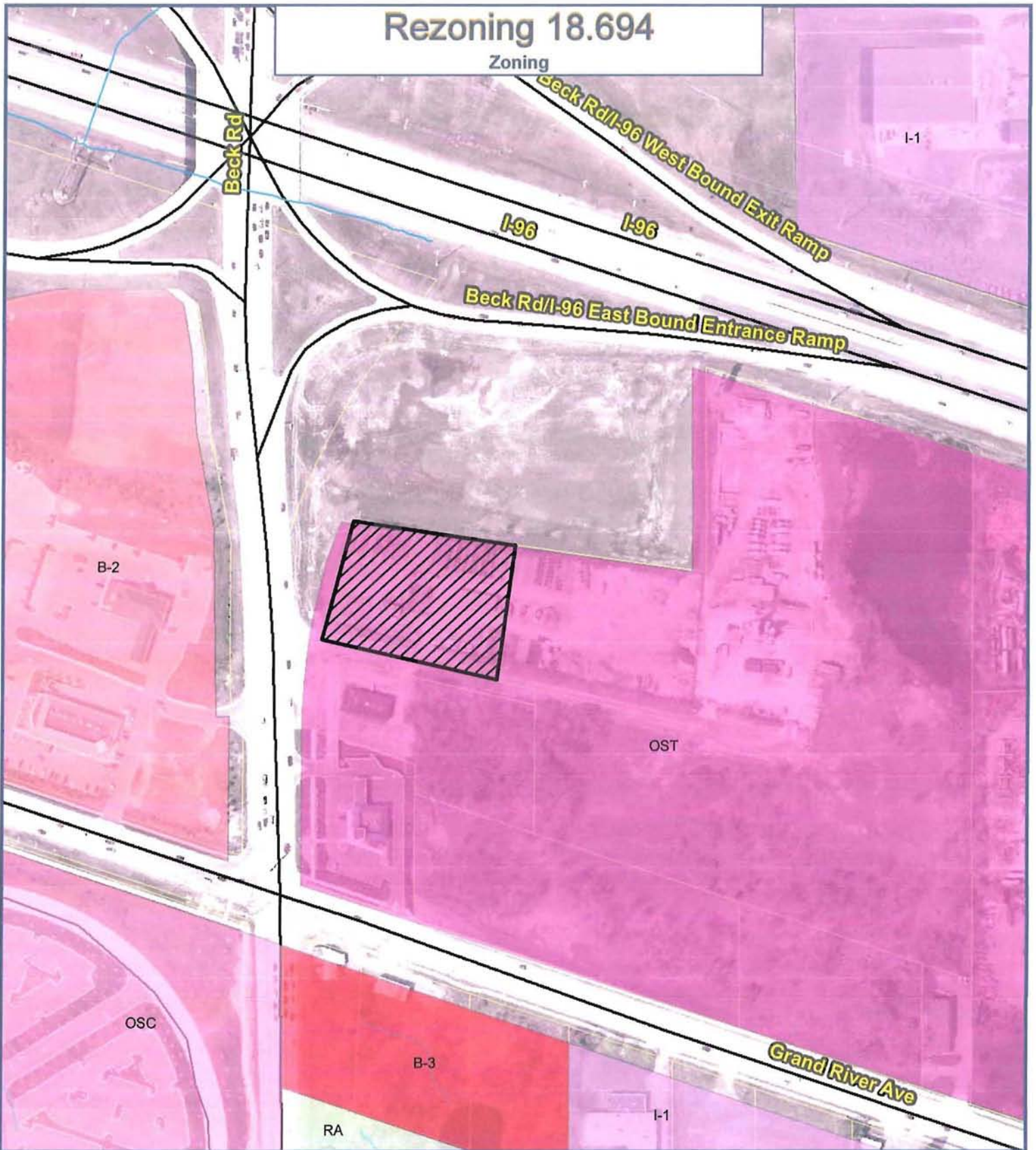


1 inch = 248 feet



# Rezoning 18.694

Zoning



Map Author: Kristen Kapelanski  
 Date: 01-15-10  
 Project: Rezoning 18.694  
 Version #: 1.0

### Map Legend

- R-A: Residential Acreage
- B-2: Community Business
- B-3: General Business
- I-1: Light Industrial
- OSC: Office Service Commercial
- OST: Office Service Technology
- Proposed Rezoning



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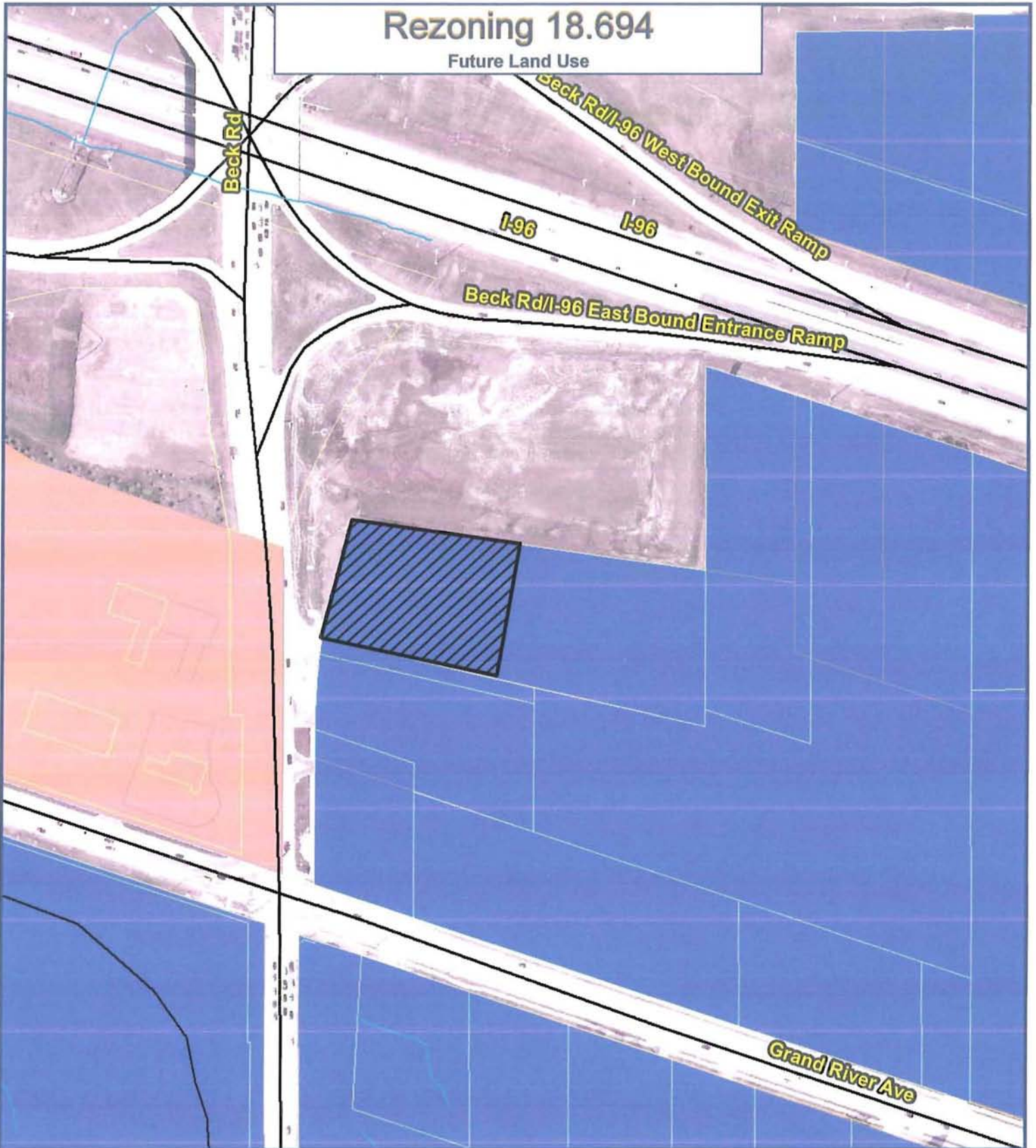
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# Rezoning 18.694

Future Land Use




Map Author: Kristen Kapelanski  
Date: 01-15-10  
Project: Rezoning 18.694  
Version #: 1.0

### Map Legend

### Future Land Use

-  OFFICE
-  LOCAL COMMERCIAL

 Proposed Rezoning



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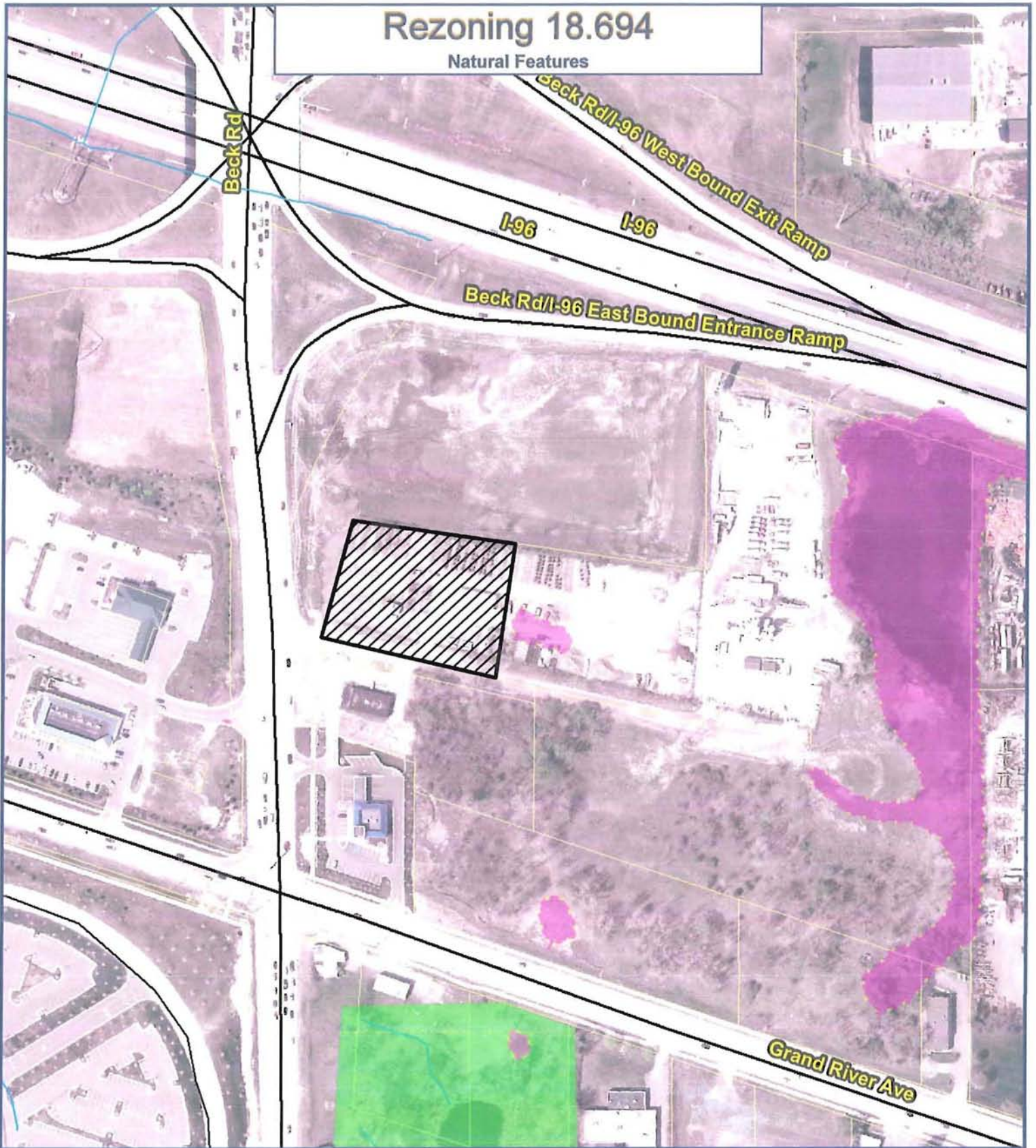


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# Rezoning 18.694


Natural Features



Map Author: Kristen Kapelanski  
Date: 01-15-10  
Project: Rezoning 18.694  
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### Map Legend

 Wetland Areas  
 Woodlands

 Proposed Rezoning



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