



## CITY OF NOVI CITY COUNCIL SEPTEMBER 23, 2019

**SUBJECT:** Consideration of approval of Zoning Ordinance Text Amendment 18.289 to amend the City of Novi Zoning Ordinance at Article 3, Section 3.10 "B-1, B-2 and B-3 Business Districts Required Conditions." The amendment would allow building height to be increased to 52 feet or four stories in the B-2 District under certain conditions. **FIRST READING**

**SUBMITTING DEPARTMENT:** Community Development, Planning Division

**BACKGROUND INFORMATION:** The Community Development Department received a request for a text amendment for the purpose of increasing the maximum building height in the B-2, Community Business Districts throughout the City of Novi. The applicant, Frank Jonna, is primarily interested developing a hotel on the remaining parcel in the Westmarket Square development, which is located near the northwest corner of Grand River Avenue and Beck Road.

Currently, the B-2 District allows a maximum building height of 30 feet, which may be increased to 42 feet or three stories on parcels that are not adjacent to residential districts.

The intent of the **B-2 District** is described in the ordinance as follows:

*The B-2, Community Business district is designed to cater to the needs of a larger consumer population than is served by the Local Business district, and is generally characterized by an integrated or planned cluster of establishments served by a common parking area, and generating greater volumes of vehicular and pedestrian traffic than generated by Local Business district uses, and located at the intersection of two major thoroughfares (major arterial, arterial or minor arterial). Although the B-2 districts permit certain more intensive commercial uses than B-1 districts, it is intended that automotive sales and service establishments, drive-through fast-food restaurants, open air retail uses, and similar uses not be established in the B-2 districts. This goal is established to maintain a more pedestrian-friendly environment and to foster a physical development pattern that is well-planned, supportive of moderately intense commercial uses, and aesthetically appealing from both abutting thoroughfares and from within the district.*

### **Applicant's Suggested Ordinance Amendment**

The applicant's suggested language for the B-2, Community Business District is as follows:

**Section 3.10 B-1, B-2 and B-3 Business Districts Required Conditions**

1. [unchanged]
2. In the B-2 district:
  - A. The maximum height of buildings may be increased to 52 42 feet (up to 4 3 stories) for a development that does not abut a residential district.
3. [unchanged]

**Staff Review**

Staff notes that if the changes are made to the B-2 District as requested by the applicant, those standards would apply across all of the B-2 Community Business zoned properties in the City. There are only three areas that are currently zoned B-2 on the Zoning Map:

- The southwest corner of West Pontiac Trail and West Park Drive (Novi Square Shopping Center, Clearview Eyecare, vacant parcel)
- The south side of Twelve Mile Road, west of Haggerty Road (One parcel – no residential adjacent. Developed as Holiday Inn Express & Suites – 3 stories)
- The northwest corner of Grand River Avenue and Beck Road (Westmarket Square Shopping Center)

Of the locations noted above, the 3 parcels on West Pontiac Trail are adjacent to residential districts, so the text amendment proposed would not apply to those properties. Under the language proposed by the applicant, the Twelve Mile Road property would be able to redevelop utilizing additional building height.

Staff notes that the proposed change to the site in question could allow a taller hotel than is currently permitted, from a maximum of three stories and 42 feet, to a maximum of four stories and 52 feet, as indicated by the applicant. If they choose not to develop a hotel at this location, another use that would be up to four stories could be proposed, such as a four story medical office. Given the small size of the subject property, a medical office of that size may not fit with the required parking.

**Staff Recommendation**

In Novi, the height allowed in the B-2 District was 30 feet in 1973. The text that allows the height to be increased to 42 feet or 3 stories on properties that do not abut a residential zoning district is also a long-standing ordinance. Typical concerns that may be raised regarding additional building height:

- Increased traffic to the site,
- Aesthetic views from adjacent properties and roadways.

If the City Council is inclined to support the text amendment as a means to accommodate additional height at Westmarket Square and other B-2 zoned properties throughout the City, staff would recommend the following:

- The original text allowing heights up to 42 feet or 3 stories should be preserved for those properties that do not abut a residential district, but do not have freeway frontage (see staff's amended draft ordinance language, below).
- The additional height of up to 52 feet would only be permitted when the proposed site also has frontage on a freeway (as reviewed and recommended by the Planning Commission at the introduction to the ordinance amendment on July 24, 2019, and recommended to the City Council following the public hearing).
- Additional height would only be permitted if required building and parking setbacks are met.

The recommended language is as follows:

- A. The maximum height of buildings may be increased to 42 feet (up to 3 stories) for a development that does not abut a residential district. If the site has frontage on a freeway and does not abut a residential district, the maximum building height may be increased to 52 feet (up to 4 stories), provided that the minimum building and parking setbacks are met.

### **Planning Commission Recommendation**

The Planning Commission reviewed the proposed amendment on July 24, and recommended the text be modified to restrict the additional height to properties that front on a freeway. At the meeting on August 28, the Planning Commission held a public hearing, reviewed the proposed ordinance language, and recommended approval of the applicant's proposed text amendment as modified by staff.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.289 to amend the City of Novi Zoning Ordinance at Article 3, Section 3.10 "B-1, B-2 and B-3 Business Districts Required Conditions." The amendment would allow building height to be increased to 52 feet or four stories in the B-2 District under certain conditions. FIRST READING

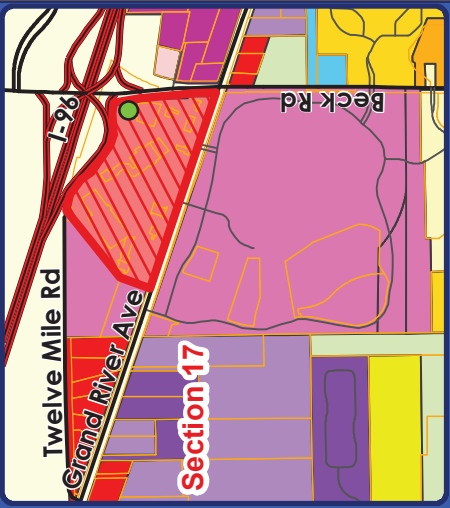
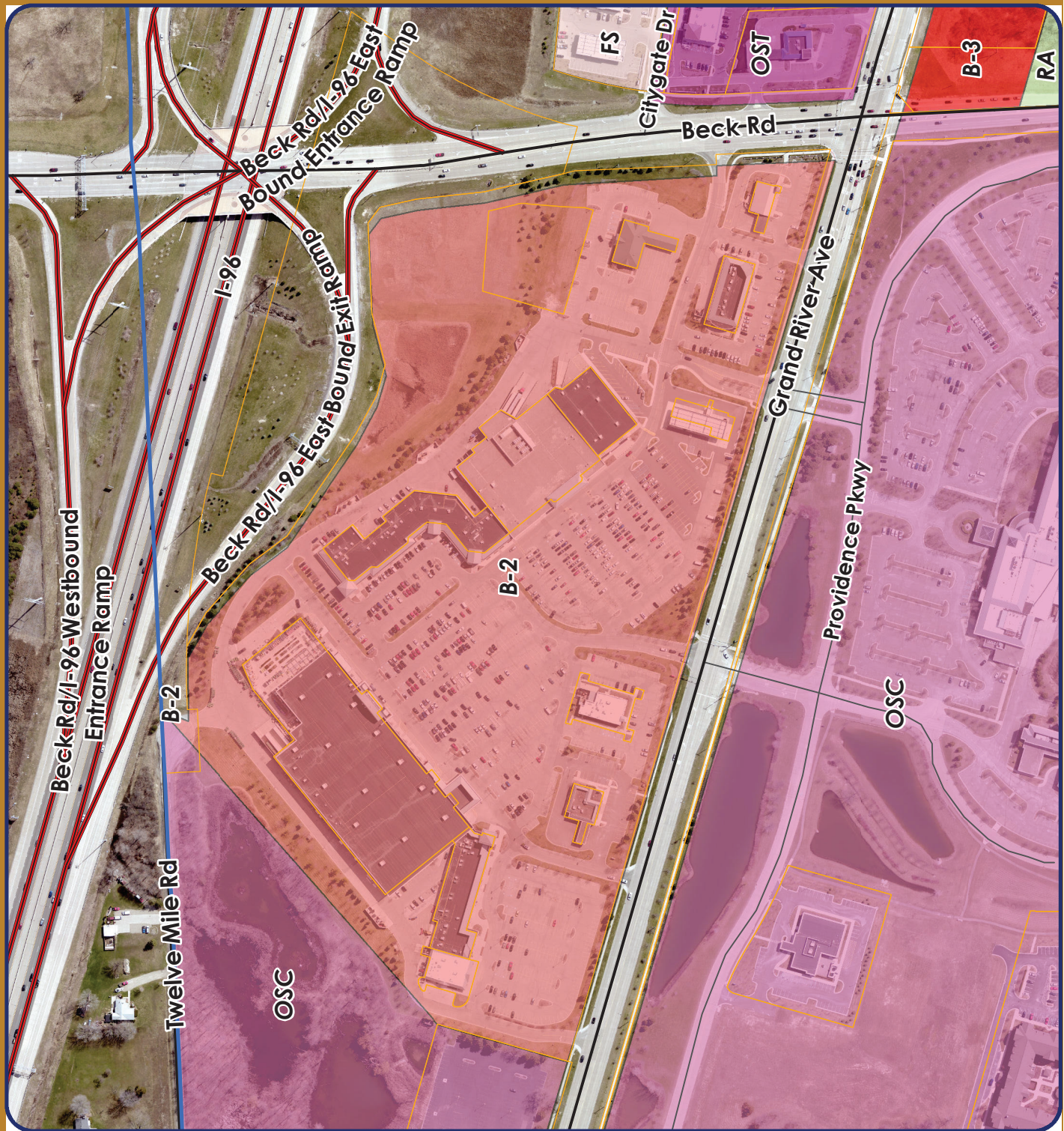
**MAPS OF CURRENT B-2 DISTRICTS**

**WESTMARKET SQUARE  
PONTIAC TRAIL/WEST PARK DRIVE  
TWELVE MILE ROAD PARCEL**

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# B-2 AREAS IN NOVI WESTMARKET SQUARE



## LEGEND

- R-A: Residential Acreage
- R-1: One-Family Residential District
- R-3: One-Family Residential District
- RM-1: Low-Density Multiple Family
- RM-2: High-Density Multiple Family
- B-2: Community Business District
- B-3: General Business District
- FS: Freeway Service District
- I-1: Light Industrial District
- I-2: General Industrial District
- OS-1: Office Service District
- OSC: Office Service Commercial
- OST: Office Service Technology

**City of Novi**  
 Dept. of Community Development  
 City Hall / Civic Center  
 45175 W Ten Mile Rd  
 Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)

Map Author: Lindsay Bell  
 Date: 7/19/19  
 Project: Proposed Text Amendment  
 Version #: 1

0 70 140 280 420  
 Feet  
 1 inch = 333 feet

**MAP INTERPRETATION NOTICE**

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



**B-2 AREAS IN NOVI**  
**PONTIAL TRAIL/WEST PARK DRIVE AREA**



- LEGEND**
- Sections
  - R-2: One-Family Residential
  - R-4: One-Family Residential District
  - RM-1: Low-Density Multiple Family
  - B-2: Community Business District
  - Subject Property

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 Feet

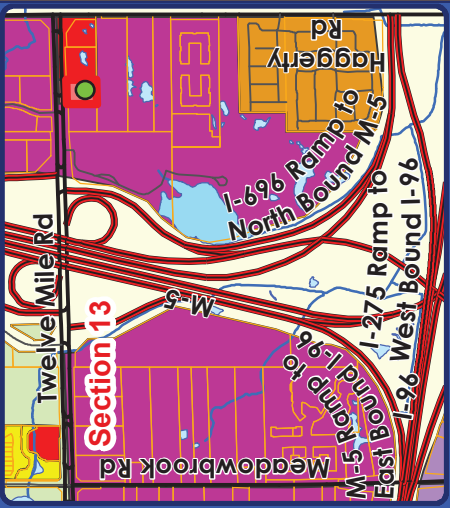
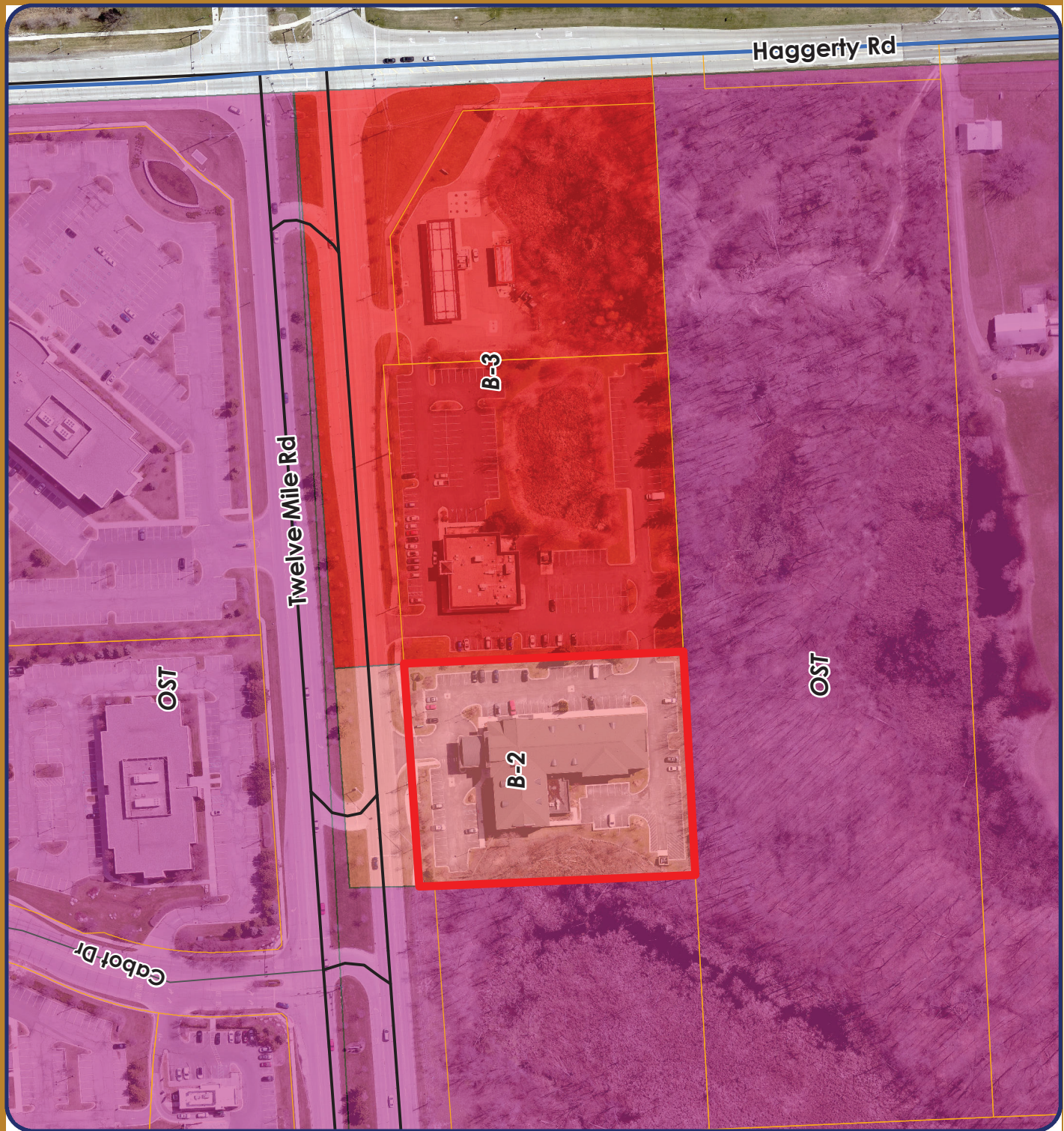
1 inch = 183 feet

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# B-2 AREAS IN NOVI TWELVE MILE ROAD



### LEGEND

- R-A: Residential Acreage
- R-4: One-Family Residential District
- MH: Mobile Home District
- B-2: Community Business District
- B-3: General Business District
- I-1: Light Industrial District
- OST: Office Service Technology
- Subject Property

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**DRAFT ORDINANCE AMENDMENT  
STRIKE-THROUGH VERSION**



# DRAFT

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.289

**AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 3, SECTION 3.10 “B-1, B-2 AND B-3 BUSINESS DISTRICTS REQUIRED CONDITIONS” IN ORDER TO ALLOW BUILDING HEIGHT TO BE INCREASED TO 52 FEET OR 4 STORIES IN THE B-2 DISTRICT UNDER CERTAIN CONDITIONS.**

**THE CITY OF NOVI ORDAINS:**

## **Part I.**

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.10, is hereby amended to read as follows:

### **Section 3.10 B-1, B-2 and B-3 Business Districts Required Conditions**

1. [unchanged]
2. In the B-2 district:
  - A. The maximum height of buildings may be increased to 42 feet (up to 3 stories) for a development that does not abut a residential district. If the site has frontage on a freeway and does not abut a residential district, the maximum building height may be increased to 52 feet (up to 4 stories), provided that the minimum building and parking setbacks are met.
3. [unchanged]

## **PART II.**

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

## **PART III.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

## **PART IV.**

**Repealer.** All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART V.**

**Effective Date: Publication.** Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

\_\_\_\_\_  
CORTNEY HANSON, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:



**PLANNING COMMISSION  
EXCERPT FROM DRAFT MINUTES  
AUGUST 28, 2019**

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work businesses or the kinds of businesses listed in the proposal could make sense. If the creation of a Pavilion Shore Business District facilitates the three existing businesses staying in business, that's a good thing. Otherwise, we should wait until the B-3 owner offers a proposal, the approved PRO is completed, and the Master Plan is updated in a couple of years. In summary, the parcels not being developed in the Pavilion Shore Village consists of less than one and a quarter acres. The Master Plan objectives have been achieved, no further action needs to be taken at this time. The City has other larger and less controversial areas to focus on. Thank you.

## **CORRESPONDENCE**

There was no correspondence.

## **COMMITTEE REPORTS**

There were no Committee Reports.

## **CITY PLANNER REPORT**

City Planner McBeth said thank you and good evening, I have one thing to announce tonight. We have a new Staff Engineer, Victor Boron, who is here with us tonight. He, along with Kate Richardson, will be our plan review engineers. Victor has a bachelor's degree in civil engineering from Michigan Tech. Prior to coming to Novi, Victor worked for a design engineer firm locally for about four years.

## **CONSENT AGENDA- REMOVALS AND APPROVAL**

### **1. FAIRFIELD INN & SUITES JSP 18-66: Approval of reduction of a parking space**

Approval at the request of Novi Superior Hospitality, LLC for Planning Commission's approval of reduction of minimum required parking spaces from 119 to 118, as may be granted by the Planning Commission per the revised Planned Rezoning Overlay Agreement for the Adell Center. The applicant previously received Planning Commission approval of Preliminary Site Plan for a 5 -story hotel with 119 rooms on Unit 3 of Adell Center Development.

Member Avdoulos said do we have a motion?

### **ROLL CALL VOTE TO APPROVE REDUCTION OF MINIMUM REQUIRED PARKING SPACES FROM 119 TO 118 MADE BY MEMBER LYNCH AND SECONDED BY MEMBER MADAY.**

**Motion to approve the reduction of the minimum required parking spaces from 119 to 118, as may be granted by the Planning Commission per the revised Planned Rezoning Overlay Agreement for the Adell Center. Motion carried 4-0.**

## **PUBLIC HEARINGS**

### **1. TEXT AMENDMENT 18.289**

Public hearing at the request of Frank Jonna for Planning Commission's recommendation to City Council for a Zoning Ordinance text amendment at Article 3, Section 3.10 "B-1, B-2 AND B-3 BUSINESS DISTRICTS REQUIRED CONDITIONS" in order to allow building height to be increased to 52 feet or 4 stories in the B-2 District under certain conditions.



Planner Bell said good evening. Staff received an application for a proposed ordinance amendment for the purpose of allowing building height to be increased from a maximum of forty-two feet or three stories to fifty-two feet or four stories in the B-2 Community Business District, throughout the City of Novi. The applicant, Mr. Frank Jonna, is primarily interested in developing a hotel on the remaining parcel in the Westmarket Square development, which is located near the northwest corner of Grand River Avenue and Beck Road.

The B-2 District currently has a standard building height limit of thirty feet, which may be increased on properties not adjacent to residential districts to forty-two feet or three stories. All developments on properties adjacent to residential districts would still be limited to thirty feet under the proposed amendment.

There are only two other areas of Novi that are currently zoned B-2 on the Zoning Map: The southwest corner of West Pontiac Trail and West Park Drive (Novi Square Shopping Center, Clearview Eyecare, and a vacant parcel) and the south side of Twelve Mile Road, west of Haggerty Road (One parcel – no residential adjacent and is developed as Holiday Inn Express & Suites)

Of the locations noted above, the three parcels on West Pontiac Trail are adjacent to residential districts, so the text amendment proposed would not apply to those properties. The parcel on Twelve Mile does not have freeway frontage, so the proposed amendment would currently be limited to application at Westmarket Square.

If the applicant chooses not to develop a hotel at this location, another use could be proposed, such as a four-story office. If the Planning Commission is inclined to support the text amendment as a means to accommodate additional height at Westmarket Square and other B-2 zoned properties in the City, staff would recommend additional height would only be permitted under the following conditions: when the parcel does not abut a residential district, when the proposed site has frontage on a freeway (as reviewed and recommended by the Planning Commission at the introduction to the ordinance amendment on July 24, 2019), and if the required building and parking setbacks can be met.

Tonight the Planning Commission is asked to hold the Public Hearing and make a recommendation to the City Council for reading and adoption. Thank you.

Member Avdoulos said thank you Lindsay. This is a Public Hearing, if there is anyone that would like to speak on this particular item, you have the floor. Seeing none, I'll close that and hand it over to the Planning Commission members.

Member Lynch said we are only talking about one site. In this particular location, I believe we all agree that it makes sense. It is adjacent to a freeway. Also, I think in this particular site, a hotel will certainly support the businesses in the area. There's no residential in the area. It's not going to be sticking out like a sky scraper. Although, we do have a property in the Adell Center that is higher than that, but that is a unique development. I personally think it makes sense. The other two areas, from my understanding, would not apply because one of them abuts residential and the other one does not have a freeway. So really, were just talking about this particular site.

Planner Bell said yes, as it's written now.

Member Lynch said I think it makes sense in this particular area. If this is what we need to do as far as the zoning text amendment goes, we should probably do it.

Member Maday said I'll go on record to say I agree with Mr. Lynch.

Member Gronachan said I concur as well, I think the staff did a thorough job and I think this meets the criteria in this area. So, I support it.

Member Avdoulos said do we have a motion?

**ROLL CALL VOTE TO MAKE RECOMMENDATION TO CITY COUNCIL MADE BY MEMBER LYNCH AND SECONDED BY GRONACHAN.**

**Motion to make a favorable recommendation to the City Council for reading and adoption. Motion carried 4-0.**

**2. JSP 17-52, TERRA associated with Zoning Map Amendment 18.718**

Public hearing at the request of Cambridge of Novi, LLC for Planning Commission's recommendation to the City Council for the First Amendment to the previously-approved Planned Rezoning Overlay (PRO) Plan, JSP 17-52, Terra, formerly known as Villa D'Este, associated with Zoning Map Amendment 18.718. The subject property is approximately 30.14-acres and is located east of Napier Road and on the north side of Nine Mile Road (Section 29, 30). The applicant proposed a 41-unit single-family ranch housing development (for sale). The current amendment is required as the applicant is seeking some additional deviations for building elements to allow greater flexibility for construction of individual homes, alternate pavement material for sidewalks and driveways and other minor changes.

Planner Komaragiri said the current amendment is not proposing any changes to the approved layout, storm water management, impacts to the wetlands or woodlands, traffic, and landscape design. The plan is still subject to the previous approval for all the other items.

The first item the applicant is requesting is to use exposed aggregate as surface material for the residential driveways and sidewalks within the development boundaries. The private road network, Villa Drive and Villa Court, are still proposed to be asphalt. The engineering review notes that the proposed aggregate is adequate for the intended use and supports this request.

The second item the applicant is requesting is prairie style architectural buildings that use low sloped roof pitches, integrated planter bases, and large overhangs. The applicant states that the overhangs are critical to the style and the architecture of these residential homes. The maximum projection of fifteen inches is allowed into the side yard based on the existing side yard setback of fifteen feet, seven and a half feet for each building. The applicant is proposing up to thirty-six inches of projection with the proposed overhangs within the red boundary shown on the exhibit map that is displayed. The current proposal



**PLANNING COMMISSION  
EXCERPT FROM MINUTES  
JULY 24, 2019**

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# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**July 24, 2019 7:00 PM**

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

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Anthony, Member Avdoulos, Member Ferrell, Member Gronachan, Member Lynch, Member Maday, Chair Pehrson

**Absent:** None

**Also Present:** Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Rick Meader, Landscape Architect; Kate Richardson, Staff Engineer; Beth Saarela, City Attorney

## PLEDGE OF ALLEGIANCE

Member Lynch led the meeting attendees in the recitation of the Pledge of Allegiance.

## APPROVAL OF AGENDA

Moved by Member Lynch and seconded by Member Gronachan.

## VOICE VOTE TO APPROVE THE July 24, 2019 AGENDA MOTION MADE BY MEMBER LYNCH AND SECONDED BY Member Gronachan.

**Motion to approve the July 24, 2019 Planning Commission Agenda. Motion carried 7-0.**

## AUDIENCE PARTICIPATION

Michel Duchesneau, 1191 South Lake Drive, said welcome new members to the commission. I'd like to talk about the proposal you have to modify the B-2 Zoning Ordinances. I am not supportive of changing the B-2 zoning ordinance as it's presented to allow for taller buildings. I recognize it is only three parcels or so, but I know B-2 could be very useful in the future. I would be supportive of amending the B-2 zoning ordinance for properties adjacent to an interstate freeway or freeway service drive or allowing them in the Grand River corridor district. Those areas could accommodate the goal the applicant is seeking. The Master Plan of 2016 extensively talks about City West and other areas that could be or should be developed with an eye for allowing taller buildings along the freeway. City West basically says in the Master Plan that the vision is three to five stories buildings allowing up to ten stories for some parcels that would be adjacent to the interstate. So I think that since the City West ordinances or districts have not been defined I

think the applicant can either through the Master Plan or the ZBA process or through a PRO process can accomplish what he wants to do. Thank you.

### **CORRESPONDENCE**

There was no correspondence.

### **COMMITTEE REPORTS**

There were no Committee Reports.

### **CITY PLANNER REPORT**

City Planner McBeth said thank you and good evening, as you know we have two new Planning Commission members this evening: Cindi Gronachan and Brent Ferrell. We would like to welcome them. Additionally we have a change in the Planning Department we want to tell you about. Hannah Smith has been our Planning Assistant for two years and she's done an excellent job, but she decided to go back to graduate school and get her Master's degree in Urban and Regional Planning so we are going to wish her well as she goes to the University of Michigan to get that degree. We also have a new Planning Assistant who started work here last week, Madeleine Kopko.

Chair Pehrson said very well and welcome to our new members, we appreciate your participation.

### **CONSENT AGENDA- REMOVALS AND APPROVAL**

#### **1. PLANET FITNESS JSP 18-57: Approval of Transformer Location**

Approval at the request of PF Michigan Group, LLC, for allowing the alternate location of the proposed transformer in the interior side yard in lieu of required rear yard, as may be granted by the Planning Commission per the revised Planned Rezoning Overlay Agreement for the Adell Center. The applicant previously received Planning Commission approval of Preliminary Site Plan for a single floor 21,054 square foot indoor recreational facility known as Planet Fitness.

Member Lynch said I'd like to make a motion to approve.

Motion made by Member Lynch and seconded by Member Anthony.

#### **ROLL CALL VOTE TO APPROVE AN ALTERNATE LOCATION OF THE PROPOSED TRANSFORMER IN THE INTERIOIR SIDE YARD IN LIEU OF REQUIRED REAR YARD.**

**Motion to approve an alternate location of the proposed transformer in the interior side yard in lieu of required rear yard for Planet Fitness JSP 18-57. Motion carried 7-0.**



**2. A123 SYSTEMS JSP 17-21: Landscape Plan Revisions**

Approval of the request of A123 Systems for revised Preliminary Site Plan with changes to the landscape plans. The subject parcel is located in Section 15, West of Cabaret Drive and South of Twelve Mile Road and is zoned OST, Office Service Technology. The applicant previously received Planning Commission approval to develop the 31.25 acre parcel with two buildings: one office/lab space of 128,936 square feet on the southern portion of the site (Phase 1) and the other as an assembly building of 53,469 square feet (Phase 2) including associated site improvements. Construction of Phase 1 is well underway, and the revised Landscape Plans bring the project into conformance with current ordinance standards.

Motion made by Member Lynch seconded by Member Maday.

**ROLL CALL VOTE TO APPROVE A REVISED PRELIMINARY SITE PLAN WITH CHANGES TO THE LANDSCAPE PLAN.**

**Motion to approve a revised preliminary site plan with changes to the landscape plan for A123 Systems JSP 17-21. Motion carried 7-0.**

**PUBLIC HEARINGS**

There were no Public Hearings.

**MATTERS FOR CONSIDERATION**

**1. INTRODUCE TEXT AMENDMENT 18.289 – HEIGHT IN B-2**

Set a public hearing for Text Amendment 18.289 to update Section 3.10, B-1, B-2 and B-3 Business Districts Required Conditions, to allow building height to be increased to 52 feet or 4 stories in the B-2, Community Business District throughout the City of Novi when not adjacent to a residential district.

Planner Bell said staff received an application for a proposed ordinance amendment for the purpose of allowing the height to be increased from a maximum of 42 feet or three stories to 52 feet and four stories in the B-2 community business district throughout the City of Novi. The applicant, Mr. Frank Jonna, is primarily interested in developing a hotel on the remaining parcel in the West Market Square development which is located near the northwest corner of Grand River Avenue and Beck Road.

The B-2 district currently has a standard building height limit of 30 feet which may be increased on properties not adjacent to residential districts to 42 feet or three stories. All developments on properties adjacent to residential districts will still be limited to 30 feet under the proposed amendment. There are only two other areas of Novi that are currently zoned B-2 on the zoning map. The southwest corner of West Pontiac Trail and West Park Drive which contains three parcels: The Novi Square Shopping Center, Clearview Eye Care Building, and a vacant parcel. On the south side of 12 Mile Road, west of Haggerty Road, there is one parcel. It is not adjacent to residential and it was developed as the Holiday Inn Express and Suites at three stories. Of the locations noted, the three parcels on West Pontiac Trail are adjacent to residential districts so the text

amendment proposed would not apply to those properties.

Staff notes that the proposed change to the site in question could allow a taller hotel than is currently permitted from a maximum of three stories and 42 feet to the four stories and 52 feet as indicated by the applicant, if they chose not to develop a hotel at this location under the use that would be four stories could be proposed such as four story medical office or another use permitted in the B-2 District. Given the small size of the subject property, a medical office of that size would probably not fit the required parking.

If the Planning Commission is inclined to support the text amendment as a means to accommodate additional height at West Market Square and other B-2 zoned properties throughout the City, staff and the cities attorney's office will finalize the draft text amendment that will address this change prior to the public hearing. If this is the Commission's preference, staff would recommend the following: the additional height would only be allowed if the parcel is not abutting a residential district as limited in the ordinance and additional height would only be allowed if required building and parking setbacks are met.

Tonight the Planning Commission is asked to provide direction to staff and consider setting a public hearing for an upcoming Planning Commission meeting. At that time the Commission will hold the public hearing and forward a recommendation to city council for reading an adoption. The applicant, Frank Jonna, is here tonight if you have any additional questions. Thank you.

Chair Pehrson said would the applicant like to address the Planning Commission tonight?

Frank Jonna, 6200 Second Avenue, Detroit, said good evening, we have looked at trying to add diversity to this site and this creates an opportunity to add a new use to the site that will enhance the other tenants on the site. That's why we would like to pursue this. We also were listening to the comments are not opposed to additional conditions to protect the B-2 zoning throughout your community so we clearly have freeway exposure when you look at the properties that are up and down the freeway, 52 feet would not, in our minds, be an excessive height to go to.

Chair Pehrson said thank you, with that we will open it up for discussion by the Commission members.

Member Anthony said I think sometimes we talk about height and controlling height that can be relative and in my opinion I've seen, for instance, in Rochester Hills, very similar to ours, four story even going up to five story which has been able to blend very well. When you look at B-2, the presumption is B-2 around it is going to have some buffering so that you're not going from anything that's abrupt from B-2 to a single family residential. In fact, I think our staff, even added that, to ensure that that wouldn't occur. So when we're looking at having a public hearing, in my opinion, is that it wouldn't necessarily restrict B-2 fully, but I would support this, I think, four stories is not really excessive and easy to blend into a community when you have other buffering zoned with it.

Member Lynch said obviously this site lends itself for the hotel and I do understand that it is, if you look at the businesses that are there, it's a good idea to have something like that in that area, you know, four story/five story. We just approved something like that at the

Adell Property that was much taller than that. So for this site, no issue. There was one that was next to OST, I don't think that will be an issue there. [The site along Pontiac Trail] is the only one that may not be appropriate for the additional height. But overall the concept, the four stories, I think it would be nice. Certainly, we don't have enough hotel space, we've got the Showplace and a number of other events that we need hotel space so I think it's a perfect location and I don't have an issue.

Member Maday said it's more of a question: That additional height would not work in this [Pontiac Trail location], right? It's irrelevant because it's abutting a residential subdivision.

Planner McBeth said that's correct.

Member Avdoulos said I have a question for the applicant. As you've been studying this site, and it's going to an extra story it will give more parking, so have you done a parking study so the four stories can accommodate the required parking on that particular parcel?

Applicant Jonna said we've done some preliminary site plans that indicates we can certainly provide adequate parking for the ordinance requirements. There are two issues, the brand's requirements and the ordinance. That particular area of the site is dramatically under parked and we would certainly, if it benefits the community, do a parking study of the entire site. There's plenty of parking on the property and because it's a site condominium, it's all shared parking.

Member Avdoulos said I don't want to get into a situation where we allow something to happen and then all these variances start coming into play and we sort of like to make sure whatever we accommodate is going to work with the overall planning of the site.

Applicant Jonna said absolutely, we don't want an under parked building that's going to cause problems with the adjacent uses.

Member Avdoulos said and I agree with the other commissioners, I have no issue with the height, that's what hotels are, they're vertical, but I just want to make sure it fits with everything and we don't see a lot of things that we'll have to address later. Thank you.

Member Lynch said Barb, with the hotels, I remember somebody came in with the hotels at the Adell property and did do some preliminary work about the parking situation and how our ordinances were developed before things like Uber and Lyft, are we doing anything about investigating that for specific use? I'm just talking about hotels so we can take advantage of, I mean, we want to make sure we do the right thing and there's adequate parking and things like that, but with this new disrupter with Uber and Lyft, to make sure we keep our ordinances up to date.

Planner McBeth said we do have a study underway where we going to need to review studies done on the reduction of parking requirements in light of Uber and Lyft in a particular formal text amendment.

Member Lynch said so if we go ahead and approve the text amendment, we'll just assume they meet all the parking requirements and things like that.



Chair Pehrson said we are not approving anything other than setting a public hearing.

Member Lynch said but at the final site plan, which is further down the road, we'll have another opportunity to take another bite at this apple, maybe we'll have some more empirical data and more analysis to make a rational decision on what is the right amount of parking for hotels and things of that nature.

Planner McBeth said yes were hoping to present something to the Planning Commission in the next month or so related to the parking requirements.

Chair Pehrson said does the current language include, so were obviously not allowing this to abut a residential district, so does the language include something relative to having freeway access or major arterial roads so we do limit the particular use.

Planner McBeth said it does not currently, we could certainly add some text.

Chair Pehrson said I'd like to see if city administration could look at that and have that language as well. I think that would be helpful at this point in time. Thank you.

**ROLL CALL VOTE TO SET A PUBLIC HEARING FOR TEXT AMENDMENT 18.289 TO UPDATE SECTION 3.10 B-1, B-2, AND B-3 BUSINESS DISTRICTS REQUIRED CONDITIONS TO ALLOW INCREASE TO 52 FEET OR FOUR STORIES FOR B-2, MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER AVDOULOS.**

**Motion to set a public hearing for the text amendment 18.289 to update section 3.10 B-1, B-2, and B-3 Business Districts Required Conditions to allow increase to 52 feet or four stories for B2. Motion carried 7-0.**

## **2. ELECTON OF OFFICERS AND APPOINTMENTS TO COMMITTEES**

Planner McBeth said Mr. Chair we did send out a memo last week. There are two different sections: there's the administrative and the liaison committee which will be the chair, vice chair, and the secretary. Each will need a nomination, a second, and a vote. We did get some responses from the members and I'm hoping that's reflected on the chart in front of you.

Chair Pehrson said so we need a motion to elect the Chair.

Member Lynch nominates Pehrson as Chair. Member Maday Seconded the motion.

**ROLL CALL VOTE TO ELECT CHAIR PEHRSON AS CHAIRPERSON OF THE PLANNING COMMISSION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER MADAY.**

**Motion to elect Chair Pehrson as Chairperson. Motion carried 7-0.**

Chair Pehrson said we need a motion for Vice Chair.

Member Avdoulos said he nominates Member Anthony.

Member Anthony said I would like to decline, I like being in support and I think there is an

**MEMO TO THE PLANNING COMMISSION  
AUGUST 23, 2019**

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# MEMORANDUM



**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** LINDSAY BELL, PLANNER *LB*  
**THROUGH:** BARBARA MCBETH, AICP, CITY PLANNER  
**SUBJECT:** PUBLIC HERAING FOR TEXT AMENDMENT 18.289  
**DATE:** AUGUST 28, 2019

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Attached is a proposed ordinance amendment that the Community Development Department received for the purpose of increasing the allowable height to fifty-two (52) feet or four (4) stories in the B-2, Community Business Districts throughout the City of Novi. The applicant, Frank Jonna, is primarily interested developing a hotel on the remaining parcel in the Westmarket Square development, which is located near the northwest corner of Grand River Avenue and Beck Road.

### **Uses currently allowed in the B-2 District**

The Westmarket Square shopping center is currently zoned B-2, Community Business. There are a number of permitted and special land uses within this district (as currently approved, with another ordinance amendment currently under review that may change certain uses in the B-2 District):

#### Principal Permitted Uses

- i. Retail business uses §4.27
- ii. Retail business service uses §4.27
- iii. Business establishments which perform services on the premises
- iv. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer §4.24
- v. Professional services
- vi. Instructional centers
- vii. Service establishments of an office, showroom, or workshop nature §4.27
- viii. Restaurants (sit-down), banquet facilities or other places serving food or beverage §4.27
- ix. Theaters, assembly halls, concert halls, museums, or similar places of assembly §4.27
- x. Business schools and colleges or private schools operated for profit §4.27
- xi. Day care centers, and adult day care centers §4.12.2
- xii. Private clubs, fraternal organizations, and lodge halls
- xiii. Places of worship §4.10
- xiv. Hotels and motels §4.28
- xv. Professional and medical offices, including laboratories
- xvi. Other uses similar to the above uses
- xvii. Accessory structures and uses §4.19, customarily incident to the above permitted uses

#### Special Land Uses



- i. Fueling Station §4.28
- ii. Sale of produce and seasonal plant materials outdoors §4.30
- iii. Veterinary hospitals, or clinics §4.31

### **Master Plan for Land Use**

The Master Plan for Land Use designates Westmarket Square center as Local Commercial. Areas surrounding the subject property are planned for Community Commercial, City West, Community Office and Public. There are no residential uses planned in the adjacent areas except for the area on the east side of Beck Road designated City West, which could include residential uses as part of a mixed use development. The parcels on Beck Road opposite the Westmarket Square have recently redeveloped and are not likely to add residential uses anytime soon.

### **Westmarket Square**

The condominium project for Westmarket Square was established in 1999. The anchor stores in the center are: Kroger, Staples, and Home Depot. Other tenants in the center include many restaurants, several banks, fitness studios, personal service establishments and retail shops. A new child care center has been built recently on another outlot in the center, which is just to the south of the remaining vacant parcel where the hotel would potentially be developed. The proposed hotel area would be immediately south of the I-96 east-bound exit ramp and west of Beck Road.

### **Suggested Ordinance Amendment**

The applicant's suggested Language for Text Amendment Change for B-2 Zoning is as follows:

#### **Section 3.10 B-1, B-2 and B-3 Business Districts Required Conditions**

1. [unchanged]
2. In the B-2 district:
  - A. The maximum height of buildings may be increased to 52 ~~42~~ feet (up to 4 ~~3~~ stories) for a development that does not abut a residential district.
3. [unchanged]

### **Staff Review**

Staff notes that if the changes are made to the B-2 District as requested by the applicant, those standards would apply across all of the B-2 Community Business zoned properties in the City. There are only three areas that are currently zoned B-2 on the Zoning Map:

- The southwest corner of West Pontiac Trail and West Park Drive (Novi Square Shopping Center, Clearview Eyecare, vacant parcel)
- The south side of Twelve Mile Road, west of Haggerty Road (One parcel – no residential adjacent. Developed as Holiday Inn Express & Suites – 3 stories)

- The northwest corner of Grand River Avenue and Beck Road (Westmarket Square Shopping Center)

Of the locations noted above, the 3 parcels on West Pontiac Trail are adjacent to residential districts, so the text amendment proposed would not apply to those properties.

Staff notes that the proposed change to the site in question could allow a taller hotel than is currently permitted, from a maximum of three stories and 42 feet, to a maximum of four stories and 52 feet, as indicated by the applicant. If they choose not to develop a hotel at this location, another use that would be up to four stories could be proposed, such as a four story medical office. Given the small size of the subject property, a medical office of that size may not fit with the required parking.

### **Intent of the Business Zoning Districts**

The Zoning Ordinance lists the intent of the various Business districts and the increasing intensity as the Business Districts increase the allowable uses, market area, and layout of the business uses:

The intent of the **B-1 District** is as follows:

*The B-1, Local Business district, as herein established, is designated to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.*

The intent of the **B-2 District** is as follows:

*The B-2, Community Business district is designed to cater to the needs of a larger consumer population than is served by the Local Business district, and is generally characterized by an integrated or planned cluster of establishments served by a common parking area, and generating greater volumes of vehicular and pedestrian traffic than generated by Local Business district uses, and located at the intersection of two major thoroughfares (major arterial, arterial or minor arterial). Although the B-2 districts permit certain more intensive commercial uses than B-1 districts, it is intended that automotive sales and service establishments, drive-through fast-food restaurants, open air retail uses, and similar uses not be established in the B-2 districts. This goal is established to maintain a more pedestrian-friendly environment and to foster a physical development pattern that is well-planned, supportive of moderately intense commercial uses, and aesthetically appealing from both abutting thoroughfares and from within the district.*

The intent of the **B-3 District** is as follows:

*The B-3, General Business district is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business district or the Community Business district.*

### **Staff Recommendation**

In Novi, the height allowed in the B-2 District was 30 feet in 1973. The text that allows the height to be increased to 42 feet or 3 stories is also a long-standing ordinance. Typical concerns that may be raised regarding allowing additional height:

- Increased traffic to the center,
- Aesthetic views from adjacent properties, Beck Road and the freeway service drive.

If the Planning Commission is inclined to support the text amendment as a means to accommodate additional height at Westmarket Square and other B-2 zoned properties throughout the City, staff would recommend the following:

- The additional height would only be allowed when the parcel does not abut a residential district, since impacts on adjacent residential properties would be the primary concern.
- Additional height would only be allowed when the proposed site has frontage on a freeway (as reviewed and recommended by the Planning Commission at the introduction to the ordinance amendment on July 24, 2019).
- Additional height would only be allowed if required building and parking setbacks are met.

On July 24, the Planning Commission reviewed the draft ordinance language and recommended that the matter be set for a public hearing, with the request that additional language be included to limit the additional height to those properties with frontage on a Freeway. **On August 28, the Planning Commission is asked to hold the Public Hearing and make a recommendation to the City Council for reading and adoption.**