



CITY of NOVI CITY COUNCIL

www.cityofnovi.org

Agenda Item 1
June 18, 2007

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.216, to amend Appendix A of the City of Novi Code of Ordinances, Ordinance 97-18, as amended, known as the City of Novi Zoning Ordinance, at Article 9, NCC, Non Center Commercial, to permit instructional facilities. **Second Reading**

SUBMITTING DEPARTMENT: Community Development ^{Buick} - Planning

CITY MANAGER APPROVAL: PWA for CJP

BACKGROUND INFORMATION:

In late 2006, the Community Development Department was contacted by Jonathan Brateman regarding a potential tenant in the Grand Oaks Centre on Grand River Avenue. The tenant was described as an instructional center for languages, mathematics, and computers, along with a daycare use, all of which would cater to the Japanese population in the area. After some research, the Planning Department indicated to Mr. Brateman that the instructional center use would not be permitted in the NCC, Non-Center Commercial district. Mr. Brateman submitted a text amendment to allow this type of use and to modify the daycare standards already present in the NCC district. Staff reviewed the language provided by the applicant and proposed modifications that were accepted by the Planning Commission in their recommendation to the City Council.

The City Council first reviewed the proposed amendment at their June 4th meeting. At that time, the City Council approved the first reading, but requested clarification from the Community Development Department regarding its recommendation that the daycare provisions remain consistent with the current ordinance standards, instead of the modifications proposed by the applicant. There are two main reasons behind Staff's recommendation.

- First, the provisions for daycare uses throughout the districts were studied carefully by city staff and the Planning Commission and approved by the City Council within the past few years. At that time, four classes of daycare were created, each with specific regulations and districts in which they are permitted, and generally based on the number of children (or adults) being housed at the facility. Daycare facilities are currently permitted in the NCC district with Special Land Use approval, as a carry-over from the previous daycare ordinance language and consistent with several other zoning districts. The proposal by the applicant would create a fifth class, which would only be available in the NCC district, and would eliminate the Special Land Use provision. There was no background support provided as to why the applicant needed to add a new class of daycare or couldn't meet the existing standards of the NCC district for daycare uses, and Staff was unable to find a compelling reason to modify the ordinance.
- Second, the language proposed by the applicant limiting the amount of time the children would be permitted to stay at the facility would be difficult, if not impossible to enforce. Staff would be in a position of keeping track of how long children stayed at the facility, to determine if the daycare was meeting the provisions of the ordinance under which it was approved. If the daycare did not operate in compliance with the ordinance, the use would become non-conforming, which would create problems for future expansions, relocations, or other business modifications.

Staff remains in support of the instructional center component of the applicant's request, and depending on the action by the City Council at the second reading, staff will review any future request of the applicant for a daycare component within the guidelines of the existing ordinances.

RECOMMENDED ACTION: Consideration of Zoning Ordinance Text Amendment 18.216, to amend Appendix A of the City of Novi Code of Ordinances, Ordinance 97-18, as amended, known as the City of Novi Zoning Ordinance, at Article 9, NCC, Non Center Commercial, to permit instructional facilities, as written by Community Development Staff. **Second Reading**

| | 1 | 2 | Y | N |
|-------------------------|---|---|---|---|
| Mayor Landry | | | | |
| Mayor Pro Tem Capello | | | | |
| Council Member Gatt | | | | |
| Council Member Margolis | | | | |

| | 1 | 2 | Y | N |
|----------------------|---|---|---|---|
| Council Member Mutch | | | | |
| Council Member Nagy | | | | |
| Council Member Paul | | | | |

**PROPOSED ORDINANCE AMENDMENT
AS RECOMMENDED BY STAFF
AND THE PLANNING COMMISSION**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 2005 - 18 - 216

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 9, NCC, NON-CENTER COMMERCIAL, TO PERMIT INSTRUCTIONAL FACILITIES

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 9. NCC, Non-Center Commercial District, at Section 901 Principal Uses Permitted, is hereby amended to read as follows in its entirety:

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

1. [Unchanged.]
2. [Unchanged.]
3. [Unchanged.]
4. [Unchanged.]
5. [Unchanged.]
6. [Unchanged.]
7. Instructional centers, such as schools for dance, music, language, arts, or general education, subject to the following:
 - a. The center must comply with all applicable state laws and licensing requirements.
 - b. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

7.8. Other Uses Similar to the Above Uses.

3.9. Accessory Structures and Uses Customarily Incident to the Above Permitted Uses.

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

Part V. Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS
____ DAY OF _____, 2007.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the _____ meeting of the Novi City Council held on the _____ day of _____, 2007.

MARYANNE CORNELIUS – CITY CLERK

**CITY COUNCIL
DRAFT MINUTES
JUNE 4, 2007**

EXCERPT FROM

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
DRAFT – MONDAY, JUNE 4, 2007 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul

7. Consideration of Zoning Ordinance Text Amendment 18.216, the request of Jonathan Brateman, to amend Appendix A of the City of Novi Code of Ordinances, Ordinance 97-18, as amended, known as the City of Novi Zoning Ordinance, at Article 9, NCC, Non Center Commercial, to permit instructional facilities. First Reading

Jonathan Brateman was present said there were three issues to consider when making a text amendment change. They were what was the original intent and spirit of the ordinance and was the change consistent with that. What was the impact of the change on the community in terms of its scope and what was the impact on the community going to be in terms of content. He said they were talking about a small area in the community from Karim Blvd. west of Haggerty to Meadowbrook. He said there were dance studios allowed in the original ordinance and an instructional center teaching math or a foreign language was not that far of a stretch. He said if looking in the office section of the ordinance, having a sales office involved in instruction about stocks to promote, etc., it wasn't a big change from that to teaching language, etc. He said the ordinance provided for uses similar to the above so he thought they were acting within the spirit of the ordinance. He said regarding the impact, he had shown Council that there were very few parcels involved, and regarding the content they were looking to increase the educational level of the community. He felt it was consistent with the original intent and spirit of the ordinance and the impact was small and good because they were promoting education. He appreciated the support to change the ordinance from City staff. He said they had looked at other items that dealt with limited daycare but it was not of primary interest to them now. He said they wanted to be consistent with what the City was recommending and would appreciate Council's support.

Member Gatt said he noticed that they would be approving a daycare operation of fewer than 30 children at any given time with no child staying more than 4.5 hours. Mr. Brateman said that was something they had requested but the City staff felt it was something they didn't want to change because it would cover the whole corridor. He said they would prefer, if they did need to address that type of change, to come in for Special Land Use just for that individual site. He said traditional daycare was allowed in the NCC in which case there would have to be an accessory facility to this. He said what they were looking for was limited daycare with an accessory facility, and they were withdrawing that request.

**CM-07-06-114 Moved by Gatt, seconded by Capello; CARRIED
UNANIMOUSLY: Zoning Ordinance Text Amendment 18.216, the request of**

Jonathan Brateman, to amend Appendix A of the City of Novi Code of Ordinances, Ordinance 97-18, as amended, known as the City of Novi Zoning Ordinance, at Article 9, NCC, Non Center Commercial, to permit instructional facilities. First Reading

Member Gatt asked the City staff to send him information in an off week packet regarding why they wouldn't honor Mr. Brateman's request for a limited daycare center. He didn't see it as being far off of any of the restrictions presently in place.

Mayor Pro Tem Capello asked Member Gatt if what he was approving was the administration's recommendation of the reading which had the Subsection 7 Instructional Centers, etc. Member Gatt said he was.

Mayor Landry said he was also asking for an off week packet update on what the daycare ordinances were and how they affected this property.

Mayor Pro Tem Capello asked Mr. Schultz if there was any reason a first and second reading couldn't be done at the same time, if they could agree on the language.

Mr. Schultz said they had to be done at two different meetings unless it was an emergency and this would not fit that criterion. Mayor Pro Tem Capello thought they had done this in the past, and Mr. Schultz said just for an emergency and not for a text amendment.

Member Nagy said she was on the Implementation Committee and they had worked on this ordinance for months and Ms. McBeth had compared it to other cities. She said she would support the motion but thought Ms. McBeth might want to indicate some of the reasons this ordinance was written the way it was.

Roll call vote on CM-07-06-114

**Yeas: Landry, Capello, Gatt, Margolis,
Mutch, Nagy, Paul
Nays: None**

**PROPOSED ORDINANCE AMENDMENT
AS PROPOSED BY THE APPLICANT**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 2005 - 18 - 216

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

1. [Unchanged.]
2. [Unchanged.]
3. Office Uses:
 - a. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting and sales.
 - b. Medical offices, including laboratories and clinics.
 - c. Financial institutions, stock brokerages.
 - d. Instructional Centers (Language, Mathematics, Computers)
4. [Unchanged.]
5. [Unchanged.]
6. [Unchanged.]
7. [Unchanged.]
8. [Unchanged.]

9. Daycare Operations (under 30 children at any given time, with no child staying more than 4.5 hours).

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

Part V. Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE NOVI CITY COUNCIL THIS
___ DAY OF _____, 2007.

DAVID LANDRY – MAYOR

MARYANNE CORNELIUS – CITY CLERK

1. Date of Public Hearing _____
2. Date of Adoption _____
3. Date of Publication of
Notice of Adoption _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is true and complete copy of the Ordinance passed at the _____ meeting of the Novi City Council held on the _____ day of _____, 2007.

MARYANNE CORNELIUS - CITY CLERK

PLANNING COMMISSION MINUTES
MAY 9, 2007
(PUBLIC HEARING ON AMENDMENT)



PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, MAY 9, 2007 7:00 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:05 PM.

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman (7:09 PM), Michael Meyer (7:44 PM) Mark Pehrson, Wayne Wrobel
Absent: Member David Lipski, Michael Lynch (excused)
Also Present: Steve Rumble, Director of Community Development; Barbara McBeth, Deputy Director of Community Development, Mark Spencer, Planner; Kristen Kapelanski, Planner; Tim Schmitt, Planner; David Beschke, Landscape Architect; Ben Croy, Engineer; Doug Necci, Façade Consultant; Steve Dearing, Traffic Consultant; Kristen Kolb, City Attorney

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.216

The Public Hearing was opened for Planning Commission's recommendation to City Council for an Ordinance to amend the Zoning Ordinance, Article 9, Section 901, NCC, Non-Center Commercial District, to permit instructional facilities and daycare centers.

Planner Tim Schmitt said this is another developer-initiated Text Amendment, the request being submitted pursuant to a policy recently approved by City Council. The request is a modification to the uses allowed in the NCC District, specifically to add instructional facilities and adjust the daycare center language. The Applicant proposes a change to Section 901.3, Office Uses, adding a new Section 901.3.d, which would permit instructional centers for language, math and computers. The Applicant also proposes adding a Subsection 901.3.d.9 that would permit daycare operations under thirty children, with no child staying longer than 4.5 hours.

Staff has reviewed the request and is hesitant to support the daycare change, as the Daycare Ordinance was updated three years ago after a one-year review. That change was quite exhaustive and covered provisions that are not necessarily easily enforceable, but enforceable nonetheless by City Staff. In most cases, daycares are covered under the Special Land Use provision. This is true in the NCC District – daycare is a Special Land Use. Mr. Schmitt noted that it would be virtually unenforceable to track the number of hours one child is in a daycare facility. Staff would ask the Planning Commission for additional time to review this request if they are inclined to consider this change.

Staff has also reviewed the instructional facility language, and a copy of the Staff's proposal was also provided to the Planning Commission for review. Staff does not wish to limit the learning disciplines to just language, math and computers. Staff suggests that language be added that requires the use to comply with all State laws and licensing requirements. Also, Staff suggests that language be added that requires all activity to be within the enclosed building, unless the use is otherwise permitted elsewhere in the District.

Mr. Schmitt said that if the Planning Commission recommends this amendment and City Council approves it, something like a Sylvan tutoring center would be allowed. The language of the text amendment would also allow a business to teach, e.g., a foreign language or an art class.

Jonathan Brateman addressed the Planning Commission. He thanked the Planning Commission for their review. He thought this inclusion of instructional centers is a logical extension of the Ordinance. He said some might feel that it is implicit in the Ordinance, based upon the fact that a dance studio is allowed which, by definition, is an instructional center. NCC also allows sales offices, in which sales training would likely occur. Further, the Ordinance already states that uses similar to those listed could also be used.

Mr. Brateman requested the Planning Commission to consider the other change as well. He has been marketing a vacancy at this site for over a year. He said that because of language and cultural differences, one of his interested parties requested the daycare change because his Japanese clients cannot go to a standard daycare.

Without the daycare component, those mothers wanting to learn English as their second language or attend their older child's tutoring session need a daycare for younger children. This interested party cannot justify opening the tutoring facility without this feature. Mr. Brateman said that executives from Japan want their children to maintain their Japanese language so that when they return to Japan, the children have not fallen behind.

Mr. Brateman understood he would probably have to reapply for a Special Land Use approval, but he did not want his consideration to hinge on the outdoor playing area. It was his experience that educators are very honest and wouldn't lie about how long the children were in the daycare each day. He said they wouldn't have a full-scale playground available, but this complex does not have a back-side parking area, and a swingset or something similar could be placed in that area.

Mr. Brateman would like the Planning Commission to consider each request separately, and the daycare use could be further discussed when he returned for the Special Land Use approval. The number of parcels in the NCC District is very narrow in scope. It goes from Grand River and Meadowbrook to just before Haggerty. There are only a handful of parcels, many of which are already developed. There isn't much probability that another daycare would come forward in this district.

Chair Cassis asked Mr. Brateman to clarify his position on the proposed text amendment. Mr. Brateman asked whether the instructional center language is considered a retail use or an office use. This makes a difference in the NCC District, because retail percentages are limited. Mr. Schmitt responded that the instructional center is its own section, apart from the generally-recognized retail uses. He said it would have to be addressed when the time arises. On its face, it does not appear to qualify as a traditional retail use.

Chair Cassis asked what districts allow daycare. Mr. Schmitt responded that daycares are allowed in residential, either as a principal or special land use, based on the number of children and type of care, in the NCC, TC, TC-1, OST, OS-1 and B-2 and B-3 districts.

Mr. Brateman is trying to market this property to an instructional center with daycare and he didn't want a surprise at the end of the tenant alteration whereby his tenant is told he is noncompliant. Mr. Brateman understood the comment to mean that this use would be considered an office use as opposed to a retail use. Mr. Schmitt reiterated that the use does not meet a traditional definition of a retail use. However, the provision that is being considered also includes service, which is what Mr. Schmitt thought the use fell under.

Mr. Brateman explained that the City did not want one strip center after another along Grand River. They created the NCC District to limit the amount of retail. Mr. Brateman worked on this Ordinance with the City in an effort to make it more marketable. Now, the market has changed, and rather to try to make a wholesale change of this site from NCC to B-3, Mr. Brateman was just trying to open the door. Mr. Brateman asked if 7.b could be eliminated and the discussion on that would be held at another time.

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

Member Pehrson asked where a karate shop would be allowed. Mr. Schmitt responded that he thought it could be interpreted that it would be allowed in NCC. Member Pehrson asked if there wasn't a component for daycare, would unattended children be able to stay at this site for their lesson? Mr. Schmitt said that the daycare was a secondary component within the instructional center; it did not apply to the children being tutored.

Member Pehrson asked what would happen if a person brought a child to a sports club and that child played in the lobby while the receptionist watched. Would that constitute a daycare type use that would be allowed because it wasn't a bona fide daycare? Mr. Schmitt said that when the number of children is larger, then it would be a problem.

Member Pehrson asked why Mr. Brateman kept asking about the retail. Mr. Brateman said that he does not think this is a retail use, and the site is limited to the amount of retail allowed. He said that another way the City could

address this request is to allow more retail on NCC sites. Once he signs this lease, if it is considered a retail use, he would not be able to add any more retail.

Member Pehrson confirmed that daycare is in the Ordinance as a Special Land Use. Mr. Schmitt said the current Ordinance requires a Special Land Use approval and an outside play area. Mr. Schmitt said that Planner Mark Spencer has more experience in reviewing the NCC District, and he stated that this educational facility would not be considered a retail use.

Member Pehrson supported Staff's language, knowing that the Special Land Use for the daycare could be used in the future.

Member Burke asked about the 7.b requirement. Mr. Schmitt explained that the daycare would permit an outside play area, and supersedes the stipulation that the use must be within an enclosed building. It wouldn't matter if 7.b was deleted, because the provision is elsewhere in the NCC Ordinance.

Member Avdoulos thought the discussion was thorough. He leaned toward accepting the instructional facility language and keeping the daycare language under the Special Land Use section. He thought that the reiteration of 7.b would be acceptable if it helped people better understand the Ordinance.

Moved by Member Avdoulos, seconded by Member Burke:

In the matter of Zoning Ordinance Text Amendment 18.216, motion to send a positive recommendation to City Council for an Ordinance to amend the Zoning Ordinance, Article 9, Section 901, NCC, Non-Center Commercial District, to permit instructional facilities as indicated in the text amendment provided by the Community Development Department Staff.

DISCUSSION

Chair Cassis was fully aware of the NCC Ordinance and he did not think it worked well for some time. As a result, the uses in the district are somewhat confusing. This amendment is an attempt to solve Mr. Brateman's issue.

Member Meyer arrived at 7:44 PM.

ROLL CALL VOTE ON TEXT AMENDMENT 18.216 RECOMMENDATION FOR APPROVAL MOTION MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER BURKE:

In the matter of Zoning Ordinance Text Amendment 18.216, motion to send a positive recommendation to City Council for an Ordinance to amend the Zoning Ordinance, Article 9, Section 901, NCC, Non-Center Commercial District, to permit instructional facilities as indicated in the text amendment provided by the Community Development Department Staff. *Motion carried 7-0.*

PLANNING DEPARTMENT MEMORANDUM
ON PROPOSED TEXT AMENDMENT



MEMORANDUM

TO: Members of the Planning Commission

FROM: Timothy R. Schmitt, AICP, Planner

DATE: May 3, 2007

SUBJECT: **Instructional Centers in the NCC District – Text
Amendment 18.216**

The Planning Commission recently received a request from the Jonathan Brateman regarding the permitted uses in the NCC, Non Center Commercial district. He is requesting a modification to the ordinance to allow instructional centers for such uses as mathematics, languages, and computers. Additionally, a change is being proposed to allow day care operations, meeting certain requirements, to be regulated less stringently than the ordinance currently does. The language would be added in Section 901, Principal Uses Permitted. The Planning Commission set the public hearing for the May 9th meeting. No comments were provided previously by the Planning Commission.

Staff has reviewed the language provided by the applicant and has discussed several concerns with the proposal. Most importantly, staff does not support the modification to the daycare portion of the language. Substantial time was spent on the daycare ordinance overhaul, setting up what amounts to four classes of daycare, based on the age of the persons staying at the facility (young or old) and the amount of children being cared for (up to 120 persons). The proposal from the applicant would add a fifth class, only found in the NCC district, which would be regulated based partially on a virtually unenforceable provision (a time frame for care). The NCC district already permits daycares, subject to Special Land Use approval and the conditions that have been established through extensive review by the City Council, Planning Commission, and Planning Staff. *At this time, Staff is unmoved as to the need for a modification to the daycare provisions in the ordinance as a whole and the NCC district specifically.*

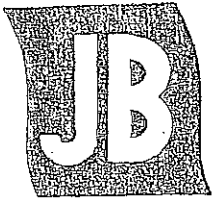
The main change proposed by the applicant, and staff's secondary concern, is with the change to allow instructional centers language. The language proposed by the applicant is very specific, leading to future concerns about uses similar to the language, computer, and mathematics listed, but not exactly the same. This could lead to a

future instructional center, along the lines of a Sylvan Learning Center, not being permitted due their coursework or the type of tutoring that they supply. Staff has provided alternative language to try and accommodate the applicant's desires, balancing those with Staff's concerns about potential uses in the future. The language provided by Staff would be more general, allowing a broader range of instructional centers, and would add the clarification that it is subject to all applicable State Laws or Licensing requirements. Staff would also point out that all uses in the NCC district must be conducted completely within an enclosed building, unless specified otherwise in Article 9. At this point, no portion of the instructional center, including a playground or similar play area, would be permitted outdoors. This language is intended solely to allow a learning center, to fit in with the office and retail uses that are already existing and permitted in the NCC district.

Overall, Staff is somewhat hesitant about the ordinance as it was proposed by the applicant. The changes staff have proposed will alter the applicant's intent, which included a relaxed daycare standard, but will uphold the intent of the current daycare ordinance provisions as currently permitted in the NCC district and will allow flexibility in the future for similar types of uses. Staff believes that the changes that have been proposed to the applicant's request will still meet the needs of the potential tenant. It is anticipated that the potential tenant will file for approval after the ordinance is in place.

Please find attached a copy of the relevant Planning Commission minutes, along with the request letter from the applicant's representative and copies of both the applicant's draft and staff's draft. Please contact the Planning Department if you have any questions or need additional information.

LETTER FROM APPLICANT
REQUESTING CONSIDERATION OF AMENDMENT



JONATHAN BRATEMAN PROPERTIES, INC.

40015 Grand River Avenue • Suite 105 • Novi, Michigan 48375

JBrateman@aol.com • www.bratemanproperties.com

(248) 477-5000 • FAX (248) 477-8730

March 27, 2007

To The Novi Community Development Department:

As the leasing agent of the Grand Oaks Center, I have been trying for over one year to replace a tenant at the complex. I have been marketing the space through Jonathan Brateman Properties, primarily as a medical or office use, or as commercial space, subject to NCC conditions.

We now have an opportunity to lease the space to a great company, that I believe meets the intent of the Non Center Commercial (NCC) ordinance. I also believe:

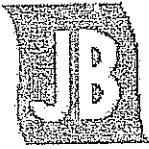
1. The number of NCC parcels has been greatly reduced by the establishment of the GE, Gateway East district, therefore, this lessening to a handful of parcels would have a minimal effect on the City
2. The impact of an instructional center has had minimal effect where it has been used elsewhere.
3. The City of Novi is committed to education as part of its quality of life

Therefore, these changes have the upside of bringing education to the community, are limited to a very small area and will be an asset to the city.

We have outlined the changes and included them in bold, black type as part of a revised ordinance. I have attached a check for \$ 690.00, also.

Thank you for your consideration.

Jonathan Brateman



For Lease: Med/Prof. Office

39885 - 39915 Grand River Ave., Novi

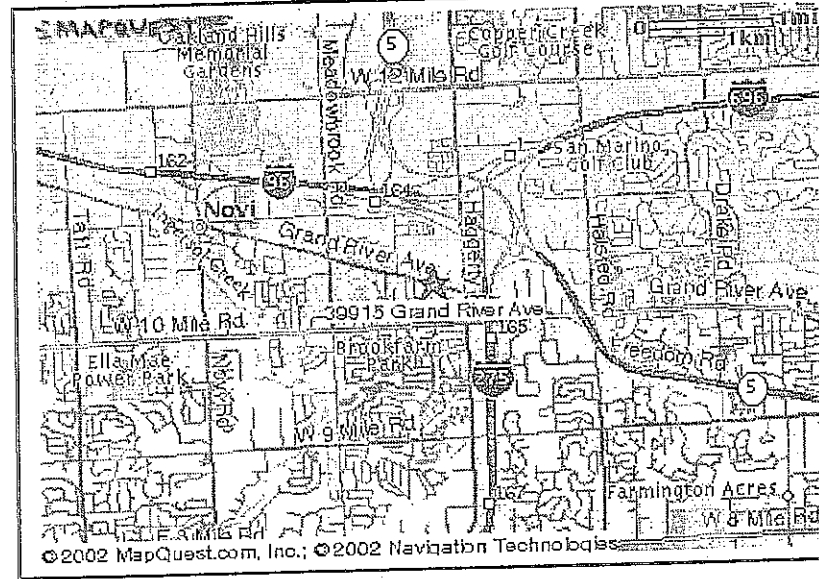


Private offices with windows, reception area, good layout for a medical or professional office.

Super Area !

3030 sf

- Great Buildout !
- Great Mix of Tenants
- Highly Visible Location
- Good Signage and Parking
- Easy Access to Highways
- Growing Area !



For Additional Information Contact:
Jonathan Brateman
248.477.5000



Jonathan Brateman Properties, Inc.
COMMERCIAL, RETAIL AND INDUSTRIAL REAL ESTATE SERVICES

40015 Grand River Ave, Suite 105 | Novi, Michigan 48375

Email: info@bratemanproperties.com

Web: www.bratemanproperties.com

Information is subject to verification and no liability for errors or omissions is assumed. Price and terms are subject to modification.

AUTHORIZATION FROM PROPERTY
OWNER TO SEEK REQUEST

01/18/2003 15:15 5863236145

BONEYARD BBQ

PAGE 01

TO: 15863236145

P: 2/2

MAR-26-2007 20:50 FROM:

Grand Oaks Center
39885-39915 Grand River Ave.
Novi, MI 48375

Phone: (248) 210-5522

To Whom It May Concern:

I authorize Jonathan Brateman to represent Grand Oaks Center for the purpose of submitting a Text Amendment for the NCC Ordinance.

A handwritten signature in black ink, appearing to read "George Pascaris", is written over a horizontal line.

George Pascaris

PLANNING COMMISSION MINUTES
APRIL 11, 2007
(SETTING OF PUBLIC HEARING FOR AMENDMENT)



PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 11, 2007 7:00 PM
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Michael Lynch, Mark Pehrson, Wayne Wrobel

Absent: Members David Lipski, Michael Meyer (excused), Andrew Gutman (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development, Tim Schmitt, Planner; David Beschke, Landscape Architect; Ben Croy, Engineer; Tom Schultz, City Attorney

MATTERS FOR CONSIDERATION

SET A PUBLIC HEARING FOR MAY 9, 2007 FOR ZONING ORDINANCE TEXT AMENDMENT 18.216

Planner Tim Schmitt asked the Planning Commission to set the Public Hearing date.

Member Avdoulos asked Mr. Schmitt whether the term "instructional center" meant something similar to the Sylvan Learning Center. Mr. Schmitt thought that was the case. If this change is made it would have an effect on that type of use.

Moved by Member Pehrson, seconded by Member Avdoulos:

ROLL CALL VOTE ON 18.216 PUBLIC HEARING MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER AVDOULOS:

Motion to set the Public Hearing for Zoning Ordinance Text Amendment 18.216 for May 9, 2007.

Motion carried 6-0.