



ZONING MAP AMENDMENT 18.671

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Public Hearing on the request of Aspen Group/Beck LLC. for Planning Commission's recommendation to City Council for rezoning of property in Section 29, on the south side of Ten Mile Road, west of Beck Road, from R-1, One-Family Residential, to OS-1, Office Service District. The subject property is approximately 4.0 acres.

REQUIRED ACTION

Recommend to City Council approval or denial of rezoning request from R-1, One-Family Residential to OS-1, Office Service.

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval is not recommended	02/06/08	<ul style="list-style-type: none"> • Requested zoning is not in compliance with the Master Plan for Land Use. • Requested rezoning would constitute a "spot zoning."
Engineering	Comments provided	08/27/07	Summary of findings provided
Traffic	Comments provided	08/09/07	<ul style="list-style-type: none"> • Requested zoning is not in compliance with the Master Plan for Land Use. • Proposed site is shown to yield a negative impact on adjacent roadways.
Traffic Impact Study	Approval recommended	01/30/08	Summary of findings provided.

Motion sheet

Approval

In the matter of Zoning Map Amendment 18.671 for Aspen Group/Beck LLC, motion to **recommend approval** to the City Council to rezone the subject property from R-1, One-Family Residential to OS-1, Office Service *for the following reasons...*

Denial

In the matter of Zoning Map Amendment 18.671 for Aspen Group/Beck LLC, motion to **recommend denial** to the City Council to rezone the subject property from R-1, One-Family Residential to OS-1, Office Service, *for the following reasons...(because is not in compliance with the Master Plan for Land Use.)*

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

February 6, 2008

Planning Review - Updated

Aspen Group/Beck LLC

Zoning Map Amendment 18.671

Petitioner

Aspen Group/Beck LLC

Review Type

Rezoning Request from R-1 (One-Family Residential) to OS-1 (Office Service)

Property Characteristics

- Site Location: South of Ten Mile Road, West of Beck Road
- Site Zoning: R-1, One-Family Residential
- Adjoining Zoning: North: Ten Mile Road, R-1; East: Beck Road, R-1; West: R-1; South: R-1
- Current Site Use: Vacant Land
- Adjoining Uses: North: Ten Mile Road, Vacant land; East: Beck Road, Vacant land, Broadmoor Park Subdivision; West: Single-Family Home; South: Single-Family Home
- School District: Novi Community School District
- Site Size: 4.0 acres

Project Summary

The petitioner is requesting the rezoning of a property on the southwest corner of Ten Mile and Beck Road in Section 29 of the City of Novi. The 4.0 acres under review are currently zoned R-1, One-Family Residential. The applicant has requested a rezoning of the parcel to OS-1, Office Service. The applicant has indicated that the rezoning is being requested to facilitate the construction of an office building or similar use on the site in the future, which is not a permitted use in the R-1 zoning district. The OS-1 zoning district also permits some limited commercial establishments, such as indoor recreational facilities and beauty salons in addition to office-type uses. The applicant should be made aware



that this area is under review for further study and possible amendments to the Master Plan for Land Use. Review by the Planning Commission may be delayed due to the current study.

Recommendation

Staff **recommends denial** of the proposed Zoning Map Amendment, which would rezone the property from R-1, One-Family Residential, to OS-1, Office Service. The rezoning request is not consistent with the Master Plan for Land Use, which recommends One-Family Residential land uses on the parcel. Denial is recommended for the following reasons.

- The requested zoning is in not compliance with the Master Plan for Land Use, which calls for One-Family Residential land uses on the property.
- The requested rezoning would constitute a "spot zoning" as all immediate surrounding areas are zoned One-Family Residential and the Master Plan recommends One-Family Residential land uses for the area in general.

Planning Commission Options

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

1. Recommend rezoning of the parcel to OS-1, Office Service (*APPLICANT REQUEST*).
2. Recommend rezoning to OS-2, Planned Office Service. (This is not recommended by staff since it is not consistent with the Master Plan for Land Use.)
3. Recommend rezoning to OSC, Office Service Commercial. (This is not recommended by staff since it is not consistent with the Master Plan for Land Use.)
4. Deny the request, with the zoning of the property remaining R-1, One-Family Residential (**STAFF RECOMMENDATION**).
5. Recommend rezoning of the parcels to any other classification that the Planning Commission determines is appropriate. **NOTE:** This option would require the Planning Commission to hold and send notice for another public hearing with the intention of recommending rezoning to the appropriate designation. At this time, Staff has not reviewed any other alternatives.

Traffic Impact Study

A rezoning Traffic Impact Statement (TIS) was required for Rezoning 18.671. This was submitted along with all other required paperwork in July of 2007. However, the Traffic Impact Statement was incomplete at that time. The City's traffic consultant has worked with the applicant to create a complete traffic study. The final review letter from the City's traffic consultant noting approval of the TIS was issued on January 30, 2008. The original Planning review letter was issued on August 7, 2007. This letter has been

updated to note the completion of the traffic review based on the resubmittal of the TIS.

Master Plan for Land Use

The Master Plan for Land Use currently designates this property for One-Family Residential zoning. A rezoning of the property to an OS-1 zoning would be inconsistent with the recommended actions of the Master Plan. The Master Plan recommends One-Family Residential land uses not only for this parcel, but also for the immediate surrounding parcels and the general area.

Existing Zoning and Land Use

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

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

	Existing Zoning	Existing Land Use	Master Plan Land Use Designation
Subject Site	R-1, One-Family Residential	Vacant	One-Family Residential
Northern Parcels	Ten Mile Road, R-1	Ten Mile Road, Vacant	One-Family Residential
Southern Parcels	R-1	Single-Family Home	One-Family Residential
Eastern Parcels	Beck Road, R-1	Beck Road, Vacant, Broadmoor Park Subdivision	One-Family Residential
Western Parcels	R-1	Single-Family Home	One-Family Residential

Compatibility with Surrounding Land Use

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

Directly to the **north** of the subject property is Ten Mile Road. The properties to the north of Ten Mile Road are zoned R-1, One-Family Residential. The closet property is a 24 acre vacant parcel zoned R-1. To the north and of that lies Greenwood Oaks Subdivision. Changing the zoning of the subject property to OS-1 would negatively affect the existing vacant parcel. An office development across the street could make the vacant parcel less attractive to prospective residential developers and residents. In addition, the existing subdivision further north of the subject property would experience

increased traffic in the area and could see a drop in the residential values of their homes.

The property to the **south** of the subject property is in the R-1, One-Family Residential district and contains a single-family home. This property is in the Master Plan for Land Use for One-Family Residential. Changing the zoning of the subject property to OS-1 will have a negative impact on this property. The owner would likely see an increase in traffic and a potential decrease in the re-sale value of their home if an office or commercial development is constructed directly adjacent to this single-family home.

The property to the **west** of the subject property is in R-1, One-Family Residential district and contains a single-family home. This is the same property that borders the subject property on the southern side as well. It wraps around the property on both the southern and western sides. The impacts would be the same as those previously described for this property.

The property to the **east** of the subject parcel is Beck Road. The properties to the east of Beck Road are a vacant parcel zoned for One-Family Residential and the existing Broadmoor Park Subdivision. These parcels, both the vacant parcel and the existing subdivision, would likely experience impacts similar to those described for the northern parcels.

The development of an office building in the Ten Mile Road/Beck Road area would detract from the residential character of the surrounding area and create an office development within a mostly residential sector of the City.

Comparison of Zoning Districts

The following table provides a comparison of the current and proposed zoning classifications. Two alternatives have been provided at this time, the OS-2, Planned Office Service district and the OSC, Office Service Commercial district. Although the principal permitted uses and special land uses would fit with the applicant’s request to construct an office-type development on the property, neither of the proposed alternatives would be in compliance with the Master Plan, which recommends One-Family Residential for the site. In addition, the larger side yard setbacks required by both the OS-2 district and the OSC district could be problematic for the applicant considering the size of the site.

	R-1 Zoning (Existing)	OS-1 Zoning (Proposed)	OS-2 Zoning (Alternative, Not Preferred)	OSC Zoning (Alternative, Not Preferred)
Principal Permitted Uses	1. One-Family detached dwellings. 2. Farms and greenhouses (subject to specific	1. Office buildings for any of the following occupations: executive,	1. Office buildings, offices and office sales and service activities for any of the following	1. All principal uses permitted in OS-1, Office Service district, and the OS-2, Planned

R-1 Zoning (Existing)	OS-1 Zoning (Proposed)	OS-2 Zoning (Alternative, Not Preferred)	OSC Zoning (Alternative, Not Preferred)
<p>conditions).</p> <p>3. Publicly owned and operated parks, parkways and outdoor recreational facilities.</p> <p>4. Cemeteries.</p> <p>5. Home occupations, as set forth and regulated in Section 201 of this Ordinance.</p> <p>6. Accessory buildings and uses, customarily incident to any of the above uses.</p> <p>7. The keeping of horses and ponies (subject to specific conditions).</p> <p>8. Family Day Care Homes, as regulated pursuant to MCL 125.583b, provided the licensee shall occupy the dwelling as a residence.</p>	<p>administrative, professional, accounting, writing, clerical, stenographic, drafting and sales subject to the limitations contained in Section 1103, Required Conditions.</p> <p>2. Medical office, including laboratories and clinics.</p> <p>3. Facilities for human care such as general hospitals, sanitariums, convalescent homes, hospice care facilities and assisted living facilities (subject to specific conditions).</p> <p>4. Banks, credit unions, savings and loan associations, and similar uses with drive-in facilities as an accessory use only.</p> <p>5. Personal service establishments including barbershops, beauty shops, and health salons.</p> <p>6. Off-street parking lots.</p> <p>7. Churches.</p> <p>8. Other uses similar to the above uses.</p> <p>9. Accessory structures and uses customarily incident to the above permitted uses.</p> <p>10. Publicly owned and</p>	<p>occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales and engineering and data processing; corporate offices and headquarters and office support functions, such as conference rooms, dining facilities, photographic and record storage facilities.</p> <p>2. Medical offices, including laboratories and clinics.</p> <p>3. Facilities for human care, such as general hospitals, sanitariums, convalescent homes, hospice care facilities and assisted living facilities subject to the requirements of subsection 1101.3.</p> <p>4. Off-street parking lots.</p> <p>5. Accessory structures and uses customarily incident to the above permitted uses.</p> <p>6. Publicly owned and operated parks, parkways and outdoor recreation facilities.</p>	<p>Office Service district.</p> <p>2. Transient residential uses, such as: hotels, motels and facilities used primarily for transient occupancy.</p> <p>3. Public utility offices and telephone exchange buildings.</p> <p>4. Accessory buildings, structures and uses customarily incident to the above permitted uses.</p> <p>5. Publicly owned and operated parks, parkways and outdoor recreational facilities.</p> <p>6. The inpatient bed facility portion of General Hospitals (subject to specific conditions).</p>

	R-1 Zoning (Existing)	OS-1 Zoning (Proposed)	OS-2 Zoning (Alternative, Not Preferred)	OSC Zoning (Alternative, Not Preferred)
		operated parks, parkways and outdoor recreational facilities.		
Special Land Uses	<ol style="list-style-type: none"> 1. Churches (subject to specific conditions). 2. Public, parochial and private elementary intermediate or secondary schools (subject to specific conditions). 3. Utility and public service buildings and uses (subject to specific conditions). 4. Group day care homes, day care centers and adult day care centers (subject to specific conditions). 5. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts (subject to specific conditions). 6. Golf courses (subject to specific conditions). 7. Colleges, universities and other such institutions of higher learning, public and private (subject to specific conditions). 8. Private pools shall be permitted as an accessory use (subject to specific 	<ol style="list-style-type: none"> 1. An accessory use customarily related to a principal use authorized by this Section, such as but not limited to: a pharmacy or apothecary shop, stores limited to corrective garments or bandages, or optical service may be permitted. 2. Mortuary establishments (subject to specific conditions). 3. Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformers stations, or gas regulator stations. 4. Day care centers and adult day care centers (subject to specific conditions). 5. Public or private recreational facilities. 	<ol style="list-style-type: none"> 1. One or more of the following uses which is accessory to and located in the same building as a principal use authorized by Section 2301: a pharmacy or apothecary shop, medical supply store, optical services, restaurants, barber shops or beauty shops, gift shops, travel agencies, health studios and related services for employees or offices (subject to specific conditions). 2. Sit down restaurants (subject to specific conditions). 	<ol style="list-style-type: none"> 1. Retail commercial business uses other than restaurants, serving the convenience shopping needs of persons working in a single office building (subject to specific conditions). 2. Retail commercial business uses other than restaurants serving the convenience shopping needs of the area (subject to specific conditions). 3. Sit-down restaurants, except those possessing the character of a drive-in, drive-through, fast food, fast food carry out or delivery facility, as freestanding uses, or in conjunction with an office structure in which the office is the principal use (subject to specific conditions). 4. Amusement and entertainment uses including commercial recreation centers and theaters (subject to specific conditions). 5. Day care centers and adult day care centers provided that all of the

	R-1 Zoning (Existing)	OS-1 Zoning (Proposed)	OS-2 Zoning (Alternative, Not Preferred)	OSC Zoning (Alternative, Not Preferred)
	<p>conditions).</p> <p>9. Cemeteries (subject to specific conditions).</p> <p>10. Railroad right-of-way but not including terminal freight facilities, transfer and storage tracks.</p> <p>11. Mortuary establishments (subject to specific conditions).</p> <p>12. Bed and breakfasts subject to the standards of Section 2522.</p> <p>13. Accessory buildings and uses customarily incident to any of the above permitted uses.</p>			<p>conditions contained within Subsection 1102.4 are met.</p> <p>6. Public or private indoor recreational facilities, including, but not limited to, health and fitness facilities and clubs, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities.</p>
Minimum Lot Size	Dwelling Units/Net Site Area = 1.65	Based on the amount of off-street parking, landscaping, and setbacks required	Based on the amount of off-street parking, landscaping, and setbacks required	Based on the amount of off-street parking, landscaping, and setbacks required.
Building Height	2.5 stories –or– 35 feet	30 feet	3 stories –or– 42 feet	5 stories –or– 65 feet
Building Setbacks	Front: 30 feet Sides: 15 feet Rear: 35 feet	Front: 20 feet Sides: 15 feet Rear: 20 feet	Front: 50 feet Sides: 50 feet* Rear: 50 feet	Front: 35 feet Sides: 35 feet* Rear: 35 feet

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

Infrastructure Concerns

See Engineering review letter for specific discussion of water and sewer capacities in the area serving the subject property. The applicant was required to submit a Traffic Impact Study with the rezoning request. It indicated a decrease in the overall function of the intersection of Beck Road and Ten Mile Road and suggested roadway

improvements to be included with the Preliminary Site Plan should the rezoning be approved. Any specific and necessary improvements to the roadway will be reviewed at the time of Preliminary Site Plan submittal. See the traffic review letter for additional information regarding the Traffic Impact Study.

Natural Features

The regulated wetland and woodland maps indicates that there are no natural features in the City's inventory at this time. The location of any woodlands and wetlands will need to be field verified by the applicant with the submittal of any site plan for the parcels. Impacts to these natural features will be reviewed and discussed during the site plan submittal for any project on the property.

Development Potential

Development under the current R-1 zoning could result in the construction of one to six houses based on the density regulations of the district and depending on the size of the proposed residence(s). The development of an office-type establishment under the proposed OS-1 zoning would also result in a small office establishment. 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. The applicant has suggested a general office or medical office of 14,000 square feet, a medical office of 10,000 square feet, a bank of 4,000 square feet and a day care center of 10,000 square feet.

Submittal Requirements

- The applicant has provided a survey and legal description of the property in accordance with submittal requirements.
- The rezoning sign still needs to be erected on the property, in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request. This sign should be erected a minimum of 15 days prior to the scheduled public hearing.
- A traffic impact statement was submitted.



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

ENGINEERING REVIEW



CITY OF NOVI
Engineering Division

MEMORANDUM

To: Barbara McBeth, AICP
Deputy Community Development Director

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

Date: August 27, 2007

Re: Rezoning Request 18.671
Southwest corner of Beck and Ten Mile

In response to your request, we have reviewed the proposed rezoning of the parcel at the southwest corner of Ten Mile and Beck Roads for availability and potential impacts to public utilities. It is our understanding that the applicant is requesting that 4 acres be rezoned from R-1 to OS-1. A map has been attached to this memo showing the location of the site and the location of public water and sanitary sewer in the area.

Water Service

Water service is currently available from the existing water main on the east side of Beck Road along the frontage of this parcel. At the time of development, the applicant would be required to extend the water main along the frontage of their site on the north side of Ten Mile Road.

The rezoning request is for 4.0 acres to be rezoned from R-1 to OS-1, which typically results in a higher water demand. In this case, the impact to the water system by rezoning this parcel would be minimal based on the size of resultant parcel and its location adjacent to a 16-inch water main having adequate pressure and flow. The water model indicates a pressure decrease of less than one percent as a result of the increased water demand.

Sanitary Sewer Service

Sanitary sewer is not immediately available to the subject property. According to the sanitary sewer service district map; the sanitary sewer flows from this parcel are master planned to discharge to the sanitary sewer located 1300 feet to the south on Beck Road. While it appears that the parcel could be served by gravity to that location, further topographic information is required to confirm this assumption. A sanitary sewer is also located across Beck Road in Broadmoor Park, however it is not deep enough and was not designed to serve the subject property by gravity. Another sanitary sewer exists north of the site on Beck Road, but is located in another sanitary sewer district.

The exact design and route of the sanitary sewer would need to be discussed during the plan review process, if the rezoning is approved. At that time more information would be available

from the developer, such as topography, that would allow the Engineering Department to make a recommendation on routing of the sanitary sewer.

As stated previously, an OS-1 use results in a higher water demand and thus a higher sanitary sewer discharge than an R-1 use. Depending on the specific use constructed on this parcel if rezoned to OS-1, the sanitary flows could be as much as two (2) times higher than those under an R-1 zoning. However, because of the size of the parcel the overall impact of the rezoning is minimized and would have a negligible impact (<1% change) on the capacity of the Nine Mile sanitary sewer service district. The proposed rezoning would result in an increase of .02 cfs in the overall discharge to Wayne County.

Summary

In summary, the water main facilities that are in place are adequate to serve the proposed change in zoning with little or no impact on the rest of the water system and the water master plan. The sanitary sewer facilities, while not immediately available to the subject property, do have capacity to support the additional flows that would be anticipated with a higher use zoning of OS-1. Therefore, we conclude that the rezoning would have a minimal impact on the public utilities; however any increase in sanitary flow may require the acquisition of additional capacity downstream of Eight Mile Road at the time of build-out.

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

Utility Location Map

Rezoning Request 18.671



Legend

- Sanitary Sewer
- Water Main

GEOGRAPHIC
 SYSTEM

CITY OF NOVI
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 45175 W. TEN MILE ROAD
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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.

TRAFFIC REVIEW

August 9, 2007

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



Re: Rezoning 18.671 – 1st Review
SP No. 07-XX
OHM Job No. 163-07-0341

As requested, we have reviewed the rezoning application, dated February 14, 2007, and submitted by Aspen Group / Beck, LLC. We offer the following comments:

OHM RECOMMENDATION

At this time, we do not support the approval of the zoning change for this development. The rezoning request does not conform to the Zoning Master Plan. The proposed site is shown to yield a negative impact on the adjacent roadways. Also, the Traffic Impact Study (TIS) submitted for this development has few analytical errors and hence, the results from the TIS cannot be validated. The developer will be responsible for re-conducting the TIS and for the possible impact mitigation measures.

DEVELOPMENT BACKGROUND

The site to be rezoned is located on the south side of 10 Mile Road, west of Beck Road. This location is surrounded by the residential land uses. The site is 4 acres in size, currently zoned R-1 (Single Family Residential). The applicant is requesting that this site be rezoned to OS-1 (Office Service), for a bank and day care or medical office developments. The current Master Plan for Land Use calls for this area to be used as Single Family Residential Area. Therefore, if granted, the rezoning would not be in compliance with the current City of Novi Master Plan.

DISCUSSION

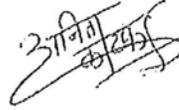
Due to erroneous utilization of a traffic factor called the "Peak Hour Factor", the traffic analyses were conducted for the lower traffic volumes. Also, from the discussions included in the TIS, the development causes increased delay even with the implementation of short-term improvements. Therefore, the developer relies on the long-term improvements to prevent further deterioration of traffic operations at the study intersection, at least in the PM peak hour. From our discussion with the City's engineering staff, the short-term improvements recommended in the Beck Road Scoping Study for the intersection of 10 Mile Road and Beck Road have committed funding and schedule, however, the long-term improvements do not have such funding or schedule. Therefore, if the rezoning is successful, the development will likely to lower the level of service and increase the delay at the study intersection. Hence, we do not support this rezoning request.

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

Sincerely,
Orchard, Hiltz & McCliment, Inc.



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



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