

MAPLE MANOR ZONING MAP AMENDMENT 18.682 WITH PLANNED REZONING OVERLAY SITE PLAN 08-09A

MAPLE MANOR – REZONING 18.682 WITH PLANNED REZONING OVERLAY CONCEPT PLAN SITE PLAN SP08-09A

Public Hearing of the request of J S Evangelista Development, LLC, for possible recommendation to City Council for a rezoning with a Planned Rezoning Overlay. The subject property is located in Section 2, at the southwest corner of Fourteen Mile and Novi Roads. The subject property is 3.88 net acres and the applicant is proposing a 93 unit 61,583 sq. ft. convalescent (nursing) home building.

Required Action

Recommend to City Council **approval or denial** of rezoning request with Planned Rezoning Overlay and Concept Plan approval from Evangelista Development, LLC.

REZONING REVIEW

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval is Recommended	9/5/08	Request is in compliance with Master Plan for Land Use
Engineering	Comments provided	6/20/08	No utility related concerns
Traffic	Support zoning change	6/6/08	Support waiver of Traffic Impact Assessment Summary of findings provided

PLANNED REZONING OVERLAY CONCEPT PLAN (Preliminary Site Plan) REVIEW

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval recommended	9/5/08	Applicant has met the requirements of Article 34, Section 3402, Planned Rezoning Overlay requirements Subject to City Council approval of rezoning and PRO deviations Minor items to be addressed at time of Final Site Plan submittal
Wetlands	Approval Recommended	9/8/08	Minor Use Permit for Administrative Approval Only - Minor items to be addressed at time of Final Site Plan submittal
Woodlands	Approval Recommended	9/8/08	Minor items to be addressed at time of Final Site Plan submittal
Landscaping	Approval Recommended	8/25/08	Planning Commission waiver of west berm and replacing with wall Minor items to be addressed at time of Final Site Plan submittal
Traffic	Approval Recommended	9/8/08	Minor items to be addressed at time of Final Site Plan submittal
Engineering	Approval Recommended	9/8/08	Minor items to be addressed at time of Final Site Plan submittal
Façade	Approval Recommended	9/8/08	Planning Commission granting Section 9 waiver conditioned on redesigning north and west façade to mitigate expanse of asphalt shingles
Fire	Approval Recommended	9/5/08	Minor items to be addressed at time of Final Site Plan submittal

Motion sheet

Approval

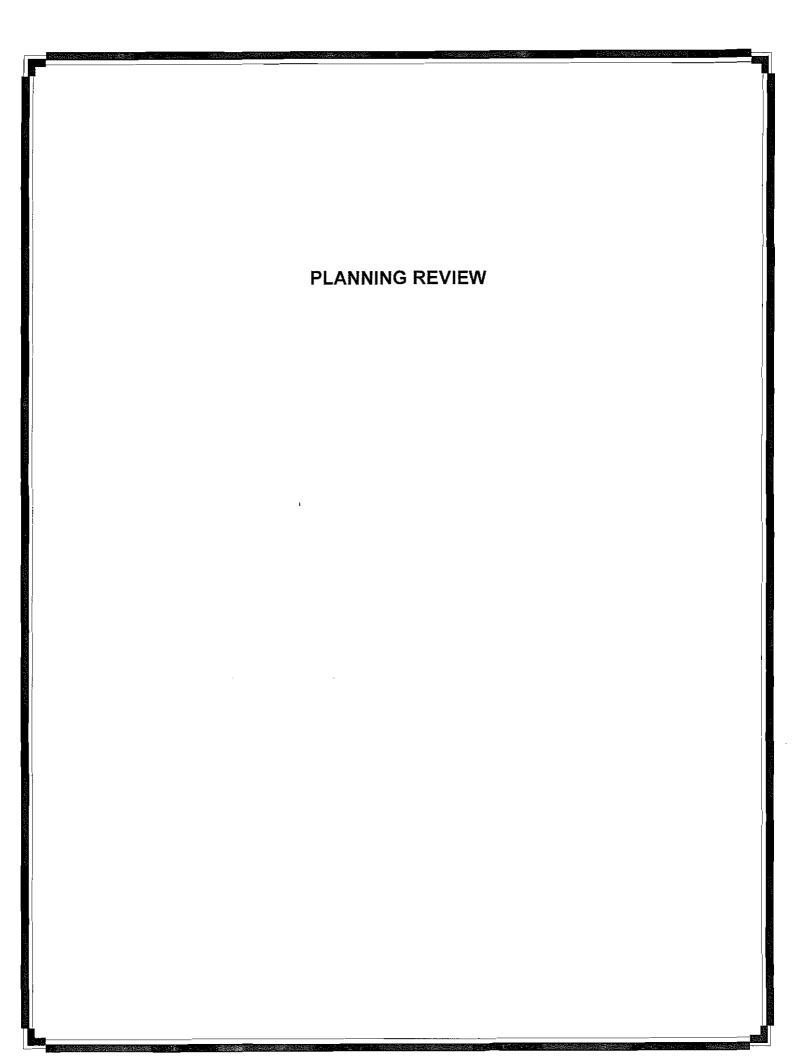
In the matter of Zoning Map Amendment 18.682 and Planned Rezoning Overlay Concept Plan SP08-09A for Maple Manor, motion to **recommend approval** to the City Council to rezone the subject property from, Residential Acreage, RA with a Planned Unit Development, PUD, to Low Density Multiple Family, RM-1, with a Planned Rezoning Overlay, with the following considerations...

- Waiving the Traffic Impact Assessment because the proposed convalescent (nursing) home use will generate less traffic than the previously approved senior housing apartment building;
- 2. Including PRO conditions as proposed by the applicant as follows:
 - a. Uses limited to a convalescent (nursing) home, congregate care facility and assisted living facility with accessory uses including dining, pharmacy, beauty shop, clinic and therapy services;
 - b. Maximum building square footage 62,000 square feet;
 - c. Maximum lot coverage (building) 13%;
 - d. Minimum open space 45%;
 - e. Maximum number of units 93;
 - f. Maximum number of beds 186; and
 - g. Turn movements on Fourteen Mile Road limited to right out only.
- 3. Finding that the applicant's proposal to donate, install and maintain a City of Novi entrance sign and sign easement, as approved by the City, is a public benefit:
- 4. Finding that constructing the proposed convalescent facility provides additional public benefit by increasing the City's tax base, providing an additional long term care facility, providing new jobs, and expanding service to the City's elderly population is a public benefit;
- 5. City Council considering the ordinance deviations associated with the proposed concept plan as detailed in the staff and consultant review letters acceptable;
- 6. Subject to Planning Commission conditions of Preliminary Site Plan SP08-09A approval including the applicant making minor changes to the Concept Plan as requested in the Preliminary Site Plan Review letters.

For the following reasons...(The petition is consistent with the Master Plan for Land Use 2004 which depicts this area for multiple family uses; nursing home uses are compatible with the surrounding land uses; the proposed use is less intense than the previously approved senior housing use; adequate infrastructure exists to support nursing home and multiple-family uses; the proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area, by providing adequate access and utilities and providing a City of Novi entrance sign as a public benefit; the petition is in compliance with Article 34, Section 3402 of the Zoning Ordinance; and other reasons if any)

Denial

In the matter of Zoning Map Amendment 18.682 and Planned Rezoning Overlay Concept Plan SP08-09A for Maple Manor, motion to **recommend denial** to the City Council to rezone the subject property from, Residential Acreage, RA with a Planned Unit Development, PUD, to Low Density Multiple Family, RM-1, with a Planned Rezoning Overlay, for the following reasons...





PLAN REVIEW CENTER REPORT

September 5, 2008

Planning Review

MAPLE MANOR OF NOVI PRO Rezoning 18.682

Petitioner

J. S. Evangelista Development, LLC

Review Type

Rezoning request from Residential Acreage (RA) with an approved Planned Unit Development (PUD) to Low Density Multiple-Family Residential (RM-1), with a Planned Rezoning Overlay (PRO).

Property Characteristics

Site Location:

Southwest corner of Fourteen Mile and Novi Roads

Site Size:

4.664 acres gross, 3.88 acres net

Surrounding Zoning:

East and South East: Residential Acreage (RA) with a PUD; Southwest: One-Family Residential (R-4); West: Multiple Family Residential (RM-1); North: Multiple Family Residential (RM-1) in the City of Walled Lake; and Northeast: Neighborhood Commercial

(C-1) in City of Walled Lake.

Current Site Use

Vacant

Surrounding Land Uses:

East: Maples Place local commercial center; Southeast: Maples of Novi residential club house and recreation area; Southwest: Hickory Woods Elementary School; West: Beachwalk Apartments; North: Lake Village multiple-family residential in City of Walled Lake; and Northeast: vacant property in City of Walled Lake.

School District:

Walled Lake Consolidated Schools

Proposed Use:

93 unit (186 bed) 61,583 square feet convalescent (nursing)

home

Plan Date:

July 21, 2008

Project Summary

The petitioner is requesting a rezoning with a PRO of a 4.664 acre parcel located in Section 2 of the City of Novi from Residential Acreage (RA) with a PUD to Low Density Multiple-Family Residential (RM-1). The applicant is proposing a three story, 93 unit, 186 bed, 61,583 square feet convalescent home. Currently, the site is subject to the Maples of Novi PUD conditions that were approved by the City Council in 1989. The approved PUD has an area of about 230 acres and the proposed development included the Maples of Novi one-family residential units (built), the Maples Golf Course (built), the Maples Place shopping center (built) and a



senior housing building (not built). The PUD project was proposed as a phased development with an overall residential density of 4.0 dwelling units per acre. The subject Maple Manor site was approved for a 100 unit congregate care senior apartment housing building with one and two bedroom apartments but it was never started. The Planning Commission approved a Preliminary Site Plan (SP98-57) for a senior apartment building in January 2000 and the Final Site Plan was stamped approved in December of 2000. The Planning Commission approved three Final Site Plan approval extensions but the approval expired in 2005.

Current Proposal

The owners of the property now would like to build a 93 unit, 186 bed convalescent (nursing home) facility instead of the previously approved congregate care facility. The applicant has indicated that most of the rooms will be occupied by one person and that the two bed designation allows them the flexibility of placing couples and family members in the same room. The previously approved building contained individual dwelling units with complete living facilities. The proposed units contain sleeping and toilet facilities but do not include kitchen or bathing facilities. The floor plan of the proposed building includes nurse's stations, a clinic, a pharmacy, a beauty salon, recreation areas, therapy area, administrative offices, storage rooms and common kitchen, dining and bathing facilities. The applicant has stated that the therapy, pharmacy, beauty salon and clinic uses are only for the occupants of the building and not available for use by the general public. These uses are permitted uses in the RM-1 District when they are accessory to a permitted use.

The applicant met with the Planning Commission's Master Plan and Zoning Committee on June 17, 2008 and the Committee made favorable comments.

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Approval Process

Since, the proposed use of the site is not the same as the use approved as part of the PUD, either the PUD must be revised or the property must be rezoned to a zoning district that permits a convalescent home. Although the PUD portion of the Zoning Ordinance (Section 2700) was removed from the Ordinance in the early 1990s, the PUD provisions in effect at the time of the approval of the Maples of Novi PUD remain in effect and the PUD could be amended provided the amendment meets the requirements of the Ordinance and it is approved by City Council. Former Section 2700.9.c. stated that a change in use is a major change to the PUD and thus a revised PUD would need to go through the whole PUD process in order to amend the PUD plan and PUD agreement. A rezoning with a PRO can accomplish the same result and thus keep the proposed use in compliance with our current Zoning Ordinance requirements. The applicant has elected to pursue this course of action. Council will need to rescind a portion of the PUD plan and/or agreement to move forward with the rezoning action.

Planned Rezoning Overlay (PRO)

The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. PRO requests require a 15-day public hearing notice for the Planning Commission, which offers a recommendation to the City Council, who can grant the final approval of the PRO. As a part of the PRO, the underlying zoning is changed, in this case to RM-1 as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and applicant agree to any deviations to the applicable ordinances and tentative approval of a conceptual plan for development for the site. After final approval of the PRO plan and agreement, the applicant can receive Preliminary and Final Site Plan approval under the typical review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the rezoning and PRO concept plan expires and the agreement becomes void. In order to streamline the approval process, the applicant submitted a Preliminary Site Plan as its Concept Plan for approval subject to obtaining Concept Plan and PRO Agreement approval from City Council.

Recommendation

The Planning Department *recommends positive consideration* of the petition to rezone the subject property from RA with a PUD to RM-1 with a PRO, with the submitted Preliminary Site Plan to be used as the required PRO Concept Plan, *conditioned on the City Council waiving the Traffic Study requirement and the applicant making minor changes to the Concept Plan as requested in the Preliminary Site Plan Review letters for the following reasons:*

- The petition is consistent with the Master Plan for Land Use 2004 which depicts this area for multiple family uses;
- Nursing home uses are compatible with the surrounding land uses;
- Adequate infrastructure exists to support nursing home and multiple-family uses; and
- The proposed PRO Concept Plan meets the intent of the Zoning Ordinance by providing a transition between multiple family and commercial development, by protecting and conserving the character of the area and by providing adequate access and utilities.

Options

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

- Recommend approval of rezoning the petition area from RA with a PUD to RM-1 with a PRO
 as requested (with or without recommendations to modify the proposed PRO Plan,
 Conditions and/or deviations) (Applicant request and Staff recommendation).
- 2. Recommend approval of rezoning the petition area from RA with a PUD to RM-1 without a PRO.
- 3. Recommend denial of the rezoning request to allow the property to remain zoned as RA with a PUD.
- 4. Recommend rezoning of the parcel to OS-2, Planned Office Service (which also permits nursing homes) or any other designation that the Planning Commission determines is appropriate. Given the current Master Plan designation for the property and the developments in the area, there are no other alternatives that the Planning Division has analyzed at this time. Please note that the use of this option would require the Planning Commission to hold and send notice for another public hearing with the intention of recommending rezoning to another designation.

Planning Review

Rezoning Request Submittal Requirements

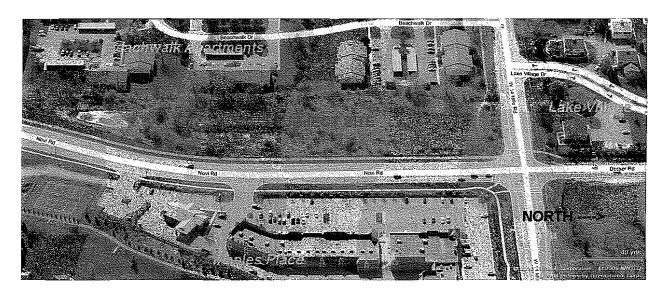
- 1. A Traffic Study was not submitted with this application. The previously approved senior apartments would generate more trips per day than the proposed nursing home. The applicant has provided under separate cover, a request to the Planning Commission to waive the required traffic study. This waiver is supported by the City's traffic consultant.
- 2. A survey drawing of the property in the petition prepared by a registered professional surveyor was submitted with the application.
- 3. A Preliminary Site Plan to be used as the Concept Plan was submitted with the application.
- 4. The applicant provided a list of proposed PRO conditions and some conditions are inferred based on the submitted concept plan (see below for further discussion).
- 5. The applicant has provided proposed PRO ordinance deviations (see below for further discussion).

Master Plan for Land Use

The petitioner's request to rezone the subject property to RM-1 is consistent with the multiple-family designation in the Master Plan. Although this area is depicted for multiple-family uses, the underlying residential density is listed as 4.0 dwelling units per acre because this was the overall approved density for the entire Maples of Novi PUD. The subject property portion of the PUD was approved for 100 dwelling units which is 25 dwelling units per acre (100 units/3.88 net acres = 25 dwelling units per acre). Although residential density is not a consideration for nursing homes, the 93 unit nursing home could be considered similar to the approved density.

The Master Plan history of the site is as follows:

- The 1988 and 1993 Master Plans for Land Use depict the subject property and the entire Maples of Novi PUD area for single-family residential use with a Planned Unit Development at 4.0 dwelling units per acre.
- The 2020 Master Plan for Land Use (1999) and the Master Plan for Land Use 2004 depict the subject property for multiple-family residential use at 4.0 dwelling units per acre. The



balance of the residential portion of the Maples of Novi PUD is depicted for single-family residential use at 4.0 dwelling units per acre.

Zoning

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

Land Use and Zoning
For Subject Property and Adjacent Properties

	Existing Zoning	Existing Land Use	Master Plan Land Use Designation		
Subject Site	RA with PUD	Vacant	Multiple-Family Residential		
Northern Parcel (City of Walled Lake)	RM-1 Low Density Multiple- Family Residential	Multiple-Family Residential (Lake Village)	Multiple-Family Residential		
Southern Parcel	RA, Residential Acreage with PUD	Single-Family Residential (Maples of Novi)	Single Family Residential		
Eastern Parcel	RA, Residential Acreage with PUD	Local Commercial (Maples Place)	Local Commercial		
Western Parcel	RM-1, Low Density Multiple- Family Residential and R-4 One-Family Residential	Multiple-Family Residential (Beachwalk Apartments) and Educational Facility (Hickory Woods Elementary School)	Multiple-Family Residential and Educational Facility		

Compatibility with Surrounding Land Use

18.682

The surrounding land uses are shown on the above chart. The compatibility of the requested RM-1, Low Density Multiple-Family Residential 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.

The property to the **north** of the subject property is located in the City of Wixom and it is developed with multiple-family dwelling units (Lake Village).

The property to the **west** of the subject property is developed with multiple-family residential dwellings (Beachwalk Apartments) and a small portion of the site borders a wooded area of the Walled Lake Consolidated Schools' Hickory Woods Elementary School site.

The property to the **south** of the subject property (located on the east side of Novi Road) is developed as the residential open space and club house for the Maples of Novi single-family home development. It was developed as part of the Maples of Novi PUD.

The property to the **east** of the subject property is developed for local commercial uses (Maples Place).

Comparison of Zoning Districts

The following chart compares the permitted uses and bulk requirements of the property's current RA zoning and the proposed RM-1 zoning. A comparison of the OS-2 district was provided as an alternative since a nursing home is also a permitted use in this district.

	RA - Zoning with RM-1 with a PF PUD agreement (Requesting)			OS-2 with a PRO - Zoning (Alternate)		
Principal	Senior Housing per	1.	One-family dwellings	1.	Office buildings	
Permitted Uses	approved PUD area	2.	Two-family dwellings	2.		
	· plan	3.	Multiple-family	3.	Facilities for human	
			dwellings		care i.e.	
		4.	Farms and		sanitariums,	
			greenhouses		hospitals,	
		5.	Public parks		convalescent homes	
		6.	Cemeteries		& assisted living	
		7.	Family and group day		facilities	
			care homes	4.	Off street parking	
		8.	Churches		lots	
		9.	Utility and public	5.	Public parks and	
			service buildings		outdoor recreation	
		10.	Day care centers			
		11.	Private non-			
			commercial recreation			
		12.	Golf courses			
		13.	Colleges			
		14.	Private pools			

	RA - Zoning with PUD agreement (Existing)	RM-1 with a PRO - Zoning (Requested)	OS-2 with a PRO - Zoning (Alternate)		
		15. Mortuaries16. Bed & breakfasts17. Shared, independent and congregate elderly housing			
Special Land Uses	none	1. <u>Convalescent homes</u>	 Accessory retail & service uses in same building as permitted use Sit down restaurants Public owned buildings Banks indoor recreation Day care centers 		
Minimum Lot Size	Total PUD 20 acres	Residential none Convalescent 1,500 square feet per bed	None		
Maximum Building Height	35 feet three stories	35 feet two stories	42 feet three stories		
Minimum Building Setbacks	Front – 50 feet Side (exterior) – 50 feet Rear – 40 feet	Front, Side & Rear 75 feet plus 1/3 foot for every foot building length exceeding 180 feet	Front –50 feet Side – 50 feet Rear – 50 feet		
Maximum Building Length	None	180 feet or up to 360 feet if building setback increased 1 foot for every 3 feet building length when bordering a residential district or major thoroughfare	None		

Note: The types of uses could be restricted and lot area, setback, building height and building length requirements could be reduced as part of the proposed PRO agreement.

Intent of Zoning Districts

The RA District is intended to be primarily for low density large lot single family dwellings.

The proposed RM-1 District is intended to be primarily for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the non-residential districts and major thoroughfares and freeways and lower-density One-Family Districts.

The alternative OS-2 District is intended to be primarily for various types of office uses performing administrative, professional and personal services and for businesses which provide a service as opposed to selling a product.

Infrastructure Concerns

The area is adequately served by utilities installed for the Maples PUD. See the City Engineer's review for details.

Natural Features

18.682

- Woodlands: The Regulated Woodlands map shows no regulated woodlands on a the property in the petition.
- Wetlands: The City's Wetlands Map depicts two small wetlands on the property in the petition. A field delineation found three small wetlands on the site. See the City's Wetland Consultant review for details.
- Wildlife Habitat: The Natural Features Map does not show any critical habitat on the property in the petition.

Development Potential

Development under the current zoning would be limited to a senior housing building. Previously a 100 unit three story building was approved on the site. The development potential for any rezoning to RM-1 or OS-2 with a PRO would be limited by the size building approved on the PRO conceptual plan.

Rezoning Request Requirements

- 1. A Traffic Study is required but the City's Traffic Consultant is recommending a waiver of the requirement since the site was previously approved for a higher intensity use as part of the Maples of Novi PUD.
- 2. A survey drawing of the property in the petition prepared by a registered professional surveyor was submitted with the application.

Conditions for Planned Rezoning Overlay Agreement

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

The applicant is required to submit a Conceptual Plan and a list of terms that they are willing to include with the PRO agreement. In order to expedite the approval process, the applicant has elected to submit a Preliminary Site Plan as the Conceptual Plan for this petition. The applicant is asking the Planning Commission to consider approving the <u>Preliminary Site Plan and Special Land Use Permit contingent upon the City Council approving the PRO, PRO Conceptual Plan and PRO Agreement</u>. The applicant's Plan has been reviewed by the City's Staff and consultants (See Preliminary Site Plan Reviews). The following items were provided on a list or shown on the Site Plan prepared by the applicant and interpreted by the Plan Review Center as conditions

Maple Manor 18.682

they are willing to attach to the PRO:

- 1. Use limited to a convalescent (nursing), congregate care and assisted living with accessory uses including dining, pharmacy, beauty shop, clinic and therapy services.
- 2. Maximum square footage 62,000 square feet;
- 3. Maximum lot coverage (building) 13%;
- 4. Minimum open space 45%;
- 5. Maximum number of units 93;
- 6. Maximum beds 186; and
- 7. Turn movements on Fourteen Mile Road are limited to right out only.

Ordinance Deviations

Under Section 3402.D.1.c, deviations from the strict application of the Zoning Ordinance may be permitted by the City Council in the PRO agreement. These deviations must be accompanied by a finding by the City Council that "each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas." For each such deviation, City Council should make the above finding if they choose to include the items in the PRO agreement. The following items on the concept plan do not meet ordinance requirements some of which were included a list of ordinance deviations to be included as part of the proposed PRO agreement.

Ordinance Item & (Section No.)	Required per RM-1	Proposed			
Minimum Lot Area – (602(2))	1,500 square feet total land	908 square feet per bed			
	area per bed				
Maximum Building Height (2400)	35 feet two stories	36 feet three stories			
Maximum amount of parking, loading	30%	Over 30%			
area and driveway pavement in					
required setback (2400 footnote e)					
Maximum Building Length (2400	180 feet or up to 360 feet	321.87 feet increased			
footnote e)	with increased setbacks	setbacks not provided (see			
	. = -	below)			
Minimum Building Setbacks (2400 &	Front - 122 feet	Front –			
footnote b, e & t)		68.31 feet building			
	42.51 feet canopy				
	Side Exterior – 75 feet	Side Exterior –			
		54.21 feet canopy			
_	Rear – 122 feet	Rear- 37.73 feet			
Minimum Parking, Drives and Loading	Front - 122 feet	Front – 15.5 feet			
Area Setbacks	Side Exterior – 75 feet	Side Exterior – 57.4 feet			
	Rear – 122 feet	Rear – 2.5 feet			
Façade (2520)	Siding not permitted Region 1	Up to 20% siding			
	Asphalt shingles not	Up to 35% asphalt			
	permitted in Region 1	shingles			

The applicant has stated that these deviations are reasonable since the use is less intense and the same or similar to the deviations previously approved senior housing planned for this site. The applicant has also noted that a wall and landscaping will provide a buffer to the adjoining multiple family residential parcel.

Public Benefit Under PRO Ordinance

At this time, the applicant has identified eight items of public benefit. These items should be weighed against the proposal to determine if the proposed PRO benefits *clearly outweigh* the detriments of the proposal. The benefits proposed include:

- 1. A City of Novi Entrance sign to be donated, installed and maintained by the developer.
- 2. Providing a 40 foot by 40 foot easement to the City for the placement of the above entrance sign;
- 3. Enhance tax base;
- 4. Providing needed long term care facility;
- 5. Providing new jobs;
- 6. Expanding service to the elderly above and beyond the senior apartments previously approved;
- 7. Providing a less intense use than previously approved use will reduced traffic impacts; and
- 8. Providing a use that is compatible with the neighboring uses.

Applicant Burden under PRO Ordinance

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

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

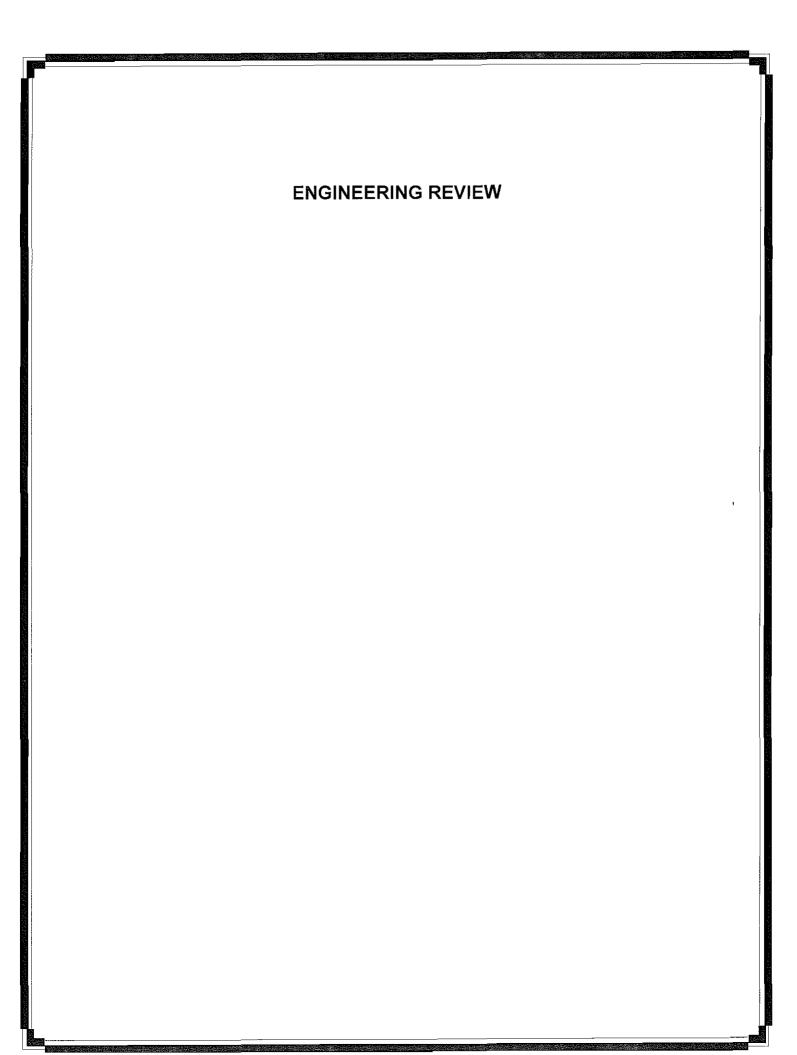
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Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested **prior to the matter being reviewed by the Planning Commission**. Additionally, a letter from the applicant is requested to be submitted with the next set of plans submitted highlighting the changes made to the plans addressing each of the comments listed above.

Please contact Mark Spencer at (248) 735-5607 or mspencer@cityofnovi.org with any questions or concerns.

Prepared by Mark Spencer, AICP, Planner



MEMORANDUM



TO:

MARK SPENCER: PLANNER, COMMUNITY DEVELOPMENT

FROM:

BEN CROY, P.E.; CIVIL ENGINEER, ENGINEERING

SUBJECT: ENGINEERING REVIEW OF REZONING REQUEST 18.682

DATE:

JUNE 20, 2008

In response to your request, we have reviewed the proposed rezoning of the parcel located on the southwest corner of Novi Road and 14 Mile in Section 2 for availability and potential impacts to public utilities. It is our understanding that the applicant is requesting that approximately 4.664 acres be rezoned from R-A (with an approved PUD density) to RM-1 with a PRO.

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

The decrease in utility demand was determined by comparing the proposed zoning, RM-1 with a PRO, to the previously approved PUD for the Maple Manor development. The previously approved Maple Manor PUD consisted of eighty-six 1-bedroom units and fifteen 2-bedroom units resulting in 63 REUs. The currently proposed plan consisting of a convalescent home with 184 beds equates to 56 REUs. The other ancillary uses within the building (beauty salon, etc.) were considered negligible.

CC:

Rob Hayes, P.E.; City Engineer Brian Coburn, P.E.; Engineering

Benny McCusker, Public Works Director



June 6, 2008



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

SUBJECT: Maples Manor Planned Rezoning Overlay Plan, SP#08-09, Traffic Review

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments. Items to be resolved are highlighted in **bold** font.

Recommendation

We recommend approval of both the proposed rezoning and the preliminary site plan, subject to the issues highlighted below being satisfactorily addressed on the final site plan.

Project Description

What is the applicant proposing?

1. The applicant, J.S. Evangelista Development, L.L.C., proposes to construct a three-story convalescent home on the southwest corner of 14 Mile Road and Novi Road. The 4.66-acre site was initially proposed to be rezoned to OS-2 with a Planned Rezoning Overlay (PRO) option; however, the applicant subsequently requested that the new zoning be RM-1 with a PRO option. We note that unlike the latter proposal, the former would have required a formally designated loading zone (per Sec 2507.1 of the Zoning Ordinance).

The submission letter cites "93 units," and the plans show both 93 resident rooms and — in the parking data block — 184 beds (the number of beds is also needed to forecast trip generation). The proposed development includes three driveways: two on the west side of Novi Road and one, exit-only driveway on the south side of 14 Mile Road.

Traffic Study

Was a study submitted and is it acceptable?

2. Given current proposal's anticipated trip generation (see below) relative to the number of trips assumed for this property in the 1999 traffic study for the entire Maples PUD, we recommend that the City waive the requirement for a rezoning traffic impact assessment.

Trip Generation

How much traffic would the proposed development generate?

3. Table I forecasts the number of driveway trips potentially generated by the proposed development, based on rates published by the Institute of Transportation Engineers (ITE). A trip is a one-directional vehicle movement into or out of the site.

Table 1. Trip Generation Forecast

Land Use	ITE Size		Weekday	AM Peak-Hour Trips			PM Peak-Hour Trips		
Land Ose	Code	3/26	Trips	ln	Out	Total	ln	Out	Total
Nursing Home	620	184 Beds	429	21	10	31	17	23	40

Vehicular Access Locations

Do the proposed driveway locations meet Gity spacing standards?

- 4. The proposed north driveway on Novi Road does not meet the spacing standard relative to its distance from 14 Mile Road. Given Novi Road's 40-mph speed limit, Sec 11.216 of the City's Design and Construction Standards (DCS) requires a minimum same-side driveway spacing of 185 ft, near-edge to near-edge. The plan incorrectly applies this dimension to the center of the driveway. The proposed north drive must be moved south about 23 ft.
- 5. Even with the required relocation of the north driveway per comment 4, that drive will be adequately spaced relative to both the existing opposite-side shopping center drive and the proposed same-side south drive. The south drive, as proposed, will meet opposite-side spacing standards relative to both existing shopping center drives.
- 6. The proposed exit-only driveway on 14 Mile Road scales 207 ft west of Novi Road, and therefore meets the City's minimum same-side driveway spacing standard as well (14 Mile also has a 40-mph speed limit).

Vehicular Access Improvements

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

7. Traffic will enter the site only from Novi Road. With respect to the modest volumes of vehicles slowing to enter the site (per Table 1), through traffic will benefit from the existence of both a center left-turn lane and two southbound through lanes. We do not recommend any new lanes or tapers on Novi Road.

Driveway Design and Control

Are the driveways acceptably designed and signed?

- 8. The drives on Novi Road are shown a City-standard width of 30 ft. The proposed entering and exiting curb return radii for these drives, all 30 ft, exceed the City standard of 20 ft; however, per the footnote for DCS Fig. IX.1, we recommend that the City accept the proposed larger radii given the traffic volumes and speeds on Novi Road.
- 9. The one-way driveway on 14 Mile Road exceeds the City-standard width by 1.5 ft and has a larger-than-standard exiting radius. Due to the occasional trucks using this drive, however, we support the proposed width and radius (subject to comment 10a below).
- 10. The applicant proposes to prohibit exiting left turns from the 14 Mile driveway, presumably due to the drive's proximity to the signalized intersection and the anticipated low percentage of destinations to the west. We support the proposed turn prohibition; however, to make it more effective, we recommend that:
 - a. The entire drive should bend toward the east, maintaining a uniform width of 17.5 ft.
 - b. A "Right Turn Only" sign (R3-5) should be mounted under the proposed STOP sign in lieu of the proposed "No Left Turn" sign. Also, an additional sign post should be installed on the west side of the drive, supporting back-to-back "One-Way" (R6-2) signs to further deter traffic from entering here.

Pedestrian Access

Are pedestrians safely and reasonably accommodated?

- 11. The site plan shows the existing safety path along the west side of Novi Road being removed and replaced by a new, 8-ft concrete path 1 ft inside the proposed 60-ft half right-of-way. Also, the existing sidewalk west of the site will be extended to Novi Road.
- 12. The final site plan should show the pavement marking changes needed on both roads to accommodate the above sidewalk relocation and extension (at a minimum, new crosswalk striping and stop bars).
- 13. Barrier-free ramps are noted in several appropriate locations and also detailed on a plan sheet. We recommend that the final site plan also show each ramp graphically in the exact location intended.

Circulation

Can vehicles safely and conveniently maneuver through the site?

- 14. On the south end of the site, maneuvering aisles are shown as wide as 26 ft in places. To reduce the amount of impermeable surface without impeding good circulation, all two-way maneuvering aisles should maintain a width of 24 ft (measured to face-of-curb where applicable). The landscaped island in the south lot should be enlarged accordingly.
- 15. The proposed one-way driveway along the west side of the building is only 17 ft wide, which would make it difficult if not impossible for a large vehicle (such as a fire truck) to maneuver past a parked or disabled vehicle. The Fire Marshal should review and comment on the width of this driveway.
- 16. The parking stalls along the one-way aisle north of the building must be angled, per Sec 2506 of the Zoning Ordinance.
- 17. An east-facing "One-Way" sign (R6-2) should be added near the west property line, centered on the north aisle discussed in the preceding comment.
- 18. A north-facing "Do Not Enter" sign is proposed near the northwest corner of the building. A diagrammatic No Right Turn (R3-1) sign should be mounted to the back of this sign.

General / Miscellaneous Comments

Are there any significant issues beyond those discussed above?

- 19. The proposed 60-ft half right-of-way along both abutting roads should be shown more boldly, and the line along 14 Mile Road should be separately labeled as such. Dedication of the "balance" to achieve the 60-foot half right-of-way should be discussed.
- 20. The final site plan should label curb radii more explicitly.

Sincerely,

BIRCHLER ARROYO ASSOCIATES, INC.

Rodney L. Arroyo, AICP

Vice President

William A. Stimpson, P.E., PTOE

Director of Traffic Engineering

William a- Stimpson

David R. Campbell Senior Associate

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APPLICANT PRO REQUEST LETTER



TO:

City of Novi

From:

J.S. Evangelista Development, LLC

Date:

August 28, 2008

RE:

Amended Planned Rezoning Overlay

Petitioner: J.S. Evangelista Development LLC

Project Name: Maple Manor

Location: City of Novi, 14 Mile and Novi Roads

Project Description

We are writing to file an **Amended** Petition for Rezoning with a Planned Rezoning Overlay ("PRO") for a 4.664 acre parcel located on the south west corner of 14 Mile and Novi Road in Section 2 of the City Novi. The property has remained undeveloped for several years. The Petitioner is proposing a three story, 93 unit, 186 bed, 75,900 square feet convalescent home. We seek to rezone the property from Residential Acreage (RA) with a PUD to Low Density Multiple-Family Residential (RM-1).

Public Benefit (Entrance Sign)

As a part of this PRO, we propose to donate and install a **City of Novi Entrance Sign** on the southwest corner of 14 Mile and Novi Roads. The new sign will be in an ideal location because it will be situated on the boundary line of the City of Novi and the City of Walled Lake. The new sign will be professionally manufactured and installed by a licensed contractor. It will look nearly identical in size, color, and shape to the other entrance signs throughout the City of Novi. We will also integrate the new sign with the surrounding landscaping and we will utilize the same or similar building materials so that it reasonable matches the facility for the proposed project.

AS AMENDED 1 of 4



It is in the best public interest to install the City of Novi Entrance Sign. The new sign will be donated, installed and maintained at the cost of Developer. The new sign will be an aesthetically appealing landmark for the City of Novi, it will beautify the intersection of 14 Mile and Novi Road, and it will clearly identify the city border. People seeking to move to Novi will appreciate knowing exactly where the city limit begins.

We intend to retain the **same contractor** / **sign company** that the City previously used for its existing signs. This will ensure that the monument sign is nearly identical and consistent throughout the City of Novi.

Public Benefit (New Long Term Care Facility)

Maple Manor, as a facility, will also provide significant public benefits. As a For-Profit Organization, it will enhance the tax base for the City of Novi. It will also strengthen the local economy by providing several new jobs and a high growth business.

Maple Manor is already a proven business with another location is Wayne, Michigan. It is family owned and operated with the highest ratings in the industry rated by Medicare. It had a Perfect State Survey with Zero Citations in 2007. It also has the prestigious JCAHO Accreditation. This Accreditation is required for hospitals but it is voluntary for nursing homes. Maple Manor chooses to be JCAHO Accredited to demonstrate its commitment to the highest quality of health care.

Research reveals that there is a high demand for long-term care services in the area. This is demonstrated by the opening of the new Providence Park in Novi and the new Henry Ford Hospital in West Bloomfield. The State Government of Michigan projects growth of 15% or higher in much of western Oakland County between now and 2012.

These public benefits will unlikely be achieved without a PRO. Without the PRO, the property will remained undeveloped; the entrance sign will not be donated and installed at the proposed corner; and the facility will not be constructed at this location. The Developer is ready and able to provide these public benefits. It has the experience, the financial capabilities, and the Approved Certificate of Need, all of which are essential to the development.

AS AMENDED 2 of 4



Master Plan & Ordinance Deviations

The request to rezone the property from Residential Acreage (RA) with a PUD to Low Density Multiple-Family Residential (RM-1) is **consistent** with the multiple-family designation in the Master Plan.

The property previously obtained Final Site Plan Approval in December of 2000 for a three-story 100 unit congregate care senior apartment housing, which equates to 25 units/acre.

The Proposed Project is proposing a **less intense use** than the previous project. This development will have 93 dwelling units which equates to 20 units/acre. The proposed building has a smaller footprint which will reduce the impact on the area. The nature of the business, i.e. nursing home will also result in a lower impact on the property. A nursing home will generate less trips per day than the previously approved senior apartments.

The dwelling units are designed and built for 2 person occupancy and are within the state regulations. This will allow us to maintain flexibility to care for 1 or 2 persons per room. This is especially good for families, couples, etc. However, the marketplace has demanded private rooms. Accordingly, we intend offer for luxury sized private rooms for **1 person occupancy.**

All the ordinance deviations are reasonable because they are essentially the same or similar to the previously approved senior apartments. All the setbacks are the same or similar to the previous project. Landscape and a retaining wall behind the building will serve as a screen and buffer for the adjacent parcel.

Within the nursing home, the **accessory uses** such as pharmacy and therapy are intended for resident use only.

We will also intend to **limit the use** of the property to nursing, assisted living and congregate care type of uses.

AS AMENDED 3 of 4



Compatibility with Surrounding Area

The property rezoned as Low Density Mutiple-Family Residential will be **highly compatible** with surrounding area. Nearly all of the adjacent parcels have an equal or more intense uses. The eastern parcel is local commercial. The northern and western parcels are multiple-family residential. Although the southern parcel is single-family residential, this parcel is situated away from the intersection and it will be buffered by the detention pond, woodlands, and natural features areas.

Very truly yours,

J.S. Evangelista Development LLC

Marcus Evangelista, CPA, MBA, ESQ

AS AMENDED

4 of 4

MASTER PLAN AND ZONING COMMITTEE MEETING MINUTES June 17, 2008



MASTER PLAN & ZONING COMMITTEE City of Novi Planning Commission

Maple Manor Excerpt June 17, 2008 at 6:30 PM Novi Civic Center – Conference Room C 45175 W. Ten Mile, Novi, MI 48375 (248) 347-0475

CALL TO ORDER

The meeting was called to order at 6:30 PM.

ROLL CALL

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

Also Present: Planner Mark Spencer

MATTERS FOR DISCUSSION

Rezoning 18.682 Maple Manor

Request for discussion to provide comments, suggestions and questions on rezoning a 4.6 acre parcel located on the southwest corner of Fourteen Mile and Novi Roads in Section 2 from Residential Acreage, RA with a PUD to Low Density Multiple-Family Residential, RM-1 with a PRO.

Planner Mark Spencer described the use, and explained that this property was part of the Maples PUD, previously approved with a density of four units per acres. He said that the overall density would not change from the original approval of a 100-unit senior apartment dwelling (Phase 11). The previous approval included one- and two-bedroom units and required about the same amount of parking. The building footprint of that building was similar to what is proposed. This Applicant found that this product may be better for them; they cannot compete with Fox Run or Waltonwood. The proposal appears to be for 93 units -- a 186-bed convalescent/nursing home (this will be clarified by the Applicant because Dr. Evangelista later stated that these are private rooms). The plan shows accessory therapy, pharmacy, beauty salon and clinical uses. Staff has asked that the Applicant clarify that these additional uses are for these residents' use, not the general public. They are not uses permitted in the RM-1 district. There are no issues with utilities or traffic. Some setback variances would be required, and are similar to those previously approved. There is Multiple Family Residential adjacent to this site, and there will be a screen wall and landscaping. The building will be set back far enough from the road. There will be on-site detention. Mr. Spencer has asked the Applicant to resubmit before going to the Planning Commission, specifically outlining the items that require a variance. The Applicant has been asked to propose a public benefit. Site plan issues include too many parking spaces in a bay, but there are enough parking spaces. There is a minimum land requirement for a nursing home, i.e., 1,500 square feet of land area per bed; this proposal provides 908 square feet per bed. Staff could support this variance since the overall density is not being affected.

Mr. Spencer said the Applicant could have proposed a change to the PUD to change the product on the site. The PUD Ordinance is no longer a valid portion of the City's Ordinance, but they could still use it since their original approval came through that Ordinance. Staff felt that it would be cleaner to use the PRO option. The Traffic Consultant recommends that the Traffic Impact Study be waived since the impact of this use is less. Mr. Spencer noted that the façade review has not yet taken place, and the Applicant has been asked to consider that the building will be viewed from all sides.

Dan Tosch (architect), Alex Orman (engineer), Marcus Evangelista and Dr. Stella Evangelista (developer and owner-operators) were present at the meeting. These are the stakeholders from the previously-approved plan as well. The linear nature of the site restricts the building design. This is also a three-story building. This building will offer more of an assisted living lifestyle; each unit will have separate bathrooms but the dining will be in a common area; there will not be kitchens in the individual rooms. Medical services will be provided. There will be nursing stations and physical therapy available.

NOVI PLANNING COMMISSION MASTER PLAN AND ZONING COMMITTEE MAPLE MANOR EXCERPT JUNE 17, 2008, PAGE 2 DRAFT COPY

Evangelistas operate a similar facility in Wayne on Venoy near Annapolis. This will be a state-licensed facility. There will be a northerly public entrance and a southerly service entrance for ambulance traffic, which is screened by a wall. The Fire Department, if called, would come to the north side of the building where the fire control panel is located, so its noise would be buffered by the building. The building will have a residential feel and will not look institutional.

The Committee discussed that this use is less intense than what was previously approved and the variance requests for site issues are similar. Nice façades on four sides of the building would be welcome given the visibility of the site. Sufficient space at the entryway to allow free-flowing access is helpful. Use of the new Ordinance, the PRO, is better than dusting off the PUD Ordinance. Berming and landscaping is important to buffer the ambulance noises, i.e., sirens, from the adjacent Multiple Family Residential (tape one, side two stops recording).

(tape two, side one) Dr. Evangelista said that the last two audits on their Wayne facility came back with zero deficiencies. The market for this type of use is becoming greater, because the cost for these services is a step-down from hospital costs.

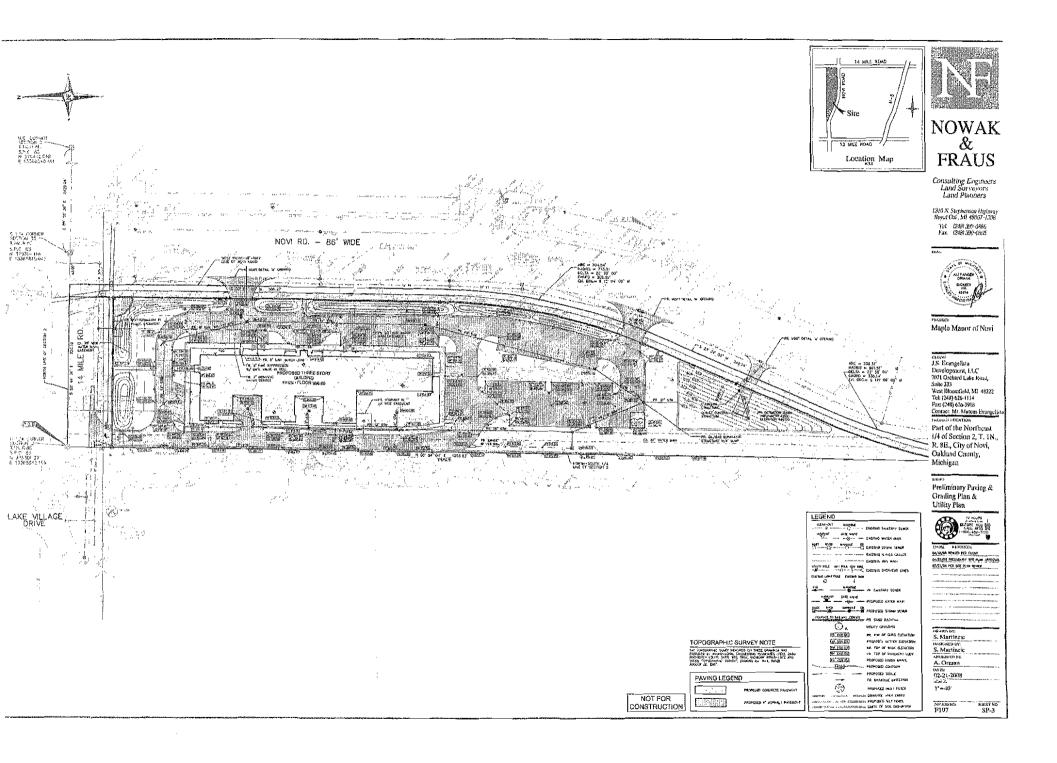
Dr. Evangelista said that the interior uses are for their residents' use, and she would state this for her PRO document. She would like to offer a corner for a "Welcome to Novi" sign. The Committee recommended that the other benefits that have already been cited in the first submittal should be reemphasized in the next submittal.

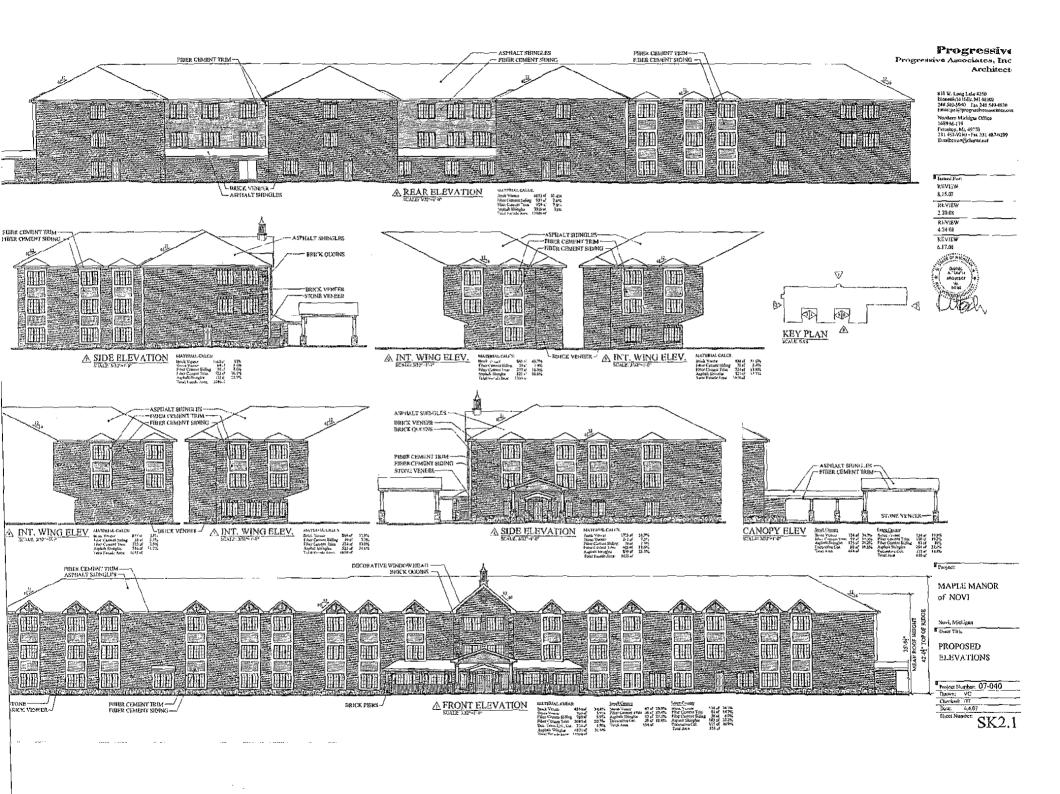
CONCEPT PLAN REVIEWS (see SP08-09A Maple Manor Preliminary Site Plan Reviews)

CONCEPT PLAN

Preliminary Site Plan SP08-09A

- 1. Reduced Site Plan
- 2. Building Elevations

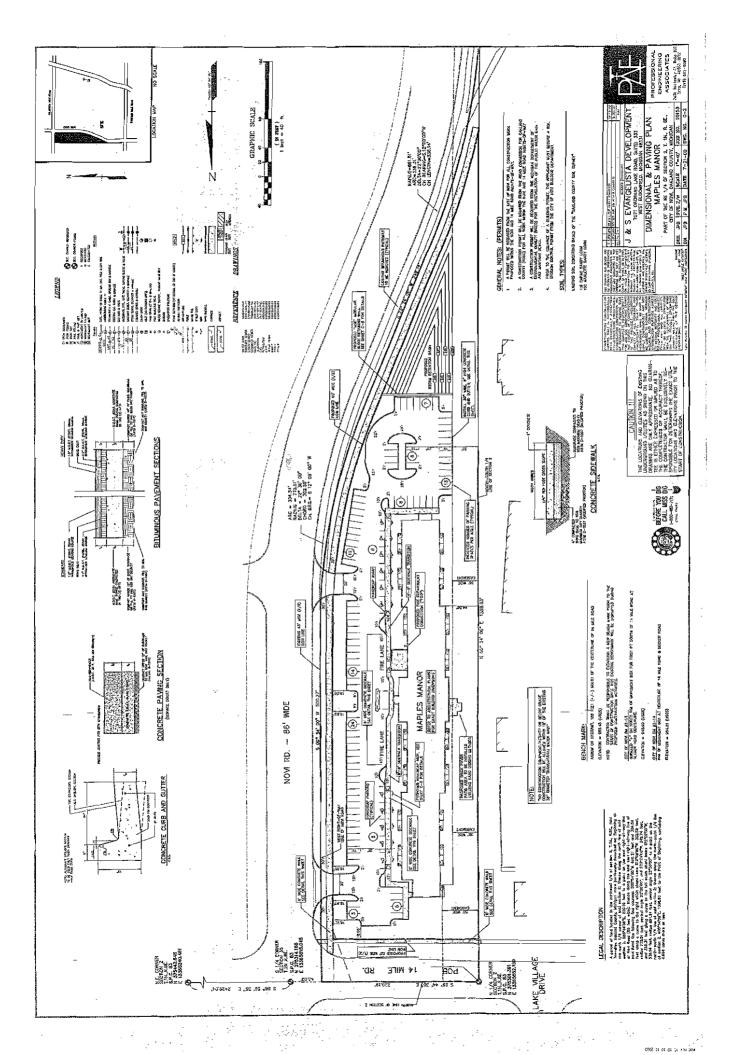


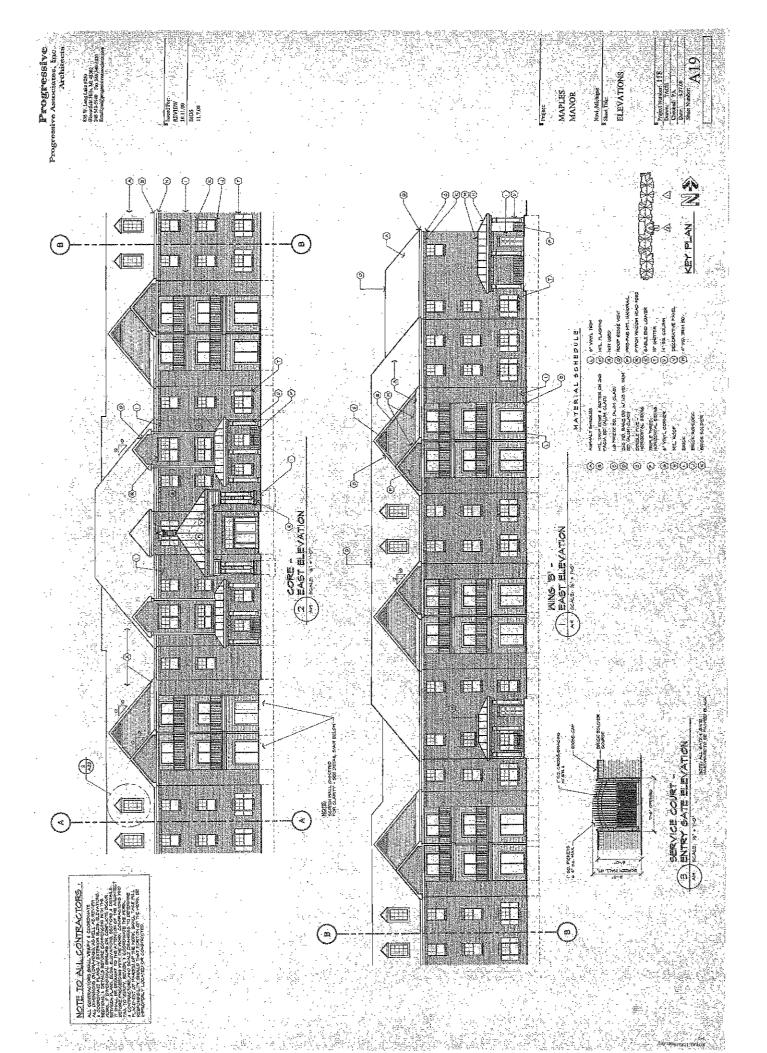


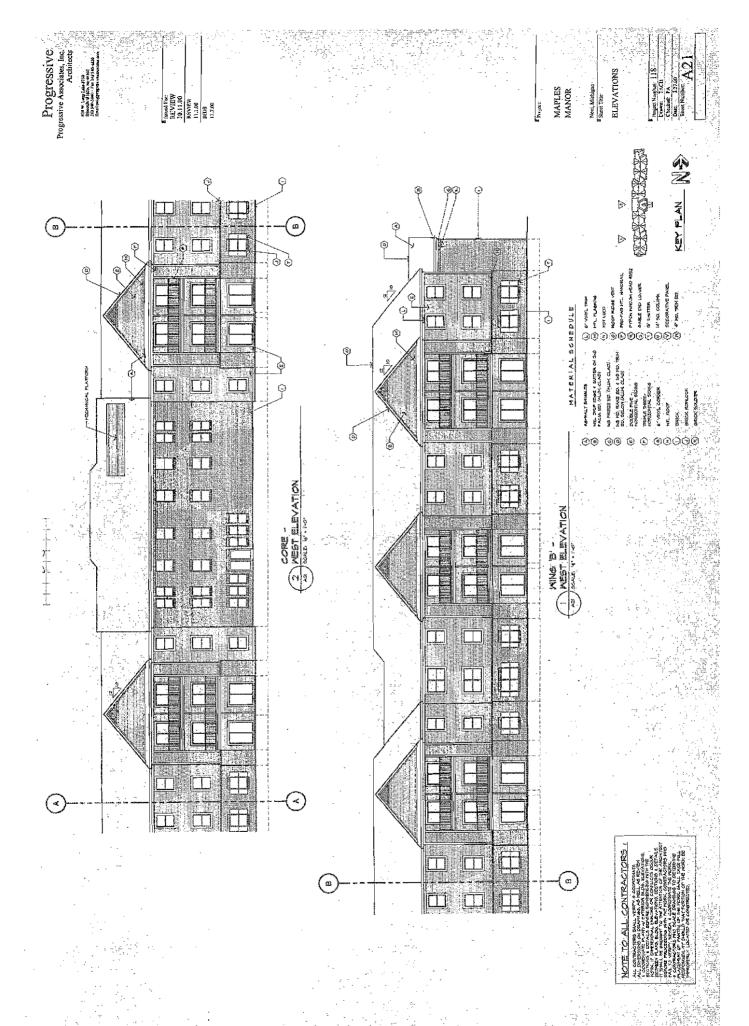
PREVIOUSLY APPROVED SITE PLAN

Maple Manor Senior Apartments

- 1. Final Site Plan
- 2. Building Elevations







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MAPS

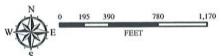
- 1. Location
- 2. **Future Land Use**
- 3. Zoning Regulated Woodlands, Wetlands, Floodplains & Natural Features 4.

Rezoning 18.682 & SP08-09 Maple Manor Location Map





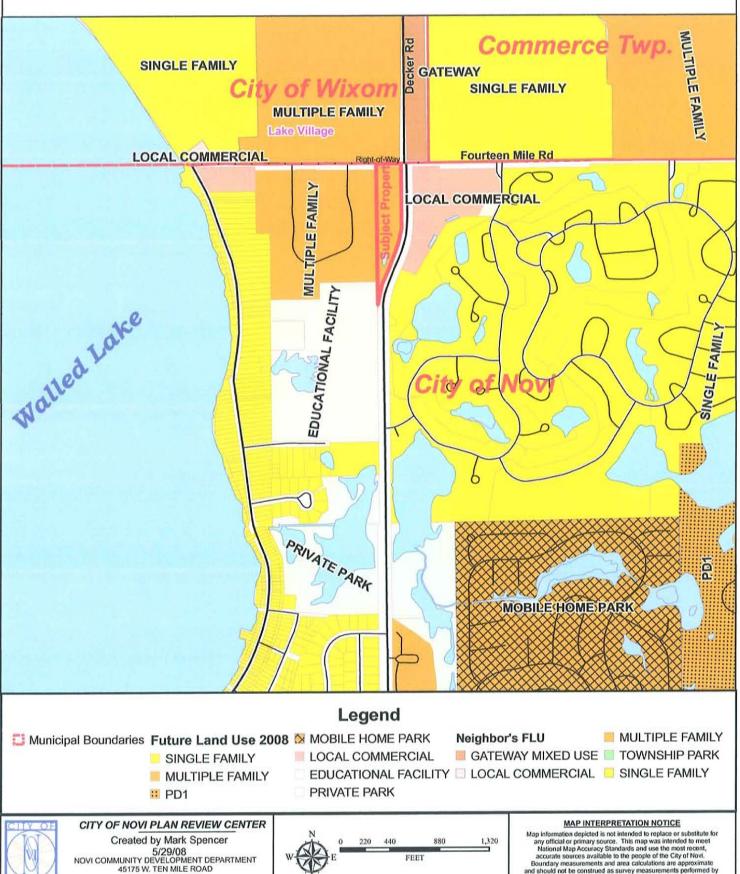
Created by Mark Spencer
5/29/08
NOVI COMMUNITY DEVELOPMENT DEPARTMENT
45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
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/18.682 Maple Manor location.mxd

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Rezoning 18.682 & SP08-09 Maple Manor Future Land Use Map





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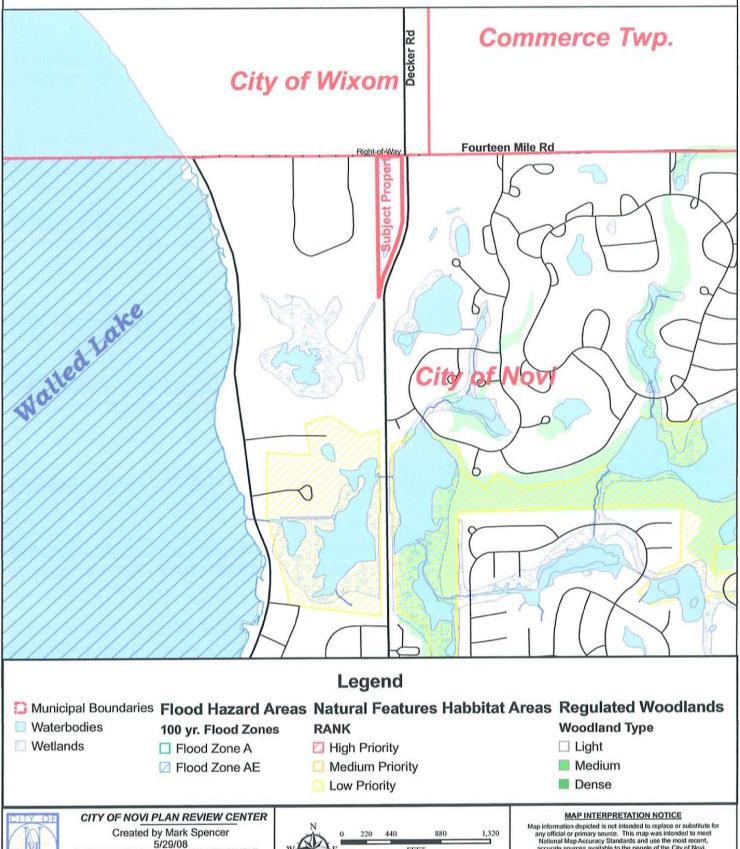


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Rezoning 18.682 & SP08-09 Maple Manor Wetlands, Flood Plains, Regulated Woodlans & Natural Feature Map





Created by Mark Spencer
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