

ZONING MAP AMENDMENT 18.694

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

REQUIRED ACTION

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

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval not recommended	01/12/10	 Proposed zoning is not in compliance with the Future Land Use Map. Existing OST zoning is consistent with the existing future land uses planned for the area. Proposed zoning contrary to the anticipated recommendations of the Master Plan for Land Use update.
Engineering	Comments provided	01/12/10	Summary of findings provided
Traffic	Comments provided	12/29/09	Summary of findings provided

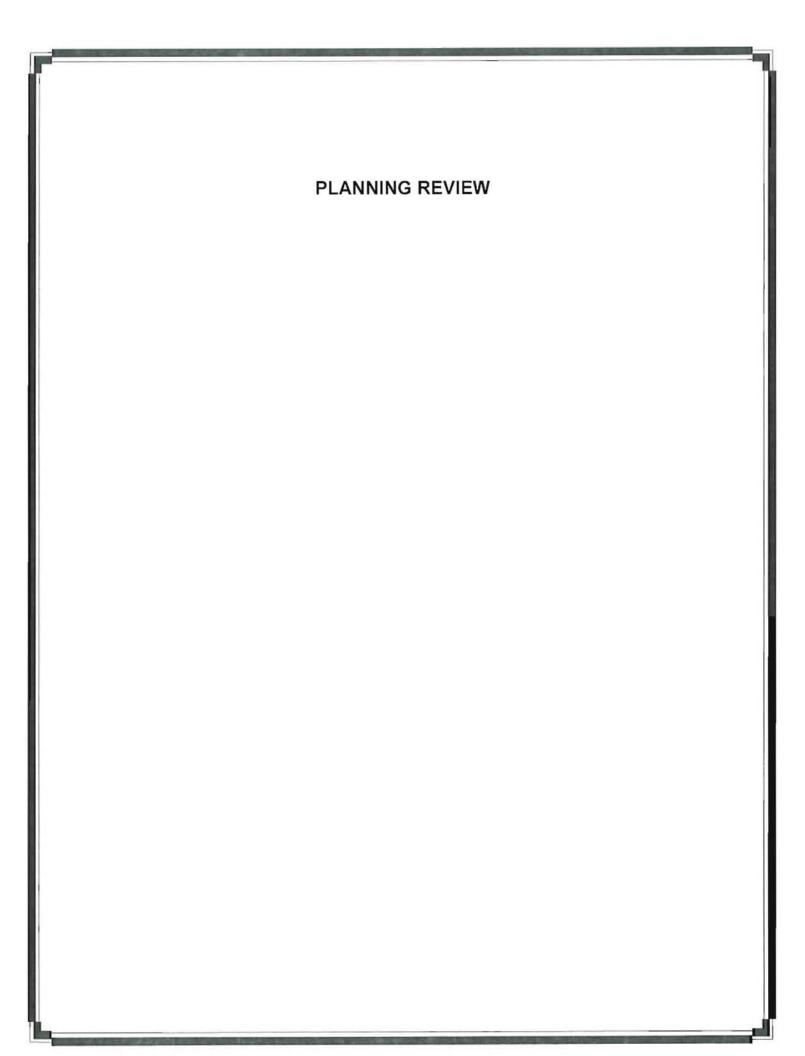
Motion sheet

Approval

In the matter of Zoning Map Amendment 18.694 for Novi Mile, LLC, motion to **recommend approval** to the City Council to rezone the subject property from OST, Office Service Technology District to FS, Freeway Service District for the following reasons...

Denial

In the matter of Zoning Map Amendment 18.694 for Novi Mile, LLC, motion to recommend denial to the City Council to rezone the subject property from OST, Office Service Technology District to FS, Freeway Service District, for the following reasons...because (a) the proposed rezoning would be contrary to the recommendations of the current Master Plan for Land Use, which recommends office uses for the property; (b) the proposed rezoning would be contrary an Implementation Strategy listed in the Master Plan, which states: "Limit the commercial uses to current locations, current zoning, or areas identified for commercial zoning in the Master Plan for Land Use; (c) The existing OST zoning is consistent with the existing future land uses planned for the area; (d) The infrastructure for the proposed rezoning, specifically the needed roadway network, are not in place to support the retail uses permitted in the FS District.





PLAN REVIEW CENTER REPORT

January 19, 2010

Planning Review

46100 Grand River

Zoning Map Amendment 18.694

Petitioner

Novi Mile LLC

Review Type

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

Property Characteristics

Site Location:

East side of Beck Road between I-96 and Grand River Avenue

Site Zonina:

OST, Office Service Technology

Adjoining Zoning:

North: I-96 right-of-way; South: OST; East: OST; West (across Beck

Road): B-2, Community Business District

Current Site Use:

Former Nursery

Adjoining Uses:

North: I-96 right-of-way; South: Wixom Ready-Mix; East: Michigan

Laser; West (across Beck Road); Westmarket Square Retail

Development

School District:

Novi Community School District

Proposed Rezoning Size: 1.81 acres Existing Parcel Size:

4.3 acres

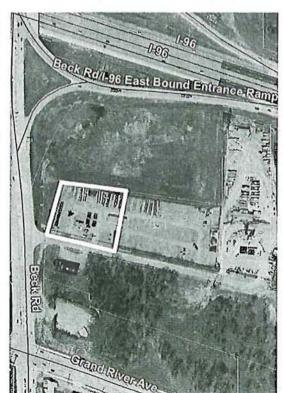
Project Summary

The petitioner is requesting the rezoning of a 1.81 acre parcel of property on the east side of Beck Road between I-96 and Grand River Avenue in Section 16 of the City of Novi. The proposed

rezoned area would be split off from a larger parcel totaling 4.3 acres. The subject property is currently zoned OST, Office Service Technology. The applicant has requested a rezoning of the parcel to FS, Freeway Service. The site is currently developed with a former nursery, which is no longer in use.

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

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



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Rezoning 18.694

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

Current Status

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

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

Recommendation

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

Denial is recommended for the following reasons.

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

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

Planning Commission Options

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

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

Master Plan for Land Use

The Master Plan for Land Use currently designates this property for office uses. A rezoning of the property to FS would be inconsistent with the recommended actions of the Master Plan. The Master Plan recommends office uses not only for this parcel, but also for the parcels immediately surrounding the subject property.

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

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

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

Master Plan and Zoning Committee

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

Existing Zoning and Land Use

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

Land Use and Zoning
For Subject Property and Adjacent Properties

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

Compatibility with Surrounding Land Use

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

Directly to the **north** of the subject property is I-96 right-of-way. There is likely to be little to no impact to the existing right-of-way if the property is rezoned.

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

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

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

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

Comparison of Zoning Districts

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

	OST	FS	B-3
	(Existing)	(Proposed)	(Alternate)
Principal Permitted Uses	 All uses permitted and as otherwise regulated in the OS-2 District at Section 2301, 2302 and 2303. Data processing and computer centers; laser technology and application; repair, service and sale of communications equipment. Laboratories. Research, testing, design and development, technical training and activities (subject to certain conditions). Hotels and business motels (subject to certain conditions). Colleges and universities and other such post-secondary institutions of higher learning (subject to certain conditions). Motion picture, television, radio and photographic production facilities provided all activities are 	 Gasoline service stations and automobile repair, subject to the standards at Section 1402.1, parking garages and bus passenger stations. Retail establishments to serve the needs of highway travelers, including, but not limited to, gift shops and restaurants, not including drive-ins. Motels, hotels and transient lodging facilities (subject to certain conditions). Other uses similar to the above permitted uses. Accessory structures and uses. 	 Any retail business or service establishment permitted in the B-1 and B-2 Districts as Principal Permitted Uses and Special Land Uses subject to the restrictions therein. Auto wash when completely in an enclosed building. Bus passenger stations. New and used car salesroom, showroom, or office, except trucks and heavy off-road construction equipment. Other uses similar to the above permitted uses. Tattoo parlors. Publicly owned and operated parks, parkways and outdoor recreation facilities. Accessory structures and uses.

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	OST	FS	B-3
	(Existing)	(Proposed)	(Alternate)
	conducted within a completely enclosed building. 8. Accessory buildings and uses. 9. Other uses similar to the above uses. No special land uses in	No special land uses in	Outdoor space for the exclusive sale
Special Land Uses	the OST District.	the FS District.	the exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes or rental of trailers or automobiles (subject to certain conditions). 2. Motel (subject to certain conditions). 3. Business in the character of a drive-in or open front store (subject to certain conditions). 4. Veterinary hospitals or clinics (subject to certain conditions). 5. Plant materials nursery (subject to certain conditions). 6. Public or private indoor recreational facilities and private outdoor recreational facilities. 7. Mini-lube or quick oil change establishments
			(subject to certain conditions). 8. Sale of produce and seasonal plant materials outdoors (subject to certain conditions).
Minimum Lot Size	Based on the amount of off-street parking,	Based on the amount of off-street parking,	Based on the amount of off-street parking,

	OST (Existing)	FS (Proposed)	B-3 (Alternate)
	landscaping, and setbacks required.	landscaping, and setbacks required.	landscaping, and setbacks required.
Building Height	3 stories –or- 46 feet (additional height permitted if certain conditions are met)	1 story -or- 25 feet	30 feet
Building Setbacks	Front: 50 feet Sides: 50 feet Rear: 50 feet	Front: 30 feet Sides: 10 feet Rear: 20 feet	Front: 30 feet Sides: 15 feet Rear: 20 feet
Parking Setbacks	Front: 20 feet Sides: 20 feet Rear: 20 feet	Front: 20 feet Sides: 10 feet Rear: 10 feet	Front: 20 feet Sides: 10 feet Rear: 10 feet

Infrastructure Concerns

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

Natural Features

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

Development Potential

Development under the current OST zoning could result in an office building of approximately 11,000 square feet. The ultimate size of the facility would depend on the parking requirements associated with its specific use. A general office building on this site would increase this yield, due to the slightly lower parking demand when compared to a medical office. Considering the size of the subject property, the development of the parcel under the proposed FS zoning would most likely result in the development of a retail establishment, gas station or restaurant. The applicant has indicated it is their intention to construct a 16 pump gas station with associated 5,000 sq. ft. convenience store and a 2,000 sq. ft. fast food restaurant with a drive-through on the site should the rezoning be approved.

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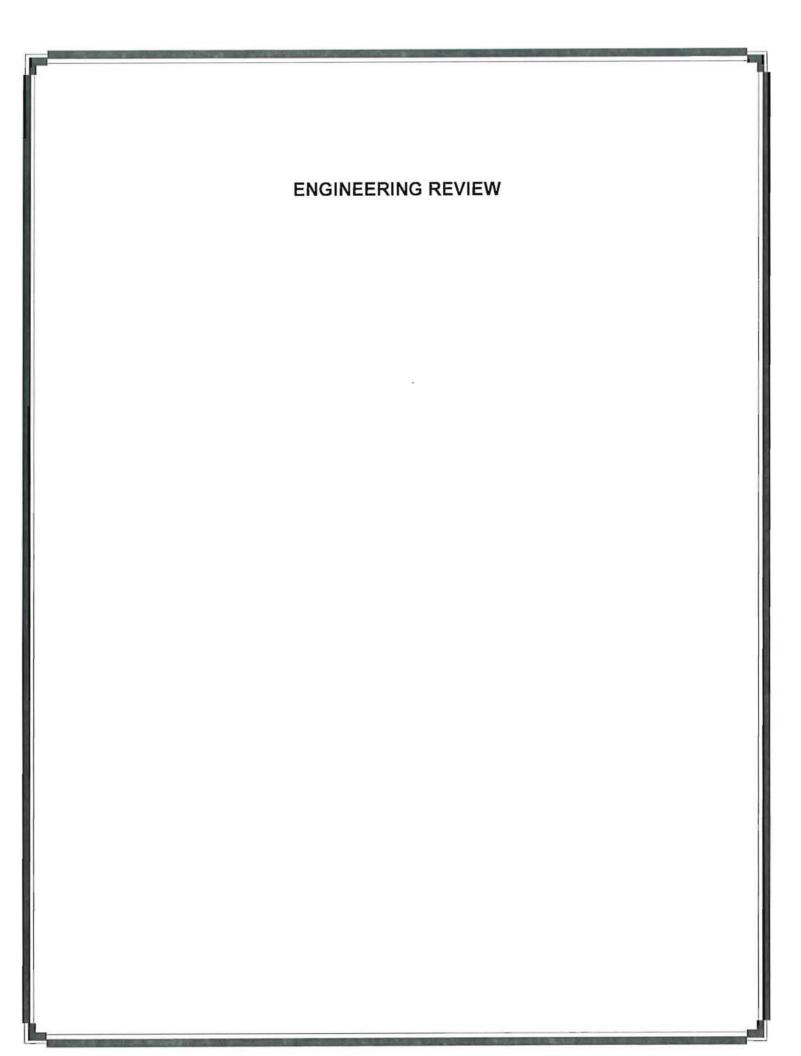
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Submittal Requirements

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

Gist Kann Kristen Kapelanski, ACIP, Planner

248-347-0586 or kkapelanski@cityofnovi.org



MEMORANDUM



TO:

BRIAN COBURN, P.E.; SR. CIVIL ENGINEER

BARB MCBETH, AICP; DEPUTY DIR. COMM. DEV.

FROM:

LINDON K. IVEZAJ, STAFF ENGINEER / 人

BEN CROY, P.E.: CIVIL ENGINEER

SUBJECT: REVIEW OF REZONING IMPACT ON PUBLIC UTILITIES

REZONING 18 694 -- 46100 GRAND RIVER AVENUE

DATE:

JANUARY 12, 2010

The Engineering Division has reviewed the rezoning request for the 1.81 acre rezoning located at the northeast corner of Beck Road and Grand River Avenue, south of I-96. The applicant is requesting to rezone 1.81 acres from OST to FS.

Utility Demands

A residential equivalent unit (REU) equates to the utility demand from one single family home. The current zoning for this property would yield approximately 5 REUs based on the most likely use, which for this parcel would be office. Based on FS zoning, we estimate the parcel could yield up to 20 REUs as strictly restaurant use, which would be the highest demand for FS. This would be an increase of 15 REUs over the current zoning.

Water System

Water service is currently available along Beck Road. The increase of 15 REU's would have a negligible effect on the water pressure in the area adjacent to the parcel (0.1 psi decrease).

Sanitary Sewer

The project is located within the Hudson Sanitary Sewer District. The proposed rezoning would increase the required capacity by approximately 0.03 cfs.

Summary

The rezoning could have a slight impact on the public utilities when compared to the current zoning. The proposed rezoning could yield an increase of 15 REUs to be served with utilities on the site, and would cause a 0.1% increase in the peak sanitary discharge from the City.

The increase in the peak discharge is notable because the City is currently seeking opportunities to resolve the limit on its contractual sanitary sewer capacity at its outlet to Wayne County. Additional contractual capacity (estimated to be 0.03 cfs based on the rezoning) will be needed to serve the increased density proposed by this rezoning.

Although the total number of REU's is increasing by 300%, there is only an increase of 15 REU's total.



December 29, 2009

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





SUBJECT: Rezoning Traffic Impact Study for Proposed Rezoning at Northeast Corner of Beck Rd. and Grand River Ave., ZC#18.694

Dear Ms. McBeth:

Birchler Arroyo has reviewed the Trip Generation Comparison Analysis prepared by Bergmann Associates dated October 9, 2009, submitted as part of an Application for Change of Zoning for the property at 46100 Beck Road (northeast corner of Beck and Grand River). This Comparison is intended to satisfy City's Site Plan and Development Manual requirement for a Rezoning Traffic Impact Study for a proposed change in zoning.

The applicant (Novi Mile LLC) proposes to rezone 1.81 acres from OST - Office Service Technology to FS - Freeway Service to build a combination gas station/drive-through fast food restaurant. Relative to the October 2009 rezoning request for this site (18.891), the property size has increased 0.17 acre and the assumed fast-food restaurant size has increased 31 s.f.

Recommendation

Birchler Arroyo finds the content and methodology of the Rezoning Traffic Impact Study (RTIS) to be acceptable and consistent with the requirements of City's Site Plan and Development Manual. The 31-s.f. increase in assumed building size does not warrant a revised RTIS.

Our office wishes to make it clear to the City, the applicant, and their traffic consultant that we have significant concerns with the operation of the proposed access to the subject property in terms of its driveway safely and efficiently accommodating the volumes of traffic turning into and out of the future development. Those concerns will have to be addressed when a full Traffic Impact Study is submitted as part of a preliminary site plan.

Comments

1. As required, the Rezoning Traffic Impact Study included a trip generation comparison between a use which could be developed on the site under existing zoning (an 11,300 square foot office building) and the proposed use (a 16-pump gas station with an attached drive-through fast food restaurant). The comparison assumes that over half of all peak-hour trips to and from the proposed gas station/restaurant will be pass-by trips. Pass-by trips are those made by vehicles already travelling along the adjacent roadway that would stop at the proposed development in-route to destinations elsewhere (e.g. a daily commuter on Beck

Road stopping for a coffee at Tim Hortons). Since those vehicles are already on the road, they are not technically "new" trips. What is critical to consider however is that while they may not be new trips to the adjacent road, those vehicles will be making turns into and out of the proposed driveway that they otherwise would not make. So while an office building would generate 33 turns in/out during the morning peak hour, a gas station/drive-through restaurant would generate 253 turns during that time. In the evening peak hour, an office building would generate 91 turns while a gas station/drive-through restaurant would generate 276 turns. Every additional turn to and from Beck Road will reduce the efficiency of traffic flow and creates the potential for traffic conflicts and crashes.

- 2. Relative to Comment I above, it is probably not advisable to apply such a high pass-by rate to the proposed use due to the location of the subject site. Certainly some portion of trips will be made by vehicles already travelling along Beck Road, but probably not over 50%. It is likely that a higher portion of trips would actually be "diverted trips" made by vehicles from I-96 that otherwise would have stayed on the expressway. Those diverted trips may not be "new" to the vicinity's overall roadway system, but they are certainly "new" to the freeway interchange and to Beck Road. Similarly, diverted trips would include vehicles traveling along Grand River that otherwise would not have turned onto Beck to visit the gas station/restaurant. If and when a full traffic impact study is submitted, it will warrant some additional analysis for application of a pass-by rate, which we expect should be significantly lower than what was assumed in the rezoning traffic study.
- 3. Road Commission weekday turning-movement counts at the intersection of Beck Road and Grand River were obtained for the Rezoning Traffic Impact Study from March 10-13, 2009 (Tuesday through Thursday). The narrative included with the Rezoning Traffic Impact Study states that the Tuesday counts were excluded from the analysis because they demonstrated "extreme fluctuations compared to the other two days of traffic volumes." Birchler Arroyo contacted Mr. Bowen and he confirmed that there was a training event at the Rock Financial Showplace on March 10, 2009; that event traffic is likely reflected in the high traffic volumes for that day. It is common for this intersection and particularly the southbound-to-eastbound turning movements to have significant variation in volumes based on Showplace event traffic. Our office has concern for the potential of southbound Beck Road traffic to queue all the way back past the proposed driveway of the subject site, impeding both inbound and outbound site traffic, particularly during heavy event traffic.
- 4. The development of this site has broader implications relative to the City's pending Master Plan update for this area. This site, and the driveway that will access it, are potentially the first pieces of a larger development and transportation network plan within this area. Both the City and the developer should be aware that this site, as well as the Chase Bank, will in the near term require direct access to and from Beck Road. Prohibition of direct left turns into or out of the proposed driveway would adversely impact site access until a more extensive collector-road network has been developed. Currently, because both of Chase Bank's driveways are right-out-only, the only way for Chase Bank customers to exit onto southbound Beck or eastbound Grand River is to turn left from the Beck Road driveway proposed to be extended to the subject property. If and when a collector-road system is developed, it is possible that left turns out of the proposed driveway could be prohibited,

and traffic could be diverted to a new traffic signal on Grand River Avenue east of Beck Road. The possibility also exists for a new traffic signal at the proposed driveway and Beck Road; this possibility may need to be analyzed as part of the proposed development's full Traffic Impact Study.

Sincerely,

BIRCHLER ARROYO ASSOCIATES, INC.

Rodney L. Arroyo, AICP

Vice President

July Charge William a. Stimpson William A. Stimpson, P.E.

Director of Traffic Engineering

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



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

CALL TO ORDER

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

ROLL CALL

Present: Members Victor Cassis, Andy Gutman, Michael Meyer

Staff Support: Mark Spencer, Planner, Barbara McBeth, Deputy Community Development Director,

Kristen Kolb, City Attorney

APPROVAL OF AGENDA AS AMENDED

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

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

Audience Participation and Correspondence

Planner Spencer suggested to include audience participation with the review for the study area. Committee agreed.

Chairperson Gutman asked Planner Spencer if there was any correspondence. Planner Spencer responded none.

Staff Report

Planner Spencer stated he has been working on the schedule for the Committee for next year, but I'm looking at the 1st and 3rd Thursdays through the rest of the master plan review process and then backing off to one meeting a month if needed on the 1st Thursday of the month.

Member Cassis asked if we could move from Thursdays to Tuesdays. Chairperson Gutman stated he was fine with that so long as it doesn't conflict with the Planning Commission Meetings. Planner Spencer stated that in the past they did opposite Wednesdays of the Planning Commission meetings, is that something we can consider. Committee agreed with Planner Spencer on the Wednesdays for the meetings. Second preference would be the 1st Thursday of the month. Planner Spencer will work on some dates for Wednesdays for the next meeting.

Matters for Discussion

Item 1

Master Plan for Land Use Review

- a) Recommended Master Plan Amendments
- 1) Grand River Avenue and Beck Road Study Area

Future Land Use designations and Future Land Use Map

Future land use designations. Staff proposes to eliminate the Office use designation in this study area and replace with Office, Research, Development and Technology for all Office use areas in this district. He explained that the Committee previously agreed to Staff's proposed amendment to eliminate the Office designations and replace with three new categories: Community Office; Office Commercial and Office, Research, Development and Technology. He stated Staff also proposes a definition for a special office area, Office, Research and Technology with a Retail Service Overlay. The [proposed] definition for retail service overlay is land uses designated with a Office, Research

Development and Technology designation an additional retail services overlay designation to include retail service uses that serves party and visitors to an office use area including but not limited to fuel stations, car washes, restaurants including drive-thru's, and convenient stores in Office, Research, Development and Technology use areas.

Committee agreed with Planner Spencer on the definition.

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

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

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

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

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

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

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

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

Related Objectives and Implementation Strategies

Planner Spencer went on to discuss the goals, objectives and implementation strategies under the land use category are already in the master plan. The goal is to develop the Grand River and Beck Study Area in a manner that supports and compliments the neighboring areas. The objective is to develop the Grand River Avenue and Beck Road Study Area in a manner that facilitates continuing

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

Transportation Plan Map

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Review rezoning submittal 18.691

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

The petition is for 1.64 acres currently zoned OST. The applicant is asking to rezone it to the

Freeway Service District, which does not comply with the current Master Plan designation of Office uses. Staff is suggesting the applicant wait until the Master Plan process is completed and ordinance changes are in place.

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

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

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

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

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

Planner Spencer discussed some site issues with the committee.

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

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

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

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

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

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

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

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

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

Member Meyer commented that we don't have a freeway service overlay in place. Planner Spencer responded by saying we do have a freeway service zoning district in place. Member Meyer asked what is preventing them from going ahead and presenting this to the Planning Commission. Planner Spencer stated there is nothing preventing them from doing that if they insist on going ahead with it

they can go to the Planning Commission, but Staff's recommendation will be that it doesn't match the master plan.

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

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

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

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

Mr. Bowen and the committee discussed a PRO process.

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

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

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

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

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

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

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

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

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

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

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

MINUTES

Moved by Member Cassis, seconded by Member Meyer

VOICE VOTE ON MINUTES APPROVAL MOTION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER MEYER:

A motion to approve the October 7, 2009 minutes. Motion carried 3-0

ADJOURN

Moved by Member Cassis, seconded by Member Meyer:

VOICE VOTE ON ADJOURNMENT MOTION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER MEYER:

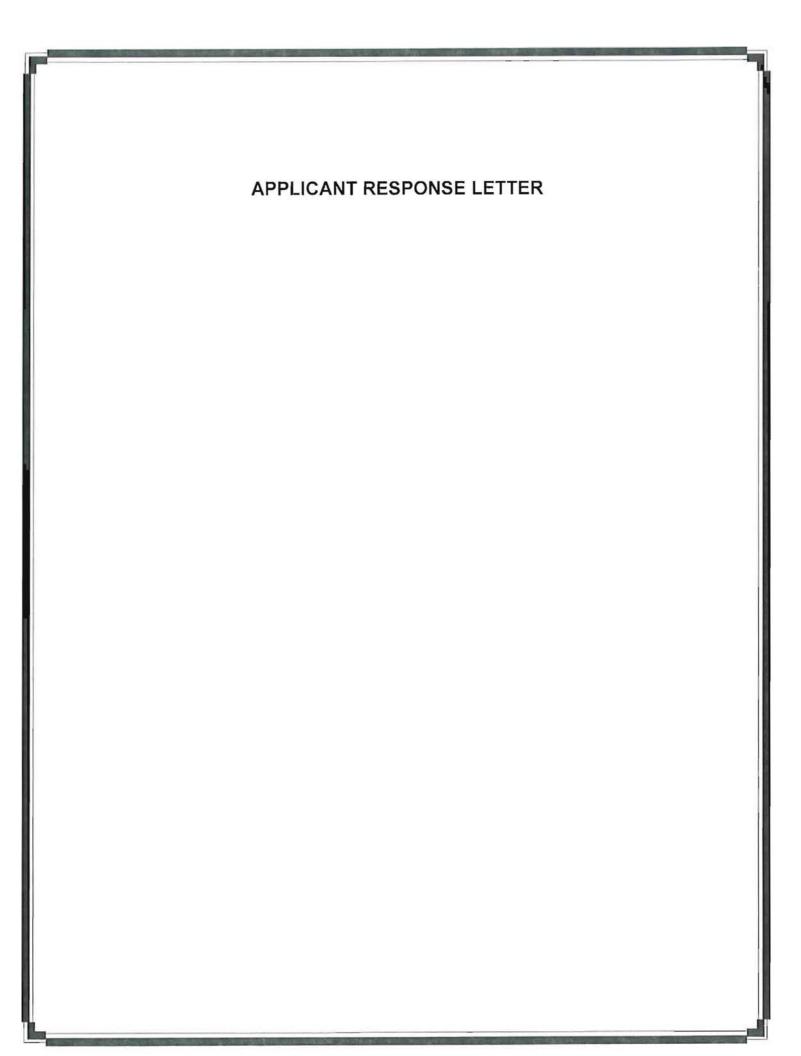
A motion to adjourn.

The meeting adjourned at 9:17 PM

Future Meetings

December 3, 2009 December 17, 2009

Transcribed by Bonnie S. Shrader Customer Service Representative December 10, 2009 Date Approved:



NOVI MILE, LLC

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

January 21, 2010

Planning Commission City of Novi 45175 W. Ten Mile Road Novi, MI 48375

RE: Zoning Map Amendment 18.69 Petitioner Novi Mile, LLC

Dear Planning Commissioner Members:

We are excited to present to you our request to rezone 1.81 acres on the east side of Beck Road between I-96 and Grand River from OST to Freeway Services in order to advance the development of gas convenience store at this location. As the Commissioners are aware, this corridor in particular, is woefully underserved as it relates to the availability of gas station/convenience items and the addition of this development to this quadrant would be extremely beneficial to the needs of the community and its citizens while having little to no impact on the City utility infrastructure or City services. The entire parcel is serviced by an easement and would not create a landlocked parcel. We also anticipate in conjunction with site plan approval that lot splits and roadways will be addressed as required. In addition, there are countless examples of parcels with the multiple zoning districts within their borders and this in and of itself does not create any need for a parcel split. We are considering for example, using a condominium approach for this project, and could handle access via a condominium common element. Staff's objection on this point is acknowledged however both the items are typical development issues that can be accomplished once a rezoned permitted use is approved.

We have discussed this project with the City and staff for over the last two years and we have patiently participated in the Master Plan and Rezoning Committee meetings for the past 13 months. I believe we can confidently say that a consensus of those involved feel that this is one of the primary uses appropriate for this location and I am certain if polled more of a consensus of the surrounding property and citizens would support a gas/convenience center being needed for this area.

In direct response to the City's reviews we have attached an updated letter of January 20, 2010 from Bergmann and Associates, our traffic engineer, confirming that their study is consistent with generally accepted standards and with the City's site plan and development manual. As we pointed out in this response almost the entirety of the staff's and consultants' issues are appropriately dealt with at the site plan approval level which we look forward to swiftly entering into.

Planning Commission 1/21/2010 Page 2 of 2

Therefore, in order to create some positive activity in this quadrant, the applicant respectfully requests that the Planning Commission recommend the Zoning Map Amendment 18.694 as requested.

Your consideration in this matter is greatly appreciated. As always, if you have any questions or concerns please do not hesitate to contact us directly.

Very truly yours,

NOVI MILE, LLC

Blair Bowman

Enclosures



January 20, 2010

Mr. Blair Bowman Mr. John Bowen Novi Mile, LLC 46100 Grand River Avenue Novi, MI 48374

Re:

Proposed Rezoning Traffic Impact Study USA 2 Go, City of Novi, Michigan Response to Birchler Arroyo Comments, December 29, 2009

Dear Mr. Bowman/Mr. Bowen;

Bergmann Associates has reviewed the City of Novi Planning Review Report, dated January 19, 2010 as well as the Birchler Arroyo Rezoning Traffic Impact Study Review letter dated December 29, 2009. Based on the statements in Birchler Arroyo letter, Mr. Arroyo and Mr. Stimpson confirm that the content and methodology of the analysis contained in the Bergmann Associates October 9, 2009 Trip Generation Comparison Analysis Letter is acceptable and consistent with the requirements for the City of Novi's *Site Plan and Development Manual* Rezoning Traffic Impact Study. Bergmann Associates agrees that the Beck Road site access issues, disussed by Birchler Arroyo in their review letter, are legitimate concerns and they will be addressed further during the proper stages of the site's approval process.

Please feel free to contact me with any additional questions or concerns.

Sincerely,

Kelly K. Ferencz, PE

Project Manager



Memorandum



To: Mr. John Bowen	From: Kelly Ferencz, PE	
Date: January 20, 2010	Re: Birchler Arroyo Rezoning TIS Review	

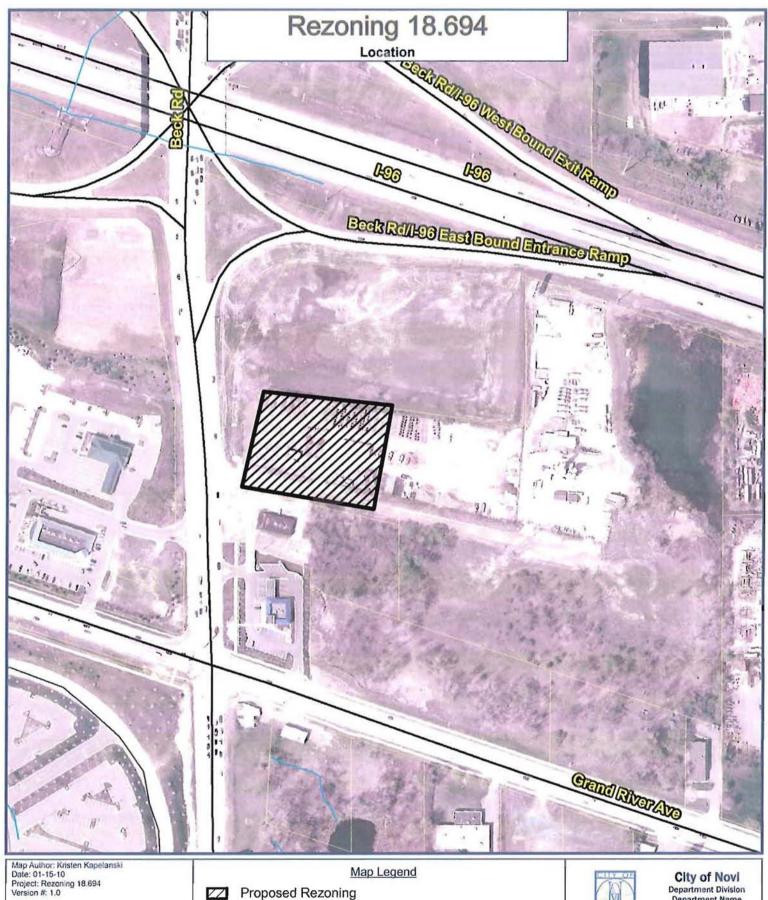
Mr. Bowen

As requested by the City of Novi, below summarizes our response to the general points discussed in the Birchler Arroyo review letter dated December 29, 2009.

- 1. <u>Driveway Traffic Volumes and Pass-by/Diverted-link Traffic</u>: The rezoning traffic impact study trip generation forecast was conducted according the standard accepted practice for generating such estimates. The trip reductions factors applied were obtained from the most recent edition of the Institute of Transportation Engineers *Trip Generation Handbook*, the national publication utilized to aid in preparing trip generation forecasts. Birchler Arroyo is correct in stating that the actual driveway volumes will be greater with the proposed development as opposed to the existing zoning. However, a complete trip distribution assignment model, level of service analyses, SimTraffic simulation of Beck Road and queue evaluation need to be complete in order to completely evaluate what the actual impacts to the Beck Road traffic flow will be. It should be noted that the interconnectivity of the USA 2 Go site with the Chase Bank will also further impact the trip generation potential as there is an opportunity for 'internal capture' trips, those trips that utilize the driveway one time to access more than one site. Also, the internal access to WB Grand River Avenue could reduce the impact the proposed development has at the Beck Road Driveway. The distinction between 'pass-by' trips from Beck Road traffic and the path and driveway assignments for 'diverted link' trips from Grand River Avenue and I-96 traffic will be examined in more detail with the completion of the traffic impact study to accompany the Preliminary Site Plan.
- 2. <u>Grand River Avenue and Beck Road Traffic Volumes</u>: With the completion of the full traffic impact study for the preliminary site plan, morning peak hour (7AM 9AM) and evening peak hour (4PM 6PM) turning movement counts are planned at Beck Road/Grand River Avenue Intersection, Beck Road/Beck Road Driveway Intersection, Beck Road/I-96 SPUI Ramps and Beck Road/12 Mile Road Intersection on a typical weekday (Tuesday, Wednesday or Thursday). Based on a review of the March 2009 traffic volumes on Beck Road north of Grand River Avenue, the new traffic (inbound and outbound combined) generated by the proposed USA 2 Go site would increase AM peak hour traffic volumes by 5% and PM peak hour traffic volumes by 1%. These two daily peak periods are the critical times of the day when traffic is typically highest on the roadway network and the proposed development would have the greatest impact. With the 'diverted link' trips that will be identified in the full traffic impact study discussed above, the relative increase in traffic on Beck Road due to the proposed site may be slightly higher during these time periods, however, they are anticipated to remain low relative to the traffic already traveling on Beck Road. The level of service evaluation at Beck Road and Grand River Avenue will include an analysis of the queues and their potential impact (if any) on the Beck Road Driveway.
- 3. <u>Future Access to USA 2 Go Site</u>: When the remainder of the northeast quadrant of Beck Road and Grand River Avenue will be developed and what the resultant transportation network will include are both still unknown at this time. Allowing left turns into and out of the proposed USA 2 Go site in the near term would not preclude the City or the Developer from further evaluating the safest and most efficient manner to move traffic into and out of the site when the surrounding transportation network is developed and finalized.



MAPS
Location
Zoning
Future Land Use
Natural Features



Project: Rezoning 18.694 Version #: 1.0

MAP INTERPRETATION NOTICE

MAP INTERPRETATION NOTICE

Map information depoted is not intended to replace or substitute for any official of primary source. This map was intended to meet. National Map Accuracy Standards and use the most record, occurate sources available to the people of the City of Novi. Boundary measurements and area colculations are approximate and should not be constitude as survey measurements portrained by a terminal Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Pleased contact the City GIS Managed to confirm source and accuracy information related to this map.



Department Name 45175 W Ten Mile Rd Novi, MI 48375 cityofnovi.org



1 inch = 248 feet

