



Novi Crossing SP10-06 WITH Zoning Map Amendment 18.696

NOVI CROSSING, SP10-06 WITH ZONING MAP AMENDMENT 18.696

Public Hearing of the request of Ten & Beck, LLC, for Planning Commission's recommendation to City Council for rezoning of property in Section 20, west of Beck Road and north of Ten Mile Road, from R-1, One-Family Residential District, to B-3, General Business District with a Planned Rezoning Overlay (PRO). The subject property is approximately 24.3 acres. The applicant is proposing a retail center totaling approximately 37,000 square feet with 17 acres of the site remaining open space.

REQUIRED ACTION

Recommend to City Council approval or denial of rezoning request from R-1, One-Family Residential District to B-3, General Business District with Planned Rezoning Overlay.

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval not recommended	02/11/10	<ul style="list-style-type: none"> • Proposed zoning is not in compliance with the Future Land Use Map. • Proposed concept plan presents a number of concerns (outlined in the Planning Review Letter). • Items to address on next submittal.
Engineering	Comments provided	02/17/10	<ul style="list-style-type: none"> • Increase in utility demands if property rezoned. • Retention basin may not be feasible due to soil conditions. • Additional information needed on location of stormwater facilities and on-going maintenance requirements. • Additional comments provided.
Traffic	Approval not recommended	01/31/10	<ul style="list-style-type: none"> • Substantial concerns regarding Traffic Impact Study. • Significant concerns with proposed layout. • Items to address on next submittal.
Landscaping	Approval not recommended	02/17/10	<ul style="list-style-type: none"> • Additional detail needed before a full review can be completed. • Items to address on next

			submittal.
Wetlands	Approval recommended	02/12/10	<ul style="list-style-type: none">• Wetland permit required.
Woodlands	Approval recommended	02/09/10	<ul style="list-style-type: none">• Items to address on next submittal.
Fire	Approval not recommended	02/05/10	<ul style="list-style-type: none">• 50' outside turning radius required for access drives.• Concerns regarding proposed layout.• Items to address on next submittal.

Motion sheet

Approval

In the matter of Novi Crossing, SP10-06 with Zoning Map Amendment 18.696, motion to **recommend approval** to the City Council to rezone the subject property from R-1 (One-Family Residential) to B-3 (General Business) with a Planned Rezoning Overlay, *with the following considerations...*

- a. Applicant modifying the concept plan to ensure any drive-through restaurant is located more than 60' from residential zoning;
- b. Ordinance deviation to locate the dumpster for Building A in the exterior side yard;
- c. Applicant providing loading zone screening;
- d. Applicant providing an 18' bypass lane for the drive-through of Building B;
- e. Applicant reconfiguring the stacking spaces so as not to interfere with two-way traffic;
- f. Applicant modifying the parking lot layout to meet the required parking setbacks;
- g. The applicant providing the items listed as part of the proposed public benefit including approximately 17 acres of open space deeded to the City and the mass grading, seeding and installation of a water irrigation system and walking trail path within this open space and the dedication of the 60' right-of-way along Beck and Ten Mile Roads as indicated in the June 14, 2010 and June 15, 2010 response letters;
- h. Applicant providing all required parking lot end islands; and
- i. All of the conditions and items noted in the staff and consultant review letters;
- j. *(Insert specific considerations here)*

For the following reasons...(a) The proposed PRO and donation of 17 acres of open space will result in an enhancement of the project area as compared to the existing zoning and such enhancement would be unlikely to be achieved in the absence of the PRO as development under the current zoning would not likely result in a donation of land to the City; and (b) The benefits expected to accrue from the proposal, namely the open space donation, clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering and environmental principles.

Denial

In the matter of Novi Crossing, SP10-06 with Zoning Map Amendment 18.696, motion to **recommend denial** to the City Council to rezone the subject property from R-1 (One-Family Residential) to B-3 (General Business) with a Planned Rezoning Overlay, for the following reasons...

(1) The benefits expected to accrue from the proposal do not clearly outweigh the reasonable foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering and environmental principals because:

(a) The proposed rezoning would be contrary to the current recommendations of the Master Plan for Land Use and Future Land Use map, which recommends single-family uses for the property;

(b) The southwest quadrant of the City is low-density residential in character and a rezoning to commercial use would not be in concert with the goals and objectives of the Master Plan for Land Use. Specifically, "Continue to protect the character of the southwest quadrant of the City as this area is home to the majority of the vacant land in Novi;"

(c) Recent land use studies have indicated that the City currently has a surplus or planned for retail activities to meet the highest predicted retail space demand through 2018;

(d) The proposed concept plan presents a number of concerns including loading space screening and location, drive-up window layout, parking lot setbacks and layout, inadequate information on the proposed landscaping and the distance of the proposed drive-through restaurant from the adjacent residential zoning;

(e) Revisions to the submitted Traffic Study are required before traffic impacts can be adequately analyzed; and

(f) Further information is needed regarding the location of and on-going maintenance of stormwater facilities; and

(2)The proposed PRO will not integrate the proposed land development project with the characteristics of the project area and will not result in an enhancement of the project area as compared to the existing zoning and such enhancement would be likely to be achieved in the absence of the PRO because:

(a) The area surrounding the proposed development and throughout the southwest quadrant of the City is primarily low-density residential development and an additional commercial development would detract from and disrupt this carefully maintained character; and

(b) Typical development under the existing R-1 zoning would require sidewalks and pathways be installed and could result in a large amount of preserved open space, in the form of residential yards.

PLANNING RESPONSE MEMO

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, PLANNER
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT DEPUTY
DIRECTOR
SUBJECT: NOVI CROSSING SP10-06 WITH ZONING MAP AMENDMENT
18.696
DATE: JULY 22, 2010

In response to the applicant's letters dated June 14, 2010 and June 15, 2010, the Planning Division offers the following comments.

Master Plan for Land Use

The Master Plan Amendments adopted in 2008 included an extensive review of uses in the Southwest Quadrant, including the subject property. This review and analysis, which included a fair amount of public involvement, overwhelmingly concluded that the southwest quadrant of the City should continue to be composed of mostly single-family residential uses with no new areas planned for commercial use.

A significant number of citizens participated in the 2008 Master Plan Amendments process and continually voiced their objections to additional retail in the southwest quadrant of the City, going so far as to indicate they are willing to travel outside of the area for goods and services. Participants also stressed their desire to maintain the low-density residential character of the southwest quadrant resulting in the following Master Plan for Land Use goal:

"Goal: Continue to protect the character of the southwest quadrant of the City as this area is home to the majority of vacant land in Novi."

The southwest quadrant's character is very low-density residential in nature and a rezoning of this property for commercial use would not be in concert with the goals and objectives of the Master Plan for Land Use or the Future Land Use Map.

As part of the current 2009 Master for Land Use review, the most recent retail study, completed in 2007 by the Chesapeake Group, was updated by staff to determine the future need for retail and other land uses throughout the City in both the immediate future and the long term future. This study update indicated the City currently has a surplus of land zoned or planned for retail activities to meet the highest predicted retail space demand through 2018. In addition, recent studies also indicated the City presently has a retail vacancy rate near 10%.

The applicant notes in their response letters that the approval of this project would support several other goals and objectives of the Master Plan, including the development of non-motorized transportation systems. While the proposed

development does include a number of non-motorized features, planning staff contends that development of the property under the current R-1 zoning would also be required to include pathways and sidewalks and likely include other features promoting non-motorized transportation.

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 part one, 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: (See staff's response in italics.)

1. 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. *The area surrounding the proposed development and throughout the southwest quadrant of the City is primarily low-density residential development. A new commercial development would detract from and disrupt this carefully maintained character and work towards detaching the subject property from the quadrant as a whole, creating an "island" of intense commercial use amidst mainly low-density residential developments. Furthermore, typical development under the existing R-1 zoning would require sidewalks and pathways be installed and could result in a large amount of preserved open space, in the form of residential yards.*
2. 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. *The proposed rezoning would be contrary to the current recommendations and goals and objectives of the Master Plan for Land Use and Future Land Use map, which recommends single-family uses for the property. As previously mentioned, the development of these documents represents a large amount of public input, particularly from residents in the southwest quadrant of the City. These residents noted the low-density*

residential character of the southwest quadrant was a great asset to both the area and the City as whole and felt the preservation of this residential character was very valuable. The convenience of additional retail in this area and the donation of open space would not outweigh the detriment to the character of the southwest quadrant that would occur if this project were approved. The details regarding public access and parking for the donated open space have not been provided and the Planning Division has significant concerns regarding whether or not adequate parking is provided in the retail center to accommodate those individuals utilizing the adjacent donated open space. Additionally, the stormwater management plan, traffic study and proposed concept plan present a number of concerns that cannot be fully analyzed until additional information is provided.

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

February 11, 2010

Planning Review

Novi Crossing

Planned Rezoning Overlay, SP# 10-06 with Rezoning 18.696

Petitioner

Ten & Beck, LLC

Review Type

Rezoning Request from R-1 (One-Family Residential) to B-3 (General Business) with a Planned Rezoning Overlay

Property Characteristics

- Site Location: North of Ten Mile Road, West of Beck Road
- Site Zoning: R-1, One-Family Residential
- Adjoining Zoning: North: R-1; East: Beck Road, R-1, B-1; West: R-1; South: Ten Mile Road, R-1
- Current Site Use: Vacant Land
- Adjoining Uses: North: Greenwood Oaks Subdivision; East: Beck Road, Briar Pointe Plaza, Briarwood Village; West: Warrington Manor Subdivision; South: Single-Family Homes, Vacant
- School District: Novi Community School District
- Site Size: 24.3 acres

Project Summary

The petitioner is requesting comment on a proposed rezoning with a Planned Rezoning Overlay. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As a part of the PRO, the underlying zoning is changed, in this case to B-3 with a portion of land remaining zoned R-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



will submit for Preliminary and Final Site Plan 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.

The petitioner is requesting the rezoning of a property on the northwest corner of Ten Mile and Beck Road in Section 20 of the City of Novi. The 24.3 acres under review are currently zoned R-1, One-Family Residential. The applicant has proposed a rezoning of 7.1 acres located directly at the corner of the intersection of Beck Road and Ten Mile Road to B-3, General Business (indicated in the above figure). The remaining 17.2 acres of the existing parcel would maintain its current R-1 zoning and is proposed to be included as part of the public benefit, which is described in the application and later in this review letter. The applicant has indicated that the rezoning is being requested to facilitate the construction of four commercial buildings on the site totaling 36,800 square feet, which are not permitted in the R-1 zoning district. Proposed uses include a fast food drive-through restaurant, a general retail building, a sit-down restaurant and a general retail building with drive-through pharmacy window.

Recommendation

Staff recommends denial of the proposed Zoning Map Amendment, which would rezone the subject property from R-1, One-Family Residential to B-3, General Business. Denial is recommended for the following reasons.

- The proposed rezoning to B-3, General Business with a PRO would be contrary to the recommendations of the current Master Plan for Land Use, which recommends single-family uses for the property.
- The proposed rezoning with a PRO would be contrary to a goal of the Master Plan for Land Use: *Continue to protect the character of the southwest quadrant of the City as this area is home to the majority of vacant land in Novi.*
- Additional clarification is needed regarding whether the 17 acres of "open space" will be deeded to the City or deed restricted with ownership to be maintained by the current property owner. Additional information is needed on the types of deed restrictions that would be imposed, if any, or if any conditions would be associated with deeding the land to the City.
- The proposed concept plan presents a number of concerns: loading space screening and location; drive-up window by-pass lane and stacking spaces; proposed uses including a fast food drive-through restaurant which is not be permitted per the ordinance standards; dumpster locations; parking lot setback; parking lot end islands; minimum 50' outside turning radius to all buildings per requirements of Fire Marshal; and deficiencies in landscaping requirements which may need modifications of the proposed concept plan.
- Further information is needed regarding the on-going maintenance of possible off-site landscaped berms and stormwater facilities.
- Additional detail or modifications will be needed on the next submittal of a Concept Plan or Preliminary Site Plan, as detailed in this and the accompanying review letters.

Planning Commission Options

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

1. Recommend rezoning of the parcel to B-3, General Business with a Planned Rezoning Overlay (*APPLICANT REQUEST*).

2. Deny the request, with the zoning of the property remaining R-1, One-Family Residential (**STAFF RECOMMENDATION**).
3. 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 notices 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 One-Family Residential zoning. A rezoning of the property to B-3 zoning would be inconsistent with the recommended actions of the Master Plan. The Master Plan recommends One-Family Residential land uses not only for this parcel, but also for the immediate surrounding parcels and the general area, with the exception of a small portion of the northeast corner of the intersection, which is master planned for local commercial.

The Master Plan Amendments adopted in 2008 included an extensive review of uses in the Southwest Quadrant. This review and analysis, which included a fair amount of public involvement, overwhelmingly concluded that the southwest quadrant of the City should continue to be composed of mostly single-family residential uses with no new areas planned for commercial use. The Southwest Quadrant of the City is adequately served by existing and planned local and community commercial areas located adjacent to the quadrant at Ten Mile and Beck Roads, along Grand River Avenue at Wixom and Beck Roads, along Wixom Road south of Grand River Avenue and nearby in the City of Wixom, Lyon Township, Northville Township and the City of Northville. Furthermore, significant citizen input at the time of the aforementioned Master Plan update (2008) indicated that maintaining the low density residential character of the Southwest Quadrant is a high priority for residents and to preserve that character, residents are willing to travel outside of the study area for goods and services.

The Master Plan for Land Use includes one goal that is especially relevant to this proposal.

"Goal: Continue to protect the character of the southwest quadrant of the City as this area is home to the majority of vacant land in Novi."

The southwest quadrant's character is very low-density residential in nature and a rezoning of this property for commercial use would not be in concert with the goals and objectives of the Master Plan for Land Use.

Existing Zoning and Land Use

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

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

	Existing Zoning	Existing Land Use	Master Plan Land Use Designation
Subject Site	R-1, One-Family Residential	Vacant	One-Family Residential

Northern Parcels	R-1	Greenwood Oaks Subdivision	One-Family Residential
Southern Parcels	Ten Mile Road, R-1	Ten Mile Road, Single- Family Homes, Vacant	One-Family Residential
Eastern Parcels	Beck Road, R-1, B-1	Beck Road, Briar Pointe Plaza, Briarwood Village (allowed under a Consent Judgment)	One-Family Residential, Local Commercial
Western Parcels	R-1	Warrington Manor Subdivision	One-Family Residential

Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the requested B-3 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 in the R-1, One-Family Residential district and contains Greenwood Oaks Subdivision. Changing the zoning of the subject property to B-3 has the potential to positively and negatively affect the existing subdivision. While the subdivision north of the subject property would experience increased traffic in the area, a commercial establishment in the area would also provide a convenient place for them to shop. The proposed "parkland" could serve as a recreation area for the adjacent residents depending on its eventual use.

Directly to the **south** of the subject property is Ten Mile Road. The properties to the south of Ten Mile Road are zoned R-1, One-Family Residential and have large lots with single-family homes situated on them. There is also one residentially zoned vacant parcel of land. This property is in the Master Plan for Land Use for One-Family Residential. Changing the zoning of the subject property to B-3 will have a mostly negative impact on this property. The owners would likely see an increase in traffic if a commercial development is constructed directly across the street from their existing homes. However, a commercial development could also bring a convenient shopping place to the area.

The property to the **west** of the subject property is in R-1, One-Family Residential district and contains Warrington Manor subdivision. The impacts to this subdivision would be consistent with the impacts described for the subdivision to the north.

The property to the **east** of the subject parcel is Beck Road. The properties to the east of Beck Road are Briar Pointe Plaza and Briarwood Village. Briar Pointe Plaza could experience a lower vacancy rate if a shopping area/commercial establishments are situated directly opposite the existing plaza. Briarwood Village is an existing residential development that would not be greatly impacted. The development is currently adjacent to an existing shopping plaza. The residents would experience increased traffic in the area as a result of an additional shopping area but would also benefit from the increased convenience and store selection.

Overall, the development of a commercial area in the Ten Mile Road/Beck Road area would detract from the residential character of the surrounding area and create a commercial development within a primarily residential sector of the City.

Comparison of Zoning Districts

The following table provides a comparison of the current and proposed zoning classifications. No alternatives have been provided at this time. All alternative districts that permit commercial uses, specifically drive-through commercial uses, would not be in compliance with the recommendations of the Master Plan.

	R-1 Zoning (Existing)	B-3 Zoning (Proposed)
Principal Permitted Uses	<ol style="list-style-type: none"> 1. One-Family detached dwellings. 2. Farms and greenhouses (subject to specific conditions). 3. Publicly owned and operated parks, parkways and outdoor recreational facilities. 4. Cemeteries. 5. Home occupations, as set forth and regulated in Section 201 of this Ordinance. 6. Accessory buildings and uses, customarily incident to any of the above uses. 7. The keeping of horses and ponies (subject to specific conditions). 8. Family Day Care Homes, as regulated pursuant to MCL 125.583b, provided the licensee shall occupy the dwelling as a residence. 	<ol style="list-style-type: none"> 1. Any retail business or service establishment permitted in B-1 and B-2 districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions and subject to the restrictions therein. 2. Auto wash when completely enclosed in a building. 3. Bus passenger stations. 4. New and use car salesroom, showroom, or office, except trucks and heavy off-road construction equipment. 5. Other uses similar to the above uses. 6. Tattoo parlors (subject to specific conditions). 7. Publicly owned and operated parks, parkways and outdoor recreational facilities. 8. Accessory structures and use customarily incident to the above permitted uses.
Special Land Uses	<ol style="list-style-type: none"> 1. Churches (subject to specific conditions). 2. Public, parochial and private elementary intermediate or secondary schools (subject to specific conditions). 3. Utility and public service buildings and uses (subject to specific conditions). 4. Group day care homes, day care centers and adult day care centers (subject to specific conditions). 5. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rinks and indoor tennis courts (subject to specific conditions). 6. Golf courses (subject to specific conditions). 7. Colleges, universities and other 	<ol style="list-style-type: none"> 1. Outdoor space for exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes, or rental of trailers or automobiles (subject to specific conditions). 2. Motel (subject to specific conditions). 3. Business in the character of a drive-in or open front store (subject to specific conditions). 4. Veterinary hospitals or clinics (subject to specific conditions). 5. Plant materials nursery (subject to specific conditions). 6. Public or private indoor recreational facilities, including, but not limited to, health and fitness facilities and clubs, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities,

	R-1 Zoning (Existing)	B-3 Zoning (Proposed)
	<p>such institutions of higher learning, public and private (subject to specific conditions).</p> <p>8. Private pools shall be permitted as an accessory use (subject to specific conditions).</p> <p>9. Cemeteries (subject to specific conditions).</p> <p>10. Railroad right-of-way but not including terminal freight facilities, transfer and storage tracks.</p> <p>11. Mortuary establishments (subject to specific conditions).</p> <p>12. Bed and breakfasts subject to the standards of Section 2522.</p> <p>13. Accessory buildings and uses customarily incident to any of the above permitted uses.</p>	<p>soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities.</p> <p>7. Mini-lube or quick oil change establishments (subject to specific conditions).</p>
Minimum Lot Size	Dwelling Units/Net Site Area = 1.65	Based on the amount of off-street parking, landscaping, and setbacks required.
Building Height	2.5 stories –or- 35 feet	30 feet
Building Setbacks	Front: 30 feet Sides: 15 feet Rear: 35 feet	Front: 30 feet Sides: 15 feet Rear: 20 feet

Infrastructure Concerns

An initial engineering review was done to analyze the information that has been provided thus far. The engineering review indicated there would be an increase in utility demands as a result of the proposed rezoning with PRO. Additional information can be found in the attached review letters. A full scale engineering review will take place during the course of the Site Plan Review process.

The City’s traffic consultant has reviewed the Traffic Impact Study and concept plan and does not recommend approval of the Traffic Impact Study or concept plan. There are substantial concerns regarding the Traffic Impact Study and the applicant should refer to the attached review letter and make the appropriate corrections to the study. In addition, there are also a number of issues to be addressed on the concept plan. See the traffic review letter for additional information.

The City’s Fire Marshal also did an initial review of the proposed plan and has some concerns regarding the outside turning radius to and from the building and the general layout. Please see the Fire Marshal’s review letter for additional information.

Natural Features

There are regulated woodlands and wetlands on the site, as indicated by the attached review letters from the City’s environmental consultant. The woodland review letter indicates there are a number of trees on the site but these are not part of a regulated woodland. There is, however, one regulated, landmark tree on the site. The wetland review indicates the proposed development would potentially impact a small, non-essential wetland and the associated natural features setback. Please see the wetland and woodland review letters for additional information.

Development Potential

Development under the current R-1 zoning could result in the construction of up to forty houses based on the density regulations of the district and depending on the size of the proposed residences. The development of a commercial establishment on the area proposed to be rezoned to B-3 could result in a moderately sized shopping center (approximately 49,000 square feet). The ultimate size of the facility would depend on the parking requirements associated with its specific use. Any restaurant uses on this site would decrease this yield, due to the slightly higher parking demand when compared to general commercial uses. However, the Planned Rezoning Overlay, if approved, would hold the applicant to the proposed plan, meaning retail facilities could only be developed per the size indicated and layout shown on the concept plan.

Major Conditions of 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. The applicant's conceptual plan has been reviewed along with a letter describing the proposed use and suggesting items that could be included as public benefits. The following is one item stated by the applicant to be included as part of the proposed public benefit and are included on the concept plan.

- 17 acres of "open space" deeded to the City of Novi and/or deed restricted

Ordinance Deviations – Planned Rezoning Overlay

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 are areas where the current concept plan does not appear to meet ordinance requirements. Staff is recommending modification to the concept plan in several instances, instead of the applicant requesting a deviation from ordinance standards. The applicant should indicate how each of these instances will be addressed and include a list of ordinance deviations as part of the proposed PRO agreement. The proposed PRO agreement will be considered by City Council after tentative preliminary approval of the proposed concept plan and rezoning.

1. Loading Space Screening: Section 2302A.1 requires view of loading areas to be screened from rights-of-way and adjacent properties. Loadings areas indicated for Buildings A and C are not properly screened. **The applicant should add screen walls or additional landscape areas in a manner that would effectively screen the loading areas.**
2. Loading Space locations: Section 2507.4 indicates that the area required for loading, unloading and trash receptacles shall be laid out in such a way that when in use it shall not cut off or diminish access to off-street parking spaces or to service drives. The loading and

dumpster for Building A conflicts with access in the adjacent service drives. It is not clear how large trucks will access the loading space east of Building C. It is not clear how vehicles will maneuver into the loading zones for Building B and D. **These concerns should be addressed on a revised concept plan.** Please see the traffic engineering review letter for additional information.

3. Bypass Lane: Section 2506 requires a bypass of at least 18' be provided adjacent to each drive-through lane. A portion of an 18' bypass lane has been provided adjacent to the Building B drive-through but the lane is cut-off by a landscape island at the northern end of the site. **The applicant is asked to address this issue on a revised concept plan.**
4. Stacking Spaces: The stacking spaces shown for Building B interfere with the two-way traffic circulation in this vicinity. This concern is also identified in the Traffic Engineering Review letter. **The stacking space configuration should be reconsidered on the next concept plan submittal.**
5. Building Uses: The use for Retail Building B appears to be at least partially a drive-through restaurant. The ordinance was recently modified to allow fast-food drive through restaurants as a special land use in the B-3 district, subject to a number of restrictions. One restriction is that the parcel on which the restaurant is located must be at least 60 feet from a parcel zoned for single family residential uses. As proposed, this conceptual plan does not appear to comply with that requirement. **The applicant should modify the plans so that any drive-through restaurant is located more than 60' from residential zoning.**
6. Dumpster Location: Section 2503 lists the requirements for dumpsters and dumpster enclosures including the stipulation they must be located in the rear yard. The proposed dumpster and dumpster enclosure of Building A is shown in the exterior side yard. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
7. Parking Lot Setbacks: Section 2400, footnote q requires parking lot setback of 20 feet adjacent to any residentially zoned property. The plan shows 19 feet on the west property line (with somewhat lesser amount near the southwest corner), and 13 feet on the north property line. **The applicant is asked to modify the concept plan on the next submittal.**
8. Parking Lot End Island: Per Section 2506.13, parking lot end islands (landscaped with raised curb) are required at the end of each parking bay. It appears that the plan does not provide raised end islands in three locations between Building A and Building B. **The applicant is asked to modify the concept plan on the next submittal.**
9. Offered Public Benefit – Undeveloped Open Space: The applicant has indicated that approximately 17 acres of land is to be deeded to the City and/or deed restricted as part of their public benefit. **The applicant should clarify whether the area will be deeded to the City or just deed restricted with ownership to be maintained by the present owner. The applicant should indicate what types of deed restrictions would be imposed and what, if any, conditions would be associated with deeding the land to the City.**

10. Internal Property Lines: No internal property lines were shown within the four building retail development. It is not clear whether the property will be owned and operated as a unit, or whether the will be further property splits or condominium form of ownership. **Because building setback and parking issues should be considered on the concept plan, these issues should be clarified on the next submittal.**
11. Off-site berms: Nine foot tall screening berms are proposed to the north and west of the proposed parcel to be rezoned to B-3. These berms are required per ordinance standards, but are typically provided on the development site. **The applicant is asked to clarify the intent to construct the berms and the on-going maintenance of the berms and any required landscaping once the development is complete.**
12. Stormwater Retention: The submitted concept plan indicates that the proposed neighborhood commercial center will be directed to existing low areas (presumably on the parcel to remain zoned R-1). Further detail will need to be provided to indicate the location of the storm water facilities, and on-going maintenance requirements for these facilities. Please see the engineering review letter for additional comment.

Items for Further Review and Discussion

There are a variety of other items inherent in the review of any proposed development. At the time of Preliminary Site Plan review, further detail will be provided, allowing for a more detailed review of the proposed development. After this detailed review, additional variances may be uncovered, based on the actual product being proposed. This would require amendments to be made to the PRO Agreement, should the PRO be approved. **The applicant should address the items in bold at this time in order to avoid delays later in the project.**

13. Barrier Free Signs: The Barrier Free Code requires one barrier free sign for each barrier free parking space. No signs are shown. **The applicant should provide one barrier free sign for each barrier free space.**
14. Loading Space: The traffic review letter indicates some concern regarding the location of the loading spaces and whether or not trucks will be able to utilize those spaces and properly maneuver in and out. **The applicant should provide turning diagrams showing the loading spaces can be used effectively.**
15. Stacking Spaces for Drive-Through: Per Section 2506, stacking spaces must be shown on the plan for drive-through uses. These spaces should be 19' in length. The stacking spaces shown on the concept plan are only 17' in length. **The applicant should revise the plan to show 19' stacking spaces and confirm that the appropriate amount of stacking spaces has been provided. If the revisions indicate an inadequate number of stacking spaces, the applicant should indicate whether they would like this deviation included in the PRO Agreement.**
16. Sidewalks: The Bicycle and Pedestrian Master Plan calls for a 5 foot sidewalk along Ten Mile Road. The applicant has provided an 8 foot pathway. **The applicant may revise the walk along Ten Mile Road to be 5 feet.**
17. Outdoor Seating Area: It appears that an outdoor seating area(s) may be proposed at some of the buildings shown on the concept plan. The applicant should be advised that outdoor

seating plans should be included on the Preliminary Site Plan submittal. Section 2524 of the Zoning Ordinance lists requirements for outdoor seating. **Additional parking spaces may be required if outdoor seating is proposed.**

18. Proposed Gazebos and Fire Pit: The applicant is asked to provide further information on the proposed gazebos and fire pit and benches at the northwest corner of the concept plan.

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 part a, 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:

1. *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.*
2. *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.*

Public Interests/Benefits Under PRO Ordinance

At this time, the applicant has identified items of public interest/benefits in the Project Description/PRO Review letter submitted as part of their application materials. These items should be weighed against the proposal to determine if the benefits that are proposed **clearly outweigh** the detriments of the proposal. The benefits proposed include:

- Approximately 17 acres of "open space" are proposed to be deeded to the City of Novi and/or deed restricted. **(The applicant should clarify whether the area will be deeded to the City or just deed restricted with ownership to be maintained by the present owner. The applicant should indicate what types of deed restrictions would be imposed and what, if any, conditions would be associated with deeding the land to the City.)**
- Extend pedestrian sidewalks along Ten Mile Road and Beck Road frontages beyond the development area property line. (Pathways and sidewalks are typically required for development parcels as part of the Preliminary Site Plan submittal per the Bicycle and Pedestrian Master Plan.)

Rezoning with Planned Rezoning Overlay

Novi Crossing

February 11, 2010

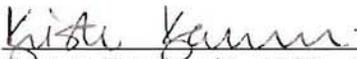
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- Formal dedication of 60 foot right-of-way along Ten Mile Road and Beck Road. (This would typically be requested as part of the Preliminary Site Plan submittal.)
- Loop water main along Ten Mile Road to extend and connect the current water system. (This would typically be required as part of the Preliminary Site Plan submittal.)
- Construction of storm water management facilities within the property to serve as storm water retention basin(s) to hold storm water runoff from the proposed development, as well as runoff from Ten Mile and Beck Roads. (Developers are required to detain for their storm water runoff as part of a Preliminary Site Plan. The City currently has a stormwater plan in place for the Ten Mile and Beck Roads runoff.)
- Public amenities and pedestrian friendly layout of the proposed development.
- Job creation.

For additional information on the proposed public benefits, please see Project Description/PRO Review letter submitted by the applicant.

Submittal Requirements

- The applicant has provided a survey and legal description of the property in accordance with submittal requirements.
- The rezoning sign has been erected on the property.
- A traffic impact statement was submitted.



Kristen Kapelanski, AICP – Planner
kkapelanski@cityofnovi.org or 248-347-0586

Planning Review Summary Chart

Ten and Beck – Northwest Corner
Rezoning with PRO SP10-06

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Single-Family Residential	Community Commercial	No	<p>The Master Plan for Land Use currently designates this property for One-Family Residential zoning. A rezoning of the property to a B-3 zoning would be inconsistent with the recommended actions of the Master Plan.</p> <p>The Master Plan recommends One-Family Residential land uses not only for this parcel, but also for the immediate surrounding parcels and the general area, with the exception of a small portion of the northeast corner of the intersection, which is master planned for local commercial.</p>
Zoning	B-3 (proposed)	B-3 (proposed)	N/A	
Use	Various retail and service uses as outlined in Sections 1501 and 1502 of the Zoning Ordinance.	General retail, service and restaurant with two drive-throughs.	No	Drive-through fast food uses are not permitted in the B-3 District when properties are adjacent to residential districts.
Building Height (Sec. 2400)	Maximum 30 feet	No elevations provided.	N/A	Applicant has indicated that elevations will not be provided until the PSP submittal.
Building Setbacks (Section 2400)				
Front (east)	30 feet	30 feet	Yes	
Interior Side (north)	15 feet	82 feet	Yes	
Exterior Side (south)	30 feet	30 feet	Yes	

10-06 Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Rear (west)	20 feet	71 feet	Yes	
Parking Setbacks (Section 2400)				
Front (east)	20 feet	25 feet	Yes	
Interior Side (north)	20 feet	13 feet	No	Applicant should redesign the site to accommodate the required setback or indicate they would like this deviation included in the PRO agreement.
Exterior Side (south)	20 feet	25 feet	Yes	
Rear (west)	20 feet	19 feet	No	Applicant should redesign the site to accommodate the required setback or indicate they would like this deviation included in the PRO agreement.
Number of Parking Spaces (Sec. 2505)	<p>Retail Space: One space for each 200 sq. ft. of gross leasable area.</p> <p>30,213 sq. ft. / 200 = 151 spaces required</p> <p>Sit Down Restaurant: One space for each 70 sq. ft. of gross floor area or one space for each two employees, plus one space for each two customers allowed under maximum seating capacity (including waiting areas), whichever is greater</p> <p>6,600 sq. ft. / 70 = 94 spaces required</p> <p>Fast Food: One for each employee plus one for each two persons allowed under maximum capacity (including waiting areas)</p>	256 spaces provided	Yes	<p>The appropriate number of spaces are provided for general retail uses. The applicant should be aware that additional parking is required for restaurant uses. A floor plan must be provided to confirm parking for sit-down restaurant uses.</p> <p>If a fast food use is proposed for retail Building B parking requirements may be greater. Parking requirements could also be greater for the sit-down restaurant use once a floor plan is provided. If parking is deficient, the PRO Agreement may need to be revised at the time of PSP.</p>
Parking Space	9' x 19' parking	9' x 19' parking space	Yes	

10-06 Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Dimensions (Sec. 2506)	space dimensions (9' x 17' if overhang on 7' wide interior sidewalk or landscaped area as long as detail indicates 4" curb) and 24' wide drives for 90° parking layout.	dimensions with 24' wide drive for 90° parking layout.		
Barrier Free Spaces (Barrier Free Code)	7 accessible spaces; 2 must be van accessible	11 accessible spaces (5 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8' wide with a 5' wide access aisle (8' wide access aisle for van accessible)	8' wide with a 5' wide access aisle and 8' wide with an 8' wide access aisle for van accessible	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space.	No barrier free signs indicated.	No	Applicant should provide one barrier free sign per space.
Loading Spaces (Sec. 2507)	10 square feet per front foot of building <u>Building A</u> 60 ft. x 10 = 600 sq. ft. <u>Building B</u> 80 ft. x 10 = 800 sq. ft. <u>Building C</u> 96 ft. x 10 = 960 sq. ft. <u>Building 4</u> 110 ft. x 10 = 1,100 sq. ft. All loading shall be in the rear yard or interior side yard if double fronted lot.	 <u>Building 1</u> 1,050 sq. ft. in rear yard <u>Building 2</u> 1,400 sq. ft. in Interior side yard <u>Building 3</u> 1,118 sq. ft. in rear yard <u>Building 4</u> 1,140 sq. ft. in interior side yard	Yes?	Please see the traffic review comments for additional information on the location of the proposed loading zones. The applicant should confirm that delivery trucks will be able to utilize the loading zone space for pick-ups and drop-offs.
Loading Space Screening (Sec. 2302A.1)	In the B-3 District, view of loading and waiting areas must be shielded from rights of way and adjacent properties.	Loading zones of Buildings B and C screened by buildings and landscape islands.	No?	Loading zones screening of Buildings A and C loading zones not provided. Applicant should provide screen walls or landscape screening or indicate they would like this deviation included

10-06 Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
				in the PRO agreement.
Stacking Spaces for Drive-through (Sec. 2506)	Fast food: The distance between the order board and the pick-up window shall store 4 vehicles, and 4 vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board). Pharmacy: 3 vehicles inclusive of the vehicle at the window	Fast food: Eight stacking spaces provided total with the location of the menu board and pick-up window not indicated. Pharmacy: Six stacking spaces provided total (two lanes with three each)	Yes?	As noted in the traffic review letter, stacking spaces on the concept plan are 17' in length, as opposed to 19'. The applicant should adjust the stacking space size and confirm that the appropriate number of stacking spaces can still be provided.
Drive-through Lane Delineated (Sec. 2506)	Drive-through lanes shall be striped, marked, or otherwise delineated.	Fast food: Drive-through lane delineated by landscape islands. No directional pavement markings provided. Pharmacy: No delineation of drive-through lane.	No	The PSP should include pavement markings to more clearly delineate the drive-through lanes.
Bypass Lane for Drive-through (Sec. 2506)	Drive-through facilities shall provide 1 bypass lane. Such bypass lane shall be a minimum of 18' in width, unless otherwise determined by the Fire Marshal.	Fast food: 18' bypass lane indicated but lane does not extend to the end of the drive-through and it cut off by a proposed landscape island Pharmacy: 18' bypass lane provided?	No	Fast food: Applicant should provide a bypass lane of at least 18' that extends along the entire length of the drive-through lane for Building B or indicate they would like this deviation included in the PRO agreement.
Width and Centerline Radius of Drive-through Lanes (Sec. 2506)	Drive-through lanes shall have a minimum 9' width and centerline radius of 25'.	9' width with 25' centerline radius not provided	Yes	
Drive-through Lanes Separation (Sec. 2506)	Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, and egress from, the property.	Fast food: Drive-through lanes are situated on the rear side (west) of the proposed structure. Pharmacy: Drive-through lane located on the rear side (west) of	Yes	

10-06 Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
		the proposed structure.		
<p>Accessory Structure Setback-Dumpster (Sec. 2503)</p>	<p>Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear yard or interior side yard.</p>	<p>All dumpsters appropriately located except for the dumpster for Building A, which is located in the exterior side yard.</p>	<p>No</p>	<p>Application should adjust the location of the Building A dumpster so that it is in the rear of the building or indicate they would like this deviation included in the PRO agreement.</p>
<p>Dumpster (Chap. 21, Sec. 21-145)</p>	<p>Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.</p>	<p>Dumpster enclosure details not provided at this time.</p>	<p>No</p>	<p><u>The applicant should provide dumpster enclosure details at the time of Preliminary Site Plan submittal.</u></p>

10-06 Planning Review Chart

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Signs	Exterior Signage is not regulated by the Planning Division or Planning Commission.			Please contact Jeannie Niland (248.734.5678) in the neighborhood services division.
Exterior Lighting (Sec. 2511)	Photometric plan and exterior lighting details needed at preliminary site plan.	No photometric plan provided.		Photometric plan to be submitted at the time of preliminary site plan submittal. Please see Section 2511 of the Zoning Ordinance for additional information.
Sidewalks (City Code Sec. 11-276(b))	Building exits must be connected to sidewalk system or parking lot. Sidewalks required to connect to existing system.	8' walk proposed to connect to existing sidewalk system.	Yes	A 5' walk should be provided along 10 Mile Road instead of the proposed 8' pathway.
PRO Requirements (Sec. 3402)	Sufficient conditions shall be included on and in the PRO Plan and PRO Agreement on the basis of which the City Council concludes that as compared to the existing zoning it would be in the public interest to grant the rezoning with PRO because the benefits reasonably expected to accrue from the proposal would clearly outweigh the reasonably foreseeable detriments.	Applicant is proposing deeding approximately 17 acres of "passive open space" to the City and/or providing deed restrictions on this property. Dedication of 60 ft. right-of-way.		The applicant may want to consider limiting the uses on the property as part of the conditions of the PRO Agreement.

Prepared by Kristen Kapelanski, (248) 347-0586 or kkapelanski@cityofnovi.org