

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 1
January 22, 2008

SUBJECT: Consideration of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage to RM-2, High-Density, Mid-Rise, Multiple-Family Residential, or some lesser residential designation, and favorable consideration of the PRO Concept Plan. The subject property is 115.89 acres.

SUBMITTING DEPARTMENT: Community Development Department - Planning

Bu r b
Chm

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION: On January 7th, the City Council considered the applicant's request for rezoning and Planned Rezoning Overlay. Following considerable discussion, the applicant agreed to postpone the matter to the next available City Council meeting. Draft minutes of that discussion are provided. The matter is now returning to the City Council as requested, although the applicant has not provided any new communications to supplement the packet distributed at the January 7th City Council meeting, other than a faxed letter dated January 14th asking to postpone the request to a subsequent meeting. The matter is being returned to the City Council for the meeting of January 22nd as the City Council's motion states that the matter would be postponed until the next available meeting to allow the applicant the opportunity to consider comments made by the City Council and reconsider their request of the City.

Following the January 7th City Council meeting one point of discussion has been clarified. The Master Plan for Land Use review discussion by the Planning Commission included the direction to staff to designate a maximum density of 3.3 units to the acre for the properties designated "Educational Facility", consistent with the Planning Commission's intended designation for the residential property to the west. The intended maximum density will be clarified on the final Master Plan Amendments that are currently being prepared by the Community Development Department.

The petitioner is requesting consideration of a Planned Rezoning Overlay (PRO), in conjunction with rezoning request 18.676. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As part of the PRO, the underlying zoning is changed, in this case to RM-2 as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and the 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 PRO concept plan expires, the zoning reverts back and the agreement becomes void.

The parcels in question are located on the south side of 12 Mile Road, between Wixom Road and Napier Road in Section 18 of the City of Novi. The property totals 115.89 acres and the applicant is proposing to rezone all or portions of four parcels. The current zoning of the parcels is I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage. The parcels and their existing zoning are identified in the attached maps.

The applicant is proposing this rezoning to facilitate the construction of a 230 unit duplex residential development (Nicoleena Estates) and a Catholic girl's high school (St. Catherine of

Siena) along with an associated convent and Catholic Educational Research Center on the site in the future. Currently, some portions of the proposed site are zoned I-1, which does not permit the proposed uses. In addition, the existing residential zoning (RA and R-1) of other portions of the development does not permit the proposed density. A school is a Special Land Use in the RM-2 district.

As part of the PRO, the applicant is required to provide a public benefit that would demonstrate more than just the usual benefits associated with standard rezoning and development of the property. The developer has agreed to pave Twelve Mile Road along the property to be rezoned and along the north-south link where connection to the existing pavement will be made. This would include any and all stormwater drainage to facilitate the road system. Cross sections for the proposed pavement have been included in the attached packet. For additional items listed as public benefits and for the PRO conditions, please see the attached information provided by the applicant and the Plan Review Center reports.

This matter was brought before the Planning Commission for their comment on November 7th, 2007. Due to some unforeseen circumstances regarding the public hearing notification, the public hearing was postponed until the November 28th, 2007 meeting. However, the applicant still wished to gather the preliminary comments of the Planning Commissioners at the November 7th, 2007 meeting. Relevant minutes are attached.

This matter was brought before the Planning Commission for a public hearing and their recommendation on November 28th, 2007. At that time, the Planning Commission made a positive recommendation to rezone the property with the PRO to the R-4, One-Family Residential District with the applicant meeting the density standards of the R-4 District (3.3 units per acre) and that duplexes be allowed as a deviation from the ordinance standards for a one-family district. The proposed density of Nicoleena Estates is presently 3.6 units per acre. The applicant would have to reduce the proposed Nicoleena Estates by 18 units to obtain a density of 3.3 units per acre. The school, convent and research center would all be permitted in the R-4 District.

The Master Plan for Land Use review recently conducted by the Community Development Department, the Planning Commission and the planning consultant team studied the subject properties in depth. The final recommendation endorsed by the Planning Commission at the December 12th, 2007 meeting was for a maximum of 3.3 units/ acre (consistent with R-4 zoning) on the west part of the subject property and "educational facility" on the east part of the subject property. The Planning Commission endorsed the maximum density of 3.3 units/acre on the educational facility property, as well. This option was consistent with the Planning Commission recommendation made for the rezoning and PRO request two weeks earlier.

The Community Development Department suggests that the City Council consider four options: the applicant's original request for RM-2, High-Density, Mid-Rise, Multiple-Family Residential zoning (maintaining the current proposed density of 3.6 units per acre); the staff's recommendation for RT, Two Family Residential (or any lesser Single Family Residential designation); the Planning Commission's recommendation for the R-4, One-Family Residential zoning with the necessary ordinance deviations and revising the concept plan to accommodate the maximum density of 3.3 units per acre; or the applicant's *revised* request as presented in the letter dated December 19, 2007.

The applicant's *revised* request indicates that the applicant seeks rezoning of 51.89 acres to RM-2 (for the property proposed to be developed with St. Catherine's of Siena), and rezoning of the remaining 64 acres to RT (for the property proposed to be developed with Nicoleena Estates), with the necessary provisions of the Planned Rezoning Overlay. A copy of the December 19 letter is attached.

A summary of the four options for consideration by the City Council is as follows:

Option 1 (Developer's): Approval of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP 07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family

Residential and RA, Residential Acreage to RM-2, High-Density, Mid-Rise, Multiple-Family Residential and consideration of the PRO Concept Plan.

Option 2 (Planning Commission): Approval of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP 07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage to R-4, One-Family Residential and consideration of the PRO Concept Plan subject to the applicant adjusting the density of the proposed Nicoleena Estates to 3.3 units per acre and duplexes being permitted as a deviation from the Ordinance.

Option 3 (Staff): Approval of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP 07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage to RT, Two Family Residential (RT allows a maximum of 4.8 units to the acre and the applicant is proposing 3.6 units to the acre), or any of the Single Family Residential zoning designations, and consideration of the PRO Concept Plan.

Option 4 (Revised Developer's): Approval of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP 07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage to RM-2, High-Density, Mid-Rise, Multiple-Family Residential for the easterly 51.89 acres (Parcels 3 and 4 on applicant's exhibit), and RT, Two Family Residential for the westerly 64.00 acres (Parcel 5 on the applicant's exhibit) and consideration of the PRO Concept Plan.

The proposed Rezoning with PRO agreement will come back before City Council at a subsequent meeting for final approval of the draft agreement and zoning, reflecting the decision of the Council at the January 22nd, 2008 meeting.

RECOMMENDED ACTION: Approval of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP 07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage to RT, Two Family Residential and favorable consideration of the PRO Concept Plan. The subject property is 115.89 acres.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

LETTER FROM APPLICANT

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January 14, 2008

VIA FACSIMILE AND FIRST CLASS MAIL

Clay Pearson
City of Novi Manager
45175 West Ten Mile Road
Novi, MI 48375-3024

RE: St. Catherine of Sienna Academy and Nicoleena Estates

Dear Mr. Pearson:

In regards to the captioned rezoning case which appeared in front of the Novi City Council on January 7, 2008, you will recall that the Council tabled action on the item and requested that it be placed on the next available City Council Agenda. I am advised that the next Council meeting is on Tuesday, January 22, 2008. It has been expressed to me that Councilperson Staudt will not be in attendance at that meeting. I have reviewed his absence with my client and my client requests that a full Council be available for a decision on the rezoning issue.

Therefore, I would request that this rezoning matter be placed on the Monday, February 4, 2008 City Council Agenda. This additional time will also allow my clients to submit additional information to the Council in determining the zoning as requested. Thank you for your cooperation in this matter.

Very truly yours,



Matthew C. Quinn

MCCQ/kw

cc: Frank Pellerito
Mike Dewan
Andy Wozniak
Barbara McBeth, Novi Community Development Dept. ✓

**DRAFT
CITY COUNCIL MINUTES
JANUARY 7, 2008**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 7, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

MATTERS FOR COUNCIL ACTION – Part I

1. **Consideration of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage to RM-2, High-Density, Mid-Rise, Multiple-Family Residential, or some lesser residential designation, and favorable consideration of the PRO Concept Plan. The subject property is 115.89 acres.**

Matt Quinn was present representing the applicant. Mr. Quinn introduced Mr. and Mrs. Frank Pellerito, the owner's of the property, Mike Dewan and Ed Turik, the developers of St. Catherine, and some Sisters representing the Dominican Sisters of Mary, Mother of the Eucharist, Father Richard Elmer from Catholic Central. Mr. Quinn also advised Council of who would be on their consultant team.

Mr. Quinn advised Council about the surrounding property and what the use of the properties was at present. He explained what the high school would be like and said it would educate up to 750 young girls. He introduced Father Elmer who introduced Sister Augustan, the designated principal of the ten Sisters who would come to staff the school, and spoke about the mission of the school. Mr. Dewan, developer, spoke about what would go on in the Resource Center, which was to allow people to come in and bring their questions and ideas. Mr. Quinn stated the facility would also be used by the senior citizens, the Parks and Recreation program, public community associations and Boy Scouts and Girl Scouts for a nominal fee for janitorial and utility costs. Mr. Pellerito's B-2 property would also benefit to the maximum as a tax base for the City. There would be 70% of open space; Twelve Mile Road was proposed to be paved along with sidewalk use on the south side and the storm water drainage improvements. He said traffic for the site would not be a major impact for anywhere in Novi. Mr. Quinn said the major access to the high school would be off of Twelve Mile Road and because of the Wixom Road Interchange the area would be improved 100%. They believed having another cultural institution would be a benefit to the City.

Tom Ryan, attorney for St. Catherine, said the Planning Commission had endorsed the project but there were issues they were still dealing with. Mr. Ryan explained the issues to Council regarding 1) going from an R-A to an R-1 density, 2) Using an RT, Transitional Zoning, to buffer the residential zoning to the west. He said negotiations and cooperation would be needed to bring this project to fruition as it was R-A or R-1 on the map but it shouldn't be and Transitional Zoning was needed. He hoped Council would consider that. The Pellerito's were asking for R-M Zoning so this would work for them. Mr. Ryan asked Council to use the Transitional Zoning, allow the R-M zoning with a PRO and the controls the City would have, so this concept could become a reality.

Mr. Quinn thought the R-M 2 zoning, for the school property only, did no harm to the City because it was protected with the PRO contract and could make this an economic reality. He said without the R-M 2 zoning the project would be a financial impossibility and would not happen. He said the project was unique and would not set precedence.

Mr. Quinn said they would ask for 3.6 units per acre on their residential portion and that the property be rezoned to RT, duplex zoning, which was 4.8 units per acre. Another option that the Master Plan Consultants came up with was to split the use with 3.3 units per acre on the north and 4.4 units on the south, which would give them more than what they the 3.6 units they were asking for.

Barbara McBeth said the project was about 116 acres and the applicant was proposing to rezone all or portions of the site from Light Industrial, Residential Acreage and R-1. She showed the proposed plan which entailed the Nicoleena Estates, the Catholic girls' school and the St. Catherine of Siena, the associated convent and the Catholic Educational Research Center, which was the portion proposed to be rezoned to R-M 2. The west end of the site they were proposing to rezone to RT. On November 28th the Planning Commission made a recommendation to rezone the property with the PRO to R-4 with 3.3 units per acre, and they recommended a deviation from the PRO be allowed to allow the duplex style development on the west part of the site. Ms. McBeth said the proposed density of Nicoleena Estates was presently 3.6 units per acre and the applicant would have to reduce the number of units by about 18 units to obtain 3.3 units per acre, which were 18 units less than the 230 that were shown on the plan.

On December 12th the Planning Commission completed their study of the Master Plan for Land Use. She said the western part of the site was shown at 3.3 units to the acre and the approval was for educational facility for the east side of the site. The final recommendation of the Planning Commission was for 3.3 units per acre and this option was consistent with the Planning Commission recommendation that was made two weeks prior to that. She said the Community Development Department suggested that Council consider one of four options. 1) the applicant's original request for the RM-2 maintaining the current proposed density of 3.6 units per acre. She noted that under the RM-2 there could be up to 20 units of two bedroom units per acre and that was their recommendation. 2) Staff's proposal for RT or any lesser single family residential designation as it was consistent with the duplex nature of the western part of the project

and with the RT District which allowed a maximum of 4.8 units to the acre. 3) The Planning Commission's recommendation for R-4 with the necessary ordinance deviations and revising the concept plan to accommodate the maximum density of 3.3 units per acre to the acre, which was consistent with the recently approved Master Plan study density for that area unanimously endorsed by the Planning Commission. 4) The applicant's revised request as presented on December 19th which included rezoning of the 51.89 acres to RM-2 for the property to be developed with St. Catherine's of Siena and rezoning the remaining 64 acres to RT for the property to be developed with Nicoleena Estates with the necessary provisions of the PRO Overlay.

Mayor Pro Tem Capello said he had no problem with the developer's revised option #4. The RT was a higher density than the Planning Commission wanted, .but he thought 27 units per acre wasn't that great of an increase in the density given what the City would receive in return.

He said not only was the City getting in return the girls Catholic high school but would also be getting the entire property that the high school would be built on that was not being developed as residential at all. So, the City would be getting the benefit of not having any density, except for the convent, on that entire piece of property, which he thought was a plus, because this had been a problematic area in the City. He said there was going to be a PRO so to him the zoning and the density on the property where the high school was to be located didn't matter. He said it didn't matter what it was rezoned to or what the density was because they knew with the PRO they would be guaranteed the density would be no more than just the Sisters living in the convent. He said he didn't understand the Planning Commission's logic wanting to keep that as R-4 after they had already agreed it should be used for educational purposes. He said there was no detriment to the City whether it was RM-2 or R-4. The benefit to the Dominicans if it was RM-2, was possibly \$3 or \$4 million dollars of additional funds coming into the school to help not only build the school but to maintain payments and operating expenses for the first few years until the school could get on its feet. Mayor Pro Tem Capello couldn't understand why they wouldn't want money not taken out of the City's taxpayers dollars; give the school \$4 to \$5 million dollars to operate on with no detriment to the City whatsoever. He couldn't understand why they wouldn't do that. He understood the RM-2 zoning was inconsistent with any other zoning but with the PRO they were not going to have that zoning in place insofar as determining density. He said he didn't have a problem with duplexes whether RT or R-4 with the PRO provision for duplexes 18 units would not make or break it. The real question was whether or not the school property would get RM-2 rezoning. He thought if there was a problem rezoning to RM-2, after the project was over and funding in place, any harm in them coming back and asking for it to be changed back to R-4, if it looked better in the Master Plan.

Member Gatt concurred with Mayor Pro Tem Capello. However, he thought he understood why they wouldn't do this, and that was because the Master Plan and the new Master Plan that was coming out didn't recommend the RM-2 zoning. He said it would be covered by a PRO and he didn't believe it would set a precedent to any other

developer down the line. Member Gatt said, as Mr. Quinn said, they needed it for the money, and with the higher density zoning they would be able to borrow more money and have it appraised higher, which they would use for the school. Member Gatt said Novi had the best co-ed school in Michigan, and then Catholic Central came in and was the very best all boys school that anyone could ask for. He said now they were proposing what he believed to be the very best all girls school and all in the City of Novi. He said these schools would increase the property values and the quality of life in Novi. He said he was fully in support of this endeavor and understood both sides and would lean toward the school's side more because the benefit to the City was black and white.

Member Crawford commented that she, as a new Council member, had met with Mr. Quinn and Planning Commissioners over the last four days and talked about it. She said she was very much in favor of the project and thought it would be a wonderful thing to have another educational venue in Novi. She loved the idea of having community involvement where the community would be invited to the campus to use it. However, there was time invested in the recent Master Plan study and she had wrestled with this but concurred with Mayor Pro Tem Capello and was very much in favor of the project.

Member Margolis also thought they would get an approval; the question was what kind of an approval. She said she absolutely supported the school and thought it would be a wonderful addition to the community. She said her issue was the idea of her position and job to set policy for this City, and with such strong discussion and emotional appeals about the importance of the school to the City, it was easy to lose sight of their responsibility to look at things with an objective eye. Member Margolis said one of their responsibilities was to follow the Master Plan. She said she had no problem with the R-4 designation but would not be able to support a rezoning to the RT or the R-M 2 at this point.

Member Mutch had concerns about the off site wetlands on the commercial property to the east. He asked if staff or consultants been able to quantify the impact of the wetland impacts and were they covered under the Wetland Permit process. Ms. McBeth said this was a concept plan at this point and she asked Dr. John Freeland from ECT to comment.

Mr. Freeland said on this stage of their review they had done wetland boundary verification but had not done a final regulatory determination. He recommended to the applicant that they submit an application to the MDEQ to see what they would or wouldn't regulate. He said they didn't want to do their final determination and determine a wetland might be non-essential and then have the MDEQ decide to regulate it. He said any wetland that was MDEQ regulated would also automatically be City regulated. He said now they were calling for impacts of approximately 4 ½ acres of wetland and proposing a little over 6 acres of wetland mitigation. He believed there was a total of 5 proposed wetland mitigation areas to compensate for the proposed impacts. Mr. Freeland said the highest quality wetlands were forested wetland or forested emergent open water wetland complexes that had high quality values in terms of wildlife habitat, water retention, stormwater storage, etc. He said they were concerned about the

proposal to discharge water into a wetland adjacent to Knightsbridge Gate. He said it was a forested wetland and covered by a conservation easement. He said they had discharged stormwater into areas covered under conservation easements before but in this case he was concerned about putting a lot of water into a forested wetland that was on the east side of Napier Road in Knightsbridge Gate. They went out to look at culverts on Napier Road and it appeared that they were blocked from years of not having any maintenance, and if those blockages weren't dealt with there would be additional water building up in the forested wetland next to Napier Road. He said they didn't know who was responsible for those culverts, but suggested they take care of them to prevent damage to a very quality forested wetland.

Member Mutch said Mr. Freeland had raised the issue that the offsite stormwater conveyance into that wetland could lead to a tree die off from water saturation. He asked if that was west between Knightsbridge and Napier Road. Mr. Freeland said correct, it was on the west side of Nicoleena Estates. Member Mutch said Mr. Quinn said they were going to mitigate the wetlands that would be filled on the commercial property to the east on the site, and Mr. Freeland had noted in his letter that there had not been any determination by MDEQ or the City about essentiality or whether the wetlands were regulated or not. Mr. Freeland agreed and said it was typically done at the preliminary site plan stage and they thought there might be some very small wetlands that weren't regulated. He said 4 ½ acres of impact was probably a good number to think about tonight. Member Mutch asked if he had the formula of how they got to the mitigation number. Mr. Freeland responded he thought the formula was 1 ½ to 1 replacement ratio with the assumption that a few of the wetlands would not be regulated. Member Mutch asked what his view was on their concept of the wetland mitigation and how it would work. Mr. Freeland responded that they thought it was approvable depending on the details of the wetland mitigation plan, which had to be developed.

Member Mutch asked if the wetland permit approval process would be done at the Planning Commission level or would it be done by City Council. Mr. Schultz stated it would be a part of the overall approval, and what was going to happen with the wetland would be addressed in the PRO agreement. Then site plan approval at the Planning Commission level. Member Mutch asked if the wetland permit approval for the off site wetlands would be included in any wetland permit approval for development of these properties, or would it take place when Mr. Pellerito developed the commercial portion. Mr. Schultz said, at this point, they would expect that there would be an approval and permitting for that entire process. Member Mutch asked if language to that affect would be included in the PRO agreement. Mr. Schultz said if that was part of Council's understanding they would make that clear in the agreement. Member Mutch asked Mr. Quinn if it was his expectation that the PRO agreement would include addressing the off site wetlands. Mr. Quinn said it was, and in their proposed Phase I included all wetland mitigation programs. Member Mutch said the permit would include the off site wetlands as well, and Mr. Quinn said yes. Member Mutch said Mr. Quinn talked about intrusion into a couple of the woodland areas in the Nicoleena Estates portion of the property, and he asked Ms. McBeth what staff's evaluation of the quality of the woodlands was.

Ms. McBeth said Mr. Freeland worked with the City on woodlands as well. Mr. Freeland said the woodlands were fairly mature hardwoods common to the City. They contained some Hickory, Ash, Elm, Maples and Red Oak primarily. Member Mutch asked what the quality was of the woodlands in the area of the western pocket where the cul-de-sac came down and went into the existing woodlands. Mr. Freeland responded it was generally good quality.

Member Mutch said there were questions from staff about sanitary sewer capacity downstream from the site and questions about how the sewage would be conveyed from these developments to the existing sanitary sewer system. He asked if they had been able to determine capacity downstream and what kind of facilities would be put in place, in terms of pump stations, to get the sewage from the site into the existing system. Ms. McBeth read from their letter "the project is within the Lanny's Sanitary Sewer District and we are currently undertaking a project to increase the capacity within that district with the addition of a diversion chamber, pumping system and bypass force main along Beck Road and I-96". She said that was based on the Master Plan for Land Use in 2004. She said they went on to talk about the site "the topography of the site the sanitary flow could be discharged easterly or westerly from the site. Any flow that was discharged from the west impacts three existing pump stations, the Knightsbridge Gate, the Napier Road and Wixom Road, along with the proposed Lanny's bypass pump station. A flow to the east would impact only the Lanny's bypass pump station. Therefore the Engineering Division supports the applicants plan to construct a new pump station to direct all sanitary flows to the east. Engineering can estimate, based on information provided in the PRO concept plan, that would result in an increased peak sanitary sewer discharge of .25 cubic feet per second over the anticipated flows assuming that a warehouse might have been developed in the Light Industrial District or a decrease of .1 CFS in flow assuming a factory was used in the I-1 District". She said they were saying it would require the applicant to provide sanitary basis and design, and the applicant would be required to study the existing capacity downstream. It would typically take place at the time of site plan.

Member Mutch asked at what point they would know whether there was an issue with capacity downstream. Mr. Hayes said they should know that at the preliminary site plan phase when they give them their initial calculations. Member Mutch said whose responsibility would it be to make improvements if an issue occurred with capacity, either at the pump station or in the lines, to accommodate it. Mr. Hayes said by virtue of their recommendation of directing all flow to the east to the new lift station on Beck Road that capacity condition should be ameliorated. Member Mutch asked if they would be putting in their own pump station and he assumed that would become the City's responsibility to maintain. Mr. Hayes said he was correct. Member Mutch said this would also be the most current design with backup generators, and Mr. Hayes agreed. Member Mutch assumed it would be covered by any agreements the City drafted and Mr. Hayes agreed.

Member Mutch commented he had no issues with the school site itself. The environmental impacts, the roadways, fields, etc., with the school itself were fairly

limited. Member Mutch said the concerns he had with the site plan as presented were with the impacts in the Nicoleena Estates area. He thought they had a blank slate to create a development that met the needs of the applicant and also addressed the City's environmental standards. He said when he saw a design that had some impacts to the good quality woodlands, and the questions about the wetland impacts, to him it meant they had some more work to do. The development team for the project needed to make changes to the site plan to address those environmental impacts. His concern with these parallel projects was once they were approved by Council they went back through the process, and he thought the perception by staff and the Planning Commission was that Council saw this and signed off on the plan so they must be OK with it. Member Mutch wanted them to know if this did go forward, there was more work to be done. This was not the final plan and it was not the intent of the PRO Ordinance or process to rubber stamp what had been presented before Council. Member Mutch thought they should address the issue of sewer capacity and water pressure, also the question of street connections to the vacant parcel between Nicoleena Estates and St. Catherine School. He didn't see anything that would permit a connection to the vacant land, and he didn't want to end up with the 20 acre parcel Mr. Quinn highlighted, being not developable in a quality way or a future dispute about access. He wanted to see some provision or understanding in the site plan that highlighted how these two properties could co-exist and be developed. He said the access drive would be a logical place to have at least one point of connection but if that wasn't spelled out more often than not it doesn't happen. He said he would be looking for the applicant to work with Catholic Central to better work out the pedestrian access between the properties, and even to the commercial section to the east.

Member Mutch said the school and the Catholic Education Resource Center were unique public benefits to the community. He thought a lot of the benefits presented really flowed more to the applicant's and the Pellerito's. He commented he wasn't impressed with the PRO Ordinance as a vehicle to bring forth projects that he saw equitable benefit to the public and the private sector. Member Mutch understood the needs of the applicant but that raised the two core issues he was struggling with. One was the Master Plan, which was not officially approved, and they were talking about making some deviations regarding density. Member Mutch said while each site was unique, when deviations were made it did create a precedent, and that was a concern. He was also concerned with using the PRO Ordinance as a vehicle to finance the project. He understood the economic and the obstacles the Sisters faced creating a school from scratch, they didn't have the alumni base that Catholic Central had, and they were depending on the Pelleritos being able to do the creative financing. But, that was not the responsibility of the City of Novi to make that happen. He said a PRO was a zoning tool; it was not a financial tool or some other tool that the City would have more leeway with. He was concerned that if they opened the door with this project, as good and as beneficial it might be for the City, long term what would be the impact of that. He asked how many other proposals would come forward that might not be as beneficial or have the same benefits. Member Mutch said he would not support the rezoning because of that. He thought the rest of the issue could be addressed.

Member Staudt said he walked the property and liked what he saw and what he was thinking about this. He saw this as a future opportunity for potential employees of Providence to locate close to their workplace. He said relative to the woodland and environmental issues, he agreed with Member Mutch that this was a less than complete project at this point. He said Mr. Quinn addressed his issues regarding the documentation of the usage of facilities, which he felt was an important element. He was happy to hear him offer the written documentation.

He said he would lean toward staff option 3. He thought this was an extremely complicated situation and he had given it much thought and thought they would have an interesting struggle dealing with this. Mr. Staudt was happy to see a girls Catholic High School and this was a great opportunity for our City to add another crown jewel to it.

Mayor Landry said he was in favor of the project, and thought that St. Catherine would benefit the City. He wasn't concerned about the traffic, thought the stormwater issues could be worked out, and the PRO requirements were met with the paving of Twelve Mile with respect to benefits to the City. However, he said he was concerned about the underlying zoning. He said it was his responsibility to protect the integrity of the City's Master Plan and the City's zoning plan. He said he understood the economic realities to the extent that in order for Mr. Pellerito to donate the property he had to see an economic gain, and in order for him to see an economic gain he needed increased density on the parcel he was retaining to the west. It was currently zoned R-A, which was .8 units per acre and R-1, which was 1.6 units per acre. Mayor Landry said what was being proposed, RT for Nicoleena Estates, was 3.6 units that quadrupled the density in R-A and doubled the density in R-1. He said R-M 2 would provide for between 15 and 31 dwelling units per acre depending on one bedroom or three bedroom apartments in high rise apartments. Mayor Landry stated he could not agree to RM-2. He said this was not the only religious or educational institution that was in the planning stages in the City. He said others were coming forward, and what he couldn't do was arbitrarily designate a zoning category for an area to give it the highest market value when it had nothing to do with the actual use that was going to happen on the property. He understood about the PRO and that they were going to guarantee it was an educational institution, but he could not utilize the Master Plan and Zoning Ordinance when they knew it would have nothing to do with the use that was there. Mayor Landry thought the Planning Commission hit the nail right on the head. The Planning Commission recommended R-4 for the entire property, which allowed 3.3 dwelling units per acre. He said that would give Mr. Pellerito the density he needed and was within 15 units, and he agreed with Mayor Pro Tem Capello that 15 units would not make or break that project. Mayor Landry said he wouldn't build on it for 10 years; he would not build on it but would sell it. He said 3.3 dwelling units per acre would give Mr. Pellerito what he needed for this project. Mayor Landry said he would be in favor of R-4 with a PRO to allow the school; he would also allow the duplexes on Mr. Pellerito's portion of the property but he could not agree to RM-2. Mayor Landry said they just spent a lot of time and money looking at the Master Plan, and had hired consultants to advise them on the Master Plan. He said the whole reason was to maintain the integrity of the Master Plan. He said they had to update the plan and it had to be fresh, if they were going to utilize it

in the future. Mayor Landry said they were just coming to a close with that exercise, and the Master Plan was going to reveal 3.3 dwelling units per acre, and he could not ignore that in the very first project that comes before Council. He didn't think it would be maintaining consistency and they could not look at another project and say they weren't consistent with the Master Plan because they would say Council just totally ignored it and gave them 30 dwelling units per acre and gave them a PRO on top of it. He said he just could not agree to that. Mayor Landry said he was willing to bend and increase the density to allow Mr. Pellerito to get what he needed to allow the project to go forward and he had no problems with the PRO or the duplexes. He could do that but could not just arbitrarily use the Zoning Ordinance.

Mayor Landry stated he would support a motion consistent with what the Planning Commission did, or he would consider any other motion that Council might have.

Mayor Pro Tem Capello said the property was zoned I-1 and B-2 and they were asking to go for the school property to an R-4, and asked if the property value would be higher as a Light Industrial and B-2 than an R-4 in today's market.

Mr. Quinn said the school was not allowed in the I-1 but was allowed in all residential areas. He said they were seeking RM-2. Mayor Pro Tem Capello said he thought private schools were allowed in Light Industrial. Mr. Schultz said no, they needed the R designation in order to get their school. Mr. Quinn said a for profit went into I-1 not a non-profit school.

Mr. Quinn said they had come in before the Master Plan update began, it was not adopted yet, and he said they still had the right to come in under the existing Master Plan. He said even the proposed Master Plan said that the R area for the school facility was designated as education facility and he wasn't aware that there was an underlying density. He said the only 3.3 was on their residential component. He said if it was just designated as educational facility with no density applicable to it then they were in compliance with the proposed Master Plan.

Ms. McBeth said Mr. Quinn was correct. She said the 3.3 units per acre were shown for the western part of the site, and this was recommended for institutional and there would be no density associated with that.

Mayor Pro Tem Capello commented that it appeared there would not be consensus on the RM-2 and there might be consensus on the R-4. He said he didn't want them to leave with something they couldn't deal with and asked if they tabled this, would it give them an opportunity to go back and readjust and come up with another alternative. He said it looked like the consensus tonight was that it would all go to R-4.

Mr. Quinn said all the financial analysis had been done on the RM-2 basis and it was a break even point at that with a little bit of reserve. He thought they needed to do some additional financial evaluation if it was not going to go there. He said they would not

mind a table, but if it was tabled, they would like it on the agenda for the next available meeting.

CM-08-01-04 Moved by Capello, seconded by Mutch; CARRIED UNANIMOUSLY:

To postpone the consideration of Zoning Map Amendment 18.676 with a PRO to the next available City Council meeting to give the applicant an opportunity to go back and consider comments made by Council members tonight and reconsider their request of the City.

DISCUSSION

Member Gatt asked if it was designated "education facility" could RM-2 fit there.

Ms. McBeth said the Master Plan recommended the underlying land use. The zoning districts allow the uses that would be permitted there. So during the months of study with the Planning Commission and consultants bringing the residents in to discuss this as well, the recommendation was for residential uses with the educational component associated with it. She said for that reason they didn't usually have a designated density on the Master Plan for Land Use when the educational component was recommended. She said the RM-2 allowed the highest density residential development that was in the community. The RM-2 District

would allow an educational facility as it carried through all the residential districts. Member Gatt said the new Master Plan would designate the property as educational facility. Ms. McBeth said correct.

Member Mutch said the fact that the Master Plan designated that as educational facility and did not designate a density didn't mean it was a blank slate and any number they wanted could be used. The designation of educational facility recognized that it was essentially a residential land use but without density associated with it. He said they couldn't just use the zoning and Master Plan to craft it into whatever designation Council wanted to do. He thought if there was an understanding that there was going to be some density associated with it, that would be something the Planning Commission would have reviewed. He said he highly doubted that RM-2 would have been the density they would have placed on that property. He would support the table so the applicant had the opportunity to review whatever issue they had that they could address, and also based on the Council's comments. He thought they needed to keep a couple issues in mind, and one issue with the school property was there was a proposal for the convent. He said the convent was a residential use, so this discussion whether the school could go into I-1 or not, he thought they had to keep in mind there was some residential component with that. He said he was always open to creative ideas and suggestions but within limits. He agreed with Mayor Pro Tem Capello that they had existing zoning on portions of the property that would seem more valuable than a residential zoning, which might be something to look at, or ways to utilize Mr.

Pellerito's B-3 property to benefit this development. There were definitely some complicating factors and he hoped two weeks would be enough time for the applicant to bring forward a solution that the majority of Council could support.

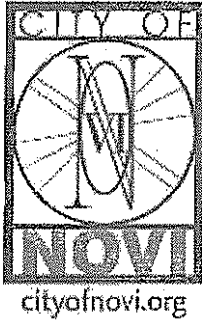
Mayor Landry stated he had no problem tabling this, if the applicant needed more time. However, he would not support RM-2 under any circumstances. He said oftentimes tables were used to prevail upon people and that was fine, but to be fair to the applicant he was open to options, but would not designate a zoning category that dense in this situation under any circumstances.

**Roll call vote on CM-08-01-04
Landry, Capello, Crawford**

Yeas: Gatt, Margolis, Mutch, Staudt,

Nays: None

**RESIDENTIAL DENSITY MEMO
COMMUNITY DEVELOPMENT DEPARTMENT
JANUARY 9, 2008**



MEMORANDUM

TO: BARBARA MCBETH, AICP, DEPUTY DIRECTOR
COMMUNITY DEVELOPMENT

FROM: MARK SPENCER, AICP, PLANNER *Mark Spencer*

SUBJECT: RESIDENTIAL DENSITY

DATE: JANUARY 9, 2008

1/9/08
To: Mayor and City Council Members

Following to Monday Night
Chen

On December 11, 2007, the Master Plan and Zoning Committee discussed the draft Master Plan Review and proposed Master Plan amendments for three study areas, including the Twelve Mile, Napier and Wixom Roads Study Area. Although the minutes of the meeting do not reflect all of the details discussed at the meeting, the Committee expressed concerns about assigning a residential density for the proposed educational facility area if for some reason the proposed girls school was not built. They felt it should be the same as the proposed 3.3 dwelling units per acre density assigned to the residential area west of the proposed school site. R-4
X

Staff was asked to address this detail on the Final Review and proposed amendments. After the Committee meeting, staff discussed with two of the Committee members that the issue could be resolved by showing the area on the residential density map with the same density as the neighboring area. This would be consistent with the previous versions of the Master Plan. As an example, the current Master Plan depicts a residential density for almost all areas depicted for park, private park, utility and educational uses. Most of the Catholic Central site was assigned a residential density of 0.8 dwelling units per acre. The current Master Plan includes a few exceptions where a residential density was not assigned. These include the Lakeshore Park and the Civic Center/High School complex areas. It is staff's intention to incorporate this minor change with the Final Review and proposed Master Plan amendments.