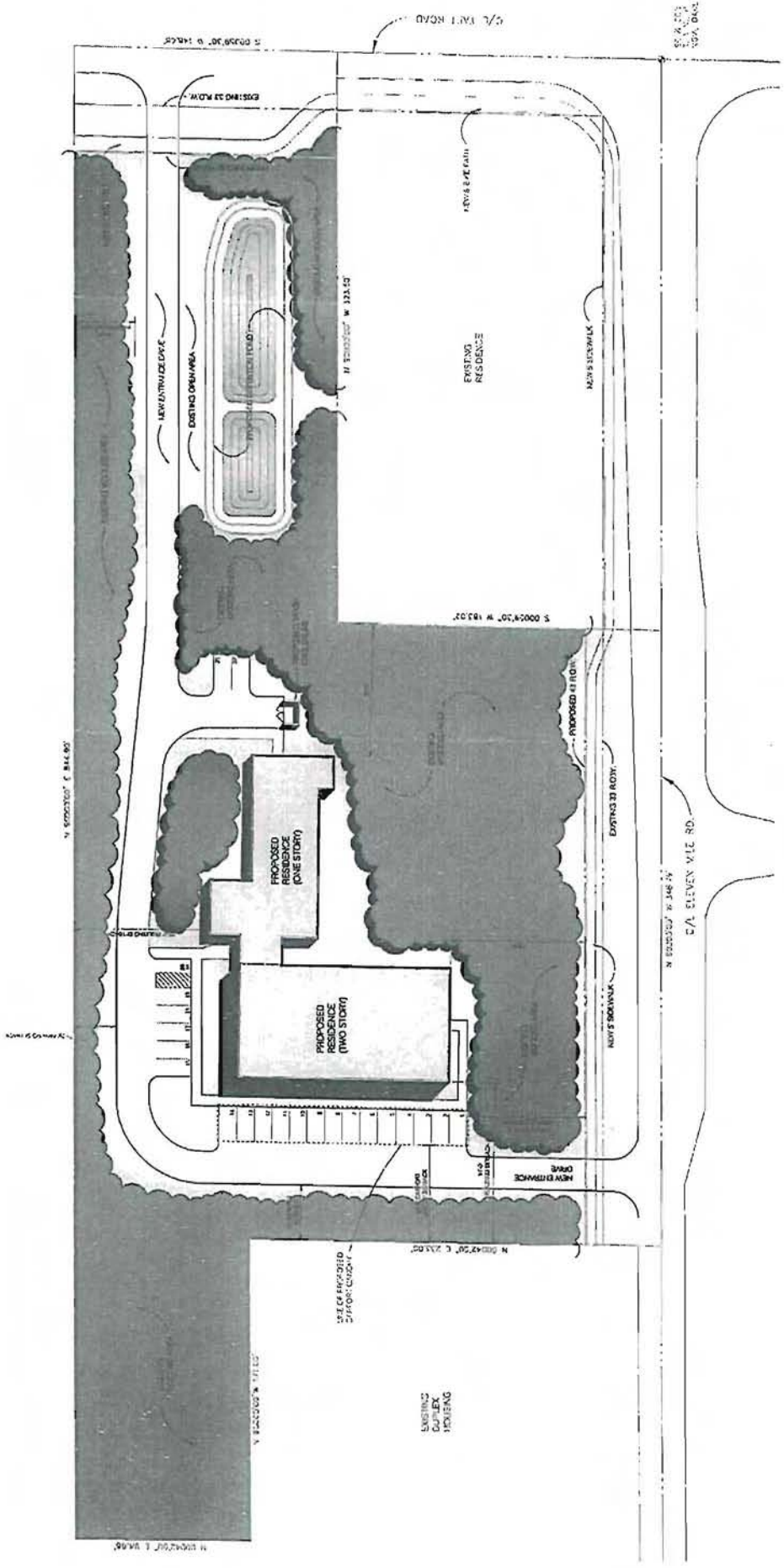


REDUCED CONCEPT PLAN



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**PLANNING COMMISSION MINUTES
EXCERPT JANUARY 23, 2008
(DISCUSSION OF PROPOSED REZONING)**



PLANNING COMMISSION

CITY OF NOVI
 Regular Meeting
 Zoning Map Amendment 18.673 and PRO SP07-59
 Basilian Fathers Excerpt
Wednesday, January 23, 2008 | 7 PM
 Council Chambers | Novi Civic Center | 45175 W. Ten Mile

CALL TO ORDER

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

ROLL CALL

Present: Members, John Avdoulos (7:07 PM), Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Michael Lynch, Michael Meyer, Mark Pehrson

Absent: Wayne Wrobel (Excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Karen Reinowski, Planner; Kristen Kapelanski, Planner; Ben Croy, Civil Engineer; Lindon Ivezaj, Civil Engineer; Dr. John Freeland, Environmental Consultant; Kristin Kolb, City Attorney

PUBLIC HEARINGS

1. BASILIAN FATHERS RESIDENCE PRO, SITE PLAN NUMBER 07-59

The Public Hearing was opened on the request of Basilian Fathers of Milford, Michigan, for a recommendation to City Council for consideration of a Planned Rezoning Overlay in conjunction with rezoning request 18.673.

The subject property is located in Section 16, at the northwest corner of Taft Road and Eleven Mile, from R-1, One-Family Residential, to R-T, Two-Family Residential or RM-1, Low-Density, Low-Rise Multiple-Family Residential District. The subject property is approximately 4.15 acres and the Applicant has indicated that the rezoning is being proposed to facilitate the construction of a 14-unit residence for Basilian priests.

Planner Kristen Kapelanski described the project for the Planning Commission. To the north of the subject property are vacant land and an existing single-family house. The Community Development Department has also been working with a religious group who is planning to construct a temple, a cultural center and a priests' residence on a parcel further to the north. To the west are existing duplex homes. To the south are the Novi Community Schools' bus garage, Parkview Elementary and Novi Meadows. The First Baptist Church is located just southeast of the subject property. To the east is an existing single-family house, followed by Taft Road and then additional homes and vacant land on the eastern side of Taft Road.

The subject property is currently zoned R-1, One-Family Residential and the proposed zoning is R-T, Two-Family Residential or RM-1, Low-Density, Low-Rise Multiple Family Residential. The site is bordered by R-1 to the north, R-A to the south and west and R-A and R-4 to the east. The Future Land Use Map designates single family uses for the subject property and the properties to the north, east and west. The property to the south is designated as an Educational Facility.

Regulated woodlands cover the majority of the site, as indicated by the natural features map.

The Applicant requested to rezone the property to R-T based on the initial recommendations of the Community Development Department. However, upon closer examination, it is the recommendation of the Plan Review Center that the Applicant seek RM-1, because the use better fits this district. Approval of the proposed rezoning to RM-1 is recommended incorporating the additional public benefits indicated in the Applicant's response letter. Although this rezoning would be contrary to the Master Plan, the proposed residence would be compatible with the existing uses in the area and can be designed to incorporate the residential characteristics of the nearby homes and the institutional characteristics of the nearby church and schools. The Applicant is requesting a waiver of the Traffic Impact Study requirement. The City's Traffic Consultant supports this waiver and the Planning Commission is asked to act on this request this evening. The Engineering Review indicated no major issues with the utility demand associated with the rezoning.

After receiving comments from the Master Plan and Zoning Committee on January 9th, the Applicant made some

minor modifications to the proposed Concept Plan. The most recent concept plan was provided to the Planning Commission and a memo was provided that described the changes to the plan. This memo indicated that a housing development of approximately six houses could yield about 24 people residents based on the average of 2.4 people per household. After review, it was determined that using the average of 2.4 people per household, only 14 people could be housed on the subject property.

The Planning Commission should refer to the Revised Concept Plan memo for an accurate description of the proposed Ordinance deviations to be included in the PRO Agreement. The Landscape Review indicated that the Applicant should adhere to applicable Ordinances and additional information will be provided at the time of Preliminary Site Plan review. The Engineering Review noted items to address at the time of Preliminary Site Plan submittal. A detention basin has been added to the revised Concept Plan. The Woodland Review and Traffic Review of the Concept Plan indicated there will be items to address at the time of the Preliminary Site Plan submittal. A City of Novi Woodland Permit will be required. Lastly, the Fire Marshall did not note any concerns regarding the proposed Concept Plan.

There are a number of major conditions in the proposed PRO Agreement. These are outlined in the Applicant's response letter, the Planning Review and the revised Concept Plan memo. Major conditions include extending the sidewalks along Taft Road and Eleven Mile to the corner and the dedication of additional right-of-way on Taft Road and Eleven Mile for the City's future right-of-way use. Staff had also asked the Applicant to consider limiting the future uses of the property. If the Applicant is agreeable to this suggestion, language could be worked out when the PRO Agreement is drafted. Any deviations from the Zoning Ordinance would also be included in the PRO Agreement.

John Argenta from CDPA Architects addressed the Planning Commission on behalf of the Applicant. He stated that the Basilian Fathers teach at Catholic Central, and now they wish to end their long commute from Livonia. The facility will house fourteen priests in a congregate fashion, in effect as a large family. The two-story section will house the fourteen apartments. The one-story section will house a community room, dining room, kitchen, and a chapel. Parking will be available for 22 cars, with 14 under a carport canopy. The character of the building will be purely residential.

Mr. Argenta stated that the Ordinance does not provide for a religious house or monastery. The Building Code does name monasteries or convents as a separate category. The first request was for RM-1, then it was then changed to R-T because that district allows congregate elderly care. He has since been asked to return to the RM-1 request.

Revisions made to the plan have been outlined. The density is 3.7 and RM-1 allows from 5.4 to 10.9 density. The buildings will not be higher than 35 feet. The setbacks are all at least 75 feet pursuant to the RM-1 standards. The carports are 55 feet from the west property line and 66 feet from the south property line. They are seeking a variance for the carport. These will be open carports with a simple post and roof. It will yield small sight lines. The parking setbacks exceed the required twenty-foot setback required by Ordinance. Fourteen spaces are required, 22 are provided. Barrier-free spaces have also been provided. Sidewalks were added along Taft Road and Eleven Mile. The future right-of-ways have been shown.

Mr. Argenta said that as part of the PRO, the sidewalk will be extended along Taft Road and Eleven Mile to the intersection. They will deed the right-of-way (ten feet on Eleven Mile and 27 feet on Taft Road) over to the City. Mr. Argenta said that he has reviewed a 2005 tree survey of the property. It indicated there were 217 regulated trees. The current plan calls for the removal of 55 trees; of those 25 are dead. Of the other thirty trees, ten were classified as fair-to-poor condition. The other twenty were classified as good. There are ten additional trees that will need to be removed for the sidewalks.

Mr. Argenta said the detention area has been planned in an open area, as was the entrance. As many trees will be saved as possible. The residents wished to have a private residence. The major entry will be from Taft Road. The Fire Marshal asked for a secondary exit onto Eleven Mile which can be gated pursuant to the Fire Marshal's requirements.

Chair Cassis opened the floor for public comment:

- Nancy Lanham, corner resident: Happy to have the Basilian Fathers move next door. She planned on maintaining her residence.

There was no correspondence. Chair Cassis closed the Public Hearing.

Member Lynch supported the project as an appropriate use of the land. There is no issue with density as each unit will house only one person. The plan calls for a minor impact on the trees. The remaining trees will shield the building from view.

Member Burke confirmed the design of the entry ways. He supported the project.

Member Pehrson confirmed with Ms. Kapelanski that there is no issue with a Traffic Study Waiver. She asked that the Planning Commission add this stipulation to the motion.

Member Pehrson asked Dr. John Freeland, the City's Environmental Consultant, to comment on the trees. Dr. Freeland thought that Mr. Argenta reasonably characterized the site. The Applicant will provide an updated woodland survey to ensure that no additional trees are now regulation-sized or dead. The exact number of impacted trees will be determined later, and the Applicant will either replace the trees or pay into the tree fund.

Member Pehrson asked about the PRO Agreement and the benefit of the sidewalks and right-of-way deeding. Deputy Director of Community Development Barbara McBeth said the City likes to have a list of all the public benefits associated with the PRO request. The City has spoken with the Applicant regarding the woodlands and whether the Applicant would place a conservation easement over the remaining trees. The City has asked whether the Applicant will limit the future uses of the property should the site change hands. The details need to be worked out. She encouraged Member Pehrson to ask the Applicant to comment; the City must be careful in not requesting items specifically.

Mr. Argenta said that they would review the future limitations of the land, but he felt limiting it to a religious use only was a bit tight. He would look at the limitations of a conservation easement.

Member Pehrson confirmed that there are three Ordinance deviations: The two carport setbacks and the front yard parking setback. He also confirmed that the architecture would be residential in nature.

Moved by Member Pehrson, seconded by Member Gutman:

In the matter of Zoning Map Amendment 18.673 and Planned Rezoning Overlay SP07-59 for the Basilian Fathers Residence, motion to recommend approval to the City Council to rezone the subject property from R-1 (One-Family Residential) to RM-1 (Low Density, Low-Rise Multiple Family Residential) with a Planned Rezoning Overlay, with the following considerations: 1) The Applicant considering an enhancement of the proposed public benefit as indicated by the Applicant's response letter and their intent being on the record today with offers to deed the future right-of-way, construction of sidewalks as indicated on the concept plan, a possible conservation easement over the remaining woodlands, and a possible limitation of future uses; 2) The City Council considering the Ordinance deviations associated with the proposed concept plan concerning the parking and carport setbacks as detailed in the Staff and Consultant review letters; and 3) Compliance with all the conditions listed in the Staff and Consultant review letters, for the reasons that it is in compliance with Article 34, Section 3402 of the Zoning Ordinance, it would be compatible with the existing and anticipated uses in the area, and it does provide benefits to the City.

DISCUSSION

Member Avdoulos thought the City and the Master Plan and Zoning Committee did a good job of discussing the possibilities of rezoning to R-T or RM-1. In this case, because of the size of the property and its intended use, the RM-1 designation is appropriate. This will be a nice project that will blend in with the neighboring sites. The building will be tucked in and will work well on the wooded site. He thought that Taft Road was the better choice for the main entry. He asked whether the Applicant wished to comment about the possibility of underneath parking.

Mr. Argenta said he looked at a topographic survey that indicated a slope, and he thought it might be possible to put parking underneath, but the building would ultimately go too high; there isn't the room to accommodate that design feature. He has also since determined that the land is rather level.

Previously Chair Cassis was concerned about the corner lot. The City does not want to see that property turn into a greater density. Mr. Argenta responded that that corner property owner also owns the subject property. The Basilian Fathers have the right of first refusal. Chair Cassis thought it was important that the character of Single Family Residential be maintained along Taft Road. Mr. Argenta said he thought the Basilian Fathers' intent is to take the corner if it becomes available, to further isolate the subject property.

Mr. Argenta told Chair Cassis that they would consider a conservation easement if they can come to terms with the language. Mr. Argenta confirmed that the building will have a residential appearance.

Chair Cassis asked about the carports. The setback on the front yard is one parking space. That space is covered. It was designed as such so that a nice turning radius could be provided at the top of the site. All of the carports will be hidden by the trees. Chair Cassis supported the project.

Ms. Kapelanski asked whether Member Pehrson wished to add a Planning Commission Waiver of the Traffic Study; Member Pehrson and Member Gutman agreed to do so.

ROLL CALL VOTE ON BASILIAN FATHERS ZONING MAP AMENDMENT 18.673 AND PRO SP07-59 POSITIVE RECOMMENDATION MOTION MADE BY MEMBER PEHRSON AND SECONDED BY MEMBER GUTMAN:

In the matter of Zoning Map Amendment 18.673 and Planned Rezoning Overlay SP07-59 for the Basilian Fathers Residence, motion to recommend approval to the City Council to rezone the subject property from R-1 (One-Family Residential) to RM-1 (Low Density, Low-Rise Multiple Family Residential) with a Planned Rezoning Overlay, with the following considerations: 1) The Applicant considering an enhancement of the proposed public benefit as indicated by the Applicant's response letter and their intent being on the record today with offers to deed the future right-of-way, construction of sidewalks as indicated on the concept plan, a possible conservation easement over the remaining woodlands, and a possible limitation of future uses; 2) The City Council considering the Ordinance deviations associated with the proposed concept plan concerning the parking and carport setbacks as detailed in the Staff and Consultant review letters; 3) A Planning Commission Waiver of the Traffic Study requirement; and 4) Compliance with all the conditions listed in the Staff and Consultant review letters, for the reasons that it is in compliance with Article 34, Section 3402 of the Zoning Ordinance, it would be compatible with the existing and anticipated uses in the area, and it does provide benefits to the City. *Motion carried 8-0.*

**PLANNING MEMO REVIEW
OF REVISED CONCEPT PLAN**



cityofnovi.org

MEMORANDUM

TO: Members of the Planning Commission

THRU: Barbara McBeth, AICP, Deputy Director of Community Development

FROM: Kristen Kapelanski, Planner

DATE: January 17, 2008

SUBJECT: **Basilian Fathers Residence – Revised Concept Plan**

The petitioner is requesting consideration of a Planned Rezoning Overlay (PRO), in conjunction with rezoning request 18.673 to facilitate the construction of the Basilian Fathers Residence at the northwest corner of Taft Road and Eleven Mile Road. A concept plan to be attached to the proposed PRO was submitted for review to the Community Development Department and review letters were issued on December 19, 2007. The applicant then appeared before the Master Plan and Zoning Committee on January 9, 2008. At this meeting, the applicant presented a revised concept plan that had not been reviewed by the Community Development Department. This memo serves as an update to the review of the proposed revised concept plan, as presented at the Master Plan and Zoning Committee and addresses the changes that have taken place since the original submittal and review letter.

The applicant's revised concept plan shows a multi-story structure that is two stories tall on the western side of the building and one story tall on the eastern side of the building. The building itself is surrounded by associated landscaping and parking on the northern, eastern and western sides. The applicant has also added a carport to cover the proposed parking on the western side of the site and has added a dumpster near the eastern side of the site. The parking has also been increased from twenty spaces to twenty-two spaces as part of the revised concept plan and a detention pond has been included on the far eastern side of the property adjacent to Taft Road. The proposed location of the detention pond could result in the loss of additional regulated trees. Lastly, the applicant has included a five foot sidewalk along Eleven Mile Road and an eight foot pathway along Taft Road.

The Members of the Planning Commission should refer to the applicant's response letter which addresses the issues raised in the original Planning review letter (dated December 18, 2007), this memo and the additional staff and consultant review letters.

Ordinance Deviations

Under Section 3402.D.1.c, deviations from the strict application of the Zoning Ordinance may be permitted by the City Council in the PRO agreement. These deviations must be accompanied by a finding by the City Council that *"each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas."* For each such deviation, City Council should make the above finding if they choose to include the items in the PRO agreement. The following are areas where the current concept plan does not appear to meet ordinance requirements. These have been revised from the original Planning review letter (dated December 18, 2007) to address the changes incorporated in the revised concept plan.

Setbacks

The chart below outlines the applicant’s proposed setbacks and the required setbacks under the RT and RM-1 district standards.

	Front Yard	Rear Yard	Side Yards
Building Setback			
Applicant Proposal	76 feet (from future right-of-way)	76 feet	91 feet (east) 76 feet (west)
RT Zoning	75 feet	75 feet	75 feet
RM-1 Zoning	75 feet	75 feet	75 feet
Parking Setback			
Applicant Proposal	66 feet	35 feet	300+ feet (east) 20 feet (west)
RT Zoning	75 feet	20 feet	75 feet (exterior) 20 feet (interior)
RM-1 Zoning	75 feet	20 feet	75 feet (exterior) 20 feet (interior)
Accessory Structure Setback - Dumpster			
Applicant Proposal	100+ feet	100+ feet	44 feet (interior)
RT Zoning	75 feet	20 feet	20 feet (interior)
RM-1 Zoning	75 feet	20 feet	20 feet (interior)
Accessory Structure Setback - Carport			
Applicant Proposal	66 feet	81 feet	55 feet (interior)
RT Zoning	75 feet	75 feet	75 feet
RM-1 Zoning	75 feet	75 feet	75 feet

Building Setbacks

- Front Yard: The applicant is proposing 76 feet of setback from the future right-of-way for the front yard of the building. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Rear Yard: The applicant is proposing a setback of 76 feet for the rear yard of the building. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.

Basilian Fathers Residence – Revised Concept Plan

- Side Yard (east): The applicant is proposing 91 feet of setback in the eastern side yard. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Side Yard (west): The applicant is proposing 76 feet of setback in the western side yard. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.

Parking Setbacks

- Front Yard: The applicant is proposing 66 feet of setback. This appears to be deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
- Rear Yard: The applicant is proposing 35 feet of setback for the rear yard parking. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Side Yards: The applicant is proposing 20 feet of setback for the interior side yard and 300+ feet of setback for the exterior side yard. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.

Accessory Structure Setbacks - Dumpster

- Front Yard: The applicant is proposing 100+ feet of setback. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Rear Yard: The applicant is proposing 100+ feet of setback for the rear yard. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Side Yards: The applicant is proposing 44 feet of setback for the interior side yard. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- The proposed dumpster is setback appropriately from the building.

Accessory Structure Setbacks - Carport

- Front Yard: The applicant is proposing 66 feet of setback for the rear yard. This appears to be deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
- Rear Yard: The applicant is proposing 81 feet of setback. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Side Yards: The applicant is proposing 55 feet of setback for the interior side yard. This appears to be deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
- The proposed carport is setback appropriately from the building.

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. These have been revised from the original Planning review letter (dated December 18, 2007) to address the changes incorporated in the revised concept plan.

Basilian Fathers Residence – Revised Concept Plan

Barrier Free Spaces

The Barrier Free Code indicates that one barrier free van accessible space should be provided for any parking area having one to twenty-five spaces. The applicant has included one van accessible barrier free space on the revised concept plan.

Sidewalks

A five foot sidewalk is required along the Eleven Mile Road frontage and an eight foot sidewalk is required along the Taft Road frontage. The applicant has included the required sidewalks along Eleven Mile Road and Taft Road.

Development Potential

Development of the project area under the existing and proposed zoning districts is discussed on page 9 of the Plan Review letter. Additional discussion took place at the Master Plan and Zoning Committee meeting regarding the potential number of people that the site could accommodate under the zoning and proposed use of the site as described by the applicant. According to the 2000 Census, single family homes in Novi average 2.4 people per household. Taking that figure into account, under the current Master Plan density for the property at 1.65 units per acre, approximately 14 people could be housed in six houses.

The applicant is proposing 14 units within the proposed residence. While the applicant is not currently offering to limit the number of residents or the future use of the property, the Planning Commission may wish to take this information into consideration.

**PLANNING REVIEW
FOR REZONING 18.673 AND PLANNED
REZONING OVERLAY**



PLAN REVIEW CENTER REPORT

December 18, 2007

Planning Review

Basilian Fathers Residence Planned Rezoning Overlay
Rezoning 18.673 SP #07-59

Petitioner

Basilian Fathers of Milford, Michigan (Rev. James O'Neill, CSB)

Review Type

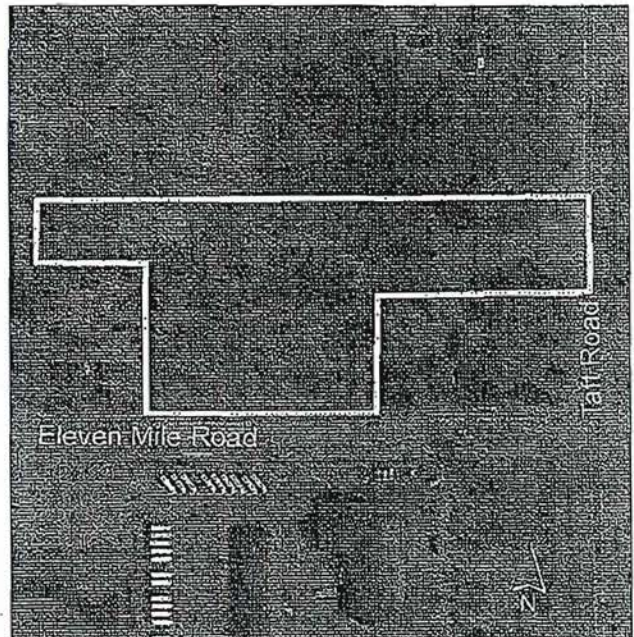
Planned Rezoning Overlay, in conjunction with rezoning request 18.673

Property Characteristics

- Site Location: Northwest corner of Taft Road and Eleven Mile Road
- Site Zoning: R-1, One-Family Residential
- Adjoining Zoning: North: R-1; East, West and South: RA, Residential Acreage
- Site Use(s): Vacant
- Adjoining Uses: North: vacant, existing house; East: existing house, Taft Road, vacant (across Taft Road); West: existing houses (duplexes); South: Parkview Elementary School, Novi Meadows School, bus garage
- Proposed Use: Residence for 14 Basilian Fathers
- Site Size: 4.15 acres
- Plan Date: 11/05/07

Project Summary

The petitioner is requesting consideration of a Planned Rezoning Overlay, in conjunction with rezoning request 18.673. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. PRO requests require a 15-day public hearing notice for the Planning Commission, which offers a recommendation to the City Council, who can grant the final approval of the PRO. As a part of the PRO, the underlying zoning is changed, in this case to RT 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 PRO concept plan expires and the agreement becomes void.

The parcel in question is located on the west side of Taft Road and the north side of Eleven Mile Road in Section 16 of the City of Novi. The property totals 4.15 acres and is currently vacant. The current zoning of the property is R-1, Single-Family Residential. The applicant has indicated that the rezoning is being proposed to facilitate the construction of a residence for 14 Basilian priests on the site in the future. The proposed residence would be approximately 18,000 square feet and contain 14 living units with common areas for the kitchen, parlor, dining area, chapel, offices, community room and two miscellaneous rooms. Currently, the site is zoned R-1, which allows 1.65 units to the acre and would not permit the density requested by the applicant, which is approximately 3.37 units to the acre.

Recommendation

As described in the comparison of zoning districts, it is the opinion of the Planning Division that this use most closely resembles the uses identified in the RM-1 District, as opposed to the RT District. If the applicant offers an enhancement to the public benefit, the Planning Division could **recommend approval of the proposed PRO with a rezoning to RM-1** for the following reasons:

- The RM-1 District would best encompass the proposed use, as indicated by the comparison of zoning districts.
- The proposed Basilian Fathers Residence would be compatible with the existing uses in the area and can be designed to incorporate both the residential elements of the nearby single family homes and the institutional elements of the nearby church and schools.
- The proposed concept plan preserves a significant portion of the mature woodlands existing on the site.
- The proposed rezoning would not have any significant impact on the water and sewer facilities in the area.

The Planning Division feels that enhancement to the public benefit is necessary for the following reasons:

- The conditions listed as "public benefits" are **mostly** improvements that would typically be associated with any proposed development. A meeting with Staff to discuss the public benefit could be arranged if the applicant so chooses. Possible additions to the proposed public benefit could include a conservation easement over the preserved woodlands on site, a sidewalk connection elsewhere in the City or a contribution to the general fund earmarked for sidewalk construction. If the applicant would like to provide a sidewalk connection, possible locations would be along the south side of Fourteen Mile Road between Novi Road and Beechwalk Apartments, on the west side of Clark between Eleven Mile Road and Grand River Avenue, or a connection from the intersection of Eleven Mile Road and Taft Road to Grand River Avenue, either along Taft Road or Eleven Mile Road. The applicant would also be welcome to examine the Pathway and Sidewalk Prioritization Analysis and Process Report and propose to provide any of the connections identified in the report.
- The limitation of the proposed uses may not enhance the project beyond what would be achieved in the absence of a PRO.

Planning Commission Options

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

1. Recommend rezoning of the parcel to RT, Two-Family Residential and recommend approval of the Planned Rezoning Overlay, (*APPLICANT REQUEST*)
2. Recommend rezoning of the parcel to RM-1, Low Density, Low-Rise Multiple-Family Residential and recommend approval of the Planned Rezoning Overlay with enhancement of the public benefit, (**STAFF RECOMMENDATION**)
3. Deny the request, with the zoning of the property remaining R-1, One-Family Residential.
4. Recommend rezoning of the parcels to any other classification that the Planning Commission determines is appropriate and recommend approval of the PRO. **NOTE:** This option would require the Planning Commission to hold and send notice for another public hearing with the intention of recommending rezoning to the appropriate designation. At this time, Staff has not reviewed any other alternatives.

Master Plan for Land Use

The Master Plan for Land Use currently designates this property for single family zoning. The RT Zoning District is considered a single family district, as indicated by the Master Plan for Land Use. The Master Plan's Residential Density Patterns map indicates a density of 1.65 units per acre for the project area, which is consistent with the existing R-1 zoning on the site. A rezoning of the property to RT zoning would be consistent with the recommended future land use identified by the Master Plan, but would not be consistent with the recommended density of the property. A rezoning to RM-1 would not be consistent with the recommended future land use as identified by the Master Plan.

The Master Plan for Land Use also has a specific goal statement (Chapter 5) that is relevant to the discussion at hand.

- *Create aesthetically pleasing developments, especially in residential areas...* The area of 11 Mile Road and Taft Road is zoned for residential development, although a number of uses currently exist there that are not single-family homes, such as the nearby schools and existing church. The proposed Basilian Fathers Residence would fit in well with the existing uses and be designed to incorporate both the residential elements of the nearby single family homes and the institutional elements of the nearby church and schools.

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 land	Single Family (Density 1.65 units/acre)
Northern Parcels	R-1, One-Family Residential	Existing single family homes, vacant land	Single Family (Density 1.65 units/acre)
Eastern Parcels	RA, Residential Acreage	Existing single family homes, Taft Road, vacant land	Single Family (Density 1.65)

		(across Taft Road)	units/acre)
Southern Parcels	RA, Residential Acreage	Parkview Elementary School, Novi Meadows School, bus garage	Educational Facility
Western Parcels	RA, Residential Acreage	Existing duplexes	Single Family (Density 1.65 units/acre)

Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the requested RT zoning with the zoning and uses on the adjacent properties should be considered when examining the proposed rezoning with PRO.

The properties to the **north** are zoned R-1, One-Family Residential and contain existing single family homes and vacant land. The proposed Basilian Fathers Residence would have little impact on the existing homes to the north. The addition of 14 residents to the area would have a negligible impact on the traffic and noise in the area. Since the design of the residence would be residential in character with some institutional features, such as the chapel, it would blend in with the existing homes and the nearby existing church. Although a formal site plan submittal has not taken place yet, a religions temple, cultural center and priest residence has been proposed for a parcel north of the subject property on the west side of Taft Road. The Basilian Fathers Residence would also complement this proposed development.

The properties to the **east** of the subject property, an existing single family home, Taft Road and vacant land (across Taft Road) are zoned RA, Residential Acreage. The proposed RT rezoning with PRO would not negatively impact the properties to the east. The existing single family home adjacent to the subject property would experience the most impacts; however, these would be minimal. As stated in the preceding paragraph, noise and traffic impacts would be insignificant and the proposed development would blend in well with the existing homes and the institutional uses already present in the area.

The properties to the **south** of the subject property are Parkview Elementary School, Novi Meadows School and a Novi Schools bus garage. The impacts that would result from the proposed Basilian Fathers Residence would not affect the school as traffic and noise impacts would be negligible. Additionally, the proposed development would act as a buffer between the existing homes to the north and the existing schools and bus garage on the south side of Taft Road.

The properties to the **west** of the subject property are zoned RA, Residential Acreage and contain existing duplex houses. The existing duplexes were most likely present before the current zoning classification of the property, as duplexes are not permitted in the RA District. As stated in the preceding paragraphs, noise and traffic impacts would be minimal and the proposed development would blend in well with the existing homes and the institutional uses already present in the area.

The proposed Basilian Fathers Residence in the area of Taft Road and Eleven Mile Road would mesh well with the existing single family homes in the area and the nearby existing and proposed institutional uses and act as a buffer between the existing homes and the school facilities.

Comparison of Zoning Districts

The following table provides a comparison of the current and proposed zoning classifications. One alternative has been provided at this time, the RM-1, Low Density, Low-Rise Multiple-Family Residential district. The RM-1 district would be the district where the proposed use would best fit. Although the proposed use is not listed in any district within the Zoning Ordinance, it would be most similar to a congregate elderly living facility, which is permitted in the RM-1 district, but not in the RT district. The Zoning Ordinance defines congregate elderly living units as consisting of "dwelling units containing kitchen, sanitary, sleeping and living spaces in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s) and central lounge." Although the proposed use does not include separate kitchen spaces, it does otherwise seem to conform to the above definition. At earlier examinations of the concept plan and pre-application, it was previously the opinion of the Planning Division that this use fit best in the RT District and was most similar to shared elderly housing, which is permitted in the RT District. Therefore, the applicant applied for a rezoning to RT. However, upon closer examination, it has been determined that shared elderly housing is more single-family in nature than the proposed use, which more closely fits the definition of congregate care (a multiple-family) use as described above. The R-4, One-Family District would be in compliance with the Master Plan, but would not allow the density proposed by the applicant.

	R-1 Zoning (Existing)	RT Zoning (Proposed)	RM-1 Zoning (Alternative)
Principal Permitted Uses	<ol style="list-style-type: none"> 1. One-family detached dwellings. 2. Farms and greenhouses subject to the standards in Section 301. 3. Publicly owned and operated parks, parkways and outdoor recreational facilities. 4. Cemeteries which lawfully occupied land at the time of the adoption of this ordinance. 5. Home occupations, as set forth in Section 201 of this ordinance. 6. Accessory buildings and uses customarily incidental to any of the above uses. 	<ol style="list-style-type: none"> 1. All uses permitted and as regulated in the One-Family Residential districts. 2. Two-family dwellings (site built). 3. Shared elderly housing as defined by Section 201 and subject to the requirements in this section. 4. Accessory buildings and uses customarily incidental to any of the above permitted uses 	<ol style="list-style-type: none"> 1. All uses permitted and as regulated in the RT Two-Family Residential District. 2. Multiple-family dwellings 3. Independent and congregate elderly living facilities as defined by section 201 and subject to the requirements of this section. 4. Accessory buildings and uses customarily incidental to any of the above permitted uses.

	R-1 Zoning (Existing)	RT Zoning (Proposed)	RM-1 Zoning (Alternative)
	<p>7. The keeping of horses and ponies subject to the requirements of Section 401.7 of this Ordinance.</p> <p>8. Family day care homes, as regulated pursuant to MCL 125.583b, provided the licensee shall occupy the dwelling as a residence.</p>		
Special Land Uses	<p>1. Churches and other facilities normally incidental thereto subject to the conditions of Section 402.1 of this Ordinance.</p> <p>2. Public, parochial and private elementary, intermediate or secondary schools offering courses in general education, not operated for profit, and not including dormitories.</p> <p>3. Utility and public service buildings and uses (without storage yards) subject to the conditions of Section 402.3 of this ordinance.</p> <p>4. Group Day Care Homes, Day Care Centers and Adult Day Care Centers subject to the requirements of Section 402.4 of</p>	There are no Special Land Uses in the RT district.	<p>1. Convalescent homes, assisted living facilities, hospice care facilities and child care centers subject to certain conditions.</p> <p>2. Accessory buildings and uses customarily incident to any of the above permitted uses.</p>

	R-1 Zoning (Existing)	RT Zoning (Proposed)	RM-1 Zoning (Alternative)
	<p>this Ordinance.</p> <p>5. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs, not including indoor ice skating rink and indoor tennis courts, subject to the conditions of Section 402.5 of this Ordinance.</p> <p>6. Golf courses subject to the conditions of Section 402.6 of this Ordinance.</p> <p>7. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, subject to the conditions in Section 402.7 of this Ordinance.</p> <p>8. Private pools</p> <p>9. Cemeteries subject to the requirements of Section 402.9 of this Ordinance.</p> <p>10. Railroad right-of-way, but not including terminal freight facilities, transfer and</p>		

	R-1 Zoning (Existing)	RT Zoning (Proposed)	RM-1 Zoning (Alternative)
	storage tracks. 11. Mortuary establishments subject to the conditions of Section 402.12 of this Ordinance. 12. Bed and breakfasts subject to the standards of Section 2522. 13. Accessory buildings and uses customarily incident to any of the above permitted uses.		
Maximum Density (Dwelling Units/Net Site Area)	1.65 (Dwelling Units/Net Site Area)	4.8 (Dwelling Units/Net Site Area)	5.4 – 10.9 (Dwelling Units/Net Site Area)
Building Height	2.5 stories or 35 feet	2.5 stories or 35 feet	2 stories or 35 feet
Building Setbacks (School Development)	Front: 75 feet Sides: 75 feet Rear: 75 feet	Front: 75 feet Sides: 75 feet Rear: 75 feet	Front: 75 feet Sides: 75 feet Rear: 75 feet

Infrastructure Concerns

The proposed development would not have any significant impacts on the water and sewer facilities in the area. See the Engineering review letters for specific discussion of water and sewer capacities in the area serving the subject property. Since the proposed rezoning would rezone the property to a residential category two or more higher than the current level, a Traffic Impact Study was required. Since the proposed project will add a minimal amount of traffic to the proposed streets, the applicant is requesting a waiver from the Planning Commission of the Traffic Impact Study. Please see the attached review letter from the City's traffic consultant for additional information. Any specific and necessary improvements to the roadway will be reviewed at the time of Preliminary Site Plan submittal.

Natural Features

Regulated woodlands cover a large portion of the site. The proposed plan does save a significant portion of these woodlands and the applicant has tried to integrate the development into the area while preserving as many of the existing trees as possible. The location of any woodlands and wetlands will need to be field verified by the applicant with the submittal of any site plan for the parcel. Impacts to these natural features will be reviewed and discussed in detail during the site plan submittal for any project on the property. Please see the attached woodland and wetland review letters for additional information.

Development Potential

Development of the project area under the current R-1 zoning could result in a housing development of approximately 6 houses, depending on the specific plans of a developer and the size of the proposed houses. However, the development of six single family homes on the site would result in a significant loss of woodlands.

The development of a two-family housing project under the proposed RT zoning could result in a 19 unit duplex-type development. However, the Planned Rezoning Overlay, if approved, would hold the applicant to the proposed plan, meaning a duplex development would not be permitted per the conditions of the Planned Rezoning Overlay and approved concept plan.

The development of a multiple family housing project under the proposed RM-1 zoning could result in a maximum of a 45 unit multiple-family complex. However, the Planned Rezoning Overlay, if approved, would hold the applicant to the proposed plan, meaning a multiple-family type development would not be permitted per the conditions of the Planned Rezoning Overlay and approved 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 and narrative have been reviewed and the following are items specifically mentioned by the applicant as conditions they are willing to attach to the approval of the PRO.

1. Limitation of uses and site layout (inferred by staff).
2. Extension of sidewalks from the property lines at 11 Mile Road and Taft Road to the intersection of 11 Mile Road and Taft Road.

Staff recommends the applicant consider including a provision in the PRO Agreement limiting the present use of the property to that of a "religious residence." This use has been described and implied by the applicant but the applicant has not indicated that this limitation would be part of the PRO Agreement. Staff also recommends the applicant consider including a provision in the PRO Agreement to **limit future uses** of the property that would occupy the site if the religious residence has for whatever reason chosen to relocate or otherwise vacate the property. Possible future uses that could occupy the building with minimal alterations include independent elderly living facilities and congregate elderly living facilities, as well as assisted living facilities, convalescent homes and hospice care facilities.

Ordinance Deviations

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

following are areas where the current concept plan does not appear to meet ordinance requirements.

Setbacks

The chart below outlines the applicant's proposed setbacks and the required setbacks under the RT and RM-1 district standards.

	Front Yard	Rear Yard	Side Yards
Building Setback			
Applicant Proposal	70 feet	90 feet	25 feet (east) 78 feet (west)
RT Zoning	75 feet	75 feet	75 feet
RM-1 Zoning	75 feet	75 feet	75 feet
Parking Setback			
Applicant Proposal	98 feet	35 feet	345 feet (east) 20 feet (west)
RT Zoning	75 feet	20 feet	75 feet (exterior) 20 feet (interior)
RM-1 Zoning	75 feet	20 feet	75 feet (exterior) 20 feet (interior)

Building Setbacks

- Front Yard: The applicant is proposing 70 feet of setback for the front yard of the building. This appears to be deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
- Rear Yard: The applicant is proposing a setback of 90 feet for the rear yard of the building. This appears to be deficient. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Side Yard (east): The applicant is proposing 25 feet of setback in the eastern side yard. This appears to be deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
- Side Yard (west): The applicant is proposing 78 feet of setback in the western side yard. The Community Development Department find no need for deviation in this situation as this meets the requirements of the ordinance.

Parking Setbacks

- Front Yard: The applicant is proposing 98 feet of setback. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Rear Yard: The applicant is proposing 35 feet of setback for the rear yard parking. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Side Yards: The applicant is proposing a 20+ feet of setback for the interior side yard and 75+ feet of setback for the exterior side yard. The Community Development Department finds no need for deviation in this situation as this meets the requirements of the ordinance.

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 these items at this time, in order to avoid delays later in the project.**

Building Height

The permitted building height in the RT District is 35 feet or 2.5 stories. The permitted building height in the RM-1 District is 35 feet or 2 stories. At this time, elevations indicating the height of the proposed buildings have not been provided. **The applicant should indicate the height of the proposed building.**

Barrier Free Spaces

The Barrier Free Code indicates that one barrier free van accessible space should be provided for any parking area having one to twenty-five spaces. Twenty spaces are shown for the proposed residence. However, none of these spaces are barrier free. One barrier free van accessible space should be provided. **The applicant should indicate where this space will be provided on the response letter and a barrier free sign should be included on the plan.** The applicant may want to consider marking the 21' area on the north side of the building, just east of the center island as a van accessible space.

Sidewalks

A five foot sidewalk is required along the Eleven Mile Road frontage and an eight foot sidewalk is required along the Taft Road frontage. The applicant has indicated that a sidewalk will be provided along Eleven Mile Road but has not indicated the size. No sidewalk is shown along Taft Road. **The applicant should show both required sidewalks on the plan and indicate the size of each sidewalk.**

Public Benefit Under PRO Ordinance

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

- Preservation of natural resources, woodlands and natural features. (Preservation of regulated natural features or mitigation of those areas that are removed would be required with any development of the site.)
- Limitation of site uses to only be used for a priests' residence.
- Construction of and continuation of the sanitary sewer and water lines along Eleven Mile Road.
- Construction of the sidewalk along Eleven Mile Road to the corner of Taft Road.
- Construction of the sidewalk along Taft Road to the corner of 11 Mile Road.
- Basilian Fathers provide for the continued education of the area's young men at Novi Detroit Catholic Central High School.
- City of Novi the opportunity to utilize the spiritual and counseling services of the Basilian Order.

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:

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


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Planning Review Summary Chart

Basilian Fathers Residence

Possible Rezoning with PRO to RT (*Includes RM-1 Standards*)

Site Plan #07-59 with Rezoning 18.673

December 18, 2007

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan				
Future Land Use Map	Single-Family Residential	Single-Family Residential	Yes	
Residential Density Map	1.65 units/acre	3.37 units/acre	No	Proposed density is not in compliance with the Master Plan.
Zoning	R-1	RT (<i>RM-1 Recommended</i>)	No	Applicant is proposing a rezoning to RT. Staff is recommending a rezoning to RM-1.
Permitted Uses <i>(Articles 5 and Article 6)</i>	All uses permitted in the One-Family residential districts, two-family dwellings, shared elderly housing and accessory buildings <i>All uses permitted in RT district, multiple-family dwellings, independent and congregate care elderly living facilities, convalescent homes, assisted living facilities, hospice care facilities, child care centers and accessory buildings</i>	Basilian Fathers Residence with 14 units and common living areas.	No	Applicant is proposing a rezoning to RT. Staff is recommending a rezoning to RM-1.
Building Height <i>(Sec. 2400)</i>	RT = 2.5 stories, 35' RM-1 = 2 stories, 35'	Elevations not provided.	Yes/No?	Applicant should indicate height of all proposed buildings.
Density <i>(Section 2400)</i>	RT = 4.8 units per acre RM-1 = 5.4 to 10.9 units per acre	3.37 units per acre	Yes	
Building Setbacks <i>(Sec. 2400)</i>				
Front (South)	75 feet or the height of the main building, whichever is greater	70 feet	No	Applicant should increase the building setbacks

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Side (East)		25 feet	No	
Interior Side (West)		78 feet	Yes	
Rear (North)		90 feet	Yes	
Maximum percent of lot area covered (Sec. 2400)	25% of lot area can be covered by all buildings (for both RT and RM-1)	<15%	Yes	Applicant should indicate the square footage of the proposed building.
Maximum Density (dwelling units/net site area) (Sec. 2400)	(R-1 = 1.65) RT = 4.8 RM-1 = 5.4 to 10.9	3.37	Yes	<u>Meets requirements for the RT and RM-1 district, but not the existing zoning requirements.</u>
Public Utilities	All public utilities must be available		Yes	
Parking Setbacks (Section 2400)				
Front (South)	75 feet (for RT and RM-1)	98 feet	Yes	Applicant should label all setbacks.
Exterior Side (East)	75 feet (for RT and RM-1)	345 feet	Yes	
Interior Side (West)	20 feet (for RT and RM-1)	20 feet	Yes	
Rear (North)	20 feet (for RT and RM-1)	35 feet	Yes	
Number of Parking Spaces (Sec. 2505)	1 parking space for each unit 14 units proposed = 14 parking spaces required	20 spaces proposed	Yes	
Parking Space Dimensions (Sec. 2506)	90-degree spaces should be 9 feet wide by 19 feet deep with a 24-foot wide aisle; when adj. to landscaping, spaces can be 17 feet deep, with a 2 foot overhang into the landscaped area	Spaces appear to be sized appropriately throughout the site	Yes?	This item will need to be verified at the time of Preliminary Site Plan submittal. <u>In locations where spaces are not 19 feet deep, a four inch curb should be indicated.</u>

Item	Required	Proposed	Meets Requirements?	Comments
Barrier Free Spaces (Barrier Free Code)	1 van accessible barrier free space required	No barrier free spaces shown.	No	One van accessible barrier free space should be provided. Applicant may want to consider marking the 21' area on the north side of the building, just east of the center island as a van accessible space.
Barrier Free Space Dimensions (Barrier Free Code)	8 feet wide with a 5 foot wide access aisle for standard b.f. 8 feet wide with an 8 foot wide access aisle for van accessible	No barrier free spaces shown.	No	8 foot wide van accessible barrier free space required with an adjacent 8 foot wide access aisle.
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space	No signs shown.	No	One sign should be shown for each barrier free space at the time of Preliminary Site Plan Submittal.
Accessory Structures (Sec 250.32)				Accessory Structures such as flagpoles and dumpsters will require review and approval from the Community Development Department.
Lighting (Section 25.11)	Photometric plan required at the time of Preliminary Site Plan due to site being adjacent to residentially zoned property		N/A	Photometric plan should be submitted with Preliminary Site Plan submittal.
Sidewalks (City Code Sec. 11-276 (b))	A 5' wide sidewalk shall be constructed along 11 Mile Road as required by the City of Novi's Pedestrian and Bicycle Master Plan. A 8' wide sidewalk shall be constructed along the property frontage on Taft Road as required by the City of Novi's Pedestrian and Bicycle Master Plan.	Sidewalk proposed along 11 Mile Road. Size of proposed sidewalk not indicated. No sidewalk proposed along Taft Road.	No	A 5 foot sidewalk should be provided along 11 Mile Road and shown on the concept plan. A 8 foot sidewalk should be provided along Taft Road frontage and shown on the concept plan.