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CITY of NOVI CITY COUNCIL

Agenda Item 5
February 8, 2010

SUBJECT: Consideration of the request of Novi Mile, LLC for Zoning Map Amendment 18.694 to rezone property in Section 16, east of Beck Road between I-96 and Grand River Avenue, from OST, Office Service Technology District to FS, Freeway Service District. The subject property is approximately 1.81 acres.

SUBMITTING DEPARTMENT: Community Development Department - Planning *Beck*

CITY MANAGER APPROVAL: *Clay*

BACKGROUND INFORMATION: *MP*

The petitioner is requesting the rezoning of a property on the east side of Beck Road between I-96 and Grand River Avenue in Section 16 of the City of Novi. The proposed rezoning consists of 1.81 acres of a larger parcel totaling 4.3 acres, referenced as Sidwell parcel 22-16-176-030. The site had been developed with a former nursery, which is no longer in use, and is located immediately south of the I-96 interchange, on the east side of Beck Road.

The subject property is currently zoned OST, Planned Office Service Technology. The applicant has requested a rezoning of the parcel to FS, Freeway Service. The applicant has indicated that the rezoning is being proposed to facilitate the development of a gas station with a convenience market and attached fast food drive-through restaurant on the site. Staff and the applicant have discussed the option of presenting the rezoning request with a Planned Rezoning Overlay (PRO). The applicant has declined the option to present a PRO at this time, although a conceptual Preliminary Site Plan was included for reference only as part of the rezoning application materials. The Preliminary Site Plan has not been reviewed by staff since it is not formally submitted, nor is it considered a part of the rezoning request.

The Master Plan for Land Use currently designates the property for office uses. A rezoning of the property to FS, Freeway Service would be inconsistent with the recommended actions of the Master Plan. The Master Plan recommends office uses not only for this parcel, but also for the parcels immediately surrounding the subject property. Inconsistency with the Master Plan for Land Use is one of the reasons staff is not recommending approval of the request at this time. Staff believes that rezoning requests approved contrary to the recommendations of the Master Plan may weaken future efforts to defend the argument that the Master Plan acts as the guiding document for zoning and land use decisions.

The Master Plan for Land Use is currently under review by the Master Plan and Zoning Committee and the subject property is part of a larger study area being examined as part of the Master Plan review. The published recommendation of the Master Plan and Zoning Committee is for the Planning Commission to approve the creation of a "retail service overlay" provision for the OST District as new text within the Zoning Ordinance to accommodate limited retail uses in part of this study area, including the subject property. The proposed overlay likely would not use the FS district standards.

While the Committee's master plan recommendations for this "retail service overlay" area would include the uses discussed by the applicant (gas station, convenience store, and fast food drive-through restaurant) the overlay area would also include a requirements for a road system to facilitate traffic movements of the larger retail service area. Please see the accompanying Traffic review for further comments regarding traffic circulation in this area as well as concerns about adding additional traffic to the existing driveway on the south side of the subject property.

Time frame for completion of Master Plan and Ordinance Amendments

While it is anticipated that Master Plan and Zoning Committee's work will be completed on the Master Plan review within the next few weeks, the final plan is not expected to be adopted until June. Several steps need to be taken in the meantime for the anticipated Master Plan amendments: a public hearing in March for the Planning Commission's consideration, approval by the City Council for distribution to surrounding communities and utilities, review period of 6 weeks by those entities, and return to the Planning Commission for final public hearing for adoption.

The "retail overlay" provision would not take effect until language is drafted and approved as part of a Zoning Ordinance text amendment. The Planning Commission would review the proposed language at a required public hearing for recommendation to the City Council. Two readings of the ordinance amendment are required for approval by the City Council. It is likely that this type of ordinance amendment would be prepared to be reviewed by the Commission (if and when the Master Plan is adopted in June) and be considered by the City Council in July. Map amendments could be handled at the same time, if necessary.

Public Hearing and Planning Commission recommendation

The public hearing for the rezoning request was held by the Planning Commission on January 27, 2010. At that meeting, the Planning Commission recommended **approval** of Zoning Map Amendment 18.694 to rezone the property from OST, Planned Office Service Technology District to FS, Freeway Service District.

Alternative Staff Recommendation

Recognizing the applicant's desire to move ahead with the request prior to the completion of the Master Plan for Land Use review, and the fact that the review and ordinance and map amendments will still be several months in process (if approved), staff offers another alternative for the City Council to consider: ask that the applicant to submit the rezoning request with a PRO Agreement, instead of the simple rezoning request that has been provided.

Staff believes that a PRO Agreement could be able to address, at a minimum, the need for an adequate road system to be installed to serve this property as well as the other properties in the study area which have been under careful review in the Master Plan for Land Use study sessions. An Agreement could identify the terms of the road improvements that both the staff and the applicant seem to have agreed are necessary, including possible timing of the road improvements through this Master Plan study area. This PRO option could be combined with the existing rezoning request, and would require a return to the Planning Commission for a public hearing and new recommendation to the City Council.

Three options are presented for City Council's consideration:

Option 1 (Applicant's request and Planning Commission's recommendation):

Approval of Zoning Map Amendment 18.694 to rezone property located east of Beck Road between I-96 and Grand River Avenue, from OST, Office Service Technology District to FS, Freeway Service District for the following reasons:

- Due to the location of the subject site near the I-96/Beck Road interchange, the site and surrounding properties may be considered to meet the intent of the FS, Freeway Service zoning district: *"The FS Freeway Service Districts are intended to serve the needs of automobile traffic at the interchange areas of feeder roads and freeway facilities, to avoid undue congestion on feeder roads, to promote the safe traffic flow at an interchange area, and to protect adjacent properties in other zones from adverse influences of traffic"*.
- Because of the location of the parcel in question, its size, and the influence of the freeway, a gas station and convenience center is a reasonable alternative to the master plan.

Option 2 (STAFF'S RECOMMENDATION):

Postpone action on the rezoning request to allow the applicant time to submit a revised application with Planned Rezoning Overlay (PRO), for the following reasons:

- The proposed rezoning to FS, Freeway Service would be contrary to the recommendations of the current Master Plan for Land Use, which recommends office uses for the property.
- Because of the location of the parcel in question, its size, and the influence of the freeway, a gas station and convenience center is potentially a reasonable alternative to the master plan, provided that access to and from the parcel can be provided in an appropriate location and that other traffic aspects of the site and its location are addressed.
- Discussion of a PRO Agreement could identify mutually beneficial conditions that would address a number of the concerns identified for this property.

Option 3 (As provided in staff report):

Denial of Zoning Map Amendment 18.694 to rezone property located east of Beck Road between I-96 and Grand River Avenue, from OST, Office Service Technology District to FS, Freeway Service District, for the following reasons:

- The proposed rezoning to FS, Freeway Service would be contrary to the recommendations of the current Master Plan for Land Use, which recommends office uses for the property.
- The proposed rezoning would be contrary to an Implementation Strategy listed in the Master Plan, which states: *Limit commercial uses to current locations, current zoning, or areas identified for commercial zoning in the Master Plan for Land Use.*
- The existing OST zoning is consistent with the existing future land uses planned for the area.
- The proposed rezoning to FS, Freeway Service would be contrary to the anticipated recommendations of the Master Plan for Land Use currently under review since the Master Plan and Zoning Committee has been considering maintaining the OST land uses, but adding a "Retail Service Overlay" the standards for which have not been finalized.

RECOMMENDED ACTION: *Postpone action* on Zoning Map Amendment 18.694 to rezone property located east of Beck Road between I-96 and Grand River Avenue, from OST, Office Service Technology District to FS, Freeway Service District, to allow the applicant time to submit a revised application with Planned Rezoning Overlay (PRO) for the following reasons:

- The proposed rezoning to FS, Freeway Service would be contrary to the recommendations of the current Master Plan for Land Use, which recommends office uses for the property.
- Because of the location of the parcel in question, its size, and the influence of the freeway, a gas station and convenience center is potentially a reasonable alternative to the master plan, provided that access to and from the parcel can be provided in an appropriate location and that other traffic aspects of the site and its location are addressed.
- Discussion of a PRO Agreement could identify mutually beneficial conditions that would address a number of the concerns identified for this property.

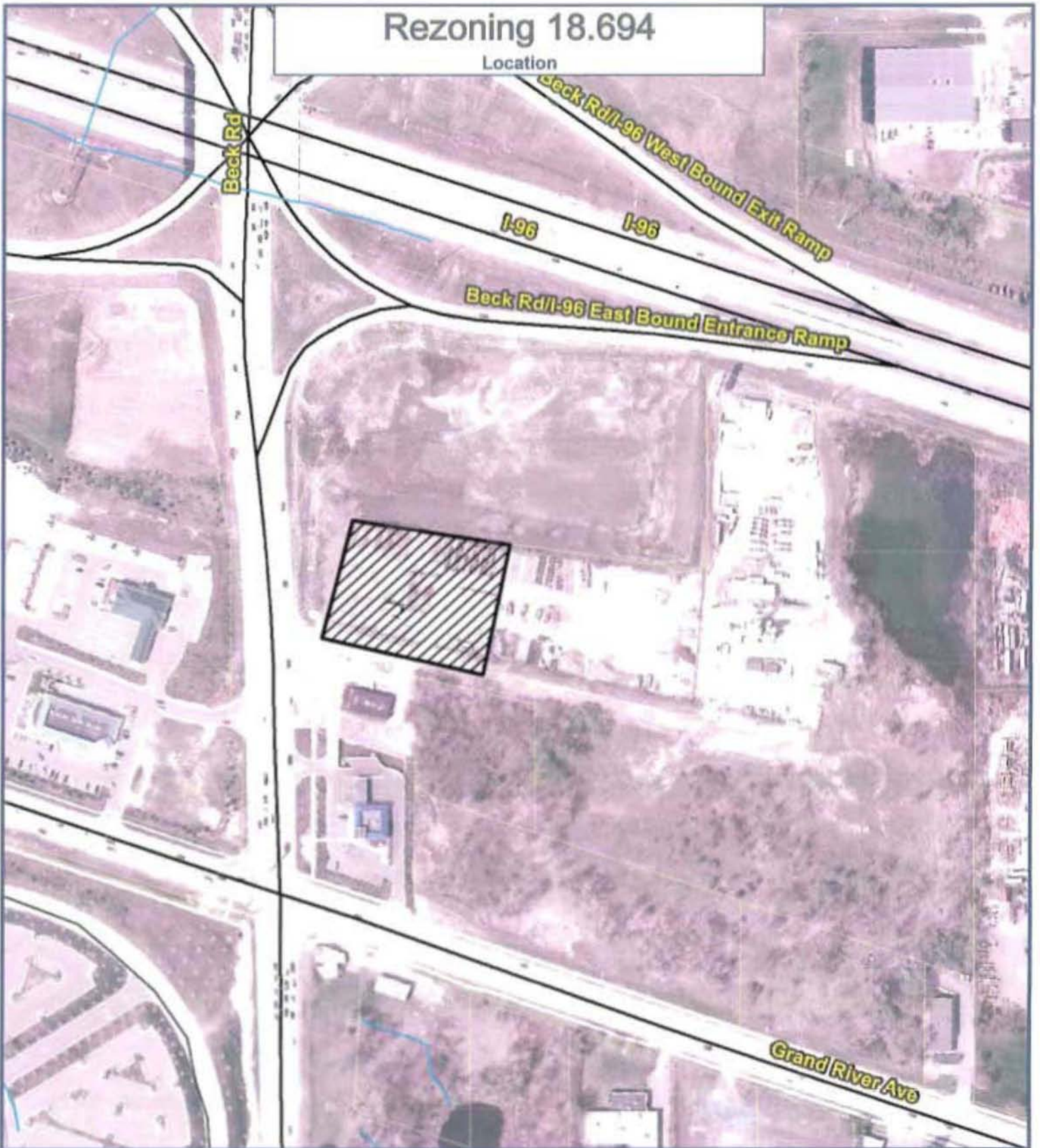
	1	2	Y	N
Mayor Landry				
Mayor Pro-Tem Gatt				
Council Member Crawford				
Council Member Fischer				

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

MAPS
LOCATION
ZONING
FUTURE LAND USE
NATURAL FEATURES

Rezoning 18.694

Location



Map Author: Kirsten Kujala
Date: 01-15-10
Project: Rezoning 18.694
Version #: 1.0

Map Legend

 Proposed Rezoning

MAP INFORMATION NOTICE

Map information described is not intended to replace or substitute for any official or primary source. This map was created to meet National Map Accuracy Standards and set the most precise, accurate location available for the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be considered as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Law 102 of 1970 as amended. Please contact the City GIS Manager for further details and accuracy information related to this map.



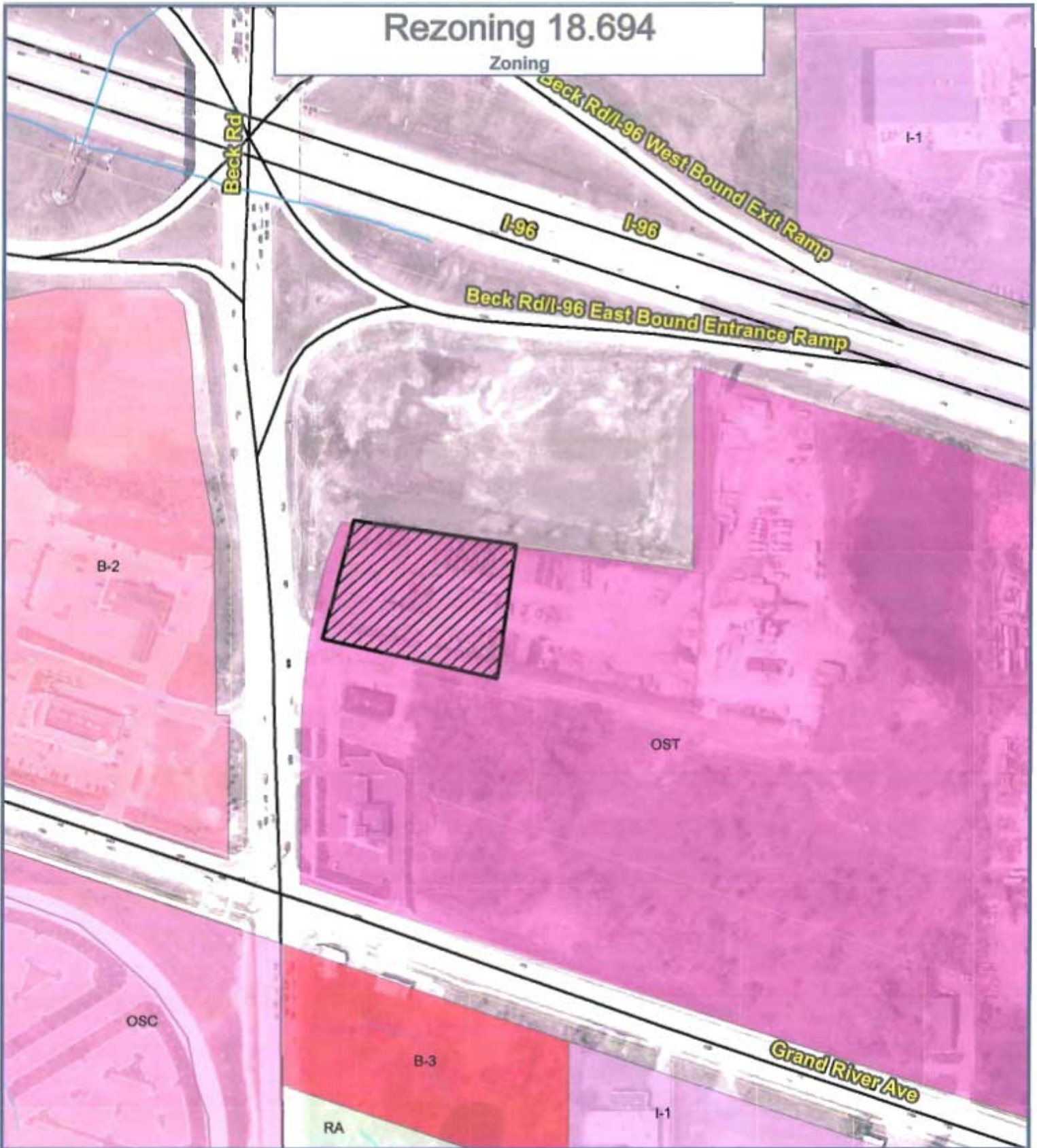
City of Novi
Department Division
Department Name
45175 W Ton Mile Rd
Novi, MI 48375
cityofnovi.org



1 inch = 240 feet

Rezoning 18.694

Zoning



Map Author: Kristen Kapelanski
 Date: 01-15-10
 Project: Rezoning 18.694
 Version #: 1.0

MAP INTERPRETATION NOTICE

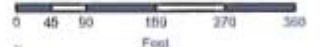
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Map Legend

- R-A: Residential Acreage
- B-2: Community Business
- B-3: General Business
- I-1: Light Industrial
- OSC: Office Service Commercial
- OST: Office Service Technology
- Proposed Rezoning



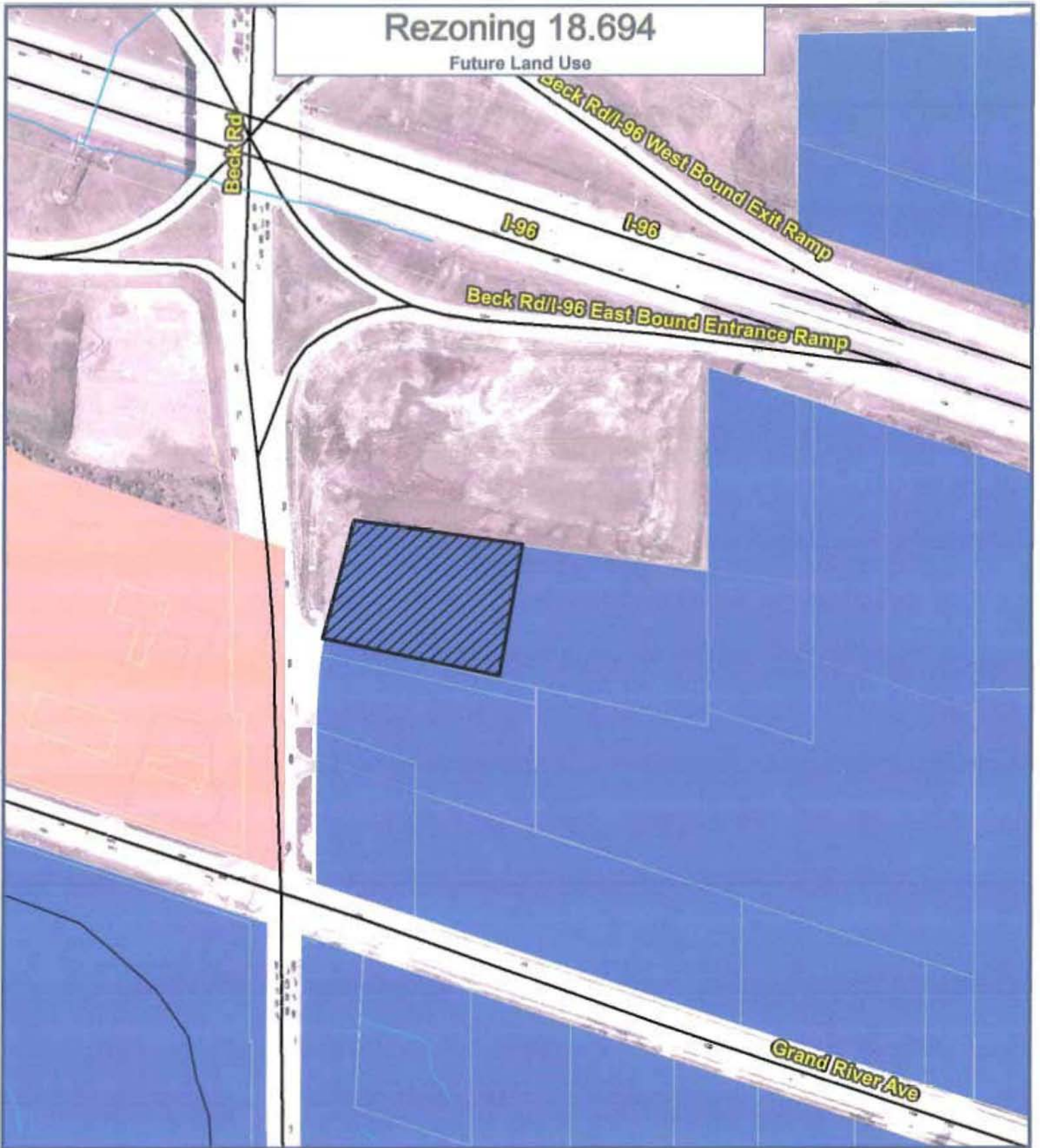
City of Novi
 Department Division
 Department Name
 45175 W Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org



1 inch = 248 feet

Rezoning 18.694

Future Land Use





Map Author: Kristen Kapelanski
Date: 01-10-10
Project: Rezoning 18.694
Version #: 1.0


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Map Legend

Future Land Use

-  OFFICE
-  LOCAL COMMERCIAL

 Proposed Rezoning



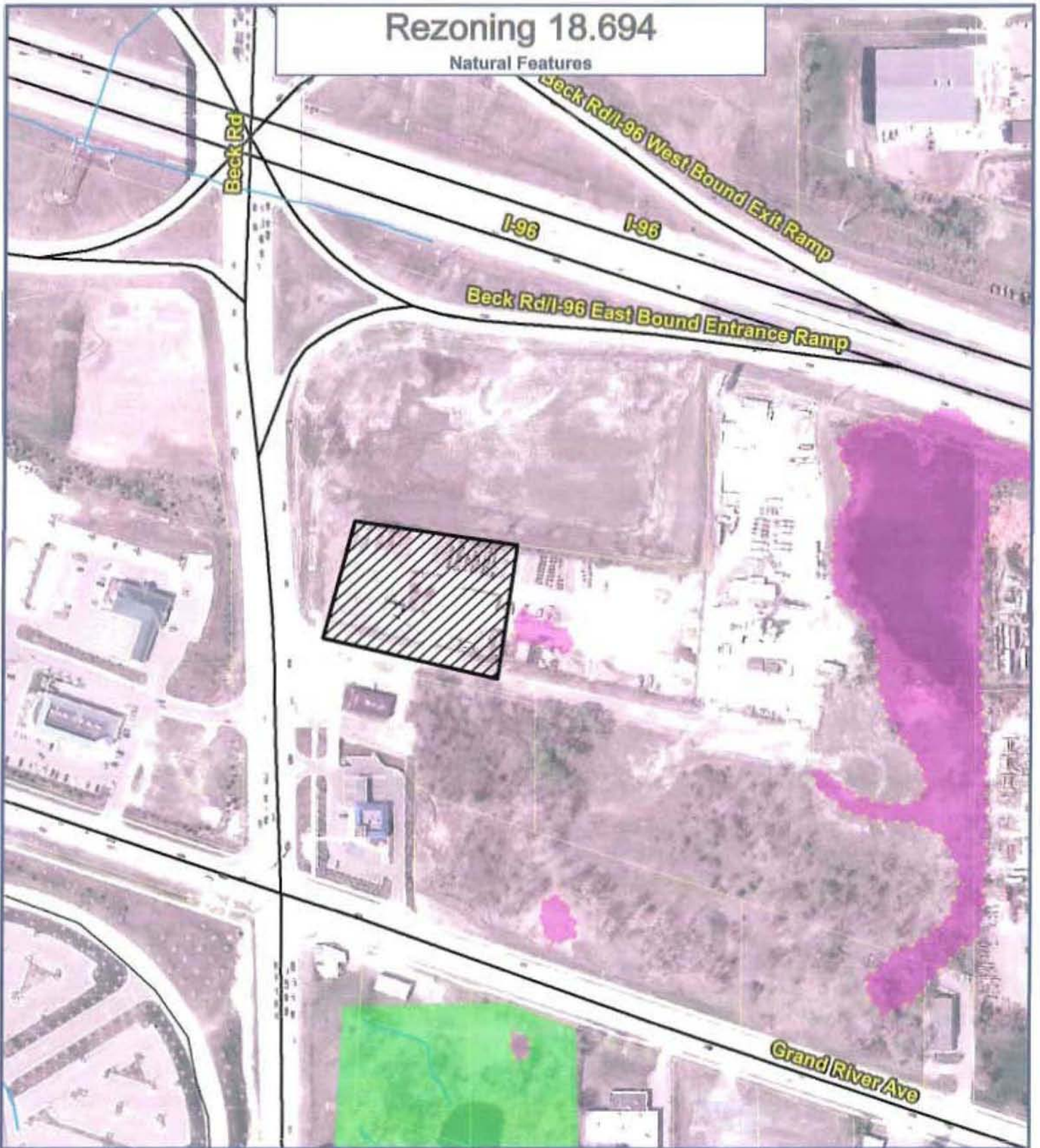
City of Novi
Department Division
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org



1 inch = 240 feet

Rezoning 18.694

Natural Features



Map Author: Kristen Kapelanski
Date: 01-15-10
Project: Rezoning 18.694
Version #: 1.0

Map Legend

-  Wetland Areas
-  Woodlands
-  Proposed Rezoning



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

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Foot

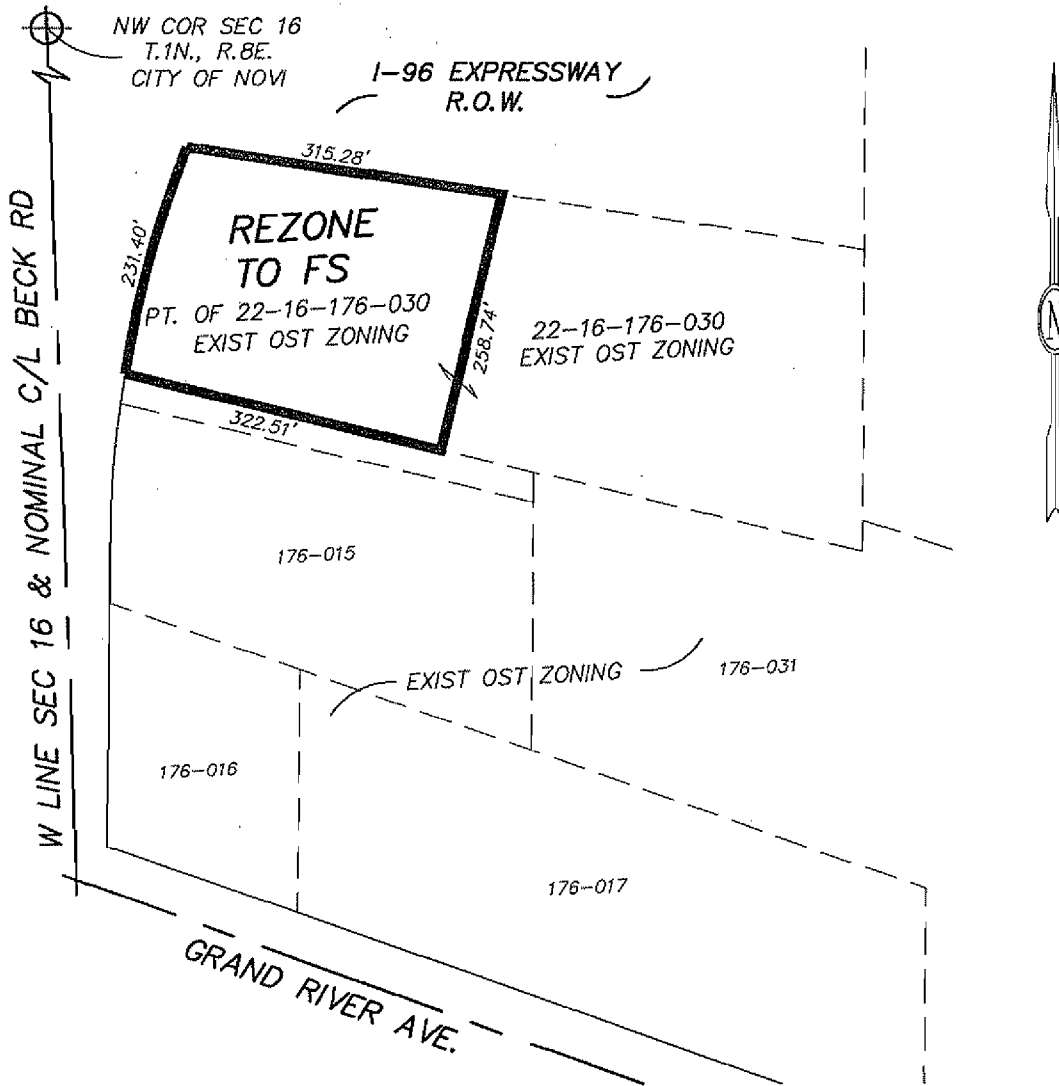


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REZONING EXHIBIT



To rezone a part of the Northwest 1/4 of Section 16, T.1N., R.8E., City of Novi, Oakland County, Michigan being part of parcel 22-16-176-030 more particularly described as follows:

Commencing at the Northwest corner of Section 16; thence S00°36'00"W, 958.60 feet along the West line of Section 16; thence S81°26'45"E, 135.84 feet to the point of beginning; thence continuing S81°26'45"E, 315.28 feet; thence S13°38'00"W, 258.74 feet; thence N76°22'00"W, 322.51 feet; thence 231.40 feet along the arc of a curve to the right, said curve having a radius of 1096.28 feet and a chord bearing of N15°43'58"E, 230.97 feet to the point of beginning. Containing 1.81 acres more or less.

FROM: OST OFFICE SERVICE TECHNOLOGY

TO: FS FREEWAY SERVICE DISTRICT

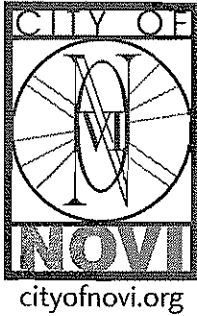
ORDINANCE NO. 18.694
 ZONING MAP AMENDMENT NO. 694
 CITY OF NOVI, MICHIGAN

ADOPTED BY THE CITY COUNCIL _____

 DAVID LANDRY MAYOR

 MARYANNE CORNELIUS CLERK

**PLANNING COMMISSION MEETING MINUTES
JANUARY 27, 2010**



Draft Excerpt from PLANNING COMMISSION MINUTES

Draft Copy

CITY OF NOVI

Regular Meeting

Wednesday, January 27, 2010 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

Present: Member Baratta, Member Cassis, Member Gutman, Member Lynch, Member Meyer, Chair Pehrson, Member Prince

Absent: Member Greco (excused), Member Larson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Rod Arroyo, City Traffic Consultant; Tom Schultz, City Attorney

PUBLIC HEARINGS

1. ZONING MAP AMENDMENT 18.694

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

Planner Kapelanski stated that the applicant is proposing to rezone a 1.8 acre site that is located on the east side of Beck Road between I-96 and Grand River Avenue. The site is currently vacant, but was formerly a nursery. To the north is MDOT right of way for I-96, to the east is the balance of the former nursery site. The Wixom Ready-Mix Plant is further to the east, to the south is the former Michigan Laser and across the street is West Market Square.

The subject property is currently zoned OST (Planned Office Service Technology) and the applicant is proposing FS (Freeway Service) zoning. The site is bordered by OST to the east and south. B-2, Planned Business zoning is located on the west side of Beck Road.

The Future Land Use Map indicates office uses for the subject property and the properties to the south and east. Local commercial uses are planned for the western side of Beck Road. The proposed rezoning to Freeway Service would be contrary to the current recommendations of the Future Land Use Map.

The applicant has indicated this rezoning has been proposed to facilitate the development of a gas station and drive-through fast-food restaurant on the site. The staff suggested the applicant submit a Planned Rezoning Overlay for the site, but the applicant has elected to propose a straight rezoning.

As the Commission is aware, certain sections of the Master Plan are currently under review including the area encompassing the subject property. The Master Plan and Zoning Committee has been considering maintaining the current OST uses in the area, but adding a retail service overlay provision. The rezoning request could be evaluated differently depending on the finalized Master Plan Update. However, any new districts or provisions included in the Master Plan Update could not be utilized unless a zoning ordinance amendment was approved.

The City's Traffic Consultant has completed a review of the proposed rezoning and the rezoning traffic study and finds the methodology to be sound. However, there are significant concerns regarding access to the site and the pending Master Plan Update for the area. The recommended Master Plan Update will include provisions for a proposed roadway system to improve circulation in the Grand River Avenue and Beck Road study area, which includes the subject property. Traffic Consultant Rod Arroyo is here this evening to answer questions regarding traffic concerns and could expound on what sorts of improvements are planned for that area.

The Community Development Department recommends denial of this request, as it is not consistent with the current Master Plan. The existing OST zoning is consistent with the future land uses planned for the area and the needed roadway network is not in place to support the retail uses permitted in the Freeway Service District.

The applicant is in attendance this evening.

Mr. Blair Bowman, representing Novi Mile, LLC came forward and stated he was proposing a straight rezoning

request for the 1.8 acres. The basis for this requested rezoning is a common sense approach and has been discussed at various levels for the last one and one-half years. Mr. Bowman expressed that the area would be well served by this rezoning and development. Surrounding businesses and property owners have indicated to Mr. Bowman that they would be very supportive of the area. It is consistent with the consensus discussed during the land use and planning process and with the Master Plan process currently underway.

The Master Plan and Zoning have been discussed at the Committee level. Mr. Bowman agrees that the master planning of this entire area is important and has to be followed through with and pursued. Mr. Bowman indicated his group is in ownership of a considerable amount of additional acreage in the immediate area.

Mr. Bowman indicated the application is one small component for which traffic issues and other issues will be dealt with at the site plan approval process. Some terms of a road system will definitely be part of the overall larger plan and program. For this particular small use, the applicant is ready to proceed at this time. The applicant's Traffic Consultants have indicated that the use would be supported by existing roadways. Anticipated trip generations and sound methodology have indicated that the property could support the use.

Mr. Bowman indicated he would like to move forward with this component and continue to proceed in good faith with the balance of the Master Planning process for the remainder of the property. Mr. Bowman indicated he hopes this is a common sense approach to an initial step in providing positive limited development for the community and the area.

Chair Pehrson asked Member Meyer if he had any correspondence regarding this public hearing.

Member Meyer said there is no correspondence for this item, but he does have correspondence connected with the Zoning Ordinance Text Amendment 18.239.

Chair Pehrson then asked if there was anyone in the audience that would like to participate and address the Commission on this matter. Seeing no one, Chair Pehrson closed the Public Hearing on this matter and turned it over to the Planning Commission.

Member Lynch asked if this was the Tim Horton gas station that was referenced at the Committee meeting. He requested the City's Traffic Consultant Rod Arroyo to come forward and give us his thoughts on what is being proposed and what affect it will have on traffic and circulation.

City Traffic Consultant Arroyo stated that the Commission has a copy of his review letter which provides an assessment of the rezoning traffic study that was supplied by the applicant's consultant. The primary component of that is a trip generation comparison between uses that would be allowed under existing zoning versus uses what would be allowed under the proposed zoning. The applicant's consultants provided this information and we believe the representation is consistent with the general office currently allowed and as compared with a gas station with convenience store along with the fast food restaurant and drive-through as indicated as a potential development.

Retail, gas station and fast food restaurant uses would typically generate more peak hour trips than an office use. Traffic Consultant Arroyo does have some concerns with the access to Beck Road, particularly regarding left turn access and its impacts on any use in the entire area.

Traffic Consultant Arroyo's firm has been working closely with the Master Plan and Zoning Committee and has looked at some alternative access plans on how this quadrant might develop to best handle the traffic circulation. One of the concepts that was discussed was to try to develop a road system that would be able to handle the traffic that would be turning in and out of this particular quadrant north of Grand River and east of Beck Road. The idea is to develop a collector road system that would run east/west from Beck and turn south to intersect at Grand River. Viewing the diagram on the screen, Traffic Consultant Arroyo identified a distance that is roughly one-third of a mile from the intersection of Beck and Grand River and one-third of a mile to the signal at the Rock Financial Showplace.

The concept here would be to have another local street that would end up being put in place on both sides of Grand River. Traveling from the subject site, this new road would enable you to travel south to Grand River and turn right or left onto Grand River, to be able to access locations east/west and north/south of the subject site. This type of system could either restrict left turns in and out of the subject property or possibly to explore whether or not a new traffic

signal could be installed. Spacing is an important consideration for traffic signals and would require further study. If a new signal did not go in, left turns may be required to be prohibited at that location. However, entering the site, left turns may be permitted.

None of these questions can be fully answered until there is a site plan along with a full traffic study. At that time, we can evaluate what type of turning traffic is going to occur, what type of potential improvements could be put in place to mitigate level of service issues and how this whole concept impacts the surrounding areas. There are a lot of questions that need to be answered in terms of access, but until more details are provided and more study is done to explore these issues, we cannot answer some of these questions. Traffic Consultant Arroyo said that this is an overview of the information before you now and description of some of the work that has been done working with the Master Plan and Zoning Committee.

Member Lynch stated that we have some experience with something similar to this on Wixom Road which he believes is a more intense use. There is a Dunkin Donuts, which is like a Tim Horton's, as well as a gas station and a Taco Bell. There is no signal there and there are a lot of left turns. On the other side of the street is a gas station and Meijer store. Member Lynch thinks this might be something for the Commission to consider as the Wixom Road interchange is very similar to what we have been talking about, and it does not seem to be as bad or intense.

City Traffic Consultant Arroyo stated that there are a couple of differences. At this location, there is the Providence Complex as well as the traffic impact of the Rock Financial Showplace. One of the things that was discussed were the traffic counts taken, and when there is a significant event at the showplace, it can have impacts on the Beck and Grand River intersection. There is a large commercial center on the west side of Beck and there is the potential for additional development. There are some differences particularly when you look at the heavy southbound left turn movement that occurs at times and how that might impact ingress and egress to the site. Another concern is if southbound vehicles are blocking the Beck Road driveway location - if left turns are permitted out of the driveway, waiting vehicles may obstruct vision for those left-turning exiting vehicles.

Member Lynch stated that when he was reviewing this and looked for something that was similar, he thought of the Wixom Road interchange. It is really intense and being that the land is not developed, Member Lynch thought this location would be less intense. At the Wixom Road interchange there is a street that curves around by the bar and out onto Grand River. Member Lynch thought this was similar situation. Member Lynch did not like the idea of the left turns and think those turns could be a problem. Comparing the Wixom/Grand River area and the Beck/Grand River area, Member Lynch believes the Wixom area is much more intense, with the uncertainty of what else is going to get developed in there. Overall, Member Lynch is looking forward to seeing one of the nicest gas stations in Novi and will wait for his colleague's comments.

Member Meyer stated that he noted from sitting on the Master Plan and Zoning Committee for part of the last year that it seems to him that prudence would dictate that we wait until the final presentation to the Planning Commission and then to the City Council regarding the Master Plan for Land Use, rather than making an exception regarding a 1.8 acre piece. Member Meyer asked Traffic Consultant Arroyo if he thinks there is a traffic issue and that maybe we should make the decision following the Master Plan for Land Use final presentation to the Planning Commission in the next few months.

Deputy Director McBeth answered that the Master Plan and Zoning Committee has been wrapping up their final recommendations and there is going to be one more meeting within the next few weeks and then there will be the Public Hearing in front of the Planning Commission.

Member Meyer apologized to Traffic Consultant Arroyo and stated that maybe he should not be asking him that question since the Planning Commission may be the ones who should make the decision. Member Meyer is asking primarily from the viewpoint of traffic and if that is the issue here tonight. Member Meyer believes that there may be a Special Land Use consideration on the 1.8 acres.

Traffic Consultant Arroyo stated that Planner Kapelanski has gone over a number of issues in her report that would be typically analyzed and maybe she would be the one to address all of the specific and various issues that come across to Planning. Traffic Consultant Arroyo stated that in terms of traffic, he has provided an overview of his letter. In the case of the rezoning, his firm does not typically make positive or negative recommendations from a traffic standpoint

being that it is a land use decision that encompasses a lot of different components and traffic is one of them. Traffic Consultant Arroyo indicated that there is a lot of good information on the table that he hopes is helpful to the Commission in making a decision.

Member Meyer thanked Traffic Consultant Arroyo and said he felt that there were two issues here that are impacting and seem to be running against one another. We have spent one and one-half years on this Master Plan for Land Use Study and Member Meyer still thinks it would be prudent once again to wait until that presentation is made for the Planning Commission and then to the City Council. On the other hand, Member Meyer believes that his goal of sitting on this Commission is to try to be one of the elements of making it a little more user friendly for the City of Novi and less hurdles for developers in order to do business in this city. Member Meyer feels we have done a lot of hard work this past one and one-half years on the Master Plan for Land Use and he does not want to be contributing to what is an image which is held by a number of people, namely that Novi is not a very friendly city to do business in.

Member Cassis asked Mr. Bowman if he still intended to use this piece of property of 1.8 acres for a gas station with beer and wine.

Mr. Bowman answered Member Cassis by saying that the operator which was here before you is dealing with the ordinance language amendment issue and he would determine that. Mr. Bowman stated that he is primarily here tonight to take the first step in resolving traffic use issues that Traffic Consultant Arroyo pointed out and to take the very first step in the process of getting to where we would actually be able to develop the station with whatever applicable ordinance there is relating to beer and wine, traffic and other items that the city regulates.

Member Cassis stated that he is perplexed by the last statement, that whatever ordinance there is for beer and wine or other items that the city regulates. Member Cassis was a proponent in trying to help with the beer and wine situation as you recall, but thought at that time a larger piece of property was needed. Mr. Bowman seemed to be coming back with a smaller parcel of property. Member Cassis asked the applicant if he intends to come back later and say that this is all the land I have, and want to include beer and wine at the gas station. Or is the intention to let go of the beer and wine. Member Cassis asked Mr. Bowman if he understood what he was saying.

Mr. Bowman answered that he did understand and that he was very confused that evening. Mr. Bowman is confident that the State regulation that was referred to is either inaccurate or a misplaced interpretation of a State statute. Mr. Bowman is also quite confident that as this process moves forward there will be an opportunity to discuss if the true intention is to require a 50,000 square foot gas station/convenience center. When the opportunity presents itself to deal with that ordinance, Mr. Bowman feels that a 5,000 square foot facility is comparably large, speaking to those that are of concern to the community. Mr. Bowman understands from a proliferation standpoint that some existing gas stations, or some that might be proposed later that are of a smaller nature, or a kiosk style, is not something the Commission wants to have the beer and wine and liquor license issue pertain to. Mr. Bowman fully supports that.

Mr. Bowman stated that this is a sizeable multipurpose facility that is consistent with what is going on in the industry now for a viable operation to build one of the nicest stations in the area and that is what it is going to have to be. It is going to be with a convenience center aspect, fuel delivery as well as a third party tenant in either a Tim Horton's or Starbucks or something of that nature or something that would be the trilogy going on in the complex. This facility is just under 6,000 square feet and very sizeable compared to other typical stations and is not going to be a Meijer's, Wal-Mart or Kroger. That is not what we are intending to do nor compete with and we do not want to give the impression to the people in the Providence area who have supported us that we are looking to compete on a regional scale with a major big-box use in that area.

Member Cassis asked Mr. Bowman of the three choices that we were considering last time, that as far as a station with beer and wine, are you leaning into the area of 50,000 square feet?

Mr. Bowman stated that he hoped this was a typo; a 50,000 square foot store is really an absolute prohibition. It is certainly not something we would be proposing.

Member Cassis said that his thoughts at the time this proposal first came before him at the Master Plan and Zoning Committee were that there was additional land next to this parcel and that maybe a complex or center could be created. Member Cassis is trying to understand if the 50,000 square foot requirement for a shopping center is

practical or not. Mr. Bowman's comments seem to indicate they maybe intending to put other uses next to the gas station, such as a Tim Horton's or a Starbucks or other extra things. Maybe the whole complex would be the situation where a 50,000 square foot facility may be applicable.

Mr. Bowman stated that unless he is missing something, he didn't know where the 50,000 square foot facility requirement came from. The gas station owner and Mr. Bowman thought that alternative may have been for a 50,000 square foot land requirement. Looking at the other stations within the community, there might be a concern that they would not meet the requirements. Or it may have been a typo.

Member Cassis asked City Attorney Schultz about the 50,000 square foot requirement.

City Attorney Schultz answered that he was not at the last meeting.

Member Cassis apologized and said, he went along with the program, thinking that was what was required.

City Attorney Schultz stated that the 50,000 square foot requirement is a real requirement, but it is not the only requirement. The general rule is no liquor, beer or wine can be sold at a gas station with some exceptions that apply in a city like Novi. One exception is, if you have a 50,000 square foot neighborhood center such as Sam's Club or something similar, alcohol sales would be permitted. The other exception is, regardless of size, a gas station can have a certain dollar value of merchandise, \$250,000, and that station would be permitted to sale alcohol. So, for example, the gas station at Thirteen Mile Road and Novi Road, the Sunshine Market, clearly not a 50,000 square foot building, more like a 2,000 or 3,000 square foot building, and according to the LCC they must have met the \$250,000 worth of merchandise exemption.

So when the Commission actually gets to the Zoning Ordinance Amendment as one of the later agenda items, the real question the Commission will be asking is regarding buildings or developments that aren't anywhere near the size of a Sam's Club or a Meijer's, will the sale of alcohol be an accessory use as far as the city is concerned even though it may be a much smaller building. A building of 5,000 square feet is a good size building for one of those markets, on the high end. But, it is not the size at that point that the Commission is looking at, it is: will a smaller station qualify for alcohol sales because they have the \$250,000 worth of merchandise excluding gas, excluding the liquor. If a station is 5,000 square feet, they are probably going to meet that threshold with cigarettes, food and deli and all the things the applicant is talking about. The applicant is probably going to meet that, so they would probably qualify for liquor sales.

Member Cassis asked City Attorney Schultz if an applicant did put a complex of different uses right along side of a gas station to equal or come close to that 50,000 square foot requirement, would alcohol sales at that gas station still be permitted or does the gas station itself have to be 50,000 square feet?

City Attorney Schultz stated that he thinks the applicant in this case would meet the minimum qualifications by putting in only 2,500 square feet with nothing around it and still qualify for alcohol sales because the minimum merchandise level is met. Or a gas station would get an automatic exemption if the gas station is in a neighborhood shopping center complex. Even if it's a small building, if they are in the neighborhood center, alcohol sales would still be permitted. I would defer to Planner Kapelanski with regard to the definition of a neighborhood shopping center.

Mr. Bowman stated that regarding conditions and requirements, they were all for that and in favor of making sure there is a quantitative and qualitative approach to putting in minimum standards that the city can use now and apply in the future. Conditions and requirements would be in place even if the State was not keeping careful tabs on whether or not stations met requirements or even if the State changed its own requirements these standards would assure that there wasn't a proliferation of gas stations with alcohol sales in Novi. Novi would still have their ordinance in place. Mr. Bowman does not disagree with and supports setting a size requirement. However, Mr. Bowman is not looking to build a Kroger competitor from that standpoint at this stage.

With regard to the final recommendations of the Master Plan and Rezoning process, Mr. Bowman believes they have been very consistent with the anticipated recommendations and have discussed the proposal openly and no Commissioner has said that this is not a good use for the area. From a use and a land use decision perspective, the applicant feels they fit right in to the anticipated recommendations of the Master Plan and will end up flowing with and

participating in the land use process. The balance of the site will continue along with the Master Plan process. Mr. Bowman stated roadway issues and all things discussed are truly of great interest to us and our site plan issues. Even the ordinance issue on the beer, wine and liquor license situation, this can be dealt with and we welcome the opportunity to work with the city to formalize that ordinance. Mr. Bowman continued noting that by reasonable standards, quality, even investment levels, that what is proposed is not just a gas station. It is a convenience center and a trilogy of uses that happens to also serve fuel. Mr. Bowman stated that the applicant would never propose something that would not be successful.

Member Cassis stated that he did lead the applicant into different terrain and beyond the specific rezoning request, but, hopefully the discussion cleared up a few things. Another thing the staff is concerned with is waiting for the decision on the Master Plan.

Mr. Bowman replied noting that they have been actively engaged in the Master Plan process and at this point they would like to move along with this modest component of an area that will eventually likely conform to the recommendations of the Master Plan. The Master Plan process has been on-going now for 13 or maybe 15 months, and when this development was initially proposed, Mr. Bowman was told to wait and go through the Master Plan process. Mr. Bowman continued stating that certainly we have participated and been dealing patiently with the process. Mr. Bowman stated he does not understand the process as well as the administration might, but from the limited amount that he has been involved, it seems it has a ways to go. Right now, the market is something no one can predict. Mr. Bowman noted the extremely high quality product that the gas station owner is proposing and that the proposed owner is one of the best operators in the area. This proposal is almost two years in the making and watching the Master Plan process, Mr. Bowman is getting more and more concerned. At the same time, the owner is still engaged and still interested in doing the gas station. Mr. Bowman would like to simply advance this one modest, positive development opportunity that is available.

Member Cassis noted there is a question that was raised by our Planners concerning the remainder of the property not proposed to be rezoned. Perhaps it would be best to wait for the Master Plan recommendations so that there is a plan in place for that entire parcel.

Mr. Bowman stated that the proposed rezoning is part of a larger parcel, but again that is not inconsistent with hundreds of different examples in this community and many other communities as far as different zoning districts on a piece of property. Ultimately Mr. Bowman would hope to discuss and identify a logical place for some of those internal roadway improvements being discussed as part of the Master Plan update and he would totally support and participate in the process to determine where a logical roadway might go. The proposed rezoning is the first modest step for this area. The balance of the property should be a part of the overall Master Planning process.

Member Gutman noted the proposed rezoning and area has clearly been discussed as part of the Master Plan and Zoning Committee meetings. As a business person, Member Gutman is supportive of this project and thinks it is a good project; but as a Planning Commissioner, the proposed rezoning is not in compliance with the current Future Land Use Map and it is inconsistent with the existing Future Land Uses. Member Gutman addressed Deputy Director McBeth and asked if this use would be permitted in the Retail Service Overlay that has been contemplated as part of the Master Plan update.

Deputy Director McBeth stated that this was one of the things that the Committee has spent quite a bit of time discussing when looking at this study area. The uses that had been proposed and have been discussed this evening were uses that were discussed for inclusion in possible future ordinance language for the Retail Overlay option. There would also be an expectation that there would be certain infrastructure improvements and roads, in particular that staff would expect to see to make this retail overlay area function properly. Also, a roadway plan for the area needs to be defined, as the Committee has been trying to identify exactly where the road system would best be located. These are the types of details that staff would want to make sure were included in the master plan and possible ordinance language. Also, when the ordinance language is drafted there would likely be open-space requirements, standards for the setback, and mix and types of uses. The Committee has been discussing these aspects of the Retail Service Overlay provisions.

Member Gutman asked what other options would be available to the applicant today.

Deputy Director McBeth stated one option would be a rezoning request with the Planned Rezoning Overlay option. Staff discussed this option with the applicant when they first came in to discuss the rezoning. The applicant had brought a concept plan and there was some confusion before the meeting as to whether the applicant was requesting a rezoning with the Planned Rezoning Overlay option. It was clarified that it was a rezoning request only. The PRO option has been tried with several other rezoning requests in Novi with some success. The submittal typically involves a Concept Plan. It also requires the applicant to demonstrate a public benefit that would be over and above a typical rezoning request. Another alternative is to wait until the public hearing has been held for the Master Plan and the Master Plan has gone out for circulation to surrounding communities, Oakland County and utility companies. Staff could draft the ordinance language in the meantime. The timeframe for completing the plan and allowing time for circulation and comments would be about ninety days, including the time waiting for the plan to circulate.

Deputy Director McBeth stated that staff talked with the applicant about a couple of things that could be considered a public benefit for a submitted PRO request. One was a proposed regional detention basin for the site and other properties in the vicinity. Sidewalk improvements that would be above and beyond what would typically be expected were also discussed. But it is really up to the applicant to make the offer and it is not something that the city can insist on.

Mr. Bowman stated that the PRO might be possible, but then that starts to bring in all of the more regional planning concerns as far as what will happen to the larger parcel and what are the other uses anticipated as part of this development and all the things that realistically need to be fleshed out as part of the overall Master Planning. The proposed use is allowed under the Freeway Service district and will most likely be part of the recommended Retail Service Overlay. As part of the Master Plan and Zoning Committee process and the pre-application process, the parcel size was adjusted to be larger than the original request to allow for the larger right-of-ways that the city was interested in and to have some of the larger setbacks that were of concern. Mr. Bowman is still interested in doing something on a regional basin basis and all those things from a larger development perspective for the remainder of the land. That is the reason for trying to separate those sorts of site plan aspects from the basic rezoning, to try to keep it relatively straight forward and concentrate on the modest piece of the parcel that is prepared to move forward at this point. The traffic issues can be worked out as part of the site plan review process.

Member Baratta inquired as to whether a sixty or ninety day delay in a decision in order to provide additional time for the Master Plan review process to continue would adversely affect any existing deals with Tim Horton's.

Mr. Bowman said he would actually use the Tim Horton's as an example as the Commission can note that he has been referencing a third party tenant and not particularly Tim Horton's. Tim Horton's outlook on the Michigan market right now has changed in the last ninety days. In addition, Deputy Director McBeth's statement stating the map circulation process in itself is going to take 90 days does not mean that the process will be completed within ninety days. After the circulation process the Master Plan will need to be considered and then the actual development of a zoning district will need to take place in order for one to even be available to then file under. Waiting for the Master Plan process to be completed and then the Zoning Ordinance to be updated would be considerably more than a ninety day delay.

Member Baratta asked would a ninety day delay adversely affect the project?

Mr. Bowman stated a ninety day delay would adversely affect the project.

Member Baratta asked how much time did Mr. Bowman think he had on the deal; would sixty days adversely affect the deal?

Mr. Bowman answered that if the rezoning were approved or there was the absolute expectancy of approval within sixty days to be rezoned, that would work within the time frames. If the process extended beyond sixty days that would adversely affect it.

Member Baratta stated to be clear then, if this body deferred this decision for thirty to sixty days until the Master Plan and Zoning Committee came back with their official recommendation and this use was an approved use in this study area, that would not adversely affect the project. Member Baratta's overall point is if in thirty to sixty days there is an understanding of what this new district is going to be and assuming the applicant's proposed use is an acceptable

use, the Planning Commission can at that time come back and re-visit this request and properly vote.

Mr. Bowman asked if Member Baratta was stating that if the proposed use was consistent with the Master Plan recommendations, the proposal could proceed under the Freeway Service District?

Member Baratta did not know how the Commission would vote at that time.

Mr. Bowman stated that therein lies the difficulty, so yes, a delay would provide difficulty for the deal. The timeframes dictate that the property needs to be rezoned within the next ninety days and that is why this rezoning needs to proceed at this point in time.

Member Baratta asked if this rezoning request and proposed use was consistent with what the Master Plan and Zoning Committee is considering.

Deputy Director McBeth stated that the uses permitted in the Freeway Service District are consistent with what is expected to be put into an ordinance that staff would draft called the Retail Service Overlay. The standards for the district would be different from the Freeway Service and it would be an overlay district over the existing OST District.

Member Baratta confirmed that no matter what this new district is and how it is defined, it would allow this use.

Deputy Director McBeth stated that staff and the Master Plan and Zoning Committee had been talking about the same types of land uses.

City Attorney Schultz pointed out that the Master Plan update actually hasn't been approved by the full Planning Commission and the Master Plan and Zoning Committee is a Committee of four people. While there has not been that kind of detail determined yet, obviously it is a Retail Overlay.

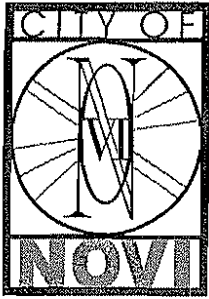
Chair Pehrson stated that he was not particularly supportive of a straight rezoning from OST to Freeway Service for all reasons that were depicted in the letter from Planner Kapelanski. The Planning Commission and city do not want to make this process any harsher on anyone than it absolutely needs to be. The process is there to be fair and balanced and its one that, with or without these economic times, would present same decision that would have to be made and my decision would still be the same. The process and threshold for rezoning a parcel is an established practice and the Planning Commission has mostly looked to the Master Plan for direction on proposed rezonings. Given the fact there is a process for an applicant to come back with a PRO that establishes the conditions of either this property by itself or the entire parcel is still a valid route to take to address these kinds of things. Just looking at this particular straight rezoning without consideration to the specific building or the sale of alcohol at gas stations, Chair Pehrson does not support the Freeway Service District on this particular parcel.

Member Cassis would like to make a motion but first would like to state his reasons for his motion. Member Cassis is a member of the Master Plan and Zoning Committee and it has been unfortunate that the process has taken a long time and it is not anyone's fault. We live in a very uncertain economic time. The applicant may say thirty days would not adversely affect this proposal, but being a business man Member Cassis knows how fragile our economic times are in the state and in the city. Mr. Bowman may say that sixty days would fit within the planned timeframe of the proposed rezoning, but he might be wrong. What is really preventing the Planning Commission from giving the applicant what he is asking for, which is the Freeway Service District and letting him take his chances before us at another meeting when the site plan comes in for review

ROLL CALL VOTE ON ZONING MAP AMENDMENT 18.694, POSITIVE RECOMMENDATION MADE BY MEMBER CASSIS AND SECONDED BY MEMBER BARATTA:

In the matter of Zoning Map Amendment 18.694 for Novi Mile, LLC, motion to recommend approval to the City Council to rezone the subject property from OST, (Office Service Technology District) to FS, (Freeway Service District) for the following reasons: a) Because of the uncertain economic times; b) Because the Master Plan process is incomplete at this time; and c) For the other reasons stated during the discussion. Motion carried 6-1. (Nay – Chair Pehrson)

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

January 19, 2010

Planning Review

46100 Grand River

Zoning Map Amendment 18.694

Petitioner

Novi Mile LLC

Review Type

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

Property Characteristics

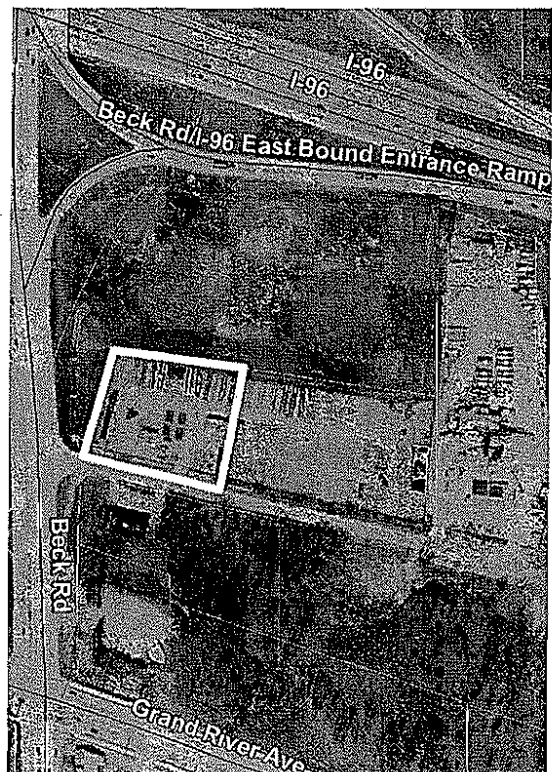
- Site Location: East side of Beck Road between I-96 and Grand River Avenue
- Site Zoning: OST, Office Service Technology
- Adjoining Zoning: North: I-96 right-of-way; South: OST; East: OST; West (across Beck Road): B-2, Community Business District
- Current Site Use: Former Nursery
- Adjoining Uses: North: I-96 right-of-way; South: Wixom Ready-Mix; East: Michigan Laser; West (across Beck Road): Westmarket Square Retail Development
- School District: Novi Community School District
- Proposed Rezoning Size: 1.81 acres
- Existing Parcel Size: 4.3 acres

Project Summary

The petitioner is requesting the rezoning of a 1.81 acre parcel of property on the east side of Beck Road between I-96 and Grand River Avenue in Section 16 of the City of Novi. The proposed rezoned area would be split off from a larger parcel totaling 4.3 acres. The subject property is currently zoned OST, Office Service Technology. The applicant has requested a rezoning of the parcel to FS, Freeway Service. The site is currently developed with a former nursery, which is no longer in use.

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

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



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

Current Status

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

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

Recommendation

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

Denial is recommended for the following reasons.

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

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

Planning Commission Options

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

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

Master Plan for Land Use

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

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

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

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

Master Plan and Zoning Committee

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

Existing Zoning and Land Use

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

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

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

Compatibility with Surrounding Land Use

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

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

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

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

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

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

Comparison of Zoning Districts

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

	OST (Existing)	FS (Proposed)	B-3 (Alternate)
Principal Permitted Uses	<ol style="list-style-type: none"> 1. All uses permitted and as otherwise regulated in the OS-2 District at Section 2301, 2302 and 2303. 2. Data processing and computer centers; laser technology and application; repair, service and sale of communications equipment. 3. Laboratories. 4. Research, testing, design and development, technical training and activities (subject to certain conditions). 5. Hotels and business motels (subject to certain conditions). 6. Colleges and universities and other such post-secondary institutions of higher learning (subject to certain conditions). 7. Motion picture, television, radio and photographic production facilities provided all activities are 	<ol style="list-style-type: none"> 1. Gasoline service stations and automobile repair, subject to the standards at Section 1402.1, parking garages and bus passenger stations. 2. Retail establishments to serve the needs of highway travelers, including, but not limited to, gift shops and restaurants, not including drive-ins. 3. Motels, hotels and transient lodging facilities (subject to certain conditions). 4. Other uses similar to the above permitted uses. 5. Accessory structures and uses. 	<ol style="list-style-type: none"> 1. Any retail business or service establishment permitted in the B-1 and B-2 Districts as Principal Permitted Uses and Special Land Uses subject to the restrictions therein. 2. Auto wash when completely in an enclosed building. 3. Bus passenger stations. 4. New and used car salesroom, showroom, or office, except trucks and heavy off-road construction equipment. 5. Other uses similar to the above permitted uses. 6. Tattoo parlors. 7. Publicly owned and operated parks, parkways and outdoor recreation facilities. 8. Accessory structures and uses.

	OST (Existing)	FS (Proposed)	B-3 (Alternate)
	<p>conducted within a completely enclosed building.</p> <p>8. Accessory buildings and uses.</p> <p>9. Other uses similar to the above uses.</p>		
Special Land Uses	No special land uses in the OST District.	No special land uses in the FS District.	<ol style="list-style-type: none"> 1. Outdoor space for the exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes or rental of trailers or automobiles (subject to certain conditions). 2. Motel (subject to certain conditions). 3. Business in the character of a drive-in or open front store (subject to certain conditions). 4. Veterinary hospitals or clinics (subject to certain conditions). 5. Plant materials nursery (subject to certain conditions). 6. Public or private indoor recreational facilities and private outdoor recreational facilities. 7. Mini-lube or quick oil change establishments (subject to certain conditions). 8. Sale of produce and seasonal plant materials outdoors (subject to certain conditions).
Minimum Lot Size	Based on the amount of off-street parking,	Based on the amount of off-street parking,	Based on the amount of off-street parking,

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

Infrastructure Concerns

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

Natural Features

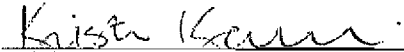
The regulated wetland and woodland maps indicate that there are no natural features on the subject property in the City’s inventory at this time. The location of any woodlands and wetlands will need to be field verified by the applicant with the submittal of any site plan for the parcels. Impacts to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

Development Potential

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

Submittal Requirements

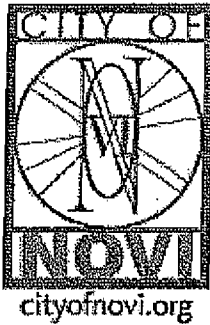
- The applicant has provided a survey and legal description of the property in accordance with submittal requirements.
- The applicant has placed the rezoning signs on the property, in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request.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



Kristen Kapelański, ACIP, Planner
248-347-0586 or kkapelanski@cityofnovi.org

ENGINEERING REVIEW

MEMORANDUM



TO: BRIAN COBURN, P.E.; SR. CIVIL ENGINEER
BARB MCBETH, AICP; DEPUTY DIR. COMM. DEV.

FROM: LINDON K. IVEZAJ, STAFF ENGINEER *UK*
BEN CROY, P.E.; CIVIL ENGINEER

SUBJECT: REVIEW OF REZONING IMPACT ON PUBLIC UTILITIES
REZONING 18.694 – 46100 GRAND RIVER AVENUE

DATE: JANUARY 12, 2010

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

Utility Demands

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

Water System

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

Sanitary Sewer

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

Summary

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

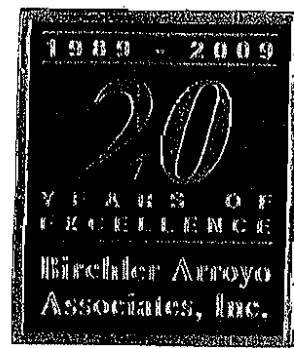
The increase in the peak discharge is notable because the City is currently seeking opportunities to resolve the limit on its contractual sanitary sewer capacity at its outlet to Wayne County. Additional contractual capacity (estimated to be 0.03 cfs based on the rezoning) will be needed to serve the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

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

TRAFFIC REVIEW

December 29, 2009

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



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

Dear Ms. McBeth:

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

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

Recommendation

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

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

Comments

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

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

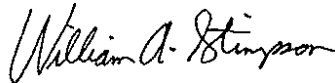
2. Relative to Comment 1 above, it is probably not advisable to apply such a high pass-by rate to the proposed use due to the location of the subject site. Certainly some portion of trips will be made by vehicles already travelling along Beck Road, but probably not over 50%. It is likely that a higher portion of trips would actually be “diverted trips” made by vehicles from I-96 that otherwise would have stayed on the expressway. Those diverted trips may not be “new” to the vicinity’s overall roadway system, but they are certainly “new” to the freeway interchange and to Beck Road. Similarly, diverted trips would include vehicles traveling along Grand River that otherwise would not have turned onto Beck to visit the gas station/restaurant. If and when a full traffic impact study is submitted, it will warrant some additional analysis for application of a pass-by rate, which we expect should be significantly lower than what was assumed in the rezoning traffic study.
3. Road Commission weekday turning-movement counts at the intersection of Beck Road and Grand River were obtained for the Rezoning Traffic Impact Study from March 10-13, 2009 (Tuesday through Thursday). The narrative included with the Rezoning Traffic Impact Study states that the Tuesday counts were excluded from the analysis because they demonstrated “extreme fluctuations compared to the other two days of traffic volumes.” Birchler Arroyo contacted Mr. Bowen and he confirmed that there was a training event at the Rock Financial Showplace on March 10, 2009; that event traffic is likely reflected in the high traffic volumes for that day. It is common for this intersection – and particularly the southbound-to-eastbound turning movements – to have significant variation in volumes based on Showplace event traffic. Our office has concern for the potential of southbound Beck Road traffic to queue all the way back past the proposed driveway of the subject site, impeding both inbound and outbound site traffic, particularly during heavy event traffic.
4. The development of this site has broader implications relative to the City’s pending Master Plan update for this area. This site, and the driveway that will access it, are potentially the first pieces of a larger development and transportation network plan within this area. Both the City and the developer should be aware that this site, as well as the Chase Bank, will in the near term require direct access to and from Beck Road. Prohibition of direct left turns into or out of the proposed driveway would adversely impact site access until a more extensive collector-road network has been developed. Currently, because both of Chase Bank’s driveways are right-out-only, the only way for Chase Bank customers to exit onto southbound Beck or eastbound Grand River is to turn left from the Beck Road driveway proposed to be extended to the subject property. If and when a collector-road system is developed, it is possible that left turns out of the proposed driveway could be prohibited,

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

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



William A. Stimpson, P.E.
Director of Traffic Engineering

APPLICANT RESPONSE LETTER

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

January 21, 2010

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

**RE: Zoning Map Amendment 18.69
Petitioner Novi Mile, LLC**

Dear Planning Commissioner Members:

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

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

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

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

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

Very truly yours,
NOVI MILE, LLC

A handwritten signature in black ink, appearing to read 'Blair Bowman', with a horizontal line extending to the right from the end of the signature.

Blair Bowman

Enclosures

our people and our passion in every project



January 20, 2010

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

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

Dear Mr. Bowman/Mr. Bowen;

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

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

Sincerely,

A handwritten signature in black ink that reads 'Kelly K. Ferencz'. The signature is fluid and cursive, with a large, sweeping flourish at the end.

Kelly K. Ferencz, PE
Project Manager



Memorandum

To: Mr. John Bowen

From: Kelly Ferencz, PE

Date: January 20, 2010

Re: Birchler Arroyo Rezoning TIS Review

Mr. Bowen

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

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



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



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

CALL TO ORDER

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

ROLL CALL

Present: Members Victor Cassis, Andy Gutman, Michael Meyer

Staff Support: Mark Spencer, Planner, Barbara McBeth, Deputy Community Development Director, Kristen Kolb, City Attorney

APPROVAL OF AGENDA AS AMENDED

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

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

Audience Participation and Correspondence

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

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

Staff Report

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

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

Matters for Discussion

Item 1

Master Plan for Land Use Review

a) Recommended Master Plan Amendments

1) Grand River Avenue and Beck Road Study Area

Future Land Use designations and Future Land Use Map

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

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

Committee agreed with Planner Spencer on the definition.

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

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

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

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

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

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

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

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

Related Objectives and Implementation Strategies

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

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

Transportation Plan Map

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Review rezoning submittal 18.691

Planner Spencer will go through Planner Kristen Kapelanski's rezoning review. The petition is for 1.64 acres currently zoned OST. The applicant is asking to rezone it to the Freeway Service District, which does not comply with the current Master Plan designation of Office uses. Staff is suggesting the applicant wait until the Master Plan process is completed and ordinance changes are in place.

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

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

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

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

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

Planner Spencer discussed some site issues with the committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Bowen and the committee discussed a PRO process.

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

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

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

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

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

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

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

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

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

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

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

MINUTES

Moved by Member Cassis, seconded by Member Meyer

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

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

ADJOURN

Moved by Member Cassis, seconded by Member Meyer:

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

A motion to adjourn.

The meeting adjourned at 9:17 PM

Future Meetings

December 3, 2009

December 17, 2009

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