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Adoption Master Plan for Land Use Amendments

Master Plan for Land Use

Discussion on proposed amendments to the City of Novi Master Plan for Land Use. The Planning Commission is asked to approve a resolution adopting the proposed amendments as drafted or with amendment(s).

Required Action

Approve/postpone a resolution adopting the proposed 2010 Master Plan for Land Use Amendments including the proposed Future Land Use Map with or without amendment.

August 25, 2010

Motions

Adoption of Alternative Procedure to Adopt Master Plan for Land Use Amendments

Motion to approve the following alternative procedure for adoption of the proposed Master Plan for Land Use because the proposed Master Plan for Land Use Amendments is a very large document that covers many subjects:

- a. Divide the proposed amendments into the following sections or subjects to be acted upon separately for inclusion in the final document:
 - a. Special Planning Project Area 1 future land use map designations;
 - b. *Other subject(s) if any;*
 - c. Balance of the proposed Master Plan for Land Use amendments proposed July 14, 2010 including minor changes presented to the Planning Commission on July 14, 2010.
- b. Discuss each of the above proposed Master Plan for Land Use sections or subjects and entertain motions to approve sections or subjects as presented with changes (if any);
- c. Vote on motion and include sections or subjects in the final draft of the Master Plan for Land Use that receive a simple majority of the vote; and
- d. Entertain motion to approved resolution to adopt entire proposed Master Plan for Land Use and vote on motion (2/3 vote of membership needed to adopt Master Plan for Land Use amendments).

Motions

Adopt-proposed Master Plan Amendments

Motion to approve a resolution adopting the proposed 2010 Master Plan for Land Use Amendments with the changes proposed by the Master Plan and Zoning Committee on July 7, 2010, including the proposed Future Land Use Map, subject to the following revisions:

- a. (if any)

for the following reasons:

1. The Master Plan & Zoning Committee and the Planning Commission, with the assistance of the Community Development Department Planning Staff, reviewed the current Master Plan for Land Use's goals, objectives, and implementation strategies, and the Future Land Use Map use designations for the entire City, and evaluated each of the three Master Plan Study Areas in detail;
2. Public comments regarding the future land uses in the study areas and City at large were solicited and people provided input through answering questionnaires, written comments and in person at City Hall, public meetings and public open houses;
3. The proposed Master Plan for Land Use amendments reflect the desires of the City's citizens, promote natural feature protection, foster quality development, encourage investment in the City, and provide design guidance for future transportation improvements; and
4. The proposed amendments foster sound land use planning by including the following new land use goals:
 - Provide for planned development areas that provide a transition between high intensity office, industrial and commercial uses and one-family residential uses.
 - Develop the Grand River Avenue and Beck Road Study Area in a manner that supports and complements neighboring areas.
 - Create, preserve, and enhance quality residential areas in the City.
 - Continue to promote active living and healthy lifestyles in the City of Novi and continue to achieve a high level of recognition under the State of Michigan's "Promoting Active Communities Program."

Postpone – proposed Master Plan Amendments

Motion to **postpone** action on the proposed Master Plan for Land Use Amendments and request the Master Plan and Zoning Committee to review the Planning Commission's concerns and present a revised set of proposed Master Plan Amendments that address these concerns.

Proposed Master Plan for Land Use Amendment Adoption Resolution

**PLANNING COMMISSION RESOLUTION ADOPTING THE 2010
AMENDMENTS TO THE CITY OF NOVI'S
MASTER PLAN FOR LAND USE**

**City of Novi
County of Oakland, Michigan**

WHEREAS, the City of Novi, through its Planning Commission, adopted a Master Plan for Land Use in 2004 and was amended in 2008, and

WHEREAS, the City determined in December 2008 to review the entire Master Plan for Land Use, undertake the study of certain areas and to also discuss some additional areas or aspects of the City land use plan; and

WHEREAS, the Planning Commission decided in particular to focus on the following study areas:

- Special Planning Project Area 1 (Ten Mile and Novi Roads);
- Grand River Avenue and Beck Road
- Eleven Mile and Beck Roads

WHEREAS, the Planning Commission notified each municipality located within or contiguous to the City, the County Commission, each public utility company and railroad company owning or operating a public utility or railroad within the City, the Road Commission of Oakland County, the Michigan Department of Transportation and every governmental entity that had registered its name and mailing address with the City for purposes of notification of its intent to discuss amendments to its Master Plan for Land Use; and

WHEREAS, relying upon public input, the City's Planning staff and the Planning Commission's Master Plan and Zoning Committee developed a set of proposed 2010 text and map amendments to the City's Master Plan for Land Use; and

WHEREAS, the proposed 2010 Amendments to the City's Master Plan for Land Use were submitted to City Council, which authorized distribution of the proposed amendments; and

WHEREAS, the proposed 2010 Amendments to the City's Master Plan for Land Use were distributed to each municipality located within or contiguous to the City, the County Commission, each public utility company and railroad company owning or operating a public utility or railroad within the City, the Road Commission of Oakland County, the Michigan Department of Transportation and every governmental entity that had registered its name and mailing address with the City for purposes of notification, for review and comment; and

WHEREAS, the Planning Commission received comments in reference to the proposed Master Plan for Land Use from certain of these entities; and

WHEREAS, on June 29, 2010, the Oakland County Coordinating Zoning Committee voted to endorse the proposed 2010 Amendments to the City's Master Plan for Land Use, finding that the proposed amendments were not inconsistent with the Plan of any surrounding communities; and

WHEREAS, on July 7, 2010, the Master Plan and Zoning Committee of the Planning Commission commented on the proposed 2010 Amendments to the City's Master Plan for Land Use; and

WHEREAS, on July 14, 2010, after proper public notice, the Planning Commission held a public hearing on the proposed 2010 Amendments to the City's Master Plan for Land Use, during which members of the public were given the opportunity to comment on the proposed amendments; and

WHEREAS, the Planning Commission has determined that the proposed 2010 Amendments to the City's Master Plan for Land Use, with the accompanying maps, charts and descriptive matter accurately reflects the Planning Commission's recommendations for the development of the areas of the City affected by the proposed amendments.

NOW, THEREFORE, IT IS RESOLVED that the City of Novi Planning Commission hereby adopts the proposed 2010 Amendments to the City's Master Plan for Land Use, dated April 28, 2010 with changes proposed by the Master Plan and Zoning Committee on July 7, 2010 *(as amended by the Planning Commission on August 25, 2010)*.

IT IS FURTHER RESOLVED that the Secretary of the Planning Commission shall submit a copy of the 2010 Amendments to the City's Master Plan for Land Use to each municipality located within or contiguous to the City, the County Commission, each public utility company and railroad company owning or operating a public utility or railroad within the City, the Road Commission of Oakland County, the Michigan Department of Transportation and every governmental entity that had registered its name and mailing address with the City for purposes of notification.

AYES: ()
NAYS: ()
ABSENT: ()
ABSTENTIONS: ()

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the foregoing Resolution constitutes a true and complete copy of the resolution duly adopted by the Planning Commission of the City of Novi, County of Oakland, Michigan, at a meeting of the City of Novi Planning Commission duly called and held on August 25, 2010, and that public notice of the meeting was given in full conformity with Act 267 of the Public Acts of 1976, and that the minutes of the meeting were kept and will be made available as required by law.

Maryanne Cornelius, City Clerk

CHAIRPERSON'S CERTIFICATION

I hereby certify that the foregoing resolution accurately reflects the action taken by the Planning Commission on August 25, 2010.

Mark Pehrson, Chairperson

Alternative Adoption Procedure Memo

MEMORANDUM



cityofnovi.org

TO: PLANNING COMMISSION
FROM: MARK SPENCER, AICP, PLANNER *Mark Spencer*
THROUGH: BARBARA MCBETH, AICP, DEPUTY DIRECTOR
OF COMMUNITY DEVELOPMENT
SUBJECT: MASTER PLAN FOR LAND USE AMENDMENTS
DATE: AUGUST 17, 2010

The Master Plan for Land Use is an important policy document that guides the development of the City. Although the Plan is a living document that changes from time to time, it is also a reflection of the City's land use goals and objectives at a particular point of time. The State of Michigan's Planning Enabling Act includes a large set of requirements for creating and adopting a master plan. As a principal guide for making zoning decisions, a Master Plan and its supporting documents are often used to support a City's rezoning decisions in the courts. Thus, it is important that the Plan include a future land use designation for all properties, in the event that a rezoning is proposed. The City's planning staff and City Attorney recommend that the Planning Commission adopt a Master Plan that includes a future land use designation for all properties within the City.

Further Discussion about Master Plan vs. Zoning

The Master Plan attempts to define the "vision" of what the community will look like over a timeframe spanning from 10 to 20 years and can provide a basis for orderly and efficient development planning through zoning and development decisions. The State Law says that each community's Zoning Ordinance is based on the Master Plan. The Zoning Ordinance provides the means to implement the vision created in the Master Plan. Here's an excerpt from the State Law:

Sec. 203. (1) The zoning ordinance shall be based upon a plan designed:

- to promote the public health, safety, and general welfare,
- to encourage the use of lands in accordance with their character and adaptability,
- to limit the improper use of land,
- to conserve natural resources and energy,
- to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land,
- to insure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population,
- to provide adequate light and air, to lessen congestion on the public roads and streets,
- to reduce hazards to life and property,
- to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, and
- to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

The zoning ordinance shall be made with reasonable consideration to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

The future land use map in the Master Plan is not, however, the same thing as a zoning map. The zoning map establishes the current, allowable uses for a property. The future land use map reflects the City's goals and objectives for a particular parcel of property. It may coincide with the zoning map or it may deviate in places where the actual or currently-appropriate use does not reflect the long-term, planned-for use. The Master Plan is the City's "vision" for the uses of particular areas or properties, and the zoning ordinance generally must be aimed at achieving that vision. However, at any given moment of time, achieving the long-term vision may depend on other factors or plans coming into play, and thus the zoning map—the actual, regulated, permitted use of properties throughout the City—might not match that vision.

While State Law allows City Councils and other governing bodies to adopt the Master Plans if they choose, in Novi, the Planning Commission has been the body that has adopted the Master Plan. In addition to other factors (which are generally highlighted in the Staff and Consultant's reports), the Planning Commission has typically used the Master Plan as a basis for rezoning recommendations. For Planned Rezoning Overlay requests, the Concept Plan is also reviewed for consistency with ordinance standards of the district proposed.

Master Plan Amendment Process Recap

Between December 2008 and April 2010, the Planning Commission's Master Plan and Zoning Committee, with assistance from the City's planning staff, reviewed the adopted Master Plan for Land Use. This review included a section-by-section review of the future land use designations of all properties in the City. In addition, three study areas (Special Planning Project Area 1, Eleven Mile and Beck Roads and Grand River Avenue and Beck Road) were identified and reviewed in greater detail. Based on this process, the Master Plan and Zoning Committee and the planning staff produced a Master Plan for Land Use Review that was approved by the Planning Commission in March of 2010. This Review included a set of recommended Master Plan for Land Use amendments that included designating the area currently designated Special Planning Project Area on the Future Land Use Map Community Office and Industrial, Research, Development and Technology.

This set of proposed amendments was approved by the Planning Commission for distribution on April 28, 2010 and by City Council on May 17, 2010. After receiving comments from neighboring communities, Oakland County and the public, a revised set of amendments were presented to the Planning Commission for adoption on July 14, 2010. The Commission discussed the proposed amendments including the proposed future land use designations for the properties within the Special Planning Project Area Study Area.

After discussing the merits of office, industrial and retail uses in Special Planning Project Area 1 Study Area, the Commission did not reach a consensus on a future land use designation for the properties designated Special Planning Project Area. The Planning Commission then adopted a resolution approving the Master Plan amendments as

presented, with the exception of the future land use designations for Special Planning Project Area 1. The resolution stated that area currently designated Special Planning Project Area 1 on the Future Land Use Map shall keep this designation for further study.

At the following meeting on July 28th, the Commission discussed the merits of having a complete Master Plan that did not leave any areas without a future land use designation. The Commission then passed a motion unanimously to reconsider the above adoption. The Commission again discussed potential uses for the Special Planning Project area parcels and was not able to pass a motion adopting the Master Plan with the required two-thirds of its members (6 votes).

Alternative Approval Procedure

In order to move forward with the adoption of the Master Plan, Staff and the City Attorney suggest that the Planning Commission may want to use an alternative adoption procedure that is often used by public bodies for adopting complex or large documents that require a "super majority" of votes. This procedure involves voting on portions of a document first to reach a consensus through a simple majority, followed by a vote on the entire document. This procedure can assist in the approval of complex documents, while insuring that everyone's point of view is heard.

Although the "super majority" may not agree on each issue, usually two-thirds of the board can agree, in the best interest of the community, to adopt the document as a whole—even if individual members disagree with discrete or separate parts of the whole. The City's Annual Budget document is effectively adopted with this procedure. This procedure was also used during the adoption of the last Master Plan for Land Use. The Planning Commission by resolution can agree to use this alternative procedure to adopt the Master Plan for Land Use amendments. Draft motions are attached for possible use by the Commission: the first provides the alternative procedure for discussion and adoption of the plan, and the second motion provides suggested language for adoption of the overall plan.

Additional Planning Comments on Special Planning Project Area 1 Study Area

The Planning Commission had previously requested additional information regarding the consideration of retail uses for Special Planning Project Area 1. Staff notes that the City of Novi has had a long history of planning areas for retail nodes to serve residential areas versus retail strip areas. Node style development is compact and often square in area. Reduced frontage on a major thoroughfare lessens the visual impact of commercial development, especially in regard to parking and signage. Typically, office and industrial establishments have a far fewer signs and less parking, thus there is less visual impact on a neighborhood or from a major thoroughfare.

Recently developed neighborhood retail properties in the City of Novi have limited road frontage. Several examples are provided on the attached maps, and as described below. Retail properties at the intersection of Fourteen Mile and Novi Roads, Thirteen Mile and Novi Roads, Nine Mile and Novi Roads, and Beck and Ten Mile Roads all have less than 1,300 feet of planned frontage on main roads. Currently, the planned retail frontage at Novi and Ten Mile Roads is about 1,500 feet long on Novi Road and

1,300 feet on Ten Mile Road. If Special Planning Project Area 1 was developed for retail uses, retail properties with frontage on Ten Mile Road would extend over 3,000 feet, over one-half of a mile. The planning staff believes that creating an extensive commercial strip along Ten Mile in this area would change the character of the area.

Recommendation

Staff's continued recommendation for Community Office and Industrial Research Development and Technology for Special Project Planning Area is consistent with previous review letters and the Master Plan Review as approved by the Planning Commission.

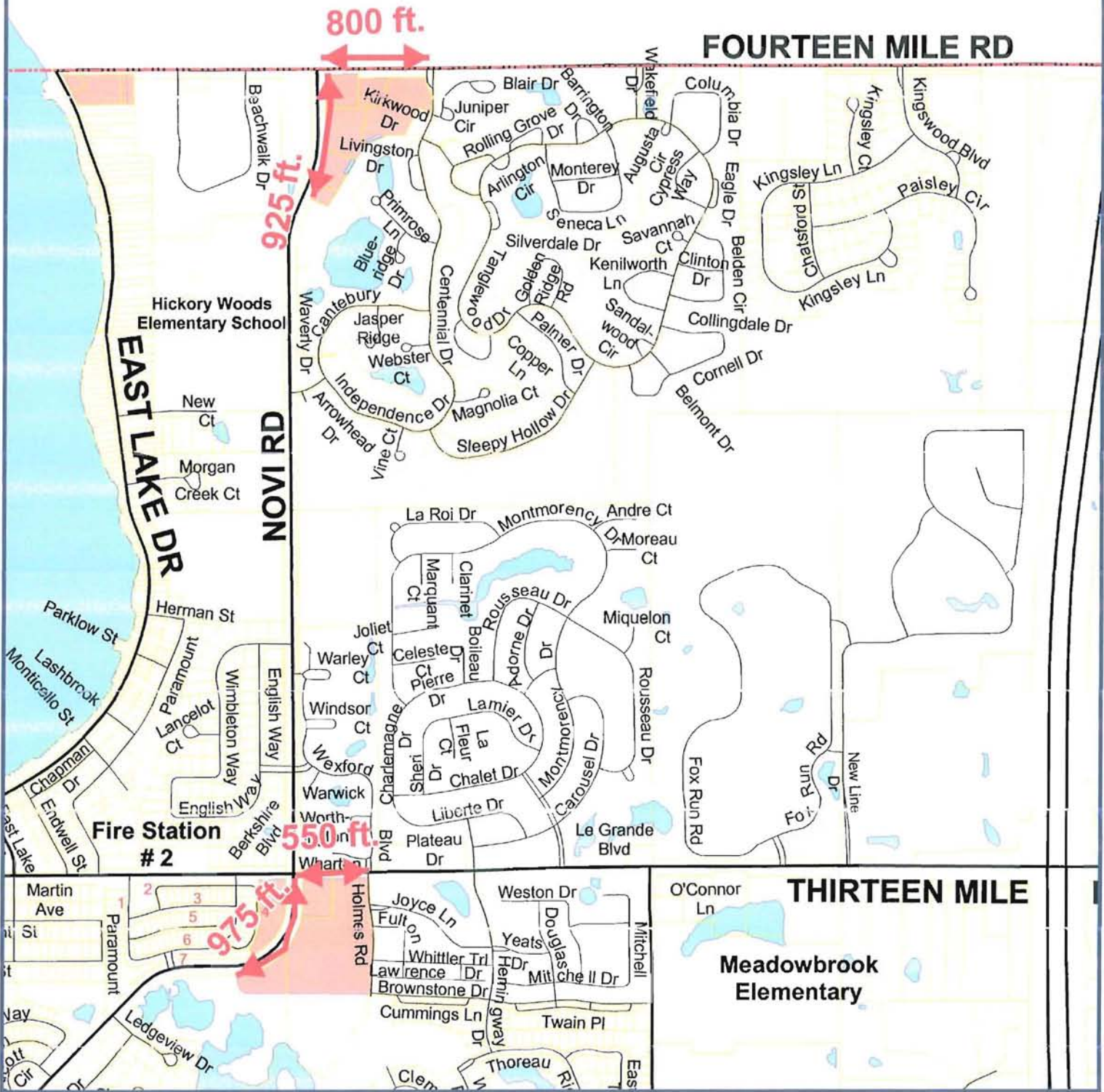
Attached to this memo is a memo from the City's Economic Development Director, Ara Topouzian further explaining his position of recommending that the Planning Commission consider office and industrial future land use designations for the Special planning Project Area 1 properties.

Please feel free to contact me if you have any questions regarding this memo.

c: Clay Pearson, City Manager
Charles Boulard, Community Development Director

Neighborhood Commercial Frontage

Map 1



Map Author: Mark Spencer
 Date: 8/19/10
 Project: Neighborhood Commercial Frontage
 Version #: 1.0

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

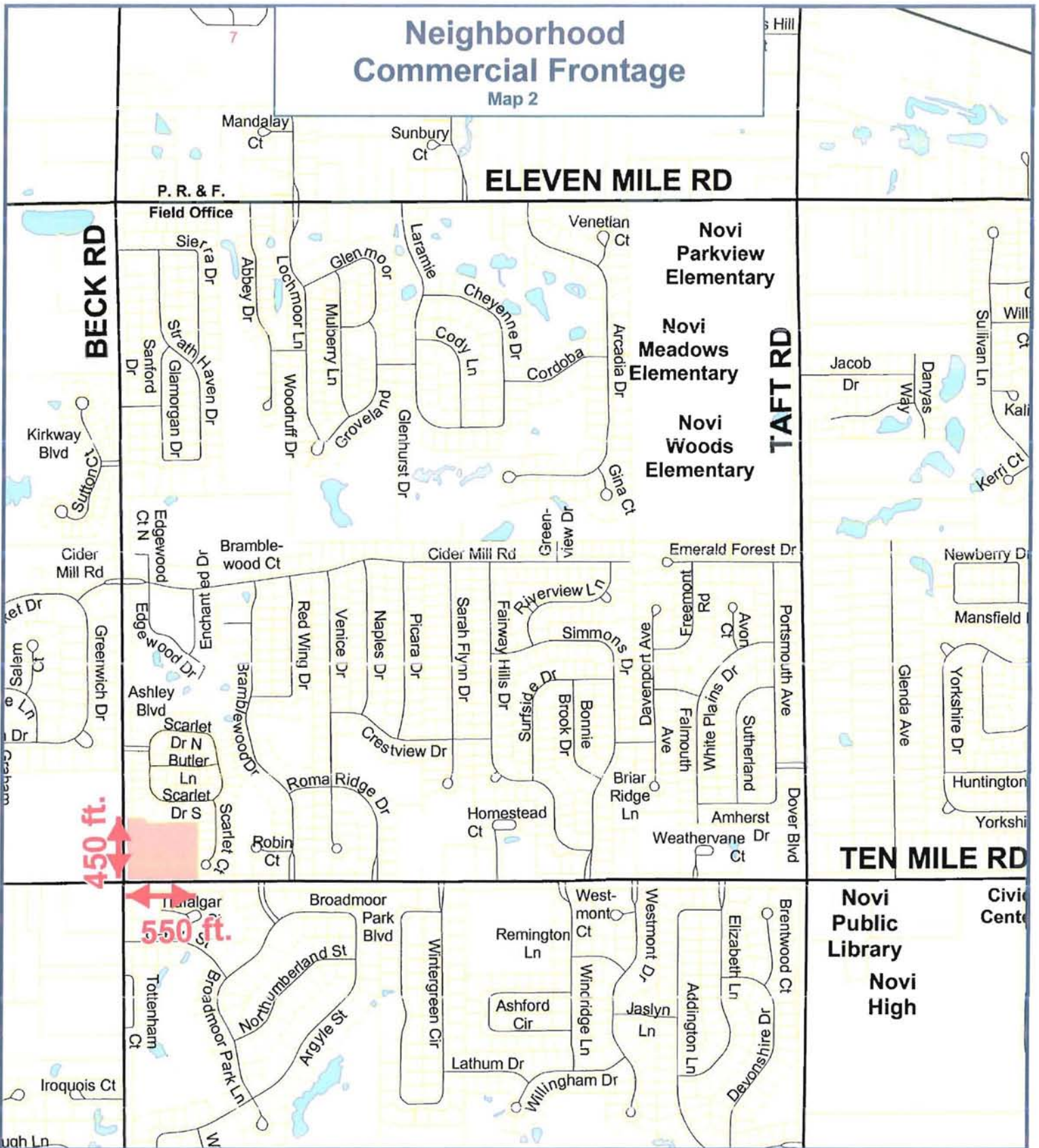
 LOCAL COMMERCIAL



City of Novi
 Planning Division
 Community Development Dept.
 45175 W Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org



Neighborhood Commercial Frontage Map 2



Map Author: Mark Spencer
Date: 8/19/10
Project: Neighborhood Commercial Frontage 2
Version #: 1.0

Map Legend

LOCAL COMMERCIAL

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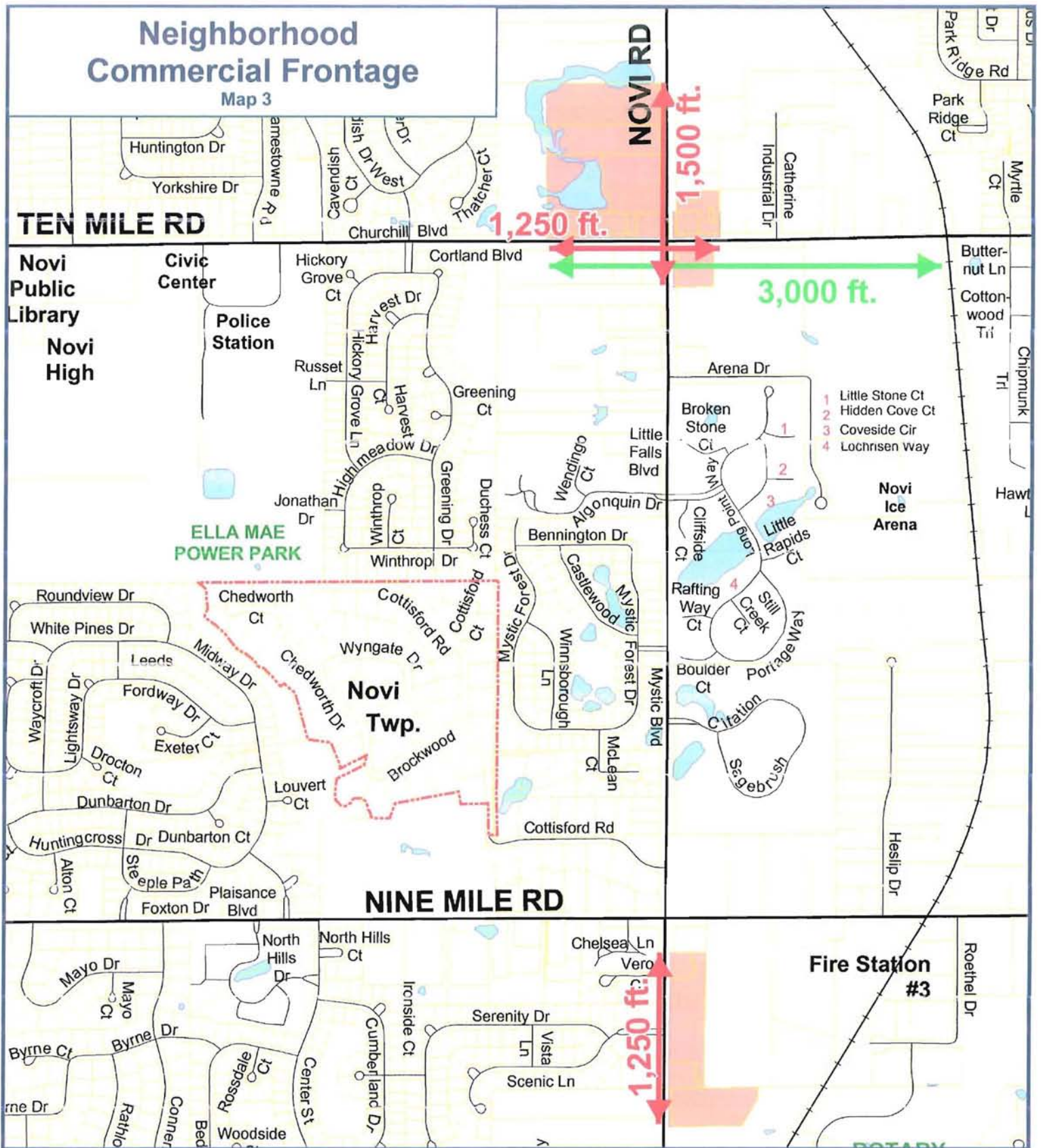
City of Novi
Planning Division
Community Development Dept.
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org



1 inch = 1,013 feet

Neighborhood Commercial Frontage

Map 3



Map Author: Mark Spencer
 Date: 8/19/10
 Project: Neighborhood Commercial Fronlage 3
 Version #: 1.0

Map Legend

 LOCAL COMMERCIAL



City of Novi
 Planning Division
 Community Development Dept.
 45175 W Ten Mile Rd
 Novi, MI 48375
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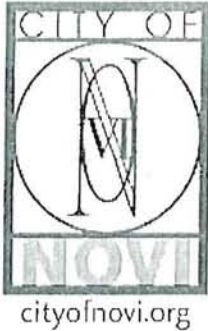


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Master Plan for Land Use Update Memo
Ara Topouzian, Economic Development Director
August 6, 2010

MEMORANDUM



TO: Barbara McBeth, AICP, Community Development
FROM: Ara Topouzian, Economic Development Director *AT*
SUBJECT: Master Plan for Land Use update
DATE: August 6, 2010

Thank you for allowing me to add further input regarding my initial memo to the Planning Commission (September 10, 2009) addressing the proposed commercial development of Ten Mile/Novi Road and my recommendation for office and light industrial land uses as opposed to a shopping center.

The good news is that despite the overall conditions in this economy, Novi is still able to attract quality business to the community. Having this discussion over land uses for a commercial project is certainly a far more positive subject to tackle. With that said, much has occurred as it relates to vacancies that supports my initial opinion.

Retail/shopping center vacancies in Novi have been on a steady rise since my September, 2009 memo. Below I have outlined some percentages (also see attached graph) which show a comparison between office/industrial to retail/shopping center vacancies. While it is clear that retail/shopping centers have a lower percentage of vacancies, its percentage is on the rise and remains higher than historical rates.

<u>Q2 – 2010</u>		<u>Q2 – 2009</u>	
8.9 – 9.8% ↑	Retail/Shopping Center*	7.3 – 8.1 % ↑	Retail/Shopping Center*
18.8% ↓	Office/Industrial	16.9% ↓	Office/Industrial

**excludes Twelve Oaks Mall since that is defined as a regional mall.*

A few weeks ago, I attended the International Council of Shopping Centers (ICSC) annual conference at the Rock Financial Showplace. ICSC is a global trade association representing the shopping center industry. At this conference of over 300 property owners, brokers, and realtors, I had a chance to talk with several of them regarding their vacancy/occupancy rates (some in Novi and others throughout southeast Michigan) and what they are seeing nationally. Most are struggling with keeping tenants in their centers and being forced to reduce rent, ultimately to not show a blighted center. In other words, property owners are working hard and squeezing their rents to maintain occupancy of the existing retail inventory. *In 2008 in Michigan, square-footage rental rates averaged at \$18 per foot, while presently it is under \$12 per foot.

Several strip centers in our community have been hit by the current economic conditions leaving large vacancies; several have even changed ownership due to foreclosures. Strong concentration should first be to fill vacancies (or at least projects that have been master planned for retail) before creating new centers which could face economic hardships in the future.

Finally, when considering the land use for this area, please keep in mind the railroad which intercepts thru this land. The inventory of Novi properties which have a railroad or spur are limited but very attractive for business attraction in Novi. A larger user could ultimately increase property tax values at a greater value in accordance with previous master plans for land use than another new retail development.

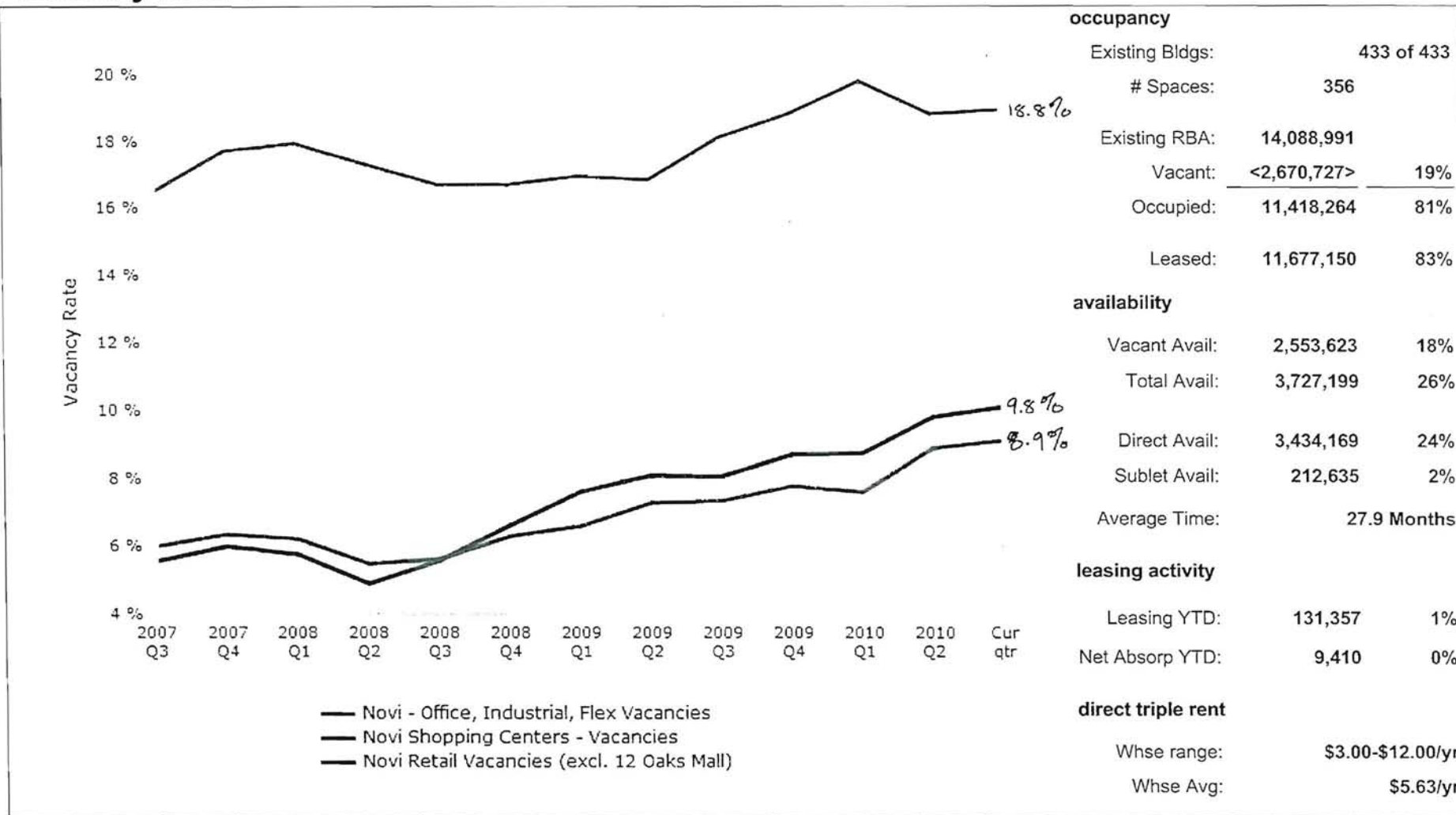
Source:

* CoStar Group, national provider of commercial real estate information, marketing and analytic services.

c. Clay Pearson, City Manager
Charles Boulard, Community Development Director

City of Novi - Vacancy Comparisons

Vacancy Rates



Proposed Master Plan for Land Use Amendments
and
Proposed Future Land Use Map
Previously Distributed
(see July 14, 2010 Planning Commission Agenda and Packet at
www.cityofnovi.org)