

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: LINDSAY BELL, PLANNER *LB*
THROUGH: BARBARA MCBETH, AICP, CITY PLANNER
SUBJECT: PUBLIC HERAING FOR TEXT AMENDMENT 18.289
DATE: AUGUST 28, 2019

Attached is a proposed ordinance amendment that the Community Development Department received for the purpose of increasing the allowable height to fifty-two (52) feet or four (4) stories in the B-2, Community Business Districts throughout the City of Novi. The applicant, Frank Jonna, is primarily interested developing a hotel on the remaining parcel in the Westmarket Square development, which is located near the northwest corner of Grand River Avenue and Beck Road.

Uses currently allowed in the B-2 District

The Westmarket Square shopping center is currently zoned B-2, Community Business. There are a number of permitted and special land uses within this district (as currently approved, with another ordinance amendment currently under review that may change certain uses in the B-2 District):

Principal Permitted Uses

- i. Retail business uses §4.27
- ii. Retail business service uses §4.27
- iii. Business establishments which perform services on the premises
- iv. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer §4.24
- v. Professional services
- vi. Instructional centers
- vii. Service establishments of an office, showroom, or workshop nature §4.27
- viii. Restaurants (sit-down), banquet facilities or other places serving food or beverage §4.27
- ix. Theaters, assembly halls, concert halls, museums, or similar places of assembly §4.27
- x. Business schools and colleges or private schools operated for profit §4.27
- xi. Day care centers, and adult day care centers §4.12.2
- xii. Private clubs, fraternal organizations, and lodge halls
- xiii. Places of worship §4.10
- xiv. Hotels and motels §4.28
- xv. Professional and medical offices, including laboratories
- xvi. Other uses similar to the above uses
- xvii. Accessory structures and uses §4.19, customarily incident to the above permitted uses

Special Land Uses

- i. Fueling Station §4.28
- ii. Sale of produce and seasonal plant materials outdoors §4.30
- iii. Veterinary hospitals, or clinics §4.31

Master Plan for Land Use

The Master Plan for Land Use designates Westmarket Square center as Local Commercial. Areas surrounding the subject property are planned for Community Commercial, City West, Community Office and Public. There are no residential uses planned in the adjacent areas except for the area on the east side of Beck Road designated City West, which could include residential uses as part of a mixed use development. The parcels on Beck Road opposite the Westmarket Square have recently redeveloped and are not likely to add residential uses anytime soon.

Westmarket Square

The condominium project for Westmarket Square was established in 1999. The anchor stores in the center are: Kroger, Staples, and Home Depot. Other tenants in the center include many restaurants, several banks, fitness studios, personal service establishments and retail shops. A new child care center has been built recently on another outlot in the center, which is just to the south of the remaining vacant parcel where the hotel would potentially be developed. The proposed hotel area would be immediately south of the I-96 east-bound exit ramp and west of Beck Road.

Suggested Ordinance Amendment

The applicant's suggested Language for Text Amendment Change for B-2 Zoning is as follows:

Section 3.10 B-1, B-2 and B-3 Business Districts Required Conditions

1. [unchanged]
2. In the B-2 district:
 - A. The maximum height of buildings may be increased to ~~52~~ 42 feet (up to ~~4~~ 3 stories) for a development that does not abut a residential district.
3. [unchanged]

Staff Review

Staff notes that if the changes are made to the B-2 District as requested by the applicant, those standards would apply across all of the B-2 Community Business zoned properties in the City. There are only three areas that are currently zoned B-2 on the Zoning Map:

- The southwest corner of West Pontiac Trail and West Park Drive (Novi Square Shopping Center, Clearview Eyecare, vacant parcel)
- The south side of Twelve Mile Road, west of Haggerty Road (One parcel – no residential adjacent. Developed as Holiday Inn Express & Suites – 3 stories)

- The northwest corner of Grand River Avenue and Beck Road (Westmarket Square Shopping Center)

Of the locations noted above, the 3 parcels on West Pontiac Trail are adjacent to residential districts, so the text amendment proposed would not apply to those properties.

Staff notes that the proposed change to the site in question could allow a taller hotel than is currently permitted, from a maximum of three stories and 42 feet, to a maximum of four stories and 52 feet, as indicated by the applicant. If they choose not to develop a hotel at this location, another use that would be up to four stories could be proposed, such as a four story medical office. Given the small size of the subject property, a medical office of that size may not fit with the required parking.

Intent of the Business Zoning Districts

The Zoning Ordinance lists the intent of the various Business districts and the increasing intensity as the Business Districts increase the allowable uses, market area, and layout of the business uses:

The intent of the **B-1 District** is as follows:

The B-1, Local Business district, as herein established, is designated to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.

The intent of the **B-2 District** is as follows:

The B-2, Community Business district is designed to cater to the needs of a larger consumer population than is served by the Local Business district, and is generally characterized by an integrated or planned cluster of establishments served by a common parking area, and generating greater volumes of vehicular and pedestrian traffic than generated by Local Business district uses, and located at the intersection of two major thoroughfares (major arterial, arterial or minor arterial). Although the B-2 districts permit certain more intensive commercial uses than B-1 districts, it is intended that automotive sales and service establishments, drive-through fast-food restaurants, open air retail uses, and similar uses not be established in the B-2 districts. This goal is established to maintain a more pedestrian-friendly environment and to foster a physical development pattern that is well-planned, supportive of moderately intense commercial uses, and aesthetically appealing from both abutting thoroughfares and from within the district.

The intent of the **B-3 District** is as follows:

The B-3, General Business district is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business district or the Community Business district.

Staff Recommendation

In Novi, the height allowed in the B-2 District was 30 feet in 1973. The text that allows the height to be increased to 42 feet or 3 stories is also a long-standing ordinance. Typical concerns that may be raised regarding allowing additional height:

- Increased traffic to the center,
- Aesthetic views from adjacent properties, Beck Road and the freeway service drive.

If the Planning Commission is inclined to support the text amendment as a means to accommodate additional height at Westmarket Square and other B-2 zoned properties throughout the City, staff would recommend the following:

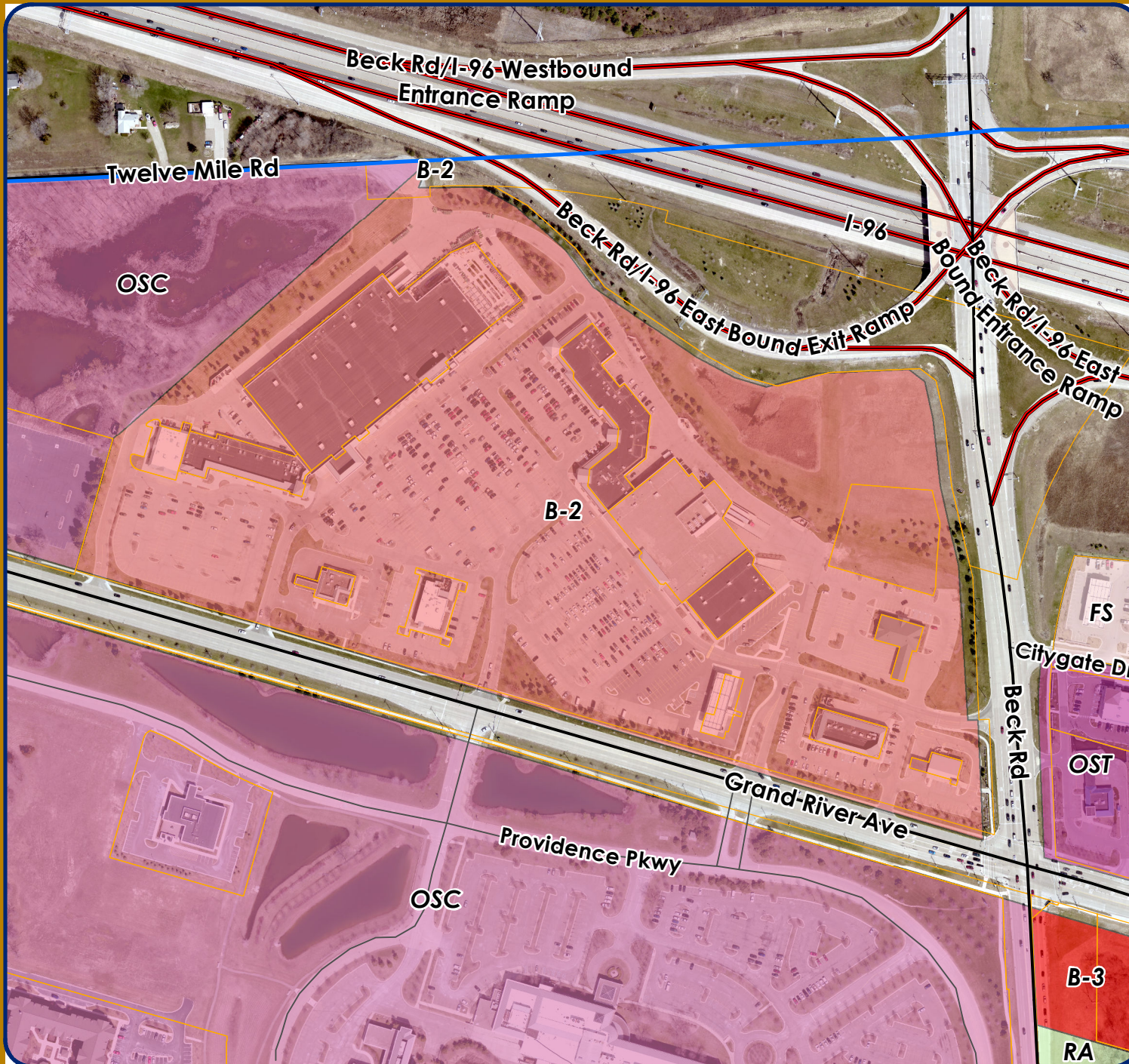
- The additional height would only be allowed when the parcel does not abut a residential district, since impacts on adjacent residential properties would be the primary concern.
- Additional height would only be allowed when the proposed site has frontage on a freeway (as reviewed and recommended by the Planning Commission at the introduction to the ordinance amendment on July 24, 2019).
- Additional height would only be allowed if required building and parking setbacks are met.

On July 24, the Planning Commission reviewed the draft ordinance language and recommended that the matter be set for a public hearing, with the request that additional language be included to limit the additional height to those properties with frontage on a Freeway. **On August 28, the Planning Commission is asked to hold the Public Hearing and make a recommendation to the City Council for reading and adoption.**

MAPS OF B-2 AREAS

WESTMARKET SQUARE
PONTIAC TRAIL/WEST PARK DRIVE
TWELVE MILE ROAD PARCEL

B-2 AREAS IN NOVI WESTMARKET SQUARE



LEGEND

- R-A: Residential Acreage
- R-1: One-Family Residential District
- R-3: One-Family Residential District
- RM-1: Low-Density Multiple Family
- RM-2: High-Density Multiple Family
- B-2: Community Business District
- B-3: General Business District
- FS: Freeway Service District
- I-1: Light Industrial District
- I-2: General Industrial District
- OS-1: Office Service District
- OSC: Office Service Commercial
- OST: Office Service Technology

City of Novi
 Dept. of Community Development
 City Hall / Civic Center
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org

Map Author: Lindsay Bell
 Date: 7/19/19
 Project: Proposed Text Amendment
 Version #: 1

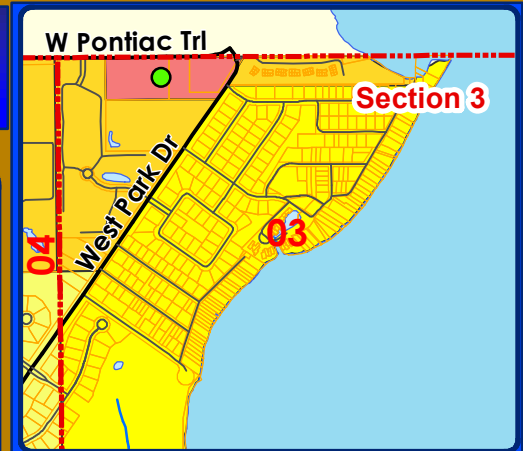
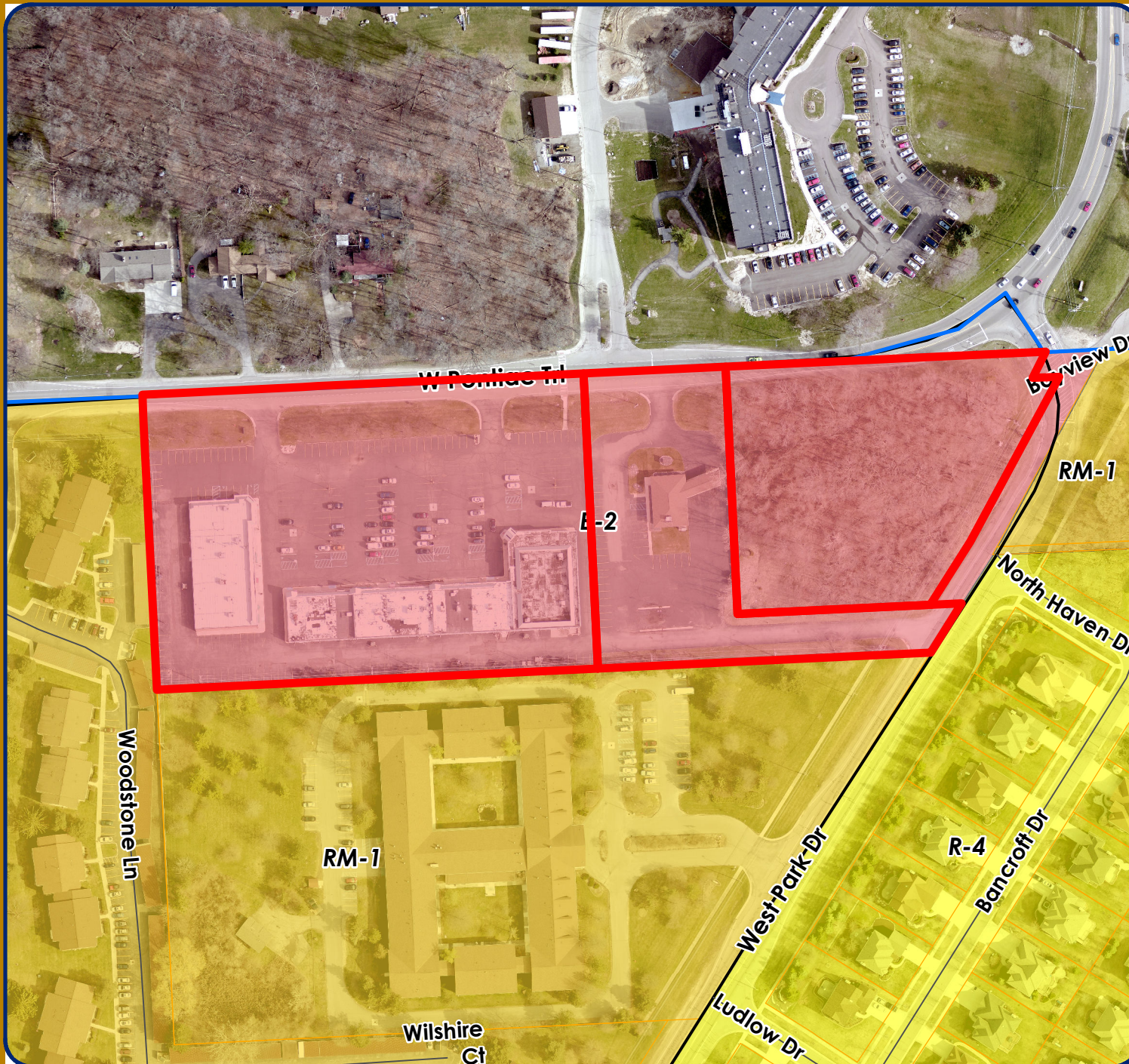
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MAP INTERPRETATION NOTICE

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.

B-2 AREAS IN NOVI

PONTIAL TRAIL/WEST PARK DRIVE AREA



LEGEND

- Sections
- R-2: One-Family Residential
- R-4: One-Family Residential District
- RM-1: Low-Density Multiple Family
- B-2: Community Business District
- Subject Property



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1 inch = 183 feet

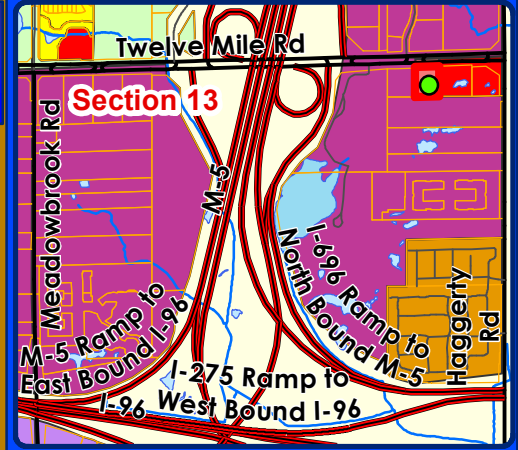
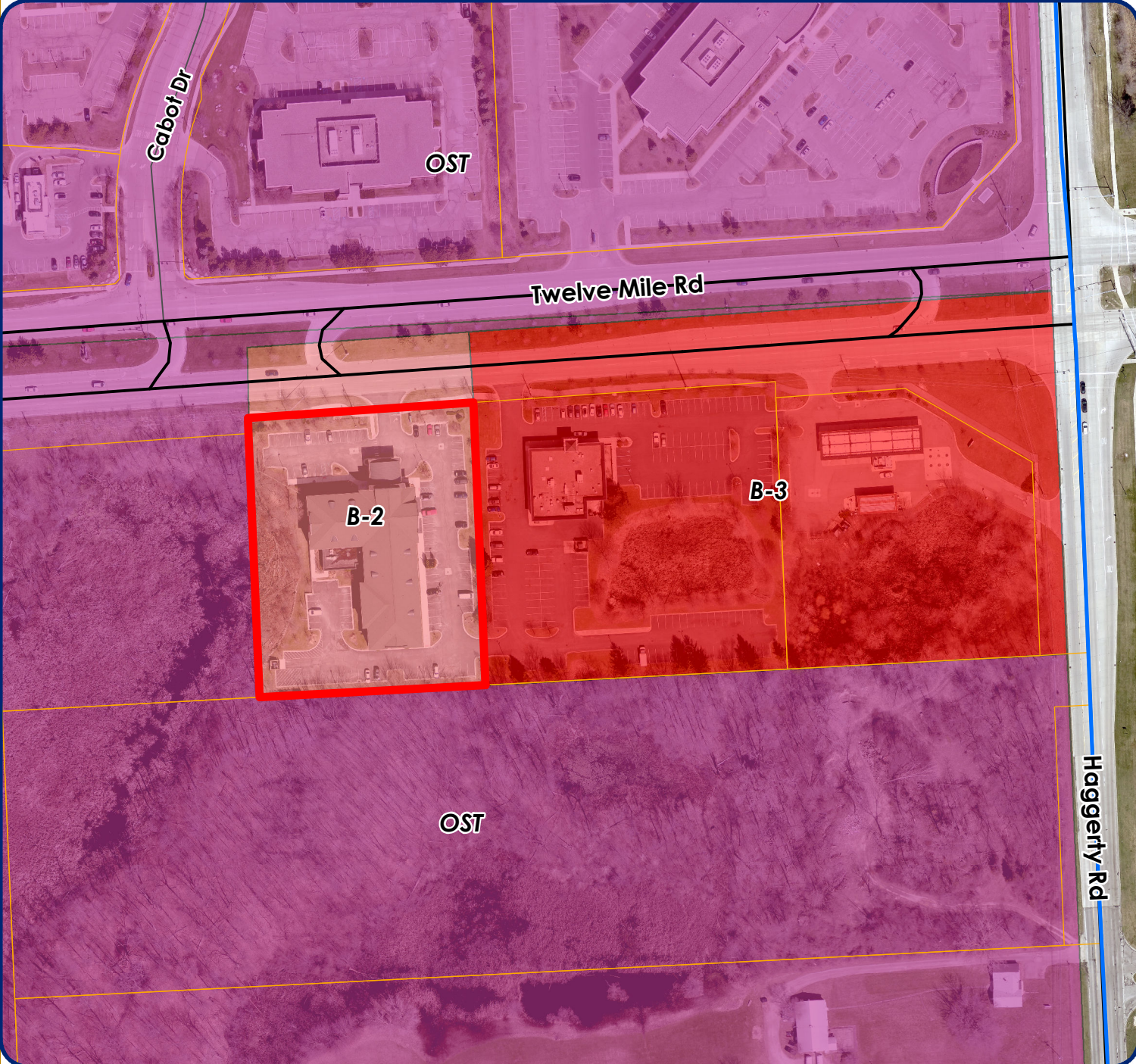


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B-2 AREAS IN NOVI

TWELVE MILE ROAD



LEGEND

- R-A: Residential Acreage
- R-4: One-Family Residential District
- MH: Mobile Home District
- B-2: Community Business District
- B-3: General Business District
- I-1: Light Industrial District
- OST: Office Service Technology
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DRAFT ORDINANCE AMENDMENT

DRAFT

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.289

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 3, SECTION 3.10 "B-1, B-2 AND B-3 BUSINESS DISTRICTS REQUIRED CONDITIONS" IN ORDER TO ALLOW BUILDING HEIGHT TO BE INCREASED TO 52 FEET OR 4 STORIES IN THE B-2 DISTRICT UNDER CERTAIN CONDITIONS.

THE CITY OF NOVI ORDAINS:

Part I.

That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.10, is hereby amended to read as follows:

Section 3.10 B-1, B-2 and B-3 Business Districts Required Conditions

1. [unchanged]
2. In the B-2 district:
 - A. The maximum height of buildings may be increased to 52 42 feet (up to 4 3 stories) for a development that does not abut a residential district, provided the site has frontage on a freeway, and that the minimum building and parking setbacks are met.
3. [unchanged]

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ____ DAY OF _____, 2019.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

APPLICANT'S REQUEST

Westmarket Square, LLC
39533 Woodward Avenue
Suite 310
Bloomfield Hills, MI 48304

June 24, 2019

City of Novi Community Development Department
Ms. Barbara McBeth
45175 10 Mile Road
Novi, MI 48375

Re: Proposed text amendment to the City of Novi Zoning Ordinance
B-2 Zoning District
Novi, Michigan

Barbara,

We are writing this letter to request a change in Section 3.10, B-2 Business District Required Conditions, paragraph 2 note A, to allow for a maximum building height increase up to 52'-0" and 4 stories for development.

We would propose to revise section 3.10.2, note A to read "The maximum height of buildings may be increased to 52 feet (up to 4 stories) for a development that does not abut a residential district."
If you have any questions or comments, please feel free to contact me.

Thank you for your consideration.

Sincerely,


Frank Jonna
Authorized Partner
Westmarket Square, LLC
fgjonna@jonnaco.com
Cell 248.417.3447

CC: Lindsay Bell, Planner, City of Novi
Christopher Piligian, Westmarket Square, LLC
Patrick Sharrak, Westmarket Square, LLC
Sue Tucker, Westmarket Square, LLC
Rick Strawn, Principal
Andrew Urban, Principal
John Leusink, Principal
Jeff Menz, Principal