



CITY of NOVI CITY COUNCIL

Agenda Item 3
December 17, 2007

SUBJECT Consideration of the final Planned Rezoning Overlay (PRO) Agreement and Zoning Map Amendment 18.670 SP 07-22 from the applicant, Haggerty Road Development, to rezone property located east of Haggerty Road, north of Eight Mile Road from FS, Freeway Service District to B-3, General Business. The subject property is 0.41 acres.

SUBMITTING DEPARTMENT: Community Development Department – Planning

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION: The petitioner is requesting consideration of the final Planned Rezoning Overlay (PRO) agreement, in conjunction with rezoning request 18.670. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As a part of the PRO, the underlying zoning is changed, in this case to B-3 as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and applicant agree to any deviations to the applicable ordinances and tentative approval of a conceptual plan for development for the site. After final approval of the PRO plan and agreement, the applicant will submit for Preliminary and Final Site Plan under the typical review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the PRO concept plan expires and the agreement becomes void.

The parcel in question is vacant land located on the east side of Haggerty Road, north of Eight Mile Road in Section 36 of the City of Novi. The property totals 0.48 acres and contains an existing 20' wide utility easement which runs north and south through the center of the property. The current zoning of the property is FS, Freeway Service District. The rezoning request has been reviewed under a separate letter for the B-3, General Business District.

The applicant is proposing a 2500 square foot office or retail building on the site. The rezoning to B-3, General Business is requested to allow the office use, or a retail use that would not normally be associated with or provide service to the nearby freeway. The applicant has provided building elevations showing two options for either a retail or office use.

As part of the PRO, the applicant is required to provide a public benefit that would demonstrate more than just the usual benefits associated with standard rezoning and development of the property. The public benefit was recently updated based on further research and investigation by the applicant. In summary, the developer has proposed to extend the public sidewalk along the property to the south for a distance of approximately 180 feet to connect to the existing Taco Bell sidewalk, with additional landscaping to be provided within the right-of-way, or will provide landscaping along the City-owned detention basin property to the west. These items are included (along with any ordinance deviations) in the attached PRO agreement, which be forwarded for the Mayor's signature once it is approved.

This matter was brought before the Planning Commission for a public hearing and their recommendation on June 27, 2007. At that time, the Planning Commission made a positive recommendation for the Haggerty Road Development PRO in conjunction with Rezoning 18.670.

This matter was brought before the City Council on August 13, 2007. At that time, preliminary approval was granted. There were two conditions attached to the motion, the first requiring the applicant to appear back before City Council for approval of the finalized PRO agreement and the second requiring the applicant to screen the parking on the eastern side of the development. A condition requiring the applicant to provide either a berm or screen wall along the eastern edge of the property has been added to the agreement.

RECOMMENDED ACTION: Approval of the final Planned Rezoning Overlay (PRO) Agreement and Zoning Map Amendment 18.670 SP 07-22 from the applicant, Haggerty Road Development, to rezone property located east of Haggerty Road, north of Eight Mile Road from FS, Freeway Service District to B-3, General Business subject to the conditions listed in the staff and consultant review letters for the reasons stated in the Planning Review Letter.

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

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

PLANNED REZONING OVERLAY AGREEMENT

PLANNED REZONING OVERLAY (PRO) AGREEMENT
HAGGERTY ROAD DEVELOPMENT

AGREEMENT, by and among ACR Investments, LLC, a Michigan limited liability company whose address is 2617 Beacon Hill, Auburn Hills, MI 48326 (referred to as "**Developer**"); and Jeffrey Rotberg, whose address is 2640 Heathfield Road, Bloomfield Hills, MI 48301 ("**Fee Owner**"); and the City of Novi, 45175 West Ten Mile Road, Novi, MI 48375-3024 ("**City**").

RECITATIONS:

- I. Fee Owner is the fee owner of the "Land" described on **Exhibit A**, attached and incorporated herein. Developer has an option to purchase the Land from Fee Owner subject to that certain Purchase Agreement dated January 16, 2006. Fee Owner and Developer shall be referred to jointly in this Agreement as the Owner. The representations contained herein and the Undertakings set forth shall apply with equal force and effect as to each.
- II. For purposes of improving and using the Land for an approximately 2,500 square foot office or retail building, Owner petitioned the City for an amendment of the Zoning Ordinance, as amended, so as to reclassify the Land from FS, Freeway Service District, to B-3, General Business District. The FS classification shall be referred to as the "**Existing classification**" and B-3 shall be referred to as the "**Proposed Classification.**"
- III. The Proposed Classification would provide the Owner with certain material development options not available under the Existing Classification, and would be a distinct and material benefit and advantage to the Owner.
- IV. The City has reviewed and approved the Owner's proposed petition to amend the zoning district classification of the Land from the Existing Classification to the Proposed Classification under the terms of the Planned Rezoning Overlay (PRO) provisions of the City's Zoning Ordinance; has reviewed the Owner's proposed PRO Plan, attached hereto and incorporated herein as **Exhibit B** (the "PRO Plan"), which is a conceptual or illustrative plan for the potential development of the Land under the Proposed Classification, and not an approval to construct the

proposed improvements as shown; and has further reviewed the proposed PRO conditions offered or accepted by the Owner.

- V. In proposing the Proposed Classification to the City, Owner has expressed as a firm and unalterable intent that Owner will develop and use the Land in conformance with the following undertakings by Owner, as well as the following forbearances by the Owner (each and every one of such undertakings and forbearances shall together be referred to as the "Undertakings"):
- A. Owner shall develop and use the Land solely for an approximately 2,500 square foot office or retail building (with appropriate parking and site improvements), to the extent permitted under the Proposed Classification. Owner shall forbear from developing and/or using the Land in any manner other than as authorized and/or limited by this Agreement.
 - B. Owner shall develop the Land in accordance with all applicable laws and regulations, and with all applicable ordinances, including all applicable height, area, and bulk requirements of the Zoning Ordinance as relates to the Proposed Classification, except as expressly authorized herein. The PRO Plan is acknowledged by both the City and Owner to be a conceptual plan for the purpose of depicting the general area contemplated for development. Some deviations from the provisions of the City's ordinances, rules, or regulations are depicted in the PRO Plan are approved by virtue of this Agreement; however, except as to such specific deviations enumerated herein the Owner's right to develop the office or retail building under the requirements of the Proposed Classification shall be subject to and in accordance with all applications, reviews, approvals, permits, and authorizations required under applicable laws, ordinances, and regulations, including, but not limited to, site plan approval, storm water management plan approval, woodlands and wetlands permits, façade approval, landscape approval, and engineering plan approval, except as expressly provided in this Agreement.
 - C. In addition to any other ordinance requirements, Owner shall seek, obtain approval for, and use best management practices and efforts with respect to all storm water and soil erosion requirements and measures throughout the site during the design and construction phases, and subsequent use, of the development contemplated in the Proposed Classification.
 - D. The following deviations from the standards of the zoning ordinance are hereby authorized pursuant to §3402.D.1.c of the City's zoning ordinance.
 - 1. A 16-foot rear yard setback deviation (20 feet required, 4 feet provided).
 - 2. A 10-foot deviation for front yard parking setback (20 feet required, 10 feet provided).

3. A 6-foot deviation for rear yard parking setback (10 feet required, 4 feet provided).
4. Placement of the loading zone on the west side of the building in the front yard (rear yard placement required under §2507 of the zoning ordinance).
5. At the Owner's option, but subject to approval by the City, either a screening wall in lieu of the required berm (wall to be 6 feet high and constructed of decorative masonry or brick matching the building façade materials) or landscaping to provide an aesthetically appropriate screening or separation..
6. Placement of a 10-foot wide greenbelt along the northern most side of the parking lot, rather than the 20-foot greenbelt (with 3-foot high berm with 2-foot wide crest) along the Haggerty Road frontage of the parking lot.

E. The following PRO Conditions shall apply to the Land and/or be undertaken by Owner:

1. The following principal permitted uses and/or special uses listed in the B-3 zoning district regulations are *not permitted* on the property:
 - Off-street parking lots
 - Restaurants having the character of a drive in or having a drive-through window
 - Theaters, assembly halls, concert halls, museums or similar places of assembly when conducted completely within enclosed buildings
 - Business schools and colleges or private schools operated for profit
 - Day Care Centers and Adult Day Care Centers
 - Private clubs, fraternal organizations, and lodge halls
 - Hotels and motels
 - Mortuary establishments
 - Auto wash
 - Bus passenger stations
 - New and used car salesroom, showroom, or office
 - Tattoo parlors
 - Outdoor space for exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes, or rental of trailers or automobiles
 - Businesses in the character of a drive-in or open front store
 - Plant materials nursery for the retail sale of plant materials and sales of lawn furniture, playground equipment and garden supplies

- Public or private indoor recreational facilities
 - Mini-lube or quick oil change establishments
 - Gasoline service station and automobile repair
 - Motels, hotels, and transient lodging facilities
2. Owner shall extend public sidewalk for approximately 180 linear feet along the adjacent property to the south of the subject property to complete the sidewalk connection, as shown on the PRO plan.
 3. Owner shall provide additional landscaping along the adjacent property (if permitted by the adjacent property owner) as shown on the PRO plan. If the adjacent property owner does not allow such landscaping, Owner shall provide an equivalent amount of landscaping along City-owned property on the west side of Haggerty Road, as shown on the attached alternate plan, **Exhibit C**. After the maintenance and guarantee period for such landscaping, Owner shall not be responsible for its maintenance or upkeep.
 4. If Owner is able to secure approval to discharge stormwater from the Land to the stormwater retention area on the west side of Haggerty Road (as opposed to dealing with it through typical on-site retention), Owner shall extend the public sidewalk approximately 500 linear feet along the City-owned property on the west side of Haggerty Road, as shown on the PRO plan.

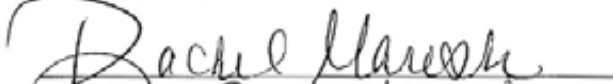
NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Upon the Proposed Classification becoming final following entry into this Agreement:
 - a. The Undertakings shall be carried out by Owner on and for the Land;
 - b. Owner shall act in conformance with the Undertakings;
 - c. The Owner shall forbear from acting in a manner inconsistent with the Undertakings; and
 - d. The Owner shall commence and complete all actions necessary to carry out all of the PRO Conditions.
2. In the event Owner attempts to or proceeds with actions to complete improvement of the Land in any manner other than as an approximately 2,500 square foot office or commercial building as shown on **Exhibit B**, the City shall be authorized to revoke all outstanding building permits and certificates of occupancy issued for such building and use.

3. Owner acknowledges and agrees that the City has not required the Undertakings. The Undertakings have been voluntarily offered by Owner in order to provide an enhanced use and value of the Land, to protect the public safety and welfare, and to induce the City to rezone the Land to the Proposed Classification so as to provide material advantages and development options for the Owner.
4. All of the Undertakings represent actions, improvements, and/or forbearances that are directly beneficial to the Land and/or to the development of and/or marketing of the office or retail building on the Land. The burden of the Undertakings on the Owner is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to the Land as a result of the requirements represented in the Undertakings.
5. In addition to the provisions in Paragraph 2, above, in the event the Owner, or its respective successors, assigns, and/or transferees proceed with a proposal for, or other pursuit of, development of the Land in a manner which is in material violation of the Undertakings, the City shall, following notice and a reasonable opportunity to cure, have the right and option to take action using the procedure prescribed by law for the amendment of the Master Plan and Zoning Ordinance applicable to the Land to amend the Master Plan and zoning classifications of the Land to a reasonable classification determined appropriate by the City, and neither the Owner nor its respective successors, assigns, and/or transferees, shall have any vested rights in the Proposed Classification and/or use of the Land as permitted under the Proposed Classification, and Owner shall be estopped from objecting to the rezoning and reclassification to such reasonable classifications based upon the argument that such action represents a "downzoning" or based upon any other argument relating to the approval of the Proposed Classification and use of the Land; provided, this provision shall not preclude Owner from otherwise challenging the reasonableness of such rezoning as applied to the Land.
6. By execution of this Agreement, Owner acknowledges that it has acted in consideration of the City approving the Proposed Classification on the Land, and Owner agrees to be bound by the provisions of this Agreement.
7. After consulting with an attorney, the Owner understands and agrees that this Agreement is authorized by and consistent with all applicable state and federal laws and Constitutions, that the terms of this Agreement are reasonable, that it shall be estopped from taking a contrary position in the future, and, that the City shall be entitled to injunctive relief to prohibit any actions by the Owner inconsistent with the terms of this Agreement.
8. This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their respective heirs, successors, assigns and transferees, and an affidavit providing notice of this Agreement may be recorded by either party with the office of the Oakland County Register of Deeds.


9. The Zoning Board of Appeals (ZBA) shall have no jurisdiction over the Property or the application of this Agreement until after site plan approval and construction of the development as approved therein.
10. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative, that is, in addition to every other remedy provided by law.
11. This Agreement shall be governed by the laws of the State of Michigan, both as to interpretation and performance. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in the County of Oakland, State of Michigan.
12. This Agreement may be signed in counterparts.

WITNESSES:


 Print Name: Rachel Marsh

Print Name:

[FEE OWNER]

By: 
 Jeffrey Rotberg

STATE OF MICHIGAN)
) ss.
 COUNTY OF OAKLAND)

On this 19th day of November, 2007, before me appeared Jeffrey Rotberg, who states that he has signed this document of his own free will duly authorized on behalf of the company.


 Notary Public

GARY A. KRICHMAN,
 NOTARY PUBLIC OAKLAND CO., MI
 MY COMMISSION EXPIRES Aug 10, 2008

WITNESSES:


 Print Name: Joseph LoRICCHIO

[DEVELOPER]

Print Name:

By: _____

Its: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this ____ day of _____, 2007, before me appeared _____ of _____ who states that he has signed this document of his own free will duly authorized on behalf of the company.

Notary Public

CITY OF NOVI

Print Name:

By: _____
David B. Landry, Mayor

Print Name:

Print Name:

By: _____
Maryanne Cornelius, Clerk

Print Name:

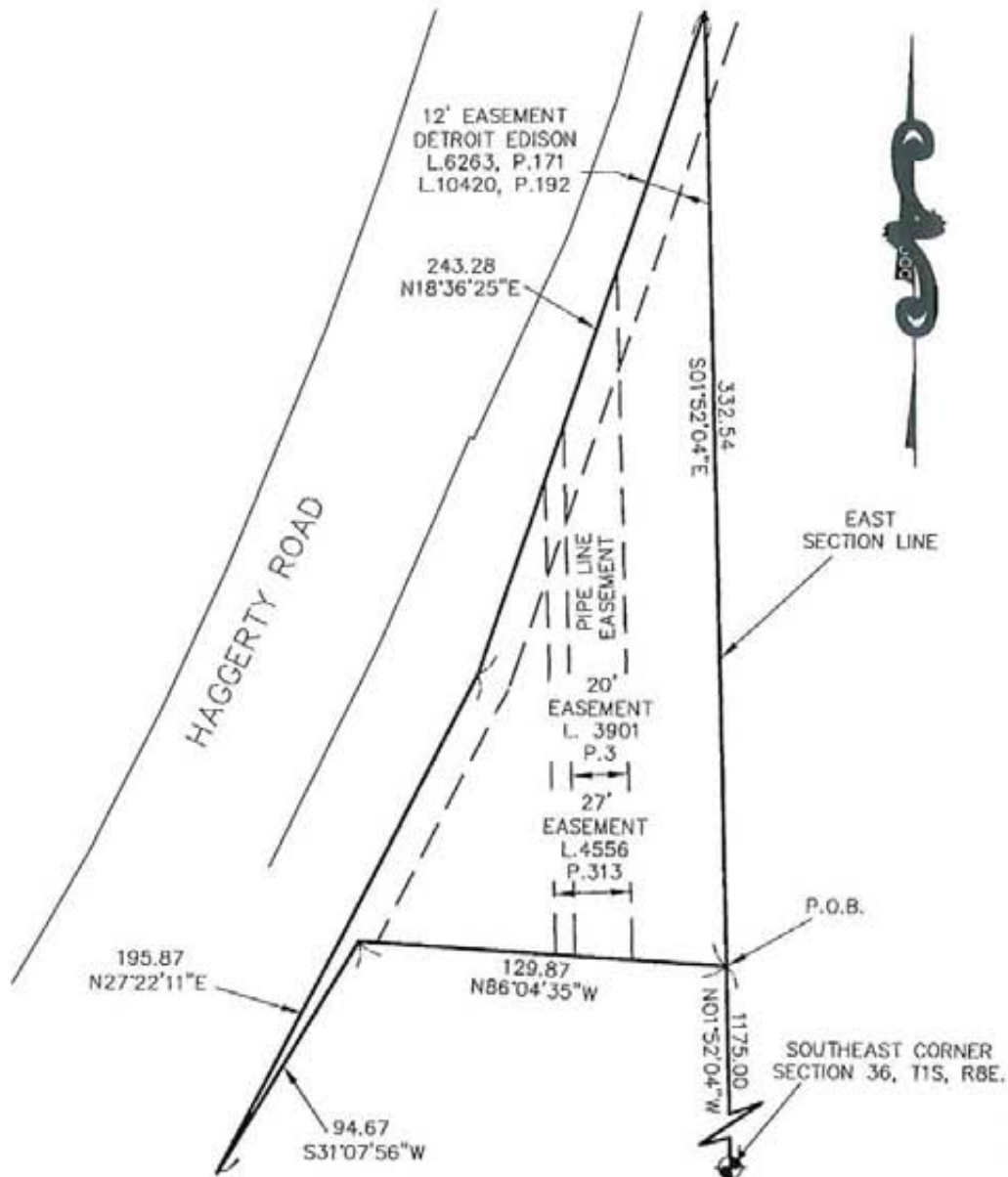
STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

On this ____ day of _____, 2007, before me appeared David B. Landry and Maryanne Cornelius, who stated that they had signed this document of her own free will on behalf of the City of Novi in their respective official capacities, as stated above.

Notary Public

SECTION 36, T. 1 S., R. 8 E.
 CITY OF NOVI
 OAKLAND COUNTY, MICHIGAN

EXHIBIT A
 SURVEY / LEGAL DESCRIPTION



A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 36, TOWN 1 NORTH, RANGE 8 EAST, IN THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN BEGINNING AT THE POINT DISTANT NORTH 01 DEGREES 52 MINUTES 04 SECONDS WEST 1175.00 FEET FROM THE SOUTHEAST SECTION CORNER, THENCE NORTH 86 DEGREES 04 MINUTES 35 SECONDS WEST 129.87 FEET, THENCE SOUTH 31 DEGREES 07 MINUTES 56 SECONDS WEST 94.67 FEET TO EASTERLY RIGHT OF WAY LINE, HAGGERTY ROAD, THENCE NORTH 27 DEGREES 22 MINUTES 11 SECONDS EAST 195.87 FEET, THENCE NORTH 18 DEGREES 36 MINUTES 25 SECONDS EAST 243.28 FEET TO THE EAST SECTION LINE, THENCE SOUTH 01 DEGREES 52 MINUTES 04 SECONDS EAST 332.54 FEET TO THE POINT OF BEGINNING.



○ - Found Survey Corner
 ⊙ - Set Survey Corner
 Sheet 1 of 1

SURVEY EXHIBIT	
HAGGERTY OFFICE COMPLEX	
CITY OF NOVI, OAKLAND COUNTY, MICHIGAN	
Date:	2-16-07
Drawn By:	SD
Approved By:	MD
Project No.:	060610
Drawing No.:	1

DDC **DIFFIN Development Consultants**
 CIVIL ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
 22660 TRILLIUM DRIVE, NOVI MI 48375
 PH: (248) 943-8244, FAX: (866) 690-4307
 WEB: diffindevelopment.com

EXHIBIT 'B'

HAGGERTY ROAD OFFICE \ RETAIL USE

CITY OF NOVI, OAKLAND COUNTY, MICHIGAN
SECTION 36, TOWN 1 NORTH, RANGE 8 EAST
SE 1/4 OF SECTION 36



SITE DATA

EXISTING ZONING	R2
PROPOSED ZONING	GC-3
EXISTING CROSS AREA	2.68 ACRES
EXISTING VOLUME	106K
EXISTING WOODLANDS	10.0K
PROPOSED BUILDING AREA	3,000-SF
MAXIMUM HEIGHT OF BUILDING	30 FT L1
PROPOSED PAVEMENT AREA	17,700-SF
REQUIRED PARKING	2.000-SF/1000-SF + 1/3 SPACES
DESIGNED PARKING	1
SPACE CAP SPACES	12
STANDARD SPACES	12 SPACES
TOTAL SPACES	12

BUILDING SETBACKS	REQUIRED	EXISTING
HAGGERTY ROAD SETBACK	30'	30'
EAST SETBACK PROP. LINE	10'	4'
SOUTH SETBACK PROP. LINE	20'	86.0'

TYPING SETBACKS	REQUIRED	EXISTING
HAGGERTY ROAD SETBACK	30'	30'
EAST SETBACK PROP. LINE	10'	4'
SOUTH SETBACK PROP. LINE	20'	86.0'

TRAFFIC LIGHTING

- All outdoor lighting in all uses (except used to light the general area of a property, and which is intended to reduce glare and which shall be concealed as to the light rays away from adjacent residential portions of adjacent properties.
- All light fixtures must be mounted to a height of 20 ft. or less. The fixture shall be located to light areas with a maximum height of 20 ft.
- All outdoor lighting in all uses (except what be directed toward and limited to the streets) shall be aimed so as to prevent light pollution.
- All lighting in commercial districts used for the general illumination of exterior walls shall be shielded back to interior, shall be aimed and shielded so as not to reveal the interior of property or adjacent property.
- Reduction of glare shall be provided so as to be shielded so as not to interfere with the driver's or operator's view of the roadway highway or adjacent property.
- Any light that is not shielded as required shall be considered a hazard to motorists.

GENERAL NOTES
 ALL UTILITIES SHALL BE LOCATED AND DEPTH OF ALL UTILITIES SHALL BE DETERMINED BY THE CONTRACTOR. ALL UTILITIES SHALL BE DEPTH FROM EXISTING PARCELS (TYP.)
 REFER TO UTILITIES MAP AND PROFILES FOR DEPTH, LOCATIONS, AND PLACEMENT OF UTILITIES, AND BURNING CONNECTIONS, ISOLATIONS, SIZES, AND SERVICE.
 CONSULT WITH LOCAL AND CITY OF NOVI AND OAKLAND COUNTY ROAD DEPARTMENT REQUIREMENTS FOR ALL WORK. REFER TO THE CITY OF NOVI ROAD DEPARTMENT FOR ALL CONTRACTOR TO OBTAIN PERMIT FROM THE CITY OF NOVI ROAD DEPARTMENT AND THE OAKLAND COUNTY ROAD DEPARTMENT FOR THE STATE OF CONSTRUCTION.
 REFER LANDSCAPE ARCHITECT'S PLAN FOR ALL PLANTINGS, TREES, LANDSCAPE DETAILS, AND SPECIFICATIONS (TYP.).
 ALL PARKING AREAS AND LANDSCAPES SHALL BE DESIGNED AND PLANNED BY THE CONTRACTOR.
**GENERAL CONTRACTOR TO COORDINATE AND NOTIFY ALL NEIGHBORS AND INTERFERING AGENCIES, UTILITIES, AND DEPARTMENTS, INCLUDING CONTRACTOR TO PROVIDE A LIST PRICE FOR ALL UTILITIES AND CONNECTIONS, QUANTITY AND LOCATION TO BE ESTIMATED PRIOR TO THE START OF CONSTRUCTION, WITH THE LOCATION OF EACH UTILITY.
 CONTRACTOR TO NOTIFY THE CITY OF NOVI ROAD DEPARTMENT FOR THE CITY OF NOVI ROAD DEPARTMENT TO OBTAIN PERMIT FROM THE CITY OF NOVI ROAD DEPARTMENT AND THE OAKLAND COUNTY ROAD DEPARTMENT FOR THE STATE OF CONSTRUCTION.
 ALL TRAFFIC CONTROL MEASURES AND REQUIRED SIGNAGE SHALL BE PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE OAKLAND COUNTY ROAD DEPARTMENT. ALL SIGNAGE SHALL BE PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE OAKLAND COUNTY ROAD DEPARTMENT.
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 ALL TRAFFIC CONTROL MEASURES AND REQUIRED SIGNAGE SHALL BE PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE OAKLAND COUNTY ROAD DEPARTMENT.**

THIS DOCUMENT IS THE PROPERTY OF BROWN CONSULTANTS AND ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BROWN CONSULTANTS AND ENGINEERS.

TRAFFIC SIGNAGE

ALL TRAFFIC CONTROL MEASURES AND REQUIRED SIGNAGE SHALL BE PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE OAKLAND COUNTY ROAD DEPARTMENT. ALL SIGNAGE SHALL BE PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE OAKLAND COUNTY ROAD DEPARTMENT. ALL TRAFFIC CONTROL MEASURES AND REQUIRED SIGNAGE SHALL BE PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE OAKLAND COUNTY ROAD DEPARTMENT. ALL TRAFFIC CONTROL MEASURES AND REQUIRED SIGNAGE SHALL BE PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE OAKLAND COUNTY ROAD DEPARTMENT. ALL TRAFFIC CONTROL MEASURES AND REQUIRED SIGNAGE SHALL BE PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE OAKLAND COUNTY ROAD DEPARTMENT.

DEVELOPER TO PROVIDE SUTHERLAND AND SUTHERLAND LANDSCAPE ARCHITECTURE AND DESIGN TO PROVIDE LANDSCAPE ARCHITECTURE PLAN FOR THE PROJECT. REFER TO THE CITY OF NOVI ROAD DEPARTMENT FOR THE CITY OF NOVI ROAD DEPARTMENT TO OBTAIN PERMIT FROM THE CITY OF NOVI ROAD DEPARTMENT AND THE OAKLAND COUNTY ROAD DEPARTMENT FOR THE STATE OF CONSTRUCTION.

DIFFIN Development Consultants
 CIVIL ENGINEERING-SURVEYING-CONSTRUCTION SERVICES
 24850 FELLISH DRIVE, ROOM 400
 FLYING SAUCE, MI 48226
 TEL: 248-363-1111 FAX: 248-363-1112
 WWW.DIFFINCONSULTANTS.COM

REVISION BY: _____ DATE: _____
 DRAWN BY: _____ DATE: _____
 CHECKED BY: _____ DATE: _____
 CITY OF NOVI
 OAKLAND COUNTY, MICHIGAN

PROPOSED ZONING OVERLAY PLAN
EXHIBIT 'B'

DATE: 12-15-17
 SCALE: AS SHOWN
 PROJECT NO: 2017-010
 SHEET NO: 1 OF 2



EXHIBIT 'C'

 NORTH SCALE 1" = 50'	
DDC DIFFIN Development Consultants	
CIVIL ENGINEERING • SURVEYING • CONSTRUCTION SERVICES 22665 TRILLIUM DRIVE, NOVI MI 48375 PH: (248) 845-1000 FAX: (248) 845-1001 WEB: ddiffin.com	
CLIENT TROMBIDGE COMPANIES HAGGERY RETAIL BUILDING PROPOSED REZONING OVERLAY PLAN EXHIBIT 'C'	SECTION 36 TOWN 1 SOUTH, RANGE # EAST CITY OF NOVI OAKLAND COUNTY, MICHIGAN
DATE 12-9-07	REVISIONS 1 2 3 4 5 6 7 8 9 10
DRAWN BY MATHIEUX & BETHA	CHECKED BY MATHIEUX & BETHA
FILE NO. 2 OF 2	SCALE 1" = 50'

Drafted by:

Thomas R. Schultz
30903 Northwestern Highway
Farmington Hills, MI 48334

When recorded return to:

Maryanne Cornelius, Clerk
City of Novi
45175 West Ten Mile Road
Novi, MI 48375-3024

980644

**CITY COUNCIL
MINUTES - EXCERPT AUGUST 13, 2007
(DISCUSSION OF PROPOSED REZONING)**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, AUGUST 13, 2007 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

www.cityofnovi.org

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy-absent/excused, Paul-absent*

*Member Paul arrived at 7:04 P.M.

ALSO PRESENT: Clay Pearson, City Manager
Pam Antil, Assistant City Manager
Tom Schultz, City Attorney
Barbara McBeth, Deputy Director of Community Development
Rob Hayes, City Engineer

MATTERS FOR COUNCIL ACTION – Part I

- 5. Consideration of Zoning Map Amendment 18.670 with Planned Rezoning Overlay (PRO) SP 07-22 from the applicant, Haggerty Road Development, to rezone property located east of Haggerty Road, north of Eight Mile Road FS, Freeway Service District to B-3, General Business and consideration of the PRO Concept Plan. The subject property is 0.41 acres.**

Mayor Pro Tem Capello said he didn't have a problem looking at this property and rezoning it, and had no problem with office use or retail use. The problem he had was trying to use the PRO mechanism to get there. Normally the PRO's he had looked at had specific detailed site plans but this was very general, and was something they were going to put in there that they thought would work, maybe retail or office. He said he would be happy to work with them but he didn't think the PRO was the proper avenue, and would rather have them come back with a specific zoning and an idea of what they wanted to put in there.

Member Margolis understood where Mayor Pro Tem Capello was going but the problem she had was she thought they were led in this direction by the Planning Commission. Mr. Pearson said he thought it was a combination, and given the site constraints and the limited options, this was a vehicle to do that. Mr. Schultz said they originally had come before the Master Plan and Zoning Committee with a straight rezoning, and they said the best vehicle to do what they wanted was the PRO. He realized the proposal before Council didn't tie them down much on what the actual building would be, but that was certainly something the Council could look at as part of the PRO process. Mr. Schultz said the straight rezoning request was what the Planning Commission had difficulty with because once they gave that rezoning pretty much any use or building could come in there that met ordinance requirements.

Member Margolis said one of the things they were trying to do was make the process easier for people and not send them in a circular direction. She was concerned that if they now turn around and say they wanted to go back to rezoning, it would be a mistake. She said she had the same reaction that they were not saying what the building would be. They had two options that would be similar, one would be more office and one would be more retail. Mr. Schultz said she was correct. He said there was discussion with the proponent and he thought they were concerned about tying down a particular building because they weren't sure of their market yet. He said that was something Council could explore.

Mayor Landry asked if the City Council could pass this tonight with an amendment that they come back with a particular façade of the building. Mr. Schultz responded that the PRO contemplated the attachment of conditions as part of the approval. So, if Council decided to go forward with this, the motion would actually be a preliminary approval of the zoning with the direction to his office to come back with an agreement. He said they could direct that as part of the agreement process when they iron out what facades, etc. might be. He thought when they saw it again as a final action it would have more detail. Mayor Landry said then this would just be to direct Mr. Schultz's office to begin preparation of the PRO, which would come back for Council to pass or not. Mr. Schultz agreed, this was step one of a two step action with the final action on the rezoning next time in front of Council.

Member Mutch said he would favor the PRO concept and thought along the same lines as Member Margolis. He said there was no way they would build anything on the site that's going to meet the zoning ordinance requirements unless they build a 10 ft. wide building. At the minimum the applicant was looking at going before the ZBA and getting Planning Commission approval subject to a number of variances. He said the PRO process would allow Council to acknowledge the deficiencies of the site, lay out the parameters that would be acceptable, and potentially save the applicant some steps. Member Mutch thought that was the advantage to this process versus the potential that they could get to ZBA, have it denied and then have to go to Circuit Court. He said he would support the PRO process. Member Mutch said in the response letter from Diffin Development they talked about the sidewalk on the west side of Haggerty Road in front of the City owned detention basin. They indicated they were willing to provide the additional walk, if the City could get approval from Orchard Hills Place Condominiums to agree to allow the development to utilize their detention pond. He asked Administration where they were on that. He asked Mr. Schultz if they haven't made progress on that, could Council say they didn't want this to be subject to whether Council allowed that detention. He asked if the developer got to define the terms.

Mr. Schultz said this PRO process was, unlike the contract zoning issue that had come up before, a true agreement. He thought Council could say they wanted it but they would not be the ones to get the approval from Orchard Hills Place, if they wanted it to come before Council with that authorization. He didn't know where they were on the approval, but the intention at this point was that that's an amenity or public benefit that should be part of the

tentative conditions that they were asking them to come back with. He said if they couldn't make it happen, then at the next meeting Council would have to decide whether that was a make or break kind of issue.

Mr. Pearson assumed that since this was just a concept they had taken that on and tried to approach them. He said they are the ones that wanted the PRO and who suggested this as their public benefit, and like any other kind of easement that was required by private developers, it would be required of them. Mr. Pearson said he didn't want to ask for that on their behalf, this was their idea and they should follow through on it.

Member Mutch said in the Planning Commission minutes there was some concern from the adjacent property owner in Farmington Hills about the impact. He asked how they were screening the east side of the site, the back of the building and the parking lot from the hotel use next door. Ms. Mc Beth showed Council the site plan. She said the building was about 4 ft. from the property line so there wasn't room for screening. She thought when they get to the site plan designs they would need to figure out whether they intend to put up a screening wall or landscaping. At this point, they had not proposed any kind of screening other than landscaping. Member Mutch said even for the parking area and she said yes. Member Mutch didn't have an issue with the building facing the hotel unless the elevation was such that it needed to be screened, but the parking should be screened because of some of the concerns that had been addressed. He said the parking was standard in Novi and he would expect them to accommodate that as much as possible. Member Mutch said the whole Freeway Service District applied to five or six properties total. Ms. Mc Beth agreed, and said this was the only area of the City in which there was a Freeway Service District (FS). Member Mutch said he understood she was looking at getting rid of the zoning district and replacing it with one of the existing districts. Ms. Mc Beth agreed, and said as part of this review they were looking at the various standards in the Freeway Service District and seeing whether they applied or not to existing uses out there. They were also looking at if they were expecting redevelopment in this area, whether it would be appropriate to use the Freeway Service District or some other district. The planning staff had begun looking at modifications to see if it made sense to continue the Freeway Service District, or if they would take a look at that entire area of 5 or 6 properties and look at a different zoning district. Member Mutch thought the Council had been consistent over the last 1 ½ years in looking at streamlining those processes where possible. He said it didn't make sense to have a zoning district for 5 or 6 uses when there was B-3 or a similar zoning district that was the equivalent of that.

Member Paul agreed with Mr. Pearson that it was the applicant's responsibility to go forward and try to get an agreement with their neighbors to share their detention basin. She said they had made residents put in a sidewalk no matter what the situation was, so she couldn't imagine they would give someone that wanted a PRO any leeway in that regard. She felt that should be part of the agreement right up front. She thought it made sense to look at streamlining the process. There were some things in B-3 that she didn't think would be quite fitting. She thought a gas station would be cumbersome to the flow of traffic. She hoped when they came forward with the PRO they would have an idea of what the building use would be for sure.

Mayor Pro Tem Capello agreed with Mayor Landry that they should come back with a little more detail, and he would be able to work with it. He remembered when Best Buy, etc. went in there and they told Council it would be a part of the office complex, and there were blue and yellow, green and white and a red and white signs, and they took it totally out of context. He said he was a little fearful of that. He noted it said regional basin, and asked if it was truly a regional basin that the City monitored and maintained. Mr. Schultz said he didn't know if it was a regional basin, but as he understood it it was City owned property, and they could look into it.

Member Paul said since they were having questionable problems with the site, some of the things Council was looking at was rain gardens or bio retention swales. She thought since they had such a narrow piece of property, it might be something they would consider. She said it would help them before they hit their runoff especially if they didn't have the full ability to reach the runoff agreement with their neighbors.

CM-07-08-255 **Moved by Paul, seconded by Mutch; CARRIED UNANIMOUSLY:**
To approve Zoning Map Amendment 18.670 with Planned Rezoning Overlay (PRO) SP 07-22 from the applicant, Haggerty Road Development, to rezone property located east of Haggerty Road, north of Eight Mile Road FS, Freeway Service District to B-3, General Business and consideration of the PRO Concept Plan. The subject property is 0.41 acres. Subject to the applicant getting the storm water agreement with their neighbors as well as screening in the parking area. Also, this is a preliminary approval to come back before Council with more specifics regarding the site.

DISCUSSION

Mayor Landry asked if Council needed to discuss public benefit on the record now or when it was approved in final. Mr. Schultz replied it was not required to do it now but they could and add the public benefits to the motion. Mr. Schultz said it probably should be done now, but it would certainly be done as part of the agreement.

Member Mutch understood the value in doing that but with some of these public benefit issues up in the air, in terms of being finalized, he would feel more comfortable stating them on final approval. Mayor Landry said that was fine; he just didn't want it to get by without the record being clear.

Member Margolis referred to the back of the 4th page in their packet item and asked if she was correct that where it said "Uses Removed from the District", that these were uses that would be removed when this PRO came back to Council for approval. Mr. Schultz said she was correct. She said this detailed that retail businesses, gasoline service stations,

and tattoo parlors would be removed. Mr. Schultz said the agreement would clean that up and list in detail what was not permitted in the district as rezoned.

Roll call vote on CM-07-08-255

**Yeas: Paul, Landry, Capello, Gatt, Margolis,
Mutch**
Nays: None
Absent: Nagy

**PLANNING COMMISSION
MINUTES - EXCERPT JUNE 27, 2007
(DISCUSSION OF PROPOSED REZONING)**



APPROVED

PLANNING COMMISSION

REGULAR MEETING

HAGGERTY ROAD DEVELOPMENT, SP07-22 AND REZONING 18.670 EXCERPT

WEDNESDAY, JUNE 27, 2007 7:00 PM

COUNCIL CHAMBERS - NOVI CIVIC CENTER

45175 W. TEN MILE, NOVI, MI 48375

(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Members John Avdoulos, Brian Burke, Victor Cassis, Andrew Gutman (7:06 PM), Michael Lynch, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: Member David Lipski (excused)

Also Present: Steve Rumpel, Director of Community Development Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Ben Croy, Civil Engineer; Kristin Kolb, City Attorney

PUBLIC HEARINGS

1. HAGGERTY ROAD DEVELOPMENT, SP07-22

The Public Hearing was opened on the request of Anthony Randazzo for a recommendation to City Council for consideration of a Planned Rezoning Overlay, in conjunction with Zoning Map Amendment 18.670. The subject property is located in Section 36, east of Haggerty Road, north of Eight Mile, in the FS, Freeway Service District. The subject property is 0.41 acres and the Applicant is proposing a 2,500 square foot office building.

Planner Kristen Kapelanski explained the rezoning request was in conjunction with a PRO, Planned Rezoning Overlay. The property is zoned FS, Freeway Service, and the Applicant proposes B-3, General Business. The site is master planned for Community Commercial. To the northeast are the Benihana Restaurant and Coney Island in Farmington Hills, zoned Expressway Service and master planned for Expressway Service and Quasi Public Services; To the west are a regional detention basin owned by the City and the Sheraton Hotel, zoned OSC and master planned for Office; To the south are a detention basin and Taco Bell, zoned FS. To east in Farmington Hills is a hotel under construction. Farmington Hills has also reviewed this plan.

There are no wetlands or woodlands on the site. However, there is an existing twenty-foot utility easement that runs through the center of the site. The area can be paved over, but no structures can be built upon it.

The Staff supports the request as it is consistent with the Master Plan and existing character of the area as a commercial and office corridor. In addition, B-3 zoning will allow a small site greater development flexibility.

The Traffic Review supports the request and had no major comments. The Engineering Review also indicates no major issues with the request.

The Applicant appeared before the Master Plan and Zoning Committee on April 12, 2007 and at that time the Committee suggested that the Applicant consider a PRO. All disciplines reviewed the plan. The Traffic Review and Landscape Review recommend approval with minor items to be addressed at the time of Preliminary Site Plan submittal. The Engineering Review recommended approval and noted that a City Council Waiver for a secondary access will be required. The Fire Department Review recommended approval.

The Planning Review recommended approval as the Applicant has met the requirements of Article 34, and the Concept Plan and the PRO Agreement conform to the PRO Ordinance. There are a number of conditions proposed in the PRO. Major conditions include a limited list of approved uses, extension of the public sidewalk along the adjacent property to the south, additional landscaping to the south provided the owner of that site allows it, or an equivalent amount of landscaping on the City's property to the west, and the extension of the sidewalk 500 feet on the westerly City property, provided the southerly property owner allows the Applicant to discharge into the existing detention basin to the south. There are a number of conditions relating to the building and parking setbacks, the loading zone and the landscape standards that would be included in the PRO.

A new project in Farmington Hills has been proposed to the northeast of the subject property. This will be a gas

station and an accessory carwash, and these will be adjacent to the hotel under construction. These two sites will share an access drive. The gas station was slated on a Farmington Hills Planning Commission agenda but Ms. Kapelanski did not know if the Planning Commission had approved the plan. There isn't much room for the project.

Mr. Matt Diffin of Diffin Development addressed the Planning Commission. He is the civil engineer on this project. He introduced Joe Locricchio, Mr. Randazzo's representative.

Chair Cassis opened the floor up for public comment:

- Ron Katzman, Design Build, architect for Holiday Inn: He was speaking on behalf of Ned Hakim of Holiday Inn. Their site is zoned Expressway Service, and Farmington Hills would not allow them to change their designation. Farmington Hills wanted uniform zoning in that area. Their site complies with all requirements of the Expressway Service District. They noted that this building will only be four feet off of their property line, and they have extensive landscaping in that area. They are not in favor of this rezoning, though they wouldn't have a problem with an office building provided the Applicant meets the setback requirements.

Chair Cassis closed the Public Hearing.

Member Pehrson remembered that the last time they reviewed this site the Planning Commission was worried about the size of the property and what any development might do to the traffic. He applauded the Applicant for turning in the rezoning request with a PRO – this is a great mechanism to use when the parcel is tough to work with based on its size or shape. The differences between B-3 and FS are minor; Member Pehrson did not have a problem with the B-3 request. It has some compliance with the Master Plan. He promised to review the Preliminary Site Plan with the same scrutiny as before regarding the traffic, setback and all other potential ZBA issues. The City understands that this is a viable piece of property and the City can't stop the developers from doing what they want; he continues to struggle with the concept of a project that will have a laundry list of variance requests.

Any variations from the Ordinance will be incorporated into the PRO Agreement, Ms. Kapelanski said. This Applicant would not go to the ZBA – those issues would become part of the Agreement. The Applicant is leaving out several permissible uses – gas stations and other large traffic generators. Gas stations and car washes would be allowed in the FS District – and these would probably cause traffic concerns. With the PRO, this Applicant is proposing a lighter traffic use – an office building.

Member Lynch remembered meeting with this Applicant at the Master Plan and Zoning Committee level. He said that the PRO can eliminate the biggest nightmare – a high-traffic user. He did not have a problem with this request and found it to be a nice solution that would nip the traffic problem.

Member Wrobel asked how a PRO affects the future use of the property. City Attorney Kristin Kolb said that even if the building were to fall down, the owner would still be bound by the terms of the PRO. The PRO runs with the land. Member Wrobel felt that an office building is aesthetically out of place amongst the fast food restaurants and the gas station, though he conceded that this might be the best use in a bad situation.

Member Avdoulos remembered the history of this site and the issues with emergency exiting with the carwash design. This property is tight and is less than one-half acre. The Applicant has the right to try and put what they can on this site within the guidelines of the Zoning Ordinance. A more intense use could go on this site with the FS District. This development can work, though the site is tight. The Applicant has proposed a placement of his building that parallels the Holiday Inn. They have provided two options for the elevation. Elevation B mimics the Holiday Inn a bit, with a domed gable rather than a peak. He preferred Elevation A. He thought that the scale of this project could fit okay on this site.

Member Avdoulos asked about the Landscape Review. The Landscape Architect suggested that the hotel is residential and required a berm; the Applicant did not agree with that statement. Mr. David Beschke said that it is

a quasi-residential use. If considered Commercial, no buffer is required. He assumed that some buffer might be wanted. Because this is a PRO, this can be addressed. It is not a requirement but it is something that the Planning Commission may wish to consider. He thought that this Applicant might want the buffer more than the hotel.

Member Avdoulos asked about the 550-foot walk. Ms. Kapelanski explained that the PRO conditions are all the conditions on the long list attached to the Planning Review. The bullets are just a summary. The City understands that if the Applicant can get permission to discharge into the detention basin to the south, they will provide the extra sidewalk.

Member Avdoulos appreciated the Traffic Review and the intensity of the traffic from this site. The medical office choice was used for a higher traffic count. A gas station would yield about 78 hourly AM trips versus about four for a medical office.

Member Avdoulos said that the intensity of this will be reduced with this PRO, but unfortunately, a gas station coming on board in Farmington Hills defeats this City's idea of reducing traffic along this road. Now there will be big, big traffic problems, right at the bend in the road. He supports the PRO for this site because it gives the City some discretion in maintaining the intensity of this site. Anything more intense would be too much. The Fire Marshal has looked at this plan. There may be some adjustments along the way. The parking is to the south, the widest area of the site. The hotel has done some work and Member Avdoulos suggested that this Applicant provide landscaping that complements the site and the neighboring site. Provide some screening for both the neighbor and the subject project. Enhance the building and allow some visual connection. It almost might be that the landscaping should also go behind the building to create a backdrop so the building doesn't get lost inside the building behind it.

Member Avdoulos appreciated the sketches provided. He thought this was a workable project and a better solution for this site than the car wash previously proposed.

Member Meyer found it fascinating that the PRO would eliminate the Applicant's need to go to the ZBA. He applauded this process as it reduces the hurdles over which an applicant must jump.

Member Burke said there wasn't a lot that can be done with this site. He supported the PRO as he thought it was making the best out of a difficult piece of property. He liked Elevation B.

Member Gutman also thought this was a good solution. He had no elevation preference.

Moved by Member Gutman, seconded by Member Burke:

In the matter of Zoning Map Amendment 18.670 and Planned Rezoning Overlay SP07-22 for Haggerty Road Development, motion to recommend approval to the City Council to rezone the subject property from FS (Freeway Service) to B-3 (General Business) with a Planned Rezoning Overlay, with the following considerations: 1) The Applicant's compliance with all the conditions listed in the Staff and Consultant review letters; for the reason that the Plan is in compliance with the Master Plan for Land Use and Article 34, Section 3402 of the Zoning Ordinance.

DISCUSSION

Ms. Kolb said that City Council would be looking for three items from the Planning Commission: Is the Applicant providing an actual public benefit? Does the Planning Commission offer a recommendation on the PRO Plan itself? Does the Planning Commission have recommendations on the needed variances? She asked that the Planning Commission include information on these items in the motion.

Chair Cassis asked the Applicant about whether he has explored cross access with the neighbor. Mr. Locricchio said they explored it with Mr. Hakim and he had no interest in the concept. Chair Cassis told both the Applicant

and Mr. Katzman that the greatest importance here was that the area remain safe as it relates to the designing of the sites along Haggerty. This should be of utmost importance to both this Applicant and Holiday Inn. Mr. Katzman said he was only the architect and he was unaware of any discussions between the two. The Holiday Inn owner is against this building because it will block the view of his property. Mr. Katzman said that as a professional, he understood that a cross access would be beneficial and Holiday Inn would only lose one or two parking spaces. He explained that the owner of the Holiday Inn missed the MDOT auction and therefore could not buy the property.

Chair Cassis said that the Holiday Inn owner must continue to cooperate and not hold missing the chance to purchase this property against its new owner. Chair Cassis asked Mr. Katzman to help with this design. Mr. Katzman said perhaps he could take a copy of the proposal to Mr. Hakim and show him how the cross access could be beneficial to him as well.

Mr. Katzman told Chair Cassis that he thought the building looked like a nice design. Chair Cassis said that this is a nice design, and the Holiday Inn is who is putting up the gas station and increasing the traffic. Expensive gas stations don't generate much profit. Mr. Katzman said he explained to Mr. Hakim that if the gas station were to go in, the lights would have to be toned down so as not to affect the hotel residents. Mr. Katzman said he will talk to Mr. Hakim.

Chair Cassis said that the Planning Commission previously declined a carwash. This proposal with a PRO will result in an office building/service use. Mr. Diffin noted that Elevation B would lend itself more to the service uses.

Mr. Diffin said that the easement is the Buckeye Gas Pipeline Easement. The Applicant has already received approval from them.

Chair Cassis said the public benefits are listed on page five of the Planning Review. There is a tax benefit. There is beautification of the site. There will be improved drainage. There will be a sidewalk installed along Haggerty. There will be a creation of jobs. Certain permitted uses have been excluded. With these benefits, and the other conditions, Chair Cassis supported the plan. He thought this plan would be an improvement and he hoped the two owners could get together and cooperate.

Ms. Kolb asked about a specific recommendation on the PRO Plan and the variance. Member Gutman was asked to improve his motion. Member Gutman added the following, and Member Burke agreed to the changes:

- Planning Commission's favorable recommendation to the City Council of the PRO public benefit offered by the Applicant in its memo, and as indicated in Page 5 of the June 15th Planning Review letter and as provided in the Planning Commission discussion
- The Planning Commission's favorable recommendation to City Council of the PRO Plan
- The Planning Commission's favorable recommendation to City Council of the conditions of the PRO and the Ordinance deviations as identified and detailed on Pages 3 and 4 of the June 15th Planning review letter.

**ROLL CALL VOTE ON ZONING MAP AMENDMENT 18.670 AND PRO SP07-22 POSITIVE
RECOMMENDATION MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BURKE:**

In the matter of Zoning Map Amendment 18.670 and Planned Rezoning Overlay SP07-22 for Haggerty Road Development, motion to recommend approval to the City Council to rezone the subject property from FS (Freeway Service) to B-3 (General Business) with a Planned Rezoning Overlay, with the following considerations: 1) The Applicant's compliance with all the conditions listed in the Staff and Consultant review letters; 2) Planning Commission's favorable recommendation to the City Council of the PRO public benefit offered by the Applicant in its memo, and as indicated in Page 5 of the June 15th Planning Review letter and as provided in the Planning Commission discussion; 3) The Planning Commission's favorable recommendation to City Council of the PRO Plan; and 4) The Planning

Commission's favorable recommendation to City Council of the conditions of the PRO and the Ordinance deviations as identified and detailed on Pages 3 and 4 of the June 15th Planning review letter; for the reason that the Plan is in compliance with the Master Plan for Land Use and Article 34, Section 3402 of the Zoning Ordinance. *Motion carried 8-0.*

Transcribed by Jane L. Schimpf, July 6, 2007
Date Approved: July 11, 2007

Signature on File
Angela Pawlowski, Planning Assistant Date

**PLANNING REVIEW
FOR REZONING 18.670**



PLAN REVIEW CENTER REPORT

April 3, 2007

Planning Review

Anthony Randazzo

Zoning Map Amendment 18.670

Petitioner

Mr. Anthony Randazzo

Review Type

Rezoning Request from FS (Freeway Service) to B-3 (General Business)

Property Characteristics

- Site Location: North of Eight Mile Road, East of Haggerty Road
- Site Zoning: FS, Freeway Service
- Adjoining Zoning: North: Haggerty Road, OSC; East: ES (City of Farmington Hills); West: OSC; South: FS
- Current Site Use: Vacant Land
- Adjoining Uses: Northwest: Haggerty Road, Pump House, Michigan Heritage Bank; Northeast: Benihana, Coney Island (Farmington Hills); West: Regional detention basin, Sheraton Hotel (further west); South: Detention basin, Taco Bell (further south); East: Hotel under construction (Farmington Hills)
- School District: Novi Community School District
- Site Size: 0.48 acres

Project Summary

The petitioner is requesting the rezoning of a property on the east side of Haggerty Road, north Eight Mile Road and west of Interstate 275 in Section 36 of the City of Novi. The 0.48 acres under review are currently zoned FS, Freeway Service. The applicant has requested a rezoning of the parcel to B-3, General Business. The applicant has indicated that the rezoning is being requested to facilitate the construction of an office building on the site in the future, which is not a permitted use in the FS zoning district. Many of the commercial and automotive uses permitted in the B-3 district are also permitted in



the FS district. (See chart on Page 5). The Planned Rezoning Overlay was discussed with the applicant. However due to the small size of the property and lack of natural features it is not a viable option.

Recommendation

Staff **recommends approval** of the proposed Zoning Map Amendment, which would rezone the property from FS, Freeway Service, to B-3, General Business. The rezoning request is consistent with the Master Plan for Land Use, which recommends Community Commercial land uses zoning on the parcel. Approval is recommended for the following reasons.

- The requested zoning is in compliance with the Master Plan for Land Use, which calls for community commercial land uses on the property.
- The request to rezone the property to B-3 would allow the submittal of a site plan to meet the one of the implementation strategies of the Master Plan for Land Use "*Limit commercial uses to current locations, current zoning, or areas identified for commercial zoning in the Master Plan for Land Use.*" (Page 120)
- The rezoning would complement the existing uses on the surrounding properties.
- B-3 zoning would allow for greater development flexibility on this small site than the existing FS zoning.

Planning Commission Options

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

1. Recommend rezoning of the parcel to B-3, General Business, (**APPLICANT REQUEST, STAFF RECOMMENDATION**)
2. Recommend rezoning to B-2, Community Business. (This is not recommended by staff since the parcel does not meet the minimum parcel size of 2 acres.)
3. Deny the request, with the zoning of the property remaining FS, Freeway Service
4. Recommend rezoning of the parcels to any other classification that the Planning Commission determines is appropriate. **NOTE:** This option would require the Planning Commission to hold and send notice for another public hearing with the intention of recommending rezoning to the appropriate designation. At this time, Staff has not reviewed any other alternatives.
5. Recommend rezoning to an office district, however this is not consistent with the Master Plan for Land Use.

• **Master Plan for Land Use**

The Master Plan for Land Use currently designates this property for commercial zoning. A rezoning of the property to a B-3 zoning would be consistent with the recommended actions of the Master Plan.

The Master Plan for Land Use also has a specific goal statement (Chapter 7) that is relevant to the discussion at hand.

- *Support retail commercial uses along established transportation corridors that are accessible for the community at large...* The Eight Mile Road/Haggerty Road area is an established commercial area serving not only the City of Novi, but also the City of Northville and the City of Farmington Hills. A B-3 zoning would allow a number of different kinds of businesses on the site and would fit in well in a commercial corridor.

• **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	FS, Freeway Service	Vacant	Community Commercial
Northwestern Parcels	OSC, Office Service Commercial	Detention Basin, Pump House, Sheraton Hotel, Michigan Heritage Bank	Office
Northeastern Parcels	ES, Expressway Service; OS-4, Office Research (City of Farmington Hills)	Benihana, Coney Island	Expressway Service, Quasi-Public (City of Farmington Hills)
Southern Parcels	OSC, Office Service Commercial	Detention Basin	Community Commercial
Eastern Parcels	ES, Expressway Service (City of Farmington Hills)	Hotel (under construction)	Expressway Service (City of Farmington Hills)
Western Parcels	OSC, Office Service Commercial	Detention Basin, Pump House, Sheraton Hotel	Office

• **Compatibility with Surrounding Land Use**

The surrounding land uses are shown on the above chart. The compatibility of the requested B-3 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 Haggerty Road. The properties to the **northwest** of the subject property are in the City of Novi and zoned OSC, Office Service Commercial. The closest properties contain a regional detention basin and pump house. Changing the zoning of the subject property to B-3 will likely have little impact upon these properties. It is unlikely the detention basin or pump house would be relocated as long as the surrounding development remains. Further to the

northwest is Sheraton Hotel and the Michigan Heritage Bank. Changing the zoning of the subject property will also have little impact on the nearby hotel. If anything, an office development has the potential to create more business for the hotel. Should the property eventually be developed as a commercial property, this would create additional commercial establishments for hotel patrons to visit. The bank would also be minimally affected by the potential zoning change.

The properties to the **northeast** of the subject property, east of Haggerty Road are in the City of Farmington Hills and zoned ES, Expressway Service and OS-4, Office Research District. The closest parcels have a Benihana restaurant and a Coney Island. The proposed B-3 district will not detract from the use of the property to the north. The suggested use, the development of a potential office building, would generate additional patrons for the already established businesses in the ES district and blend well with existing offices further down Haggerty Road in the OS-4 district.

The property to the **south** of the subject property is in the OSC, Office Service Commercial district and contains a regional detention basin for the surrounding area. This property is in the Master Plan for Land Use for Community Commercial. Changing the zoning of the subject property to B-3 will likely have little impact upon this property. It is unlikely the detention basin or pump house would be relocated as long as the surrounding development remains. Further to the south is Taco Bell. Changing the zoning of the subject property will also have little impact on the Taco Bell restaurant. An office development has the potential to create more business for the restaurant. If the parcel is developed as a commercial establishment at some point in the future, it would have little impact on the existing Taco Bell.

The property to the **west** of the subject property is in the OSC, Office Service Commercial district and contains the regional detention basin and pump house for the area as well as a Sheraton Hotel. This property is in the Master Plan for Land Use for Office. As previously mentioned, changing the zoning of the subject property to B-3 will likely have little impact on any of these properties.

The property to the **east** of the subject parcel is in the City of Farmington Hills and zoned ES Expressway Service. The City of Farmington Hills Master Plan indicates the property is master planned for Expressway Service and a hotel is currently under construction on the site. These parcels are directly adjacent to the I-275 exit ramp and expressway. If the subject property is developed as an office it has the potential to provide additional business for the hotel. If the parcel is developed as a commercial establishment at some point in the future, it could act as a complement, depending on the type of commercial business established.

The development of an office building in the Eight Mile Road/Haggerty Road area would add value to all of the surrounding properties and mesh well with the existing developments in the area, which includes hotel accommodations, offices, restaurants, and retail development.

• **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-2, Community Business district. The B-2 district would be the only other logical district that would be in compliance with the master plan, which calls for community commercial on the site. Although the principal and special land uses would fit within the community commercial designation, the small site size (0.48 acres) would not meet the minimum lot size requirements for the B-2 district. The B-1 district would not be in compliance with Master Plan for Land Use, which calls for community commercial. The B-1 district is a local commercial district.

	FS Zoning (Existing)	B-3 Zoning (Proposed)	B-2 Zoning (Alternative, Not Preferred)	B-1 Zoning (Alternative, Not Preferred)
Principal Permitted Uses	<ol style="list-style-type: none"> Gasoline service station and automobile repair, subject to standards at Section 1402.1, parking garages, and bus passenger stations. Retail establishments to service the needs of the highway travelers, including such facilities as, gift shops and restaurants, not including drive-ins. Motels, hotels and transient lodging facilities but not including tent sites and campgrounds, provided that each living unit shall not contain less than two hundred fifty (250) square feet of 	<ol style="list-style-type: none"> Any retail business or service establishment permitted in the B-1 and B-2 Districts as Principal Uses Subject to Special Conditions and subject to the restrictions therein. Auto wash when completely enclosed in a building. Bus passenger stations. New and used car salesroom, showroom, or office, except trucks and heavy off-road construction equipment. Other uses similar to the above uses. 	<ol style="list-style-type: none"> Any retail business or service establishment permitted in the B-1 Local Business Districts, subject to the regulations applicable in the following sections of this Article. All retail business or service establishments uses as follows: <ol style="list-style-type: none"> Any retail business whose principal activity is the sale of merchandise in an enclosed building. Any service establishment of an office, 	<ol style="list-style-type: none"> Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other specialty food products (excluding all restaurants), drugs, dry goods, clothing and notions or hardware. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barbershops,

FS Zoning (Existing)	B-3 Zoning (Proposed)	B-2 Zoning (Alternative, Not Preferred)	B-1 Zoning (Alternative, Not Preferred)
<p>floor area, and provided further that no unit shall be occupied as a permanent residence.</p> <p>4. Other uses similar to the above uses as determined by the Planning Commission. In determining the uses are similar, the Planning Commission shall find that the uses will primarily serve the needs of freeway traffic.</p> <p>5. Accessory structures and uses customarily incident to the above permitted uses.</p>	<p>6. Tattoo parlors, which are defined as business establishments where persons engage in any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other permanent substance resulting in coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.</p> <p>7. Publicly owned and operated parks, parkways and outdoor recreational facilities.</p> <p>8. Accessory structures and uses customarily incident to the above permitted uses.</p>	<p>showroom or workshop nature of a decorator, dressmaker, tailor, bridal shop, art gallery, interior designer or similar establishment that requires a retail adjunct.</p> <p>c) Restaurants (sit down), banquet facilities or other places serving food or beverage, except those having the character of a drive-in or having a drive-through window.</p> <p>d) Theaters, assembly halls, concert halls, museums or similar places of assembly when conducted completely within enclosed buildings.</p> <p>e) Business schools and</p>	<p>photographic studios, and self-service laundries and dry cleaners.</p> <p>3. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.</p> <p>4. Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices and real estate offices.</p> <p>5. Professional services including the following: offices of doctors, dentists and similar or allied professions.</p> <p>6. Post office and similar governmental office buildings, serving persons living in the adjacent residential area.</p> <p>7. Off-street parking lots.</p> <p>8. Instruction centers for music, art, dance, crafts, martial arts, exam preparation and similar instruction.</p> <p>9. Other uses similar to the above uses.</p> <p>10. Accessory structures</p>

FS Zoning (Existing)	B-3 Zoning (Proposed)	B-2 Zoning (Alternative, Not Preferred)	B-1 Zoning (Alternative, Not Preferred)
		colleges or private schools operated for profit. 3. Day Care Centers and Adult Day Care Center provided that all of the conditions contained within subsection 1102.4 are met. 4. Private clubs, fraternal organizations and lodge halls, 5. Hotels and motels, provided the site does not abut a residential district. 6. Office buildings of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting, sales and medical offices, including laboratories and clinics. 7. Other uses similar to the above uses. 8. Accessory structures and uses customarily incident to the above permitted uses.	and uses customarily incident to the above permitted uses,
Special Land Uses	There are no special land uses in the FS zoning district	1. Outdoor space for exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes, or rental of trailers or automobiles	1. Gasoline service station for the sale of gasoline, oil and minor accessories only, and where no major repair work is done, other than incidental services, but not including
		1. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further	

FS Zoning (Existing)	B-3 Zoning (Proposed)	B-2 Zoning (Alternative, Not Preferred)	B-1 Zoning (Alternative, Not Preferred)
	<p>(subject to specific conditions).</p> <ol style="list-style-type: none"> 2. Motel (subject to specific conditions). 3. Business in the character of a drive-in or open front store (subject to specific conditions). 4. Veterinary hospital or clinics (subject to specific conditions). 5. Plant materials nursery for the retail sale of plant materials and sales of lawn furniture, playground equipment and garden supplies (subject to specific conditions). 6. Public or private indoor recreational facilities, including, but not limited to, health and fitness facilities and clubs, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges, and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating 	<p>steam cleaning pr undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line (subject to specific conditions).</p>	<p>that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishment.</p> <ol style="list-style-type: none"> 2. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards, but with storage yards; water and sewage pumping stations.

	FS Zoning (Existing)	B-3 Zoning (Proposed)	B-2 Zoning (Alternative, Not Preferred)	B-1 Zoning (Alternative, Not Preferred)
		facilities (subject to specific conditions). 7. Mini-lube or quick oil change establishments, including the sale of oil and minor accessories only, and where no sale of gasoline or major repair work is done, other than incidental services, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work, and such other activities whose external effects could adversely extend beyond the property line (subject to specific conditions).		
Minimum Lot Size	Based on the amount of off-street parking, landscaping, and setbacks required	Based on the amount of off-street parking, landscaping, and setbacks required	2 acres	Based on the amount of off-street parking, landscaping, and setbacks required.
Building Height	1 story –or– 25 feet	30 feet	2 stories –or– 30 feet	1 story – or- 25 feet
Building Setbacks	Front: 30 feet Sides: 10 feet Rear: 20 feet	Front: 30 feet Sides: 15 feet Rear: 20 feet	Front: 40 feet Sides: 30 feet Rear: 30 feet	Front: 20 feet Sides: 15 feet Rear: 20

- **Infrastructure Concerns**

See Engineering review letter for specific discussion of water and sewer capacities in the area serving the subject property. Any specific and necessary improvements to the roadway will be reviewed at the time of Preliminary Site Plan submittal.

- **Natural Features**


The regulated wetland and woodland maps indicates that there are no natural features in the City's inventory at this time. There is a small wetland located on the parcel directly to the south. 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 FS zoning could result in a commercial establishment of approximately 3,000 square feet, based on the potential yields indicated in the City of Novi's Fiscal Analysis. The development of a commercial establishment under the proposed B-3 zoning would also result in approximately 3,000 square feet of development. An office building on this site would increase this yield, due to the slightly lower parking demand when compared to a commercial/retail venue. The applicant has not indicated a specific size for the potential office building. Based on the City of Novi's Fiscal Analysis, an office building of approximately 3,500 square feet could be accommodated on this site if the property is zoned to B-3. However, due to the wedge shape of the site, access concerns, and the existence of utility easements on the site, the buildable area may be less resulting in an office building of less than 3,500 square feet.

• **Submittal Requirements**

- The applicant has provided a survey and legal description of the property in accordance with submittal requirements.
- The rezoning sign was erected on the property, in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request.
- A traffic impact statement was not needed at this time, due to the applicant switching between non-residential sites. The City's traffic consultant has provided expected trip generation numbers in their review letter.



Kristen Kapelanski, Planner- City of Novi 248-347-0586

**TRAFFIC REVIEW
FOR REZONING 18.670**

March 28, 2007

Ms. Barbara E. McBeth
Novi Planning Director
45175 West Ten Mile Road
Novi, MI 48375-3024



Re: Rezoning 18.670 – 1st Review
Sidwell No. 50-22-36-476-006
OHM Job No. 163-07-0171

As requested, we have reviewed the rezoning application, dated February 19, 2007, for Parcel #3 of the Novi Corporate Campus site. We offer the following comments:

OHM RECOMMENDATION

At this time, we support the zoning change from FS to B-3 for this site.

DEVELOPMENT BACKGROUND

The applicant is requesting that a wedge-shaped 0.48-acre site located north of Eight Mile Road, west of Haggerty Road, be rezoned from FS (Freeway Service District) to B-3 (General Business District). The applicant has indicated possible office use that is not permitted under the current zoning.

The FS zoning is intended to serve the needs of automobile traffic at the interchange areas of arterial roads and freeway facilities, to avoid undue congestion on feeder roads, promote safe traffic flow at an interchange area, and to protect adjacent properties in other zones from adverse influences of traffic. The principal uses permitted in this zoning include: gasoline service station and automobile repair, gift shops and restaurants, motels, and hotels.

Under B-3 zoning, the intent is to provide sites for diversified business types which would typically be incompatible with pedestrian movement in B-1 and B-2 Districts. Principal land uses permitted under B-3 zoning include: auto wash, bus station, new & used car sales, tattoo parlors, and publicly-owned parks. Land uses permitted under the B-1 & B-2 zoning (such as retail, personal services, professional services, restaurants, and office buildings) are also allowed.

The City of Novi Master Plan calls for "Regional Commercial" zoning, which is designated for high intensity commercial uses that serve not only the shopping needs of the entire community, but cater to a regional market as well.

TRIP GENERATION

The land use that will generate the maximum number of trips under the current FS zoning would be a Gasoline Service Station with Convenience Market. Under B-3 zoning, the most intensive land use permitted would be a High-Turnover Sit-Down Restaurant. However, a Gasoline Service Station with Convenience Market may also be permitted as a special land use (SLU) in B-3 zoning.

Table 1, shown below, provides an average trip generation rate for each of these land uses, as well as for an office building. Because additional information about the size of the proposed development has not been provided, the rates shown in the table are based on average vehicle trips per 1,000 square feet of gross leasable area (GLA). Therefore, the table should be used for comparative purposes only, and not as an indication of the number of trips that a development on this site would generate.

Table 1: Trip Generation Rates

Zoning	Land Use ¹	AM Peak Hour Rate ²	PM Peak Hour Rate ²	Week Day Rate ²
Existing (FS)	Gasoline/Service Station with Convenience Market (945)	78.06	97.14	N/A
Proposed (B-3)	Gasoline/Service Station with Convenience Market ³ (945)	78.06	97.14	N/A
Proposed (B-3)	High-Turnover Sit-Down Restaurant (932)	13.53	18.80	127.15
Proposed (B-3)	Medical-Dental Office (720)	3.62	4.45	36.13

¹ Trip Generation – 7th Edition, Institute of Transportation Engineers, 2003

² Average trip generation rates based on a building with 1,000 SFT of gross leaseable area.

³ Gasoline/Service Station permitted as a Special Land Use (SLU) only under B-3 zoning.


DISCUSSION

The table above shows that the greatest potential number of trips would be generated by a Gasoline/Service Station with Convenience Market. This land use is permitted under the current FS zoning, as well as under the proposed B-3 zoning as a SLU.

The table also shows that the most intensive 'standard' land use permitted under the requested B-3 zoning would create significantly fewer trips than that under the FS zoning. Since the applicant has indicated a "possible office use" on the site, but has not provided additional information about the size or type of development, a Medical-Dental Office building was assumed. Because Medical-Dental Office buildings typically generate the highest number of trips when compared to other types of office buildings, the rates shown in the table provide a conservative estimate. From a trip-generation perspective, the proposed change in zoning will not adversely affect traffic flow in the area. Therefore, we support the rezoning request.

If you have any concerns or questions, please feel free to contact us at 734-522-6711.

Sincerely,
Orchard, Hiltz & McCliment, Inc.


Stephen B. Dearing, P.E., PTOE.
Manager of Traffic Engineering


Sara A. Merrill
Traffic Engineer

**ENGINEERING REVIEW
FOR REZONING 18.670**



CITY OF NOVI
Engineering Division

MEMORANDUM

To: Barbara McBeth, AICP
Planning Director

From: Brian T. Coburn, P.E. *BTC*
Civil Engineer

Date: March 21, 2007

Re: Rezoning Request 18.670
Randazzo/Haggerty Road

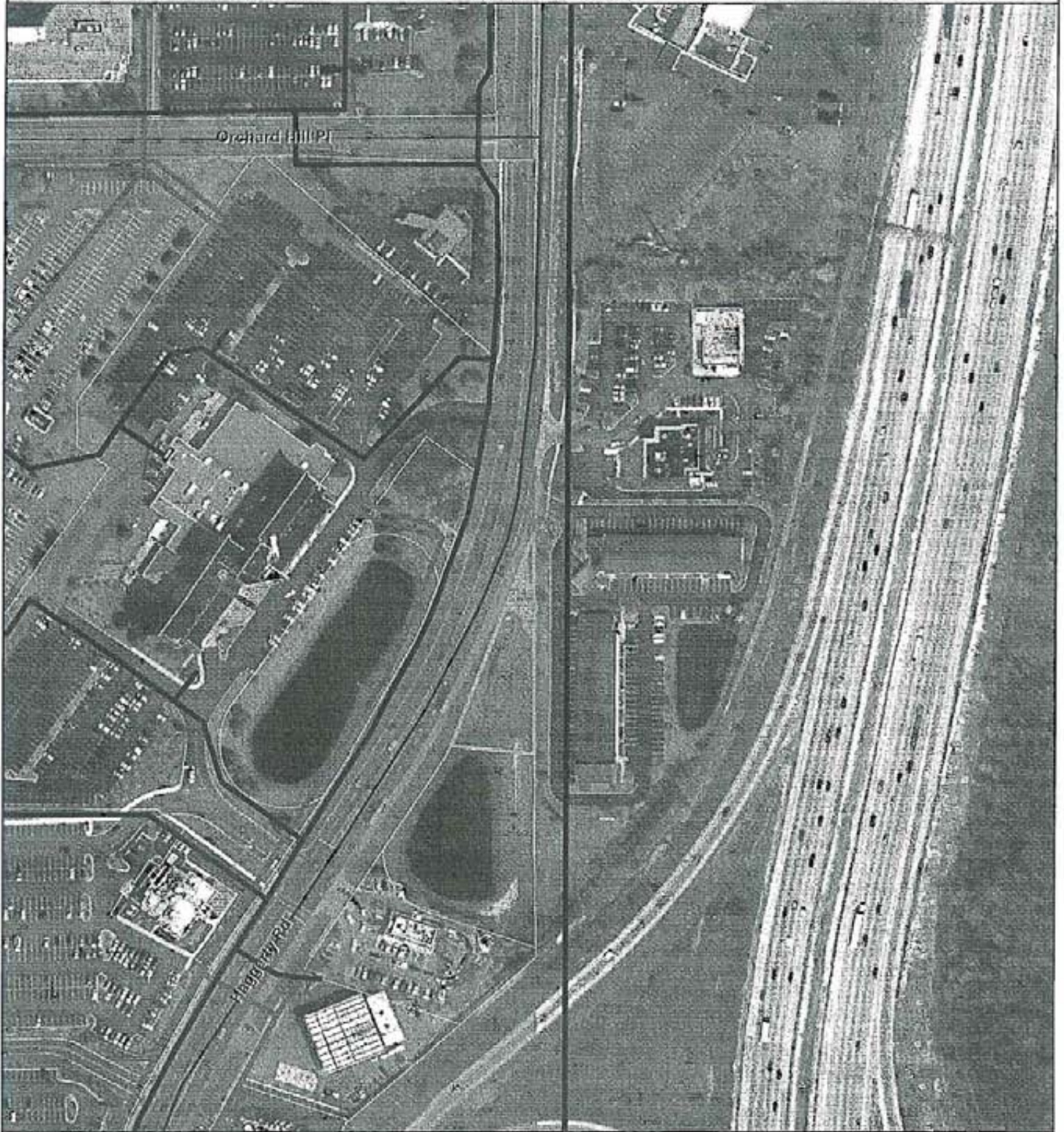
In response to your request, we have reviewed the proposed rezoning of the a parcel located east of Haggerty Road and north of Eight Mile Road in Section 36 for availability and potential impacts to public utilities. It is our understanding that the applicant is requesting that approximately 0.48 acres be rezoned from FS to B-3.

In reviewing the information provided, we have determined that the rezoning would result in a slight decrease in the water and sanitary sewer demands for this parcel. Therefore, we have no utility related concerns with the rezoning application as presented.

cc: Rob Hayes, P.E.; City Engineer
Ben Croy, P.E.; Plan Review Engineer
Benny McCusker, Public Works Director

Utility Location Map

Rezoning Request 18.670



PREPARED BY:
 DATE: 08/20/2018

CITY OF NOVI
 ENGINEERING DIVISION
 45175 W. TEN MILE ROAD
 NOVI, MI 48375
 (248) 347-0154
 WWW.C1NOVI.MI.US



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.

**PLANNING REVIEW
FOR PLANNED REZONING OVERLAY**



PLAN REVIEW CENTER REPORT

May 24, 2007

Planning Review

Haggerty Road Development Planned Rezoning Overlay
SP #07-22

Petitioner

Anthony Randazzo

Review Type

Planned Rezoning Overlay, in conjunction with rezoning request 18.670

Property Characteristics

- Site Location: East side of Haggerty Road, north of Eight Mile Road
- Site Zoning: FS, Freeway Service
- Adjoining Zoning: North: Haggerty Road, OSC; East: ES (City of Farmington Hills); West: OSC; South: FS
- Site Use(s): Vacant
- Adjoining Uses: Northwest: Haggerty Road, Pump House, Michigan Heritage Bank; Northeast: Benihana, Coney Island (Farmington Hills); West: Regional detention basin, Sheraton Hotel (further west); South: Detention basin, Taco Bell (further south); East: Hotel under construction (Farmington Hills)
- Proposed Use: General Office
- Site Size: 0.48 acres
- Plan Date: 04/17/07

Project Summary

The petitioner is requesting consideration of a Planned Rezoning Overlay, in conjunction with rezoning request 18.670. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. PRO requests require a 15-day public hearing notice for the Planning Commission, which offers a recommendation to the City Council, who can grant the final approval of the PRO. As a part of the PRO, the underlying zoning is changed, in this case to B-3 as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and applicant agree to any deviations to the



applicable ordinances and tentative approval of a conceptual plan for development for the site. After final approval of the PRO plan and agreement, the applicant will submit for Preliminary and Final Site Plan under the typical review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two years, the PRO concept plan expires and the agreement becomes void.

The parcel in question is located on the east side of Haggerty Road, north of Eight Mile Road in Section 36 of the City of Novi. The property totals 0.48 acres and contains an existing 20' utility easement which runs through the center. The current zoning of the property is FS, Freeway Service. The rezoning request has been reviewed under a separate letter for the B-3, General Business.

Recommendation

The Planning Department cannot recommend approval of the **Planned Rezoning Overlay** request for the reasons stated in this letter, and specifically, as indicated below:

- The conditions listed as "public benefits" are improvements that would typically be associated with any proposed B-3 development. As discussed with the applicant's representative, a meeting with Staff to discuss the public benefit could be arranged if they so choose.
- The limitation of the proposed uses may not enhance the project beyond what would be achieved in the absence of a PRO.

Major Conditions of Planned Rezoning Overlay Agreement

The Planned Rezoning Overlay process involves a PRO plan and specific PRO conditions in conjunction with a rezoning request. The submittal requirements and the process are codified under the PRO ordinance (Article 34). Within the process, which is completely voluntary by the applicant, the applicant and City Council can agree on a series of conditions to be included as part of the approval.

The applicant is required to submit a conceptual plan and a list of terms that they are willing to include with the PRO agreement. The applicant's conceptual plan and narrative have been reviewed and the following are items specifically mentioned by the applicant as conditions they are willing to attach to the approval of the PRO.

1. A number of principal permitted uses have been left off the list of permissible uses listed as part of the applicant's Planned Rezoning Overlay Conditions. Please see the attached conditions to see the list of permissible uses.

Ordinance Deviations

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

the surrounding areas.” For each such deviation, City Council should make the above finding if they choose to include the items in the PRO agreement. The following are areas where the current concept plan does not appear to meet ordinance requirements.

Setbacks

The chart below outlines the applicant’s proposed setbacks and the required setbacks under the B-3 district standards.

	Front Yard	Rear Yard	Side Yards
Building Setback			
Applicant Proposal	30 feet	4 feet	70+ feet
B-3 Zoning	30 feet	20 feet	15 feet
Parking Setback			
Applicant Proposal	10 feet	4 feet	10 feet (south) 40+ feet (north)
B-3 Zoning	20 feet	10 feet	10 feet

Building Setbacks

- Front Yard: The applicant is proposing 30 feet of setback for the front yard of the building. The Planning Department finds no need for deviation in this situation as this meets the requirements of the ordinance.
- Rear Yard: The applicant is proposing a setback of 4 feet for the rear yard of the building. This appears to be deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
- Side Yards: The applicant is proposing 70+ feet of setback in each of the side yards. The Planning Department finds no need for deviation in this situation as this meets the requirements of the ordinance.

Parking Setbacks

- Front Yard: The applicant is proposing 10 feet of setback. This appears to be deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
- Rear Yard: The applicant is proposing 4 feet of setback for the rear yard parking. This appears to be deficient. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
- Side Yards: The applicant is proposing a 10 foot setback on the south side of the property and a 40+ foot setback on the north side of the property. The Planning Department finds no need for deviation in this situation as this meets the requirements of the ordinance.

Loading Zone

- It appears the applicant is proposing a loading zone on the west side of the building in the front yard of the property. A loading zone should be located in

the rear yard of the building per Section 2507 of the Ordinance. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**

Landscape Standards

- The property is adjacent to the City of Farmington Hills. A hotel is currently being built on the adjacent property to the east. A 6' to 8' high obscuring landscape berm will be required adjacent to the residential property. Installation of the berm would require a minimum of 41'. Considering the size and unusual shape of the property, the applicant may want to consider a wall in lieu of the required berm. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**
- A 20' greenbelt and 3' high berm with a 2' crest is required along the Haggerty Road frontage along the parking lot. Based on the current configuration of the plan, a 10' wide greenbelt is provided along the northernmost side of the parking lot. **The Community Development Department finds that the City Council should act on this ordinance deviation in the PRO Agreement.**

Items for Further Review and Discussion

There are a variety of other items inherent in the review of any proposed development. At the time of Preliminary Site Plan, further detail will be provided, allowing for a more detailed review of the proposed development. After this detailed review, additional variances may be uncovered, based on the actual product being proposed. This would require amendments to be made to the PRO Agreement, should the PRO be approved. **The applicant should address these items at this time, in order to avoid delays later in the project.**

Accessory Structure

Presumably, the applicant will include a dumpster as part of the proposed development. **The location of said dumpster should be indicated on the plans and setback a distance equal to the parking setback and setback 10 feet from any building. In addition, the dumpster should be located in the rear or interior side yard and be properly screened per the Zoning Ordinance requirements in Section 2503.**

Loading Zone

It appears the applicant is proposing a loading zone on the west side of the building. **The loading zone should be clearly indicated on the plan and located in the rear yard of the building at 10 square feet per front foot of building up to 360 square feet.**

Public Benefit Under PRO Ordinance

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

- Creation of commercial tax base. (This would typically occur with any proposed development in the B-3 district.)
- Beatification of the site. (This would typically occur with any proposed development as each would have to be landscaped according to the Ordinance requirements.)
- Enclosure of the drainage ditch and landscaping above the enclosure. (This would depend on a finding and approval from the Road Commission for Oakland County to allow the enclosure of said ditch.)
- Sidewalk installed along Haggerty Road. (A sidewalk is required along all major thoroughfares per City Code Section 11-276(b).)
- Creation of jobs and availability of new services and products. (This would typically occur with any proposed development in the B-3 district.)
- Proposed drainage improvements along Haggerty Road including the enclosure of the drainage ditch and the installation of a curb along Haggerty Road. (This would depend on a finding and approval from the Road Commission for Oakland County to allow the enclosure of said ditch. A curb is typically installed with a proposed development.)

Applicant Burden under PRO Ordinance

The Planned Rezoning Overlay ordinance requires the applicant to make certain showings under the PRO ordinance that requirements and standards are met. The applicant should be prepared to discuss these items, especially in part a, where the ordinance suggests that the enhancement under the PRO request would be unlikely to be achieved or would not be assured without utilizing the Planned Rezoning Overlay. Section 3402.D.2 states the following:

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

and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

Kristen Kapelanski 05/24/07
Report by Planner Kristen Kapelanski (248) 347-0586

Planned Rezoning Overlay Conditions

Item 1 – Bulk Area, Landscaping, Buffering, Architecture

1. The location, size, height or other measure for and/or of buildings, structures, improvements, set backs, landscaping, buffers, design, architecture and other features shown on the PRO Plan.

Building to be placed along the east property line with adjacent parking located at the south end of the parcel. The maximum building height would be 30'. There will be only one building on the site. The site will be improved from a vacant site with an open ditch to a nicely landscaped building with 13 parking spaces. The front yard building setback will be 30', rear yard building setback will be 20', and we are requesting a 4' side yard building setback along the east property line near the hotel, which is in Farmington Hills. The front parking setback would be 20' except for the drive entrance and fire truck turn around area (approx. 50' long) which would have a 10' setback. Parking along the south property line would be setback 10' and the parking would be setback 4' along the east property line. Landscaping would be provided per city standards except the buffer strip along the fire truck turn around area would be 10'. A 3' high stacked stone or decorative block retaining wall would be constructed along the fire truck turn around area only, to provide the required 3' berm height. A 3' high berm would be constructed along the remainder of the frontage. Building design and architecture shall be submitted for approval at a later date.

Item 2 – Density & Intensity

2. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like.

The maximum usable floor area of building would be 2,500 square feet.

Item 3 – Natural Resources

3. Preservation of natural resources and/or features.

No regulated woodland or wetlands currently exist on the site.

Item 4 – Drainage

4. Facilities to address drainage/water quality.

Storm water detention facilities shall be designed and constructed meeting the Oakland County Drain Commissioners requirements for a 100 year storm event. Storm water shall be detained onsite most likely with some subsurface detention and will be discharged at an agricultural rate into the Haggerty Road storm sewer and regional detention area. A storm water quality structure to eliminate pollutants and particles shall be provided prior to the discharge of the storm water into the proposed detention area. The existing drainage ditch shall be enclosed and catch basins provided within the Haggerty Road right-of-way and will connect to the existing storm sewer down stream.

Item 5 – Traffic Issues

5. Facilities to address traffic issues.

The site is planned to have 13 parking spaces, and the proposed driveway is approx. 330' from the neighboring drive approach to the north of the site and approx. 340' from the traffic signal at Haggerty and Orchard Hill Place. No drive approaches are located in this vicinity on the west side of Haggerty road so there will be no issues with turning conflicts from the site. The site will contribute more traffic to Haggerty Road than it did as a vacant site but the amount of traffic generate from the site will be insignificant and far less than the possible traffic that might be create by uses allowed under the current FS zoning.

Item 6 – Preserved Open Space

6. Preservation of open space.

No preserved open space as defined by the zoning ordinance is proposed with this development.

Item 7 – Facility and Property Maintenance

7. A written understanding for permanent maintenance of natural resources, features, and/or facilities to address drainage/water quality, traffic, open space and/or other features or improvements; and, provision for authorization and finance of maintenance by or on behalf of the City in the event the property owner(s) fail(s) to timely perform after notice.

Maintenance will be performed for on site improvements the property owner. A mechanism can also be established within the agreement which under certain conditions would give the City the right to perform maintenance on these facilities and access the property owners if the commercial property owners or the condominium association fails to perform their maintenance obligations.

Item 8 – Other Provisions Proposed By Applicant

8. Other provisions proposed by the applicant and approved by the City.

None

Item 9 – Signage, Lighting, Landscaping, Building Materials

9. Signage, lighting, landscaping, building materials for the exterior of some or all structures.

These items will be constructed per City requirements.

Item 10 – Permissible Uses of Property

10. Permissible uses of the property.

All retail business or service establishments uses as follows:

- a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
- b. Any service establishment of an office, showroom or workshop nature of a decorator, dressmaker, tailor, bridal shop, art gallery, interior designer or similar establishment that requires a retail adjunct.
- c. Restaurants (sit down), or other places serving food or beverage, including those having the character of a drive-in or having a drive-through window.

Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other specialty food products, drugs, dry goods, clothing and notions or hardware.

Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barbershops, and photographic studios.

Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.

Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices and real estate offices.

Professional services including the following: offices of doctors, dentists and similar or allied professions.

Post office and similar governmental office buildings, serving persons living in the adjacent residential area.

Instructional centers for music, art, dance, crafts, martial arts, exam preparation and similar instruction.

Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two hundred (200) feet from abutting residential districts on the same side of the street.

Office buildings of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting, sales and medical offices, including laboratories and clinics.

Other uses similar to the above uses.

Public Benefit

1. The public would benefit from the commercial tax base that would be generated from the site if developed. Under the existing condition the site is vacant and does not currently produce any significant tax revenue for the City's residence.
2. The public would benefit from the beautification that would result from the development of the site. Under the existing condition the site is an un-maintained eye sore of weeds, gravel, with a drainage ditch along the entire property frontage of Haggerty Road. The site will be bermed and landscape along the Haggerty Road frontage meeting the current City of Novi landscaping requirements. The drainage ditch will be enclosed with storm sewer, filled in, and planted with grass, perennial flowers, and other landscaping.
3. The public will benefit from the new side walk that will be installed along Haggerty Road which will connect to the existing side walk north of the site.
4. The public will benefit from the services, products, and new jobs the tenants of the new building will bring to the City.
5. The public will benefit from the proposed drainage improvements along Haggerty Road. The existing drainage ditch will be enclosed with storm sewer which will provide better storm water drainage and less maintenance than the existing ditch requires. Curbing will be installed along Haggerty Road to better direct the roadway runoff to the detention pond located south of the site.

**LANDSCAPING REVIEW
FOR PLANNED REZONING OVERLAY**



PLAN REVIEW CENTER REPORT

May 29, 2007

PRO Landscape Review

07-22 Haggerty Road Development

Petitioner

Anthony Randazzo

Project Zoning

Proposed PRO B-3 Commercial (Currently FS)

Ordinance Considerations

1. Residential Adjacent to Non-residential Landscape Requirements (Sec. 2509.3.a)

- a. The property is adjacent to the City of Farmington Hills. A hotel is currently being rebuilt to the east of the project property. A 6' to 8' high obscuring landscape berm will be required adjacent to the residential property or a Planning Commission waiver will be required. Installation of the berm would require a minimum of 41'. The Applicant may wish to consider a waiver to allow for a screen wall.
- b. No buffering will be required along the south property line.

2. Adjacent to Rights-of-Way (Sec. 2509.3.b)

- a. Right-of-way berms will be required. See Sec. 2509.3.b. and Right-of-Way Landscape Screening Requirements Chart. A 20' greenbelt and 3' high berm with a 2' crest is required along the Haggerty Road frontage along the parking lot. Side slopes must be 3:1. Please clearly show the right-of-way and greenbelt on the site plan.
- b. A 25' greenbelt and 3' high berm with a 3' crest is required along the right-of-way where no parking is proposed. Please clearly show the right-of-way and greenbelt on the site plan.
- c. See chart in Section 2509.3 for the required number of canopy & subcanopy trees for the berm areas. Documented existing trees may count toward the requirements.
- d. Street trees are required at one per 35' adjacent to parking and one per 45' adjacent to the building. The Street Trees planting must be approved by the Road Commission for Oakland County and a permit will be necessary.

- e. An opacity of 90% summer and 80% winter at 36" high must be achieved. Shrubs and perennials will be necessary.

3. Parking Area Landscape Requirements (Sec. 2509.3.c)

- a. Please provide calculations per Sec. 2509.3.c.(3) for required Interior Parking Area Landscape Islands and Canopy Trees.
- b. Please clearly delineate those areas qualifying as interior parking lot landscape islands under the Ordinance.

4. Building Perimeter Landscaping (Sec. 2509.3.d)

- a. Provide calculations (8' x entire perimeter of building) for all buildings. See 2509.3.d in the Zoning Ordinance.
- b. A 4' wide landscape bed is required around the building foundation.

5. Plant List (LDM)

- a. Please provide a Plant List. All required canopy trees must be 3" caliper. Subcanopy trees must be 2.5" caliper.
- b. Please show the type and amount of sod and include on Plant List.
- c. Please show the type and amount of mulch and include on Plant List.
- d. Please provide plans and estimated costs for site irrigation at time of Final Site Plan submittal.

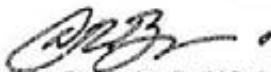
6. Plan Notes & Details (Sec. 2509. 4. 5. 6. & 7.)

- a. Please include all required City of Novi plan notations regarding installation, maintenance and warranty.
- b. Please include the City of Novi Planting Details.
- c. Please show any transformer locations and include the City of Novi Transformer Planting Detail.
- d. Please show cross sections including dimensions for all berms.

7. General Plan Requirements

- a. Please show proposed grade contours.
- b. Twenty-five foot clear zones must be shown per Corner Clearance Section 2513 of the Ordinance.

Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance. The appropriate section of the applicable ordinance is indicated in parenthesis. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification.



**TRAFFIC REVIEW
FOR PLANNED REZONING OVERLAY**

May 24, 2007

Ms. Barbara E. McBeth
Deputy Director Community Development
45175 West Ten Mile Road
Novi, MI 48375-3024



Re: Haggerty Road Office/Retail Use PRO – Conceptual – 1st Review
SP No. 07-22
OHM Job No. 163-07-251

As requested, we have reviewed the conceptual site plan submitted for Haggerty Road Office/Retail Use PRO. The plans were prepared by DIFFIN Development Consultants, Inc. and are dated April 17, 2007.

OHM RECOMMENDATION

At this time, we recommend approval of the conceptual site plan, subject to the corrections noted below being made prior to preliminary plan submittal.

DEVELOPMENT BACKGROUND

- The site is currently zoned as FS (Freeway Service).
- The proposed zoning is B-3 (General Business).
- The property is a pie-shaped wedge that contains approximately 0.48 acres.
- The applicant is proposing one drive approach.

ROADWAY NETWORK

The site is located east of Haggerty on the north side of Eight Mile Road. Both Haggerty Road and Eight Mile Road are functionally classified as arterial routes and are under the jurisdiction of the Road Commission of Oakland County (RCOC). Both roads have a posted speed limit of 45 MPH.

SITE PLAN CORRECTIONS

1. Location Map: A map should be shown on either the cover sheet or overall site plan sheet that clearly indicates the project location.
2. Topography: The plans should show the location of nearby driveways on both the same and opposite of Haggerty Road in the vicinity of the site.
3. Accessible Parking: The plans indicate an 8' wide van-accessible aisle to the west of the proposed van-accessible handicap parking stall. Since most handicap-accessible vans feature the lift on the passenger side, the aisle should be located on the east side of the accessible parking space.
4. Sidewalk: The proposed sidewalk connection from the building to the roadway currently extends through what we presume to be the loading zone. In this configuration, a truck would potentially block the sidewalk for an extended period of time. As such, the sidewalk should be shifted to the north of the loading area so as to safely facilitate pedestrian circulation.
5. ADA Ramps: ADA-compliant sidewalk ramps should be provided at all areas where the sidewalk crosses or adjoins the parking lot or circulation aisle. Type P Parallel Sidewalk Ramps (per the MDOT Standard Detail for Sidewalk Ramps, R-28-F) should also be provided at the handicap parking stall.

6. Dimensions: All dimensions should be clearly labeled on the plans, including the driveway throat width, curb radii, turnaround depth, circulation aisle width, sidewalk widths, and the length & width of parking stalls and of the accessible aisle. We expect that the driveway and parking lot geometry conform to the City of Novi Design & Construction Standards.
7. Retaining Wall: It appears that there may be a retaining wall proposed along the west side of the site, extending north from the sidewalk along the paved area. This should be clearly labeled, and a detail should be provided.
8. Dumpster: The plans should indicate the proposed dumpster location.
9. Loading Area: A loading area should be provided, and clearly labeled on the plans.
10. Open Space: There is a large paved area to the west of the building, approximately 50' in length and 20' in width, with an unknown intended use. This area should be clearly labeled.
11. Traffic Signs: Subsequent plan submittals should show the location of all proposed traffic signs and pavement markings. Additionally, a traffic sign quantity table should be provided on the plans.

If you have any concerns or questions, please feel free to contact us at 734-522-6711.

Sincerely,
Orchard, Hiltz & McCliment, Inc.



Stephen B. Dearing, P.E., PTOE.
Manager of Traffic Engineering



Sara A. Merrill
Traffic Engineer

**ENGINEERING REVIEW
FOR PLANNED REZONING OVERLAY**



PLAN REVIEW CENTER REPORT

May 30, 2007

Engineering Review

Haggerty Road Development
SP #07-22

Petitioner

Trowbridge Companies

Review Type

Concept/PRO

Property Characteristics

- Site Location: West side of Haggerty, North of Eight Mile
- Site Size: 0.48 acres
- Date Received: May 1, 2007

Project Summary

- Construction of a 2,500 square foot building and associated parking. Site access would be provided by a single access on Haggerty Road.
- Water service would be provided by a connection to the existing 12-inch water main along the west side of Haggerty Road.
- Sanitary sewer service would be provided by a connection to the existing 10-inch sanitary sewer along the west side of Haggerty Road.
- Storm water would be collected by an on-site storm sewer system and routed to the Orchard Hill Place regional detention basin immediately south of the site.

Comments:

General

1. A full engineering review was not performed due to the limited information provided in this submittal. Further information related to the utilities, easements, etc. will be required to provide a more detailed review. The site plan shall be designed in accordance with the Design and Construction Standards (Chapter 11) and the Storm Water Management Ordinance (Chapter 12-Appendix, Part II).
2. A City Council Waiver will be required for the lack of a secondary access point to the development.
3. Show all driveways on Haggerty Road within 200 feet of the site.

4. Please note that the standard parking stall/sidewalk configuration consists of 19-foot long stall adjacent to a 5-foot wide walk, or a 17-foot long stall adjacent to a 7-foot wide walk. The plan currently shows an 18-foot long stall adjacent to a 6-foot wide walk.

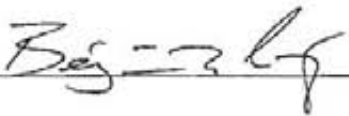
Water Main

5. Provide a note on the utility plans that the utility connections under Haggerty will be performed by means of bore and jack. Haggerty Road will not be permitted to be open cut.

Storm Water Management Plan

6. The regional detention basin to the south of the site must be surveyed to determine the actual extents and the current volume of the basin. City aerials indicate the limits of the basin extend onto this site. It is possible, based on contours, that the basin doesn't extend beyond the property limits. Regardless, grading may be required on the parcel to the south to redefine the banks of the basin. Approval from the neighboring property owner for any off-site grading must be submitted to the Engineering Division.
7. A storm water pretreatment structure will be required prior to discharge into the detention basin. Contact the Engineering Division for further information.
8. Provide information regarding the elimination or rerouting of the existing drainage swale along the Haggerty Road frontage. It is not clear how the roadside drainage and area tributary to the swale will be handled if this property is developed. Additionally, the culvert entering this site from the neighboring property to the east, if still existing, must be addressed.

Please contact Benjamin Croy, PE at (248) 735-5635 with any questions or concerns.



cc: Rob Hayes, City Engineer
Kristen Kapelanski, Planning Department
Tina Glenn, Water & Sewer Dept.

**FIRE REVIEW
FOR PLANNED REZONING OVERLAY**



city of novi
FIRE DEPARTMENT

May 31, 2007

TO: Barbara McBeth, Director of Planning
Planning & Community Development, City of Novi

RE: Haggerty Road Development, Conceptual PRO, SP07-22
Fire Department Review

Dear Ms. McBeth,

Considering the small size and low impact of the proposed building, I do not have an objection to this conceptual plan. The applicant has provided an adequate turn-around for fire apparatus and service vehicles. A fire hydrant will be required to be located within 175' of the building.

Sincerely,

Michael W. Evans
Fire Marshal

cc: file