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CITY of NOVI CITY COUNCIL

Agenda Item
March 22, 2010

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

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Burb}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

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

The subject property is currently zoned OST, Planned Office Service Technology. The applicant originally requested a "straight" rezoning of the parcel to FS, Freeway Service. The Planning Commission recommended approval of the rezoning. When the matter came before the City Council at the February 8, 2010 meeting, the applicant proposed to convert the process to a Planned Rezoning Overlay or PRO. The PRO acts as a zoning map amendment, creating a "floating district" with a conceptual plan attached to the rezoning of the parcel. As part of the PRO, the underlying zoning is changed, in this case to FS as requested by the applicant, and the applicant enters into a PRO Agreement with the City, whereby the City and the applicant agree to any deviations to the applicable ordinances, use restrictions and tentative approval of a conceptual plan for development for the site.

Also 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. After a public hearing, the Planning Commission makes a recommendation to the City Council with regard to the rezoning and PRO Concept Plan and PRO Conditions. After reviewing the proposal, **"...if the City Council determines that it may approve the Rezoning with Planned Rezoning Overlay, the City Council shall specify tentative conditions...and direct the City Attorney to work with the applicant in the development of a proposed PRO Agreement." Section 3401.E.5.** After final approval of the PRO Concept Plan and Agreement by City Council at a subsequent meeting, the applicant would 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, the zoning reverts back and the agreement becomes void.

In this case, at the February 8, 2010 meeting, the City Council accepted the applicant's offer to convert the rezoning request to a PRO request. City Council postponed action on the rezoning request asked staff and the City Attorney's office to work with the applicant on finalizing a concept plan and preparing a PRO Agreement. Following a public hearing and recommendation by the Planning Commission, City Council asked that the rezoning and the PRO Agreement return to the City Council together at the first available meeting.

As indicated, the requested action for the Council is to indicate whether it may approve the rezoning with the PRO, to specify general concurrence with the conditions it wants the PRO Agreement to include, and to direct the City Attorney to work on a PRO Agreement. Because of the time constraints indicated by the applicant, Staff and the City Attorney have met a number of times and have prepared a working draft of a PRO Agreement which lists proposed PRO Conditions and also calls out various ordinance deviations for Council's consideration. ***If the Council determines that it may proceed with the approval, it will need to address whether the conditions in the attached draft document generally reflect those to be provided in the proposed PRO Agreement at a subsequent meeting.***

The attached PRO Agreement documents the following PRO Conditions and ordinance deviations, generally stated:

Under the draft PRO Agreement, the main condition (and public benefit) is the dedication and construction by the applicant of a 60-foot right-of-way for a public collector road (and related easements) connecting Beck Road and Grand River Avenue at access points approved by the City. The portion of the roadway in front of the proposed gas station development is expected and intended to be built first and dedicated, as part of that development. The remainder of the Collector Road will be built when the first parcel adjacent to the proposed road owned by the applicant (or its successor or assigns) is built. Most of the land through which the remainder of the road would be built is owned by the applicant.

There is a conceptual location for the Collector Road. However, the applicant is reluctant to set that location completely in stone until it knows what the development of those adjacent parcels will be—except for the locations of the Beck Road and Grand River access points. To ensure that the rest of the road will be finalized and built when the adjacent parcels are developed, the Agreement provides that (a) the applicant will put a deed to the conceptual location/configuration into escrow (to be released and recorded by the City if efforts to develop the adjacent parcels are made without first providing for the road) and (b) the applicant agrees that there will be no development approvals on any of the adjacent parcels until the road is provided for as required in the Agreement.

Other PRO conditions/benefits include (1) an access easement to the MDOT right-of-way to the north, so that the City can access its sanitary sewer there; (2) some improvements to the MDOT storm water basin that provide minor benefit to the area as a whole. The Agreement also indicates that, while left turns in and out of the site are permitted with the gas station development, they may be prohibited with future development.

Issues for further City Council Discussion

Over the last couple of weeks, a couple of items were discussed of interest to this agreement, and are now brought to the attention of the City Council for further direction:

- Possible outside time constraint on when the collector road must be built is not included in the draft Agreement. Staff proposed either a two-year or five-year outside limit on the timing of the collector road construction after the gas station is built, but this provision was not acceptable to the applicant due to anticipated economic conditions over the near term. Instead, the draft PRO Agreement leaves the timing of the remainder of the collector road construction to when the first parcel adjacent to the proposed road owned by the applicant (or its successor or assigns) is built.
- The attached Agreement indicates that the current draft of the Master Plan contemplates the establishment of a "Retail Overlay" District and corresponding regulations for properties in this area. The draft Agreement further provides that if within eighteen months, a Zoning Ordinance amendment establishing a "Retail Overlay" District and regulations allowing for certain limited retail uses is not approved, then the Developers shall be relieved of the obligation to construct the Collector Road, but shall not be relieved of the obligations to convey the Collector Road Right-of-Way. City Council may wish to discuss this provision.

Ordinance Deviations Requested

Included with the proposed PRO Concept Plan, the applicant is seeking positive consideration of several Zoning Ordinance deviations as listed in the Planning Review. The Zoning Ordinance permits deviations from the Ordinance provided that the City Council finds 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.”*

The following ordinance deviations are all things that the applicant receives as a benefit of proceeding with the PRO process. Normally, waivers or variances of the ordinance standards are addressed through Planning Commission and/or Zoning Board of Appeals consideration. The PRO process allows the variances at the beginning of the process, essentially “guaranteeing” the approval, recognizing in the PRO Agreement the public benefit (primarily the public road in this case) being completed by the applicant. The following deviations are requested by the applicant:

1. Parking Setbacks: Required front yard parking setback of 20 feet. The front yard parking setback is proposed to be 10 feet. Required exterior side yard parking setback of 20 feet. The exterior side yard parking setback is proposed to be 5 feet. Required interior side yard parking setback of 10 feet. The interior side yard parking setback is proposed to be 5 feet.
2. Dumpster Setback: Required dumpster setback of 10 feet. The dumpster setback is proposed to be 5 feet.
3. Landscape Waivers: A 3 foot high landscaped berm is required along the Beck Road frontage, I-96 frontage and access road frontage. No berm is proposed along these frontages. The Planning Commission recommended the applicant install additional plantings in the right-of-way along the Beck Road and I-96 frontage. The applicant is proposing a three foot wall along the access road frontage. Required interior parking lot landscaping of 2,687 square feet (proposed is 2,356 square feet). Required foundation planting area of 2,768 square feet (proposed is 1,286 square feet). Required building foundation landscaping is required on the south side of the building, but none is proposed on that side of the building.
4. End Island: Raised, landscaped end islands are required. The end island at the northwest corner of the site is proposed to be striped, but not as a raised, landscaped island..
5. Driveway Spacing: Same-side driveway spacing of 125 feet. The proposed access drives on the access road are proposed to be 90 feet and 61 feet from the closest same-side driveways.
6. Signage: The applicant is proposing one ground sign, two canopy signs and three wall signs (two on the west elevation and one on the north elevation).

	Ordinance allows	Proposed	Notes
Ground Sign	30 square feet 6 feet in height	~ 30 square feet 9 feet in height	<u>Only one Ground sign OR wall sign permitted for gas station</u>
Wall Sign – west	65 square feet	One wall sign for gas station	<u>Size has not been provided. Only one wall sign permitted for Tim Horton’s.</u>
Wall Sign – west	65 square feet	One wall sign for Tim Horton’s	<u>Size has not been provided. Only one wall sign permitted for Tim Horton’s.</u>
Wall Sign – north	One wall sign facing expressway	One wall sign proposed	<u>Size has not been provided</u>
Canopy Sign	Not permitted	Two Canopy signs proposed	<u>Not Permitted</u>

Staff asks that the applicant provide the missing details regarding size of signage. Staff recommends that the ground sign be brought into compliance with ordinance standards, one wall sign be omitted, and the canopy signs be omitted, consistent with ordinance standards.

7. Gas Station Canopy: The applicant has indicated that the brick or stone columns required on the gas station canopy will interfere with site design and circulation and is seeking a deviation

from the ordinance standards (minimum 30 percent brick or stone required, 11-13 percent stone provided). Staff does not recommend this deviation at this time, and suggest that this consideration can be further discussed before the final approval of the Concept Plan and/or resolved a time of Preliminary Site Plan. A good example of a gas station canopy in conformance with the ordinance standards is the Sunoco station on the south side of Grand River, west of Novi Road.

Pending Revisions to the PRO Concept Plan

As part of their recommendation for approval, the Planning Commission has recommended the applicant make the following revisions to their Concept Plan in conformance with the Zoning Ordinance.

1. Applicant shall provide additional loading zone screening along the northern, southern and eastern property lines. *Additional landscaping has now been shown on the eastern property line.*
2. Applicant shall provide air dispensing facilities. *Air dispensing facilities are now shown on the Concept Plan.*
3. Applicant shall shift the southerly connection of the proposed road as indicated in the Traffic Review Letter. *Exact road location will be further discussed during final road design.*
4. Applicant shall redesign the proposed metal on the gas station canopy to an EIFS material to be in conformance with the Façade Chart. *Additional detail will need to be provided on the Preliminary Site Plan.*
5. Applicant shall provide additional vegetation along the eastern property line to screen the loading zone. *Additional vegetation is now shown along the eastern property line with the landbanking of parking spaces.*

RECOMMENDED COUNCIL ACTION:

Tentative indication, under Section 3402.E.5, that Council may approve the Rezoning with Planned Rezoning Overlay and provide direction to the City Attorney to work with the applicant toward the development of a proposed PRO Agreement generally consistent with the conditions set forth in the draft PRO Agreement dated 3/19/10 for consideration by the City Council at its April 5, 2010 meeting, and subject to the following conditions:

1. Temporary cul-de-sac as referred to in Paragraph D shall be provided on Exhibit D.
2. Sign details to be provided, including proposed sizes.
3. Additional detail regarding the landscaping requested by the Planning Commission for the north and south property line.
4. Clarification on the proposed gas station canopy materials.
5. Applicant to provide Exhibits A through C of the PRO Agreement.
6. Further consideration of the City Council's comments on the terms of the draft PRO Agreement, (reference page 2 and 3 of the motion sheet) including:
 - a. Possible outside time constraint on the construction collector road, which is currently not included in the draft PRO Agreement.
 - b. Connecting the obligation for the applicant to construct the Collector Road to the acceptance of the Retail Overlay provisions being adopted within 18 months, as included in the draft PRO Agreement.
 - c. Proposed signage package for the development for one ground sign, three wall signs and two canopy signs, as described.
7. Applicant shall comply with all of the conditions and items noted in the staff and consultant review letters, and additional minor modifications to the submitted Concept Plans.

This motion is made for the following reasons:

- Subject to an acceptable PRO Agreement, the approval may accomplish, among other things, the integration of the proposed land development project with the characteristics of the project area, and may 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.

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

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

PLANNING CONCEPT PLAN REVIEW



PLAN REVIEW CENTER REPORT
March 2, 2010
Planning Review of Concept Plan
46100 Grand River
SP10-11 with Zoning Map Amendment
18.694

Petitioner

Novi Mile LLC

Review Type

Concept plan review in conjunction with rezoning request from OST (Office Service Technology) to FS (Freeway Service)

Property Characteristics

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

Project Summary

The petitioner previously requested the rezoning of a 1.81 acre parcel of property on the east side of Beck Road between I-96 and Grand River Avenue in Section 16 of the City of Novi. The proposed rezoned area would be split off from a larger parcel totaling 4.3 acres. The subject property is currently zoned OST, Office Service Technology. The applicant has requested a rezoning of the parcel to FS, Freeway Service. The rezoning and subsequent PRO concept plan submittal is being proposed to facilitate the development of a 6,820 square foot gas station with an attached fast food drive-through restaurant on the site. The site is currently developed with a former nursery, which is no longer in use.

The proposed rezoning (Rezoning 18.694) is reviewed in the accompanying review letter. Rezoning 18.694 appeared before the Planning Commission on January 27, 2010 where the Planning Commission made a positive recommendation for the straight rezoning with the following motion:



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

The proposed rezoning appeared before the City Council on February 8, 2010. At the meeting the applicant indicated he would be willing to submit a concept plan and enter into a Planned Rezoning Overlay Agreement with the City. The Council then directed the applicant to work with staff to meet the requirements of the PRO Ordinance with the following motion:

"To postpone action on the rezoning request to allow time to submit a revised application with a PRO primarily because it was contrary to the recommendations of the current Master Plan; because of the size and influence of the freeway they needed to provide access to and from the parcel in an appropriate location; look at mutually beneficial conditions that could be included in the PRO; and in light of the application that had already been made, there would be no other fee, unless to pay consultants, and it would be considered that they were converting to a PRO process."

Following is a review of the proposed concept plan. Please see the Planning Review Letter for Rezoning 18.694 for a review of the proposed rezoning.

Recommendation

While the submittal of a Planned Rezoning Overlay Concept Plan and further discussions with the applicant have addressed some of staff's initial concerns about the rezoning request, staff continues to recommend the applicant postpone their proposal until the Master for Land Use update, which specifically addresses the future use of the subject property, is completed.

If the applicant chooses to move forward prior to the completion of the Master for Land Use update, staff would recommend denial of the proposed Zoning Map Amendment, which would rezone the subject property from OST, Office Service Technology to FS, Freeway Service with a Planned Rezoning Overlay. Denial is recommended for the following reasons.

- The proposed rezoning to FS, Freeway Service would be contrary to the recommendations of the current Master Plan for Land Use, which recommends office uses for the property.
- The proposed rezoning would be contrary to an Implementation Strategy listed in the Master Plan, which states: *Limit commercial uses to current locations, current zoning, or areas identified for commercial zoning in the Master Plan for Land Use.*
- The existing OST zoning is consistent with the existing future land uses planned for the area.

The City of Novi is currently in the process of updating portions of the Master Plan for Land Use, including a study area encompassing the subject property. As noted later in this review letter, the recommendations of the Master Plan and Zoning Committee are being finalized and are likely to include the creation of a "Retail Service Overlay" provision for the subject property and surrounding properties. This new designation could not be utilized for development until district regulations were established via the approval of a proposed text amendment.

If approved by the City Council, the utilization of the PRO option allows this site to be rezoned to the FS District (where a gas station and fast food restaurant are permitted) while also providing

the City with some assurance of what will be developed in that location and holding the applicant to an approved concept plan. In addition, the applicant has proposed, as part of their public benefit, the development of a road that will run through the future "Retail Service Overlay" area connecting Beck Road and Grand River Avenue. The creation of this road is expected to be a significant part of the proposed "Retail Service Overlay" area as outlined in the recommended Master Plan for Land Use updates. The road is proposed to be constructed in full with the next plan submittal in this area.

Planning Commission Options

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

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

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 has been reviewed along with a letter describing the proposed use and suggesting items that could be included as public benefits. The following are items stated by the applicant to be included as part of the proposed public benefit.

- A master planned ring road with the first 220 linear feet to be constructed along with the proposed development and the remainder to be constructed at a later date. (Details of the timing of the installation of the road and responsibility need to be addressed in the PRO Agreement.)
- Access easement to City sanitary force main and MDOT pond.
- Future Beck Road access improvements. (**The applicant should provide clarification and further information about improvements planned for Beck Road.** Staff did not identify any proposed Beck Road improvements as part of the concept plan or conceptual road layout.)

Ordinance Deviations – Planned Rezoning Overlay

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. The applicant should include a list of ordinance deviations as part of the proposed PRO agreement. The proposed PRO agreement will be considered by City Council after tentative preliminary approval of the proposed concept plan and rezoning.

1. Parking Setbacks: Section 2400 lists the parking setbacks required for each district. Parking in the FS District is required to be setback 20 feet in the front yard and exterior side yard and 10 feet in the interior side yard. Parking is setback 10 feet on the front yard (western) and 5 feet on the exterior side yard (southern). Parking is setback 5 feet on the interior side yard (northern). **Due to the proposed size of the site, the applicant cannot meet the required parking setbacks and the City Council should act on this deviation.**
2. Loading Space Screening: Section 2302A.1 requires loading areas be shielded from rights-of-way and adjacent properties. The western side of the loading zone is screened by the proposed building but no screening is provided on the northern, southern and eastern sides. **The applicant should provide additional screening of the loading area on the northern, eastern and southern sides.**
3. Dumpster Location: Section 2503 lists the requirements for dumpsters and dumpster enclosures including the stipulation they must be setback equal to the parking setback, in this case 10 feet from the northern property line. The proposed dumpster and dumpster enclosure are setback 5 feet from the northern property line. **Due to the proposed size of the site, the applicant cannot meet the required dumpster setback and the City Council should act on this deviation.**
4. Air Dispensing Facilities: Section 15 of the City Code requires all gas stations to provide tire pressure/air dispensing facilities. No such facilities have been provided. **The applicant should provide air dispensing facilities.**
5. Ground Sign: The maximum permitted area of the proposed ground sign is 30 square feet and the maximum permitted height is 6 feet. The applicant has proposed an approximately 66.6 square foot ground sign with a maximum height of 11 feet 6 inches. **The applicant should reduce the area and height of the proposed ground sign to meet ordinance standards.**
6. Wall Sign: No building or parcel of land is permitted to have more than one sign. Two wall signs are proposed for the gas station and one wall sign is proposed for the fast food use. If the ground sign lists the two business uses, no wall signs are permitted. **The applicant should eliminate the proposed wall signs.**
7. Canopy Signs: No signs shall be placed on any canopy other than a sign showing the height of the canopy. Two canopy signs are proposed. **The applicant should eliminate the proposed canopy signs.**

8. Landscape Waivers: Please see the landscape review letter for additional information regarding landscape deficiencies and required waivers. **The applicant should provide the required landscaping as outlined in the Landscape Review Letter.**

Items for Further Review and Discussion

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

1. Number of Parking Spaces: Section 2505 of the Zoning Ordinance requires fast food restaurants to have one parking space for each 60 square feet or one parking space for each two employees plus one parking space for each two employees plus one space for each two persons allowed under maximum capacity, including waiting areas, whichever is greater. The applicant has not provided a floor plan for the proposed fast food restaurant. Parking calculations cannot be finalized until a floor plan is provided. The applicant should be aware that if additional parking is needed based on the eventual floor plan, revisions to the PRO Agreement may be required.
2. Sidewalks: The on-going Master Plan update will include recommendations for a required sidewalk along Beck Road across the frontage of the site. This provision is not currently included in the Bicycle and Pedestrian Master Plan. However, the applicant should consider providing a sidewalk or pathway along Beck Road as part of the proposed plan or agreeing to provide sidewalk once pedestrian facilities are provided along the Beck Road bridge.
3. Façade: The Façade Review Letter indicates a Section 9 façade waiver is required for the current canopy design. The Façade Consultant has recommended the applicant consider redesigning the canopy to be more in compliance with the façade chart. **The applicant should review the attached Façade Review Letter and determine whether they would like to alter the proposed canopy or request a Section 9 façade waiver be included in the PRO Agreement.**
4. Conceptual Road Layout: The City's Traffic Consultant has reviewed the proposed road layout and recommended a minor modification to the southerly connection. **The applicant should review the attached Traffic Review Letter of the conceptual road layout and indicate whether they will shift the southerly connection as recommended in the review letter.**
5. Future Road Improvement Schedule: The applicant has indicated in their response letter (dated February 24, 2010) that the future road connection to Grand River Avenue will be made once the next parcel is developed by Novi Mile LLC. **Staff recommends that this proposed condition be slightly altered to read the road connection will be made when the next development that would abut the proposed public road is developed.**
6. Underground Storage Tank: The conceptual plan shows the underground storage tank located beneath proposed parking spaces on the northern property line. **The applicant should**

provide additional information on how a gasoline tanker will fill the underground tank if cars are parked in the proposed spaces.

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:

1. *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.*
2. *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.*

Public Benefit Under PRO Ordinance

At this time, the applicant has identified items of public benefit in the Project Description/PRO Review letter submitted as part of their application materials. 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:

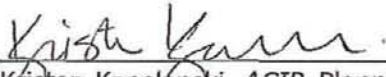
- Master planned ring road with 220 linear feet to be constructed with this development. (Please see the traffic review letter for additional information on the proposed location of the road. Please see the wetland review letter for additional information on natural features in the area of the proposed road.)
- Access easement to City sanitary force main and MDOT pond.
- Storm water improvements to treat public ROW drainage as well as provide treatment via sedimentation basin.
- Public utility improvements including a water main loop for flow and redundancy.
- Future Beck Road access improvements. **(The applicant should provide clarification and further information about improvements planned for Beck Road.** Staff did not identify any proposed Beck Road improvements as part of the concept plan or conceptual road layout.)

Infrastructure Concerns

See the Engineering review letter for specific discussion of water and sewer capacities in the area serving the subject property. The Engineering review indicates there will be an impact on utility demands as a result of the proposed rezoning and notes specific concerns related to the concept plan and items to be addressed at the time of the Preliminary Site Plan submittal. The applicant has submitted and the City's Traffic Consultant has reviewed the required traffic study. Overall, the study's content and methodology are acceptable. However, the City's Traffic Consultant does have substantial concerns regarding access specifically related to safely accommodating traffic turning into and out of the future development. The Traffic Review recommends left turns be prohibited once the proposed road connection to Grand River Avenue has been established. Additional items to be addressed on the Preliminary Site Plan submittal are also noted. Please see the traffic review letter for additional information. The Fire Marshal completed a review of the concept plan and noted that fire hydrants should be shown on the Preliminary Site Plan with 300' maximum spacing and no portion of the building more than 300' from a fire hydrant.

Natural Features

Per the City's Environmental Consultant, there are no regulated woodlands or wetlands on the gas station/fast food site. The proposed road layout does not appear to have a significant impact on existing regulated natural features. Impacts to natural features will be reviewed and discussed during the site plan review for the proposed road.



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

Planning Review Summary Chart

USA 2 Go

Rezoning 18.694 with PRO – SP10-11

Plan Date: February 24, 2010

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Office	Community Commercial	No	The future land use map designation for the subject property is currently under review as part of the 2009 Master Plan Update presently underway. At this point in the process, staff and the Master Plan and Zoning Committee are formulating future land use alternatives for this area. Staff recommends the applicant postpone their petition until the Master Plan Updates are adopted in mid 2010.
Zoning	FS (proposed)	FS (proposed)	Yes	
Use	Gas stations, Auto repair, Retail to serve the needs of highway travelers, Motels, Hotels	Tim Horton's Drive-through restaurant and USA 2 Go Gas Station with Convenience Mart	Yes	
Building Height (Sec. 2400)	Maximum 25 feet	Approximately 23 feet	Yes	
Building Setbacks (Section 2400)				
Front (west)	30 feet	> 30 feet	Yes	
Interior Side (north)	10 feet	> 30 feet	Yes	
Exterior Side (south)	30 feet	> 30 feet	Yes	
Rear (east)	20 feet	> 30 feet	Yes	
Parking Setbacks (Section 2400)				
Front (west)	20 feet	10 feet	No	Due to the proposed size of the site the
Interior Side (north)	10 feet	5 feet	No	

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Side (south – assuming the private drive becomes a private road)	20 feet	5 feet	No	applicant cannot meet the required parking setbacks and the City Council should act on this deviation.
Rear (east)	10 feet	10 feet	Yes	
Number of Parking Spaces (Sec. 2505)	<p>Fast Food: One for each 60 sq. ft. or one for each two employees plus one for each two persons allowed under maximum capacity (including waiting areas), whichever is greater</p> <p>1,802 sq. ft. / 60 = 30 spaces required</p> <p>30 spaces required for fast food</p> <p>Gas Station: One fueling space for each fuel nozzle. One space for each 50 sq. ft. of usable floor area in cashier's and office areas.</p> <p>186 sq. ft. / 50 = 4 spaces required</p> <p>Retail Space: One space for each 200 sq. ft. of gross leasable area.</p> <p>4,832 sq. ft. / 200 = 24 spaces required</p> <p>28 spaces required for gas station/ convenience mart</p> <p>58 spaces required for both uses</p>	<p>58 spaces provided</p> <p>16 fueling spaces proposed</p>	<p>Yes?</p>	<p>Applicant should be aware that parking calculations for Tim Horton's cannot be finalized until a floor plan is provided. If additional parking is needed based on the eventual floor plan, revisions to the PRO agreement may be required.</p>

Item	Required	Proposed	Meets Requirements?	Comments
Parking Space Dimensions (Sec. 2506)	<p>9' x 19' parking space dimensions (9' x 17' if overhang on 7' wide interior sidewalk or landscaped area as long as detail indicates 4" curb) and 24' wide drives for 90° parking layout.</p> <p>9' x 18' parking space dimensions and 18' wide drives for 60° parking layout.</p>	<p>9' x 17' parking space dimensions with 24' wide drive for 90° parking layout.</p> <p>9' x 18' parking space dimensions and 18' wide drives for 60° parking layout.</p>	Yes	Applicant should indicate 4" curb where 17' spaces are shown.
Barrier Free Spaces (Barrier Free Code)	2 accessible spaces; 1 space must be van accessible	3 accessible spaces (2 van accessible)	Yes	
Barrier Free Space Dimensions (Barrier Free Code)	8' wide with a 5' wide access aisle (8' wide access aisle for van accessible)	8' wide with a 5' wide access aisle and 8' wide with a 8' wide access aisle	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space.	One barrier free sign provided for each space.	Yes	
Loading Spaces (Sec. 2507)	<p>10 square feet per front foot of building = 102 x 10 = 1,020 sq. ft.</p> <p>All loading shall be in the rear yard or interior side yard if double fronted lot.</p>	1,020 sq. ft. provided in the rear yard.	Yes	The conceptual plan shows the underground storage tank located beneath proposed parking spaces on the northern property line. The applicant should provide additional information on how a gasoline tanker will fill the underground tank if cars are parked in the proposed spaces.
Loading Space Screening (Sec. 2302A.1)	In the FS District, view of loading and waiting areas must be shielded from rights of way and adjacent properties.	Western side screened by proposed building, no additional screening provided.	No	Applicant should provide additional screening of the loading area on the northern, eastern and southern sides.

Item	Required	Proposed	Meets Requirements?	Comments
Stacking Spaces for Drive-through (Sec. 2506)	The distance between the order board and the pick-up window shall store 4 vehicles, and 4 vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).	4 vehicles stored between the menu board and the pick-up window (not including the vehicle at the pick-up window) and 4 vehicles stored in advance of the menu board (not including the vehicle at the menu board).	Yes	
Drive-through Lane Delineated (Sec. 2506)	Drive-through lanes shall be striped, marked, or otherwise delineated.	Some markings provided.	Yes	<u>Applicant should provide detailed pavement markings and signage at the time of Preliminary Site Plan to clearly delineate the drive-through lane.</u>
Bypass Lane for Drive-through (Sec. 2506)	Drive-through facilities shall provide 1 bypass lane. Such bypass lane shall be a minimum of 18' in width, unless otherwise determined by the Fire Marshal.	1 bypass lane with a minimum width of 18'.	Yes	
Width and Centerline Radius of Drive-through Lanes (Sec. 2506)	Drive-through lanes shall have a minimum 9' width and centerline radius of 25'.	9' width. 25' centerline radius provided.	Yes	
Drive-through Lanes Separation (Sec. 2506)	Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, and egress from, the property.	Drive-through lanes are situated on the rear side (east) of the proposed structure wrapping around the interior (north) side of the building.	Yes	
Accessory Structure Setback-Dumpster (Sec. 2503)	Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear yard or interior side yard if a double-fronted lot.	Dumpster enclosure setback 30+ feet from the proposed building and setback 5 feet from adjacent property line in the interior yard.	No	Due to the proposed size of the site the applicant cannot meet the required dumpster setback and the City Council should act on this deviation.

Item	Required	Proposed	Meets Requirements?	Comments
Dumpster (Chap. 21, Sec. 21-145)	Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.	Dumpster enclosure details not provided at this time.	No	<u>The applicant should provide dumpster enclosure details at the time of Preliminary Site Plan.</u>

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Signs – Ground Sign (Chapter 28)	Gas Station: Maximum area 30 sq. ft. with fuel pricing not more than 50% of the sign	66.6 sq. ft. ground sign (approximate) with no gasoline pricing area shown.	No	Applicant should redesign the proposed ground sign to meet the required maximum size. Applicant should be advised that if the gasoline pricing area occupies more than 50% of the ground sign, the PRO Agreement may need to be revised.
	Maximum allowed height of ground sign is 6 feet	11 foot 6 inch ground sign	No	Applicant should redesign the proposed ground sign to meet the required maximum height.
	Changeable copy ground signs are permitted for places of worship, movie theaters and similar entertainment venues, restaurants and recreational facilities at which events change on a regular basis and for gasoline service station fuel pricing.	Two of four panels listed as "digital tenant sign"	Yes?	Changeable copy signs permitted for restaurant and gasoline fuel pricing only.

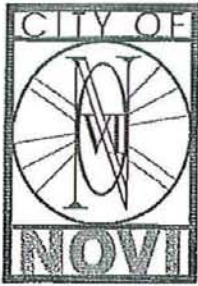
Item	Required	Proposed	Meets Requirements?	Comments
Exterior Signs – Wall Sign (Chapter 28)	No building or parcel of land is permitted to have more than one sign.	Two wall signs proposed for gas station and one wall sign for Tim Horton's.	No	<p>The applicant has included a ground sign. If the ground sign lists the two business names (gas station and fast food restaurant), no wall signs are permitted. Applicant should remove the proposed wall signs.</p> <p>A building within the FS District that abuts the I-96 freeway is permitted an additional wall sign oriented toward the freeway. No sign has been proposed for this elevation.</p>
Exterior Signs – Canopy Signs (Chapter 28)	No signs shall be placed on any canopy other than a sign showing the height of the canopy.	Two canopy signs proposed.	No	<p>Applicant should remove the proposed canopy signs.</p>
Exterior Lighting (Sec. 2511)	Photometric plan and exterior lighting details needed at final site plan.	No photometric plan provided.		<p>Photometric plan to be submitted at the time of final site plan submittal. Specific lighting requirements exist in the ordinance for gas station canopies. Please see Section 2511 of the Zoning Ordinance for additional information.</p>
Sidewalks (City Code Sec. 11-276(b))	<p>Building exits must be connected to sidewalk system or parking lot.</p> <p>In addition, since this area is intended to serve the surrounding developments, including the Providence Hospital campus, a sidewalk connection to the area should be provided.</p>	Sidewalk proposed along the new road but no sidewalk provided along Beck Road.	No	<p>The applicant should consider providing a 5' sidewalk along Beck Road (with an easement from MDOT) to connect into the larger sidewalk system and Providence Hospital campus.</p>

Item	Required	Proposed	Meets Requirements?	Comments
Gas Station Requirements (City Code Sec. 15)	Tire pressure/air dispensing facilities are required.	No air facilities provided.	No	<p>Applicant should provide air dispensing facilities.</p> <p><u>Applicant should consult Sec. 15 of the City Code for all regulations relating to gas station operation.</u></p>
PRO Requirements (3402)	Describe each Zoning Ordinance deviation and why if the not granted would prohibit an enhancement of the development that would be in the public interest, and describe how the deviation would be consistent with the City's Master Plan and compatible with the surrounding area.	<p>Applicant has proposed the eventual construction of a public road to extend from Beck Road to Grand River Avenue. The applicant is proposing to construct the 220 linear feet on the southern side of the proposed gas station property along with the development of the gas station site.</p> <p>Letter describing basic concept and deviations provided.</p>	Required materials have been provided.	
	Describe how an enhancement of the project area would be unlikely to be achieved or would not be assured in the absence of the use of a Planned Rezoning Overlay.			

Item	Required	Proposed	Meets Requirements?	Comments
	<p>Describe benefits which would reasonably be <u>expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments</u> thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles.</p>			

Prepared by Kristen Kapelanski, (248) 347-0586 or kkapelanski@cityofnovi.org

PLANNING REZONING REVIEW



PLAN REVIEW CENTER REPORT

January 19, 2010

Planning Review

46100 Grand River

Zoning Map Amendment 18.694

Petitioner

Novi Mile LLC

Review Type

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

Property Characteristics

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

Project Summary

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

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

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



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

Current Status

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

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

Recommendation

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

Denial is recommended for the following reasons.

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

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

Planning Commission Options

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

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

Master Plan for Land Use

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

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

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

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

Master Plan and Zoning Committee

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

Existing Zoning and Land Use

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

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

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

Compatibility with Surrounding Land Use

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

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

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

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

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

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

Comparison of Zoning Districts

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

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

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

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

Infrastructure Concerns

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

Natural Features

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

Development Potential

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

Submittal Requirements

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

Kristen Kapelanski

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

ENGINEERING REVIEW



cityofnovi.org

PLAN REVIEW CENTER REPORT

March 2, 2010

Engineering Review

USA-2-Go

SP #10-11

Petitioner

USA-2-Go

Review Type

Concept Plan/ PRO

Property Characteristics

- Site Location: North side of Eleven Mile Road between Wixom and Beck Roads
- Site Size: 1.81 acres
- Date Received: 2/24/2010

Project Summary

- The applicant is proposing a rezoning overlay of 1.81 acres from OST to FS. The plan consists of constructing a 5,018 sf gas station and attached 1,802 sf Tim Horton's drive-thru restaurant with associated parking. Site access would be provided by two access points on the proposed roadway, which will later extend to Grand River Avenue.
- Water service is available along the west side of Beck Road and would need to be extended to the site.
- Sanitary sewer service is provided by an 8-inch sewer at the northwest corner of the site.
- Storm water would be collected by a single storm sewer collection system and routed to either the MDOT basin north of the site or proposed basin east of the site. All storm water shall detail for the 100-year storm.

Additional Comments (to be addressed prior to the Preliminary Site Plan submittal):

General

1. This review was based on preliminary information provided for Conceptual Plan/PRO review. As such, we have provided some basic comments below to assist in the preparation of a concept/preliminary site plan. Once the information below is provided, we will conduct a more thorough review.
2. Provide a note on the plans that all work shall conform to the current City of Novi standards and specifications.
3. The site plan shall be designed in accordance with the Design and Construction Standards (Chapter 11).
4. Please provide a 20-foot access easement through the site for our Water and Sewer Division to access the sanitary sewer easement north of the site. Also, provide a 15-foot access path from the end of the paved parking area to the property line that can support a 35-ton live load.
5. The Auto-Turn drawings at the bottom of the page show two paths for each truck, one that seems to intersect with the dumpster enclosure. Please give further detail and make corrections if necessary.
6. Provide a traffic control plan for the proposed road work activity on Eleven Mile Road.
7. A right-of-way permit will be required from both the Road Commission for Oakland County and City of Novi.

Utilities

8. The proposed watermain extension into the site shall not exceed 800-feet from the closest looped connection point. If it does, then a looped connection shall be required.

Storm Water Management Plan

9. It is the City's understanding that the applicant is working out an agreement with MDOT to use their basin for storm water detention of the proposed site and if access is not granted at the time of preliminary site plan submission, an alternate detention basin shall be proposed east of the site. An approved detention basin design/agreement is required prior to preliminary site plan approval.
10. Provide a sheet or sheets entitled "Storm Water Management Plan" (SWMP) that complies with the Storm Water Ordinance and Chapter 5 of the new Engineering Design Manual.
11. The SWMP must detail the storm water system design, calculations, details, and maintenance as stated in the ordinance. The SWMP must address the discharge of storm water off-site, and evidence of its adequacy must be provided. This should be done by comparing pre- and post-development discharge rates and volumes. The area being used for this off-site discharge should be delineated and the ultimate location of discharge shown.
12. Access to each storm water facility and outlet standpipe shall be provided for maintenance purposes in accordance with Section 11-123 (c)(8) of the Design and Construction Standards.

Paving & Grading

13. It is the understanding of the Engineering Division that the proposed road connection to Grand River shall be installed with the next development fronting on that road. If that is the case then a temporary turn-around (cul-de-sac) and appurtenant easement shall be required for trucks and other vehicles to turn around the temporary stub road.
14. The City standard sidewalk/pathway location is typically 1-foot inside the right-of-way line as shown on the plan. In this case, since there is an additional 5-foot utility easement, please move the pathway up 1-foot to overlap the proposed right-of-way line of the proposed road. This will leave extra space between the sidewalk and roadway for planting, etc.
15. Since the pathway along Beck Road may not make the most sense to install at this point, consider connecting the pathway segment from Chase Bank to the proposed site for pedestrian traffic.
16. The proposed plan shows a pathway ramp in the Beck Road right-of-way leading to the road. An accepting ramp is required to be constructed on the other side of the proposed roadway.
17. Label the angles for all proposed angled parking spaces on the plan.
18. Please comply to the City end island detail for the plan. This includes ending the end islands 3-feet short of the stall length.
19. The City standard end island is required to be curbed. The current drawing submitted gives the impression the end island on the northwest corner of the site may be painted. In this case a deviation from the zoning ordinance would have to be worked out in the PRO agreement. A 3-inch mountable curb along with painting the end island is strongly encouraged by the Engineering Division.

Off-Site Easements

20. Any off-site easements must be executed prior to final approval of the plans. Drafts shall be submitted at the time of the Preliminary Site Plan submittal.

Please contact Lindon K. Ivezaj at (248) 735-5694 with any questions or concerns.

cc: Brian T. Coburn, P.E., Senior Civil Engineer
Ben Croy, P.E., Civil Engineer
Kristen Kapelanski, Planner

TRAFFIC REVIEW

February 26, 2010

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



SUBJECT: Grand River and Beck Study Area – Revisions Proposed to Conceptual Road Layout

Dear Ms. McBeth:

As you know, Novi Mile, LLC has proposed a revised conceptual PRO to facilitate the construction of a USA 2 Go (Gas Mart) – Tim Horton's retail establishment on the east side of Beck north of Grand River. The development plan includes the upgrading and easterly extension of the private road abutting the site (to the existing concrete plant). The alignment of this road would generally comply with the latest concept plan considered by the Master Plan and Zoning Committee (see attached), and its width (east of a flaring near Beck) would be 36 ft (back-to-back), the City standard for a non-residential collector.

We have recommended to the Planning Commission that the Novi Mile plan be approved, subject (in part) to (1) any curves on this collector being sized to provide a 35-mph design speed (to accommodate a potential 30-mph speed limit), and (2) the curbs being vertical (or "straight-faced"), to allow the road's possible future striping into one through lane in each direction and a two-way left-turn lane.

To better accommodate later phases of development contemplated by Novi Mile, LLC, the conceptual PRO now under review proposes that the first north-south connection east of Beck between the east-west collector and Grand River be located somewhat further east than shown in the City's latest concept plan. As can be seen on our attached mark-up of the latter, the connection now proposed would generally connect the frontage of the existing concrete plant (backing up to I-96) to a point directly across Grand River from an existing industrial driveway.

We support the new connector location proposed, and recommend that this change be made to the Master Plan and Zoning Committee's conceptual road plan. Furthermore, to provide a more-than-minimum opposite-side driveway spacing between the northerly connection and a corresponding north-south connection south of Grand River, we recommend that the southerly connection be shifted west one lot line, as shown on the attached mark-up.

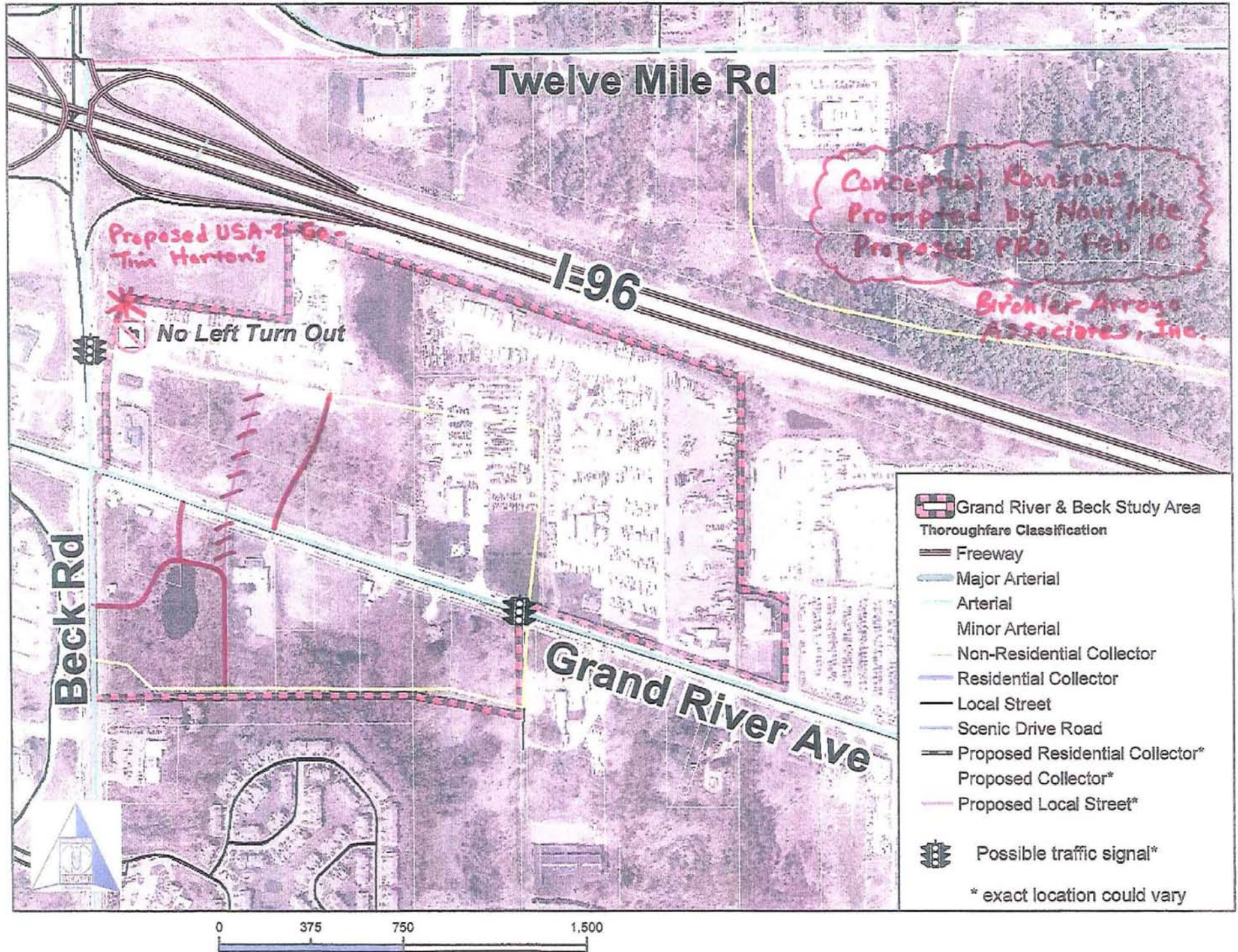
Feel free to contact us if there are any questions regarding the above discussion.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.

Rodney L. Arroyo, AICP
Vice President

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

GRAND RIVER AVE. and BECK RD. STUDY AREA TRANSPORTATION PLAN



February 26, 2010

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



**SUBJECT: USA 2 Go - Tim Horton's Restaurant / Revised PRO (Conceptual),
SP#10-11 and Rezoning 18.694, Traffic Review**

Dear Ms. McBeth:

At your request, we have reviewed the above and offer the following recommendation and supporting comments.

Recommendation

We recommend approval, subject to the issues shown below in **bold** being satisfactorily addressed on subsequent plans.

Project Description

What is the applicant proposing?

1. The applicant, Novi Mile, LLC, proposes the rezoning of a 1.81-acre parcel, from Office Service Technology (OST) to PRO-FS (Freeway Service), to accommodate construction of a 16-fueling-position gas station, large (4,832-s.f.) convenience store, and 1,802-s.f. fast-food restaurant with drive-through lane.
2. The subject site is on the east side of Beck Road north of Grand River Avenue (see first two attachments to this letter). Access would be provided via two curb cuts on an existing private road serving a concrete plant, a small industrial building, and (via a relatively new frontage road) a bank on the northeast corner of Beck and Grand River. This abutting east-west road is the westernmost part of a future non-residential collector to serve all or most properties along the north side of Grand River between Beck and the Rock Financial Showplace (see third attachment).

Trip Generation

How much traffic would the proposed development generate?

3. The table on the next page summarizes the trip generation forecasts presented in the applicant's traffic impact study. We have reviewed these forecasts and found them acceptable.

Trip Generation Forecasts

Land Use	ITE Use	Size / Trip Type	Weekday Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
				In	Out	Total	In	Out	Total
General Office (Existing Zoning)	710	11,300 s.f.	248	29	4	33	15	76	91 ²
Gas Station with Convenience Store	945	1/6 Fueling Positions	2,604	81	82	163	107	107	214
		Internal Capture	Unk.	Unk.	Unk.	Unk.	6	7	13
		Pass-By & Diverted	Unk.	50	51	101	57	56	113
Fast-Food Restaurant with Drive-Through	934	1,832 s.f.	909	46	44	90	32	30	62
		Internal Capture	Unk.	Unk.	Unk.	Unk.	7	6	13
		Pass-By & Diverted	Unk.	23	22	45	14	13	27
Total Site with PRO		Driveway Trips	3,513	127	126	253	139	137	276
		Internal Capture	Unk.	Unk.	Unk.	Unk.	13	13	26
		Pass-By & Diverted	Unk.	73	73	146	71	69	140
		New ³	3,513	54	53	107	55	55	110

- ¹ The numbers in the shaded rows are total one-way driveway trips. Internal capture trips are walking or driving trips between the gas pumps and restaurant. Pass-by trips are driveway trips already passing the site on Beck on their way to primary destinations elsewhere. Diverted link trips are driveway trips already passing through the area on I-96 or Grand River that will divert onto and off of Beck to access the site.
- ² The ITE regression equation for this hour contains a large constant (i.e., mathematically, the number of trips for a zero use size), which is responsible for 79 of the 91 trips predicted. Under such circumstances, ITE's *Trip Generation Handbook* recommends use of the average rate (per 1,000 s.f.) rather than the equation; however, the average rate in this case predicts only 17 trips, or a value unrealistically low relative to the forecasted number of AM peak-hour trips. Based on the relative difference between the PM and AM average rates, we believe that the hypothetical office space would likely generate about 32 trips in the PM peak hour (or significantly less than the 91 trips predicted in the applicant's study).
- ³ For this calculation, "Unk." values above are assumed to be zero.

Traffic Study

Was a study submitted and was it acceptable?

4. We have reviewed the applicant's traffic impact study, prepared by Bergmann Associates and dated 2-24-10, and found it acceptable. Highlights are as follows:
 - a. As can be seen in the table above, the proposed retail development would generate over 10 times as many daily one-way driveway trips as would the office development assumed under existing zoning. Differences during the AM and PM peak hours would be less, since much of the daily retail traffic occurs during normal "off-peak" hours.

- b. Current peak-hour volumes at Beck and Grand River, assumed not to change prior to completion of the proposed development in its hypothetical absence, were apparently (and appropriately) counted on a day with significant activity at the nearby Rock Financial Showplace.
- c. The study has reasonably assumed that newly generated trips would be distributed with 35% to/from either direction on Beck, 20% to/from the east on Grand River, and 10% to/from the west on Grand River. Pass-by trips would consist of 26-28% from either direction on Beck, and diverted trips would consist of 10-17% from I-96 and 6-13% from Grand River.
- d. Combining the trip generation and trip distribution predictions, the number of site trips exiting westbound from the collector road onto Beck would consist of 67 left turns and 59 right turns during the AM peak hour, and 67 left turns and 57 right turns during the PM peak hour. These volumes would join the 0 (zero) left and right turns in the current AM peak hour and the 1 left plus 6 right turns in the current PM peak hour (Figure 2 in the report misrepresents current collector volumes).
- e. Analysis with *Synchro / HCM* found that the addition of site-generated traffic at Beck and Grand River would not change the overall level of service (D in both peak hours). The levels of service for all individual movements would also remain unchanged, with the exception of eastbound Grand River in the PM peak, which would drop from D to E only because the current level is very close (within 1 sec of average delay) of E.
- f. A *SimTraffic* simulation found that southbound traffic on Beck would rarely back up past the collector road providing access to the subject site. The simulation also found that the left-turn pocket serving approaching left turns into the collector would have more-than-adequate storage space to accommodate the forecasted entering volumes.
- g. The *Synchro / HCM* simulation, however, has predicted very long left-turn delays exiting the collector onto Beck at build-out of the USA 2 Go – Tim Horton's. These delays would average some 171 sec in the AM peak hour and 314 sec in the PM peak hour (both well beyond the 50-sec threshold for level of service F). *SimTraffic* has predicted that westbound backups on the collector during the busiest 5% of the peak hour would reach 126 ft in the AM and 170 ft in the PM. It can be expected that the site's western driveway would be blocked by standing traffic a significant portion of either peak hour, and that the backups would extend to or slightly beyond the eastern driveway at the busiest times.
- h. Given the above results, it is likely that customers will start accepting shorter gaps in Beck Road traffic in which to exit to the left. On rare occasion one of those customers may find him or herself stranded in the median opening and interfering with inbound traffic. It is also possible that alternative routes to Grand River or Beck south of Grand River will be sought. Providing a direct connection between the collector road and Grand River would address this desire. At such time that connection is actually provided, the applicant (as well as other users of the existing private road) should be advised that the City will likely prohibit left turns onto Beck.

Vehicular Access Locations

Do the proposed driveway locations meet City spacing standards?

5. The applicant has indicated that the two proposed site access drives are 61 ft apart (near-back-of-curb to near-back-up-curb), and the western drive is (according to the applicant's engineer) some 90 ft east of the near curb on Beck Road. Given the City's plans to have the applicant rebuild the existing private road to City collector standards, we recommend that it be assumed that the future speed limit will be 30 mph (pending speed studies once the road has been extended well east of Beck). The Design and Construction Standards require a minimum same-side driveway spacing for that speed of 125 ft (DCS Sec 11-216(d)(1)d). **For practical reasons, we support the two required Planning Commission waivers of the City's minimum same-side driveway spacing.**
6. The City's standard for minimum opposite-side driveway spacing does not apply to a non-arterial road.

Vehicular Access Improvements

Will there be any improvements to the abutting road(s) at the proposed driveway(s)?

7. The plans now note the road abutting the site on the south as a "proposed private or public road." **We recommend that this note be changed to read "proposed public collector road," and that the "existing ingress & egress easement" be relabeled a proposed "60-ft right-of-way."** The inclusion of 5-ft wide utility easements beyond that 60-ft right-of-way are consistent with the DCS (Table VIII-A) for a non-residential collector, and they should be retained as proposed.
8. **To facilitate the future striping of the proposed collector as a three-lane street (as was done in 2009 on Cabot and Lewis Drives), the plans should clearly indicate that the curbing along the road will be vertical (aka straight-faced).**
9. When the new road abutting the site is extended further east, the assumed design speed should be 35 mph (per typical practice, 5 mph over the assumed speed limit). *A Policy on Geometric Design of Highways and Streets* (AASHTO, 2004) indicates that the minimum centerline radius for a road with that design speed but without superelevation (i.e., without "banking") should be 510 ft. According to the applicant's engineer, the horizontal curve either side of the future connection to Grand River is now drawn with a local-road radius of 230 ft. **The road extension to and just beyond the Grand River connection should be redesigned to provide centerline radii no smaller than 510 ft.**
10. The first road connection to Grand River east of Beck could be considered a local road once the east-west collector is extended further east and provided a signalized connection to Grand River (per the draft Master Plan Amendment; see third attached aerial photo). However, given that there is presently no guarantee that that latter connection will actually be built, we consider it advisable to design the westerly north-south connection as a collector as well. The applicant's plan for this latter connection appropriately shows a 60-ft wide right-of-way, 5-ft wide utility easements, and a 36-ft wide road section. **To facilitate future striping into three lanes, vertical curbing should be proposed.**

Driveway Design and Control

Are the driveways acceptably designed and signed?

11. All curb radii, including the driveway returns, should be dimensioned on future plans to facilitate a proper review.

Pedestrian Access

Are pedestrians safely and reasonably accommodated?

12. No sidewalk is proposed along the site's Beck Road frontage. Since the new single-point interchange was apparently not designed to accommodate pedestrians, and since there is a storm water basin close to the road between the interchange and the site, the exclusion of a sidewalk along the site's Beck road frontage is reasonable.
13. A 5-ft wide sidewalk is proposed along the site frontage on the future collector, set in a typical 1 ft from the future property line. This treatment would provide a minimal 6-ft wide landscape strip adjacent to the curb, the same as used along Cabot and Lewis Drives. No potentially sight-obstructing trees would be placed in this landscape strip (per plan sheet L-1).

Parking and Circulation

Can vehicles safely and conveniently maneuver through the site?

14. The proposed parking layout and internal traffic circulation appear satisfactory. We may have additional comments upon our review of a future, more completely dimensioned plan.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



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

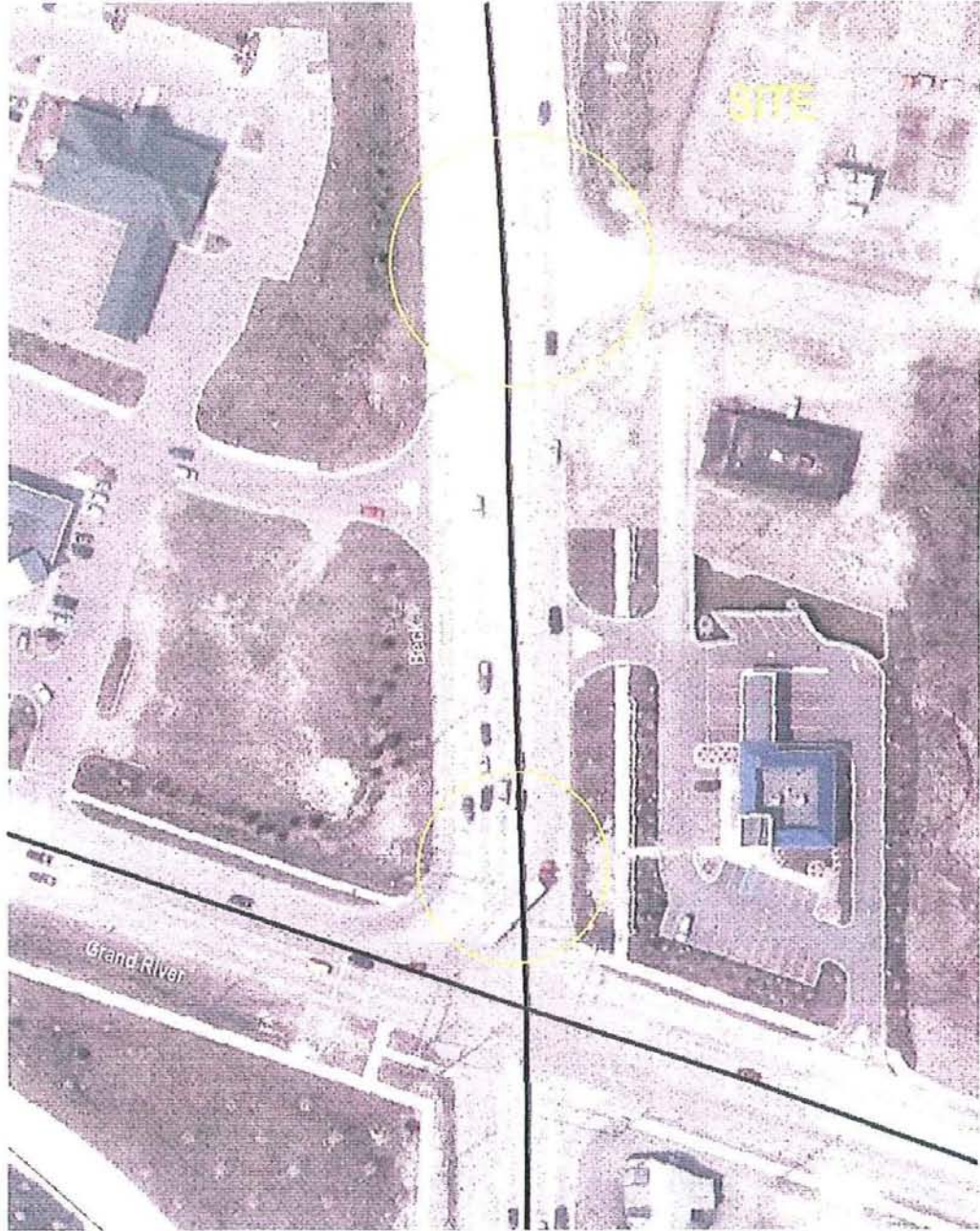


Photo courtesy of City of Novi



Beck Just North of Grand River

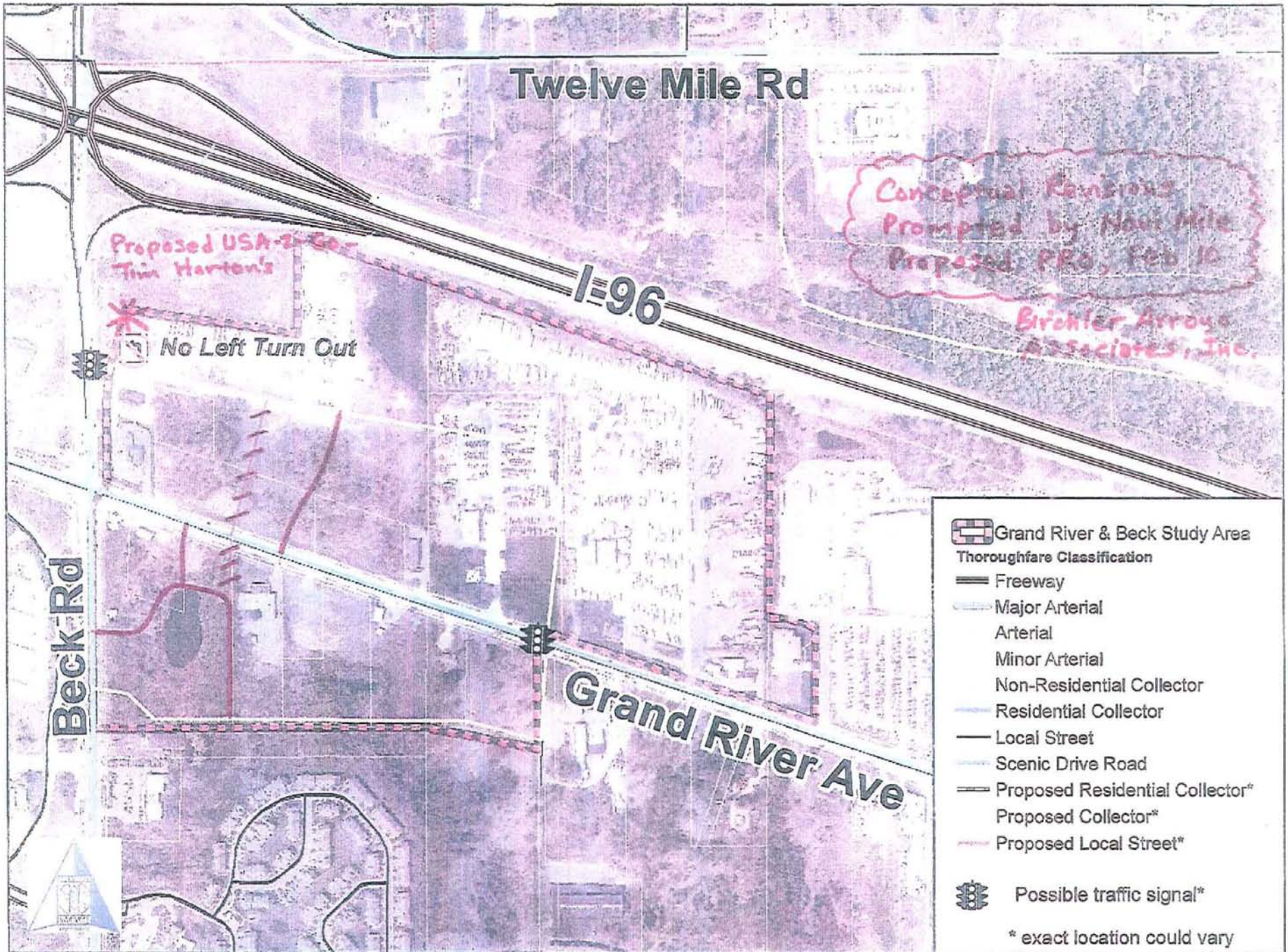


**BIRCHLER ARROYO
ASSOCIATES, INC.**



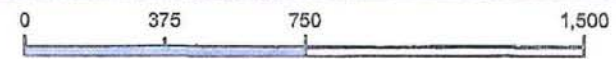
Looking South Along Beck Near Site

GRAND RIVER AVE. and BECK RD. STUDY AREA TRANSPORTATION PLAN



- Grand River & Beck Study Area**
Thoroughfare Classification
- Freeway
 - Major Arterial
 - Arterial
 - Minor Arterial
 - Non-Residential Collector
 - Residential Collector
 - Local Street
 - Scenic Drive Road
 - Proposed Residential Collector*
 - Proposed Collector*
 - Proposed Local Street*

Possible traffic signal*
 * exact location could vary



LANDSCAPE REVIEW



PLAN REVIEW CENTER REPORT

March 2, 2010

Conceptual PRO Site Plan

USA 2 GO

Review Type

Conceptual PRO Landscape Review

Property Characteristics

- Site Location: Beck Road
- Site Zoning: OST – FS Proposed
- Plan Date: February 24, 2010

Recommendation

Approval of the Conceptual PRO Site Plan for SP# 10-11 USA 2 GO is recommended provided the applicant is permitted the deviations from ordinance standards for the PRO. The Applicant should discuss with the Planning Commission the concerns noted below. The deviations requested are the result of the limited size of the site and the level of development proposed. Please address all other minor comments on subsequent submittals.

Ordinance Considerations

Adjacent to Public Rights-of-Way – Berm (Wall) & Buffer (Sec. 2509.3.b.)

1. A 3' tall landscaped berm is required along the I-96, Beck Road and access drives. **Eliminating the berms or reducing the berm height would require a deviation for the PRO.**
2. A 20' wide landscaped berm and greenbelt is required along all road frontages. The applicant has proposed a 12' to 19' greenbelt at the Beck Road frontage. The applicant should provide additional shrubs and perennials in order to meet opacity requirements for the berm areas. Acceptable plantings would include at least a double row of shrubs located on and near the crest of the berms. The applicant may wish to petition MDOT to allow planting on the right of way property. **Elimination of the berm or reducing the berm height would require a PRO deviation from ordinance standards.**
3. A 20' wide landscaped berm and greenbelt is required along all road frontages. The applicant has proposed a 5' greenbelt at the I-96 frontage. The applicant will need to provide additional shrubs and perennials in order to meet opacity requirements for the berm areas. The applicant may wish to petition MDOT to allow planting on the right of way property. **Elimination of the landscape berm or reducing the berm height would require a PRO deviation from ordinance standards.**
4. A 20' wide landscaped berm and greenbelt is required along all road frontages. The applicant has proposed a 7.2' greenbelt at the access road frontage. The applicant has proposed a 3' high wall for a portion of the frontage. **Staff would support the PRO deviation for use of the wall, but suggests that the wall could extend for the entire length of the frontage.**
5. Twenty five foot clear vision areas have been provided as required.

Street Tree Requirements (Sec. 2509.3.b.)

1. Five (5) Street Trees are required and have been provided along Beck Road.

Parking Landscape (Sec. 2509.3.c.)

1. A total of 2,687 SF of interior parking landscape area is required. A total of 2,354 SF has been provided. **A reduction of the remaining 333 square feet of interior landscape area would require a PRO deviation from ordinance standards.** Alternately,, the applicant may choose to locate other areas on the site to mitigate the remaining square footage.

2. A total of 36 Parking Lot Canopy Trees are required and have been provided.
3. Snow storage areas have been shown on the plan as required.

Parking Lot Perimeter Canopy Trees (Sec. 2509.3.c.(3))

1. Perimeter Parking Lot Canopy Trees are required per 35 LF surrounding parking and access areas. The Applicant has adequately provided for the requirement.

Building Foundation Landscape (Sec. 2509.3.d.)

1. A minimum 4' wide landscape bed is required around the entire building foundation with the exception of access areas. This has been provided along the east and west foundations. The north side of the building is proposed as a drive through lane. **Elimination of the foundation landscape area on the south side of the site would require a PRO deviation from ordinance standards.**
2. A total of 8' x the building foundation perimeter is required. A total of 2,768 SF of foundation landscape area is required. The applicant has provided 1,286 SF. **A reduction of the remaining 1,482 square feet of foundation landscape area would require a PRO deviation from ordinance standards.** Alternately, the applicant may choose to locate other areas on the site to mitigate the remaining square footage.

Plant List (LDM)

1. The Plant List as provided meets the requirements of the Ordinance and the Landscape Design Manual.

Planting Notations and Details (LDM)

1. The Planting Details and Notations as provided meets the requirements of the Ordinance and the Landscape Design Manual.

Irrigation (Sec. 2509 3.f.(6)(b))

1. **Please provide an Irrigation Plan upon Stamping Set submittal.**

General

1. Please clearly depict all underground and overhead utilities. No canopy trees should be placed directly under or over utilities.
2. The loading zone is located to the rear of the building. **The applicant should plant additional vegetation along the easterly property boundary to help screen the zone.**

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



Reviewed by: David R. Beschke, RLA

FAÇADE REVIEW



March 2, 2010

City of Novi Planning Department
 45175 W. 10 Mile Rd.
 Novi, MI 48375-3024

Re: **FACADE ORDINANCE - Facade Review**
USA 2 GO - CONCEPTUAL / PRO, SP10-11
 Façade Region: 1, Zoning District: OST (FS)

Dear Ms. McBeth;

The following is the Facade Review for Conceptual/P.R.O. of the above referenced project based on the drawings prepared by GAV Associates, dated 2/24/10. The percentages of materials proposed for each façade are as shown on the table below. The maximum (and minimum) percentages allowed by the Schedule Regulating Façade Materials of Ordinance Section 2520 are shown in the right hand column. Materials in non-compliance with the Facade Schedule are highlighted in bold.

	WEST (Front)	NORTH	SOUTH	EAST (Rear)	Ordinance Maximum (Minimum)
BRICK	38%	76%	66%	89%	100% (30% MIN)
CULTURED STONE	20%	0%	13%	1%	50%
EIFS	9%	8%	11%	7%	25%
LIMESTONE	21%	12%	6%	1%	50%
FABRIC AWNING	9%	2%	2%	0%	10%
METAL TRIM	3%	2%	2%	2%	50%

Recommendation: As shown above, the percentages of all proposed materials are in full compliance with the facade Ordinance. Based on the conceptual drawings a section 9 Waiver will not be required for this project. The applicant should clarify the following items prior to submittal for Preliminary Site Plan; submit a sample board as required by section 2520.4.d of the Ordinance and clarify the material and color of the roof equipment screening indicated on the drawings.

If you have any questions please do not hesitate to call.

Sincerely,
DRN & Associates, Architects PC

Douglas R. Necci, AIA



March 2, 2010

City of Novi Planning Department
 45175 W. 10 Mile Rd.
 Novi, MI 48375-3024

Re: **FACADE ORDINANCE - Facade Review**
USA 2 GO - CONCEPTUAL / PRO, SP10-11 - CANOPY
 Façade Region: 1, Zoning District: OST (FS)

Dear Ms. McBeth;

The following is the Facade Review for Conceptual/P.R.O. of the above referenced project based on the drawings prepared by GAV Associates, dated 2/24/10. The percentages of materials proposed for each façade are as shown on the table below. The maximum (and minimum) percentages allowed by the Schedule Regulating Façade Materials of Ordinance Section 2520 are shown in the right hand column. Materials in non-compliance with the Facade Schedule are highlighted in bold.

It should be noted that all materials were not clearly indicated on the drawings provided for the canopy and lacking the sample board the exact materials proposed could not be determined. Therefore, several assumptions were made as follows; the cornice was assumed to be EIFS, and the "Aluminum Wrap" which comprises the majority of the fascia area. was assumed to be flat metal panels.

	WEST (Front)	NORTH	SOUTH	EAST (Rear)	Ordinance Maximum (Minimum)
BRICK	0%	0%	0%	0%	100% (30% MIN)
CULTURED STONE	11%	13%	13%	11%	50%
EIFS	19%	18%	18%	19%	25%
LIMESTONE	2%	2%	2%	2%	50%
FLAT METAL PAMELS (FASCIA)	68%	67%	67%	68%	50%

As shown above, on all facades the percentage of brick is below the minimum amount required by the Ordinance and the percentage of flat metal panels is above the maximum percentage allowed by the Ordinance. Based on the conceptual drawings a Section 9 Waiver will be required for the canopy portion of this project.

Recommendation: It is recommended that the following modifications be considered to avoid or qualify for a favorable recommendation for a Section 9 waiver. For this application the cultured stone material can be considered equivalent to brick however the size of the columns should be increased to bring the percentage of this material to approximately 30% of the overall facade as required by the Facade Chart. The percentage of flat metal panels should be reduced in lieu of another more favorable material such as EIFS, cultured stone or brick. This can be accomplished for example by increasing the size of the (EIFS) cornice and/or masonry columns and reducing the percentage of flat metal panels.

Section 2520.12 of the Ordinance applies specifically to canopies constructed adjacent to primary buildings. The design of the canopy is consistent with the requirement of this section that "not less than 30% of the facade of the canopy shall be of a material identical to a material used on the building."

The applicant should clarify the following items prior to submittal for Preliminary Site Plan; submit a sample board as required by section 2520.4.d of the Ordinance and clarify the materials and color of the cornice and "aluminum wrap" areas.

The proposed sign structure is nicely designed, matches the building facade and will enhance the overall project. The dumpster enclosure should be constructed of materials matching the building in a similar fashion.

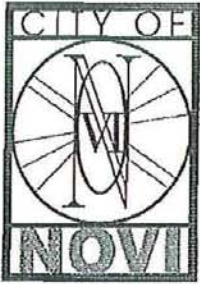
If you have any questions please do not hesitate to call.

Sincerely,
DRN & Associates, Architects PC



Douglas R. Necci, AIA

FIRE REVIEW



March 1, 2010

CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Justin Fischer

City Manager
Clay J. Pearson

Fire Chief
Frank Smith

Deputy Fire Chief
Jeffrey Johnson

TO: Barbara McBeth, Deputy Director of Community Development, City of Novi

RE: USA 2 GO, N.W. Corner of Grand River Ave. & Beck Rd.

SP#: 10-11, Conceptual/PRO

Project Description:

6,820 S.F. mixed use, single story, commercial building proposed to house a gas station and a coffee/donut shop.

Comments:

1. Fire hydrants shall be shown on the utility plan in accessible locations at 300' maximum spacing and no part of a building shall be more than 300' from a fire hydrant.

Recommendation:

This plan is recommended for approval with the above comment being completed on the next plan submittal.

Sincerely,

Michael W. Evans
Fire Marshal

cc: file

Novi Fire Department
42975 Grand River Ave.
Novi, Michigan 48375
248.349-2162
248.349-1724 fax

cityofnovi.org

SIGN ORDINANCE REVIEW

Memorandum

To: Kristen Kapelanski - Planner
From: Jeannie Niland – Ordinance Enforcement
Date: March 2, 2010

Subject: USA GAS – TIM HORTON'S SIGN REVIEW

Based on the information provided on SP10-11, dated 7/13/09, the following review is provided.

Proposed Ground Sign

Sign Code Section 28-5(2)a.1.ii

"Where the business is a gasoline filling station, the maximum area of the sign shall be thirty (30) square feet. Fuel pricing information is permitted only on the following percentages of the area of the sign:

If the gasoline filling station is on a corner lot situated on two (2) or more thoroughfares, then fifty (50) percent may be allotted for fuel pricing information;

All other gasoline filling stations are allotted twenty-five (25) percent."

Sign Code Section 28-5(2)a.2.ii.

"All other ground signs shall not exceed a height of six (6) feet;"

Sign Code Section 28-5(5)b. Changeable copy signs states:

"Such sign shall be permitted only for places of worship; schools, movie theaters and similar entertainment venues...restaurants; and recreational facilities. at which events change on a regular basis. Subject to any other applicable requirements for such uses in this ordinance, gasoline service station fuel pricing signs as described in Section 28-5(2)a.1. may utilize changeable copy."

1. The proposed ground sign appears to be approximately 8.3' x 8' (66.6 sq. ft.) Exact dimension have not been provided.
Maximum size allowed is 30 square feet.
2. The proposed ground sign is shown to be 11'-6" in height
Maximum height allowed is 6 feet.
3. The proposed ground sign does not identify gasoline pricing information.
Tenant information panels are listed. The ground sign lists 2 tenant panels as "digital tenant sign". Changeable copy signs are permitted for the gasoline fuel pricing information and restaurant uses.
4. With the new street constructed to the south of the property, this parcel would become a corner lot situated on two thoroughfares and 50% of the sign area may be allotted for fuel pricing information.

Proposed Wall Signs

Sign Code Section 28-5 (3) Number of on-premise advertising signs permitted: "No building or parcel of land shall be allowed more than one (1) sign permitted under this section...."

Two wall signs are proposed for the gasoline station and one wall sign is proposed for the Tim Horton's. No size dimensions are provided for these signs. If the above ground sign lists the two business names, no wall signs are permitted with the exception below.

Sign Code Section 28-5 (3)j. allows a building within the FS or OST that abuts the I-96 freeway an additional wall sign oriented toward the freeway. No sign has been proposed for this elevation.

Proposed Canopy Signs

Zoning Ordinance Section 2503 2.C(1) states "...No signs shall be placed on any canopy other than a sign showing the height of the canopy."

Two (2) canopy signs are proposed, one on the south elevation and one on the west elevation. These canopy signs are not permitted.

APPLICANT RESPONSE LETTERS

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

January 21, 2010

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

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

Dear Planning Commissioner Members:

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

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

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

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

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

Very truly yours,
NOVI MILE, LLC

A handwritten signature in black ink, appearing to be "Blair Bowman", written over a horizontal line.

Blair Bowman

Enclosures

our people and our passion in every project



January 20, 2010

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

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

Dear Mr. Bowman/Mr. Bowen;

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

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

Sincerely,

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

Kelly K. Ferencz, PE
Project Manager



Memorandum

To: Mr. John Bowen

From: Kelly Ferencz, PE

Date: January 20, 2010

Re: Birchler Arroyo Rezoning TIS Review

Mr. Bowen

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

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

