



CITY of NOVI CITY COUNCIL

Agenda Item 3
February 21, 2012

SUBJECT: Consideration of request of Pinnacle Homes for Zoning Map Amendment 18.702 to rezone land located south of Twelve Mile Road, and east of Napier Road in Section 18, from RA, Residential Acreage District and R-1, One-Family Residential District to R-4, One-Family Residential District. The subject property totals 64 acres.

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{B-005}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The petitioner is requesting the rezoning of a 64-acre parcel on the south side of Twelve Mile Road between Wixom Road and Napier Road. The subject property is currently split-zoned; the northerly 23 acres is zoned RA, Residential Acreage, and the southerly 41 acres is zoned R-1, One-Family Residential District. The applicant has requested a rezoning for the whole property to R-4, One-Family Residential. R-4 zoning allows a maximum density of 3.3 units per net acre, or a maximum of 206 single-family homes based on an estimated net acreage of 62.5 acres.

Staff discussed with the applicant the option of a rezoning with a Planned Rezoning Overlay (PRO) which would tie the rezoning to a concept plan; the applicant has opted not to pursue the PRO option at this time. While the rezoning application is not tied to any concept plan, the applicant did present a concept plan at the Planning Commission public hearing of February 8, 2012 that showed 126 single-family units.

Master Plan for Land Use: The 64-acre subject parcel is designated for Single Family uses on the Future Land Use Map in the City's 2010 Master Plan for Land Use, with a planned maximum density of 3.3 dwelling units per acre as shown on the Residential Density map. The Future Land Use designation and planned density are a result of the City's 2008 Master Plan for Land Use Review, the recommendations of which were incorporated into the 2010 Master Plan for Land Use. The 2008 Review included the subject property as part of the "Twelve Mile, Napier, & Wixom Roads Study Area", one of three Study Areas included in that report. Recommendations for that Study Area included encouraging high quality residential development with lot widths and setbacks consistent with R-4 zoning standards. Based on the adopted Master Plan for Land Use, a rezoning to the R-4 District would be consistent with the planned use and residential density for the subject parcel.

Property History: The 64 acres of land under review was part of a larger collection of five parcels for which a Planned Rezoning Overlay (PRO) rezoning was applied for in 2007. The intent of the 2007 rezoning application was to collectively rezone all five parcels with a corresponding concept plan that included the campus of St. Catherine of Siena Catholic girls' school as well as 230 attached (duplex) condominium units on the subject parcels for a proposed residential development called Nicoleena Estates.

Following a public hearing on November 28, 2007, the Planning Commission unanimously voted to recommend approval to the City Council of a rezoning of all five parcels to R-4, One-Family Residential (instead of the RM-2, Multiple Family High Density Multiple Family), with a PRO (Planned Rezoning Overlay). At that time, the recommendation was to permit a deviation from ordinance standards to allow for duplex units, which are typically not permitted in the R-4 District, at a density not to exceed 3.3 units per acre.

On January 22, 2008, the City Council passed a motion to tentatively approve rezoning the subject parcel to R-4 with a PRO, with duplex units permitted at 3.3 units/acre,. The City Council directed the applicant to work with the City Attorney on a draft PRO agreement to be brought back before the Council within 60 days for a final determination on the rezoning request. The draft PRO Agreement never materialized, and the St. Catherine's campus was ultimately built on the north side of Twelve Mile Road in the City of Wixom.

A detailed summary of the history of the 2007/2008 rezoning process is included in the Planning staff's January 13, 2012 review of the current rezoning application.

Planning Commission Recommendation on Current Request

The Planning Commission held a public hearing and made a recommendation for approval of the Zoning Map amendment on February 8, 2012. Relevant meeting minutes including public comments are attached.

RECOMMENDED ACTION:

Approval of request of Pinnacle Homes for Zoning Map Amendment 18.702 to rezone land located on the south side of Twelve Mile Road, east of Napier Road in Section 18, from RA, Residential Acreage District and R-1, One-Family Residential District to R-4, One-Family Residential District.

This motion is made for the following reasons:

- The requested zoning is consistent with the Future Land Use map and the Residential Density map within the 2010 Master Plan for Land Use;
- The subject property was evaluated in detail as part of the "Twelve Mile, Napier, and Wixom Roads Study Area" in the 2008 Master Plan for Land Use Review, which recommended a Future Land Use designation and residential density for the subject parcel consistent with the requested zoning;
- The requested zoning is consistent with the zoning tentatively approved for the subject parcel by City Council in January 2008 when the subject parcel and four others were collectively considered for rezoning;
- Twelve Mile Road is largely residential in character in this area and residential zoning is appropriate for this location;
- The requested zoning is consistent with adjacent residential zoning districts and land uses.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

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

MAPS

**Location
Zoning
Future Land Use
Natural Features**

RZ 18.702 Twelve Mile East of Napier

Location

Twelve Mile Rd

Napier Rd

**SUBJECT PARCEL
(64.0 acres)**

Map Author: David Campbell
Date: Jan. 27, 2012
Project: RZ 18.702
Version #: 1.0

Amended By:
Date:
Department:

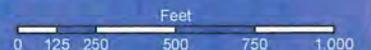
MAP INTERPRETATION NOTICE

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



City of Novi

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



1 inch = 603 feet

RZ 18.702 Twelve Mile East of Napier

Zoning

Twelve Mile Rd

Napier Rd

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(64.0 acres)**

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Map Legend

Zoning	MH: Mobile Home District
Zoning Code	B-2: Community Business District
R-A: Residential Acreage	I-1: Light Industrial District
R-1: One-Family Residential District	I-2: General Industrial District
R-4: One-Family Residential District	



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RZ 18.702 Twelve Mile East of Napier

Future Land Use

Twelve Mile Rd

Napier Rd

**SUBJECT PARCEL
(64.0 acres)**

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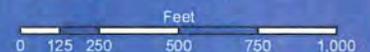
Map Legend

- | | |
|--|--|
|  SINGLE FAMILY |  COMMUNITY COMMERCIAL |
|  MOBILE HOME PARK |  EDUCATIONAL FACILITY |
|  LOCAL COMMERCIAL |  PRIVATE PARK |



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RZ 18.702 Twelve Mile East of Napier

Natural Features

Twelve Mile Rd

Napier Rd

SUBJECT PARCEL
(64.0 acres)

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Date: Jan. 27, 2012
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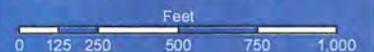
Map Legend

- | | |
|--------------------------------|-------------------------------|
| Waterways | Wetlands |
| Lake or Pond | Woodlands |
| FIRM Flood Hazard Areas | Habitat Priority Areas |
| Flood Zones | Rank |
| 1.0% Chance Flood Zone A | High |
| 1.0% Chance Flood Zone AE | Medium |
| | Low |



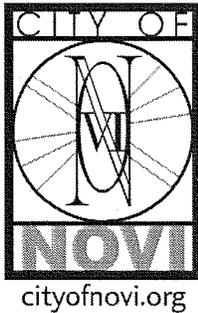
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PLANNING COMMISSION MINUTES
February 8, 2012



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

February 8, 2012 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Anthony, Member Greco, Chair Gutman, Member Lynch, Member Prince

Absent: Member Baratta (excused); Chair Pehrson (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Brian Coburn, Engineer; David Campbell, Planner; Beth Kudla-Saarela, City Attorney

PLEDGE OF ALLEGIANCE

Member Prince led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by member Prince:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER PRINCE:

Motion to approve the February 8, 2012 Planning Commission agenda. Motion carried 5-0.

AUDIENCE PARTICIPATION

No one from the audience wished to speak and Chair Gutman closed the first audience participation.

CORRESPONDENCE

Member Greco stated that there was correspondence related to the public hearing that will be read into the record at that time.

COMMITTEE REPORTS

There were no committee reports.

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Deputy Director McBeth stated that at the City Council meeting last Monday, the City Council approved the Second Reading of the Text Amendment that the Planning Commission had also recently reviewed relating primarily to the office districts. The modifications to eliminate the OS-2, Planned Office Service District and the modifications to allow the Retail Service Overlay in the OST District, primarily for the area near Grand River and Beck Road, were approved with some modifications. Those revisions had been forwarded to the Planning Commissioner's by email last week.

CONSENT AGENDA - REMOVALS AND APPROVAL

There were no consent agenda items.

PUBLIC HEARINGS

1. PINNACLE HOMES REZONING 18.702

Public hearing on the request of Pinnacle Homes for recommendation to the City Council for rezoning of property in Section 18, located on the south side of Twelve Mile Road, east of Napier Road, from

the RA, Residential Acreage District and R-1, One-Family Residential District, to the R-4, One-Family Residential District. The subject property is 64.0 acres.

Planner Dave Campbell indicated that the applicant, Pinnacle Homes of Michigan, is proposing to rezone a 64-acre parcel on the south side of Twelve Mile Road, east of Napier Road from RA, Residential Acreage and R-1, One-Family Residential to R-4, One-Family Residential. The applicant has indicated the rezoning has been requested in order to bring the parcel into compliance with the recommended Future Land Use designation and Residential Density standards within the Master Plan for Land Use and allow for the development of detached single-family homes.

The parcel is currently split-zoned: The northerly approximately 23 acres is zoned RA, Residential Acreage and the southerly approximately 41 acres is zoned R-1, One-Family Residential. The applicant is proposing the entire parcel be rezoned to R-4, One-Family Residential.

Looking at the Natural Features map for the parcel, there are regulated woodlands along the north, west and south sides of the property as well as small wetland area on the southeast corner of the property. The woodlands and wetlands would need to be inventoried and surveyed if and when a site plan is submitted for this property.

To the west of this project is the Knightsbridge Gate single family property. To the east is a couple of narrow undeveloped parcels. Further east are the Catholic Central practice athletic fields. To the southeast is the Island Lakes development. To the south is the Old Dutch Farms Mobile Home community.

Planner Campbell referenced the zoning map. The property is currently split-zoned and the northern 23 acres is currently zoned R-A, Residential Acreage and the southern 41 acres is currently zoned R-1, One-Family Residential. The applicant is seeking a rezoning to R-4, One-Family Residential which allows for smaller lot sizes and at a greater density than the existing R-A and R-1 zoning.

Planner Campbell stated that the applicant has not submitted a concept plan with this rezoning but with correspondence with the applicant the engineer, staff understands their intent is to construct approximately 130 single-family homes on the property.

The Future Land Use map designates the subject property as "Single Family". The Residential Density Map indicates 3.3 units per acre for the subject property, consistent with the R-4 zoning district requested.

Staff recommends approval of the proposed rezoning as the requested zoning is in compliance with the Future Land Use map and the planned Residential Density Map, and the proposed residential zoning is consistent with the residential zoning throughout the surrounding area and the educational facility directly adjacent.

Chair Gutman then asked if the applicant was here and if he would like to come up and speak.

Mr. Howard Fingerroot came forward and stated that he is the managing partner for Pinnacle Homes. Pinnacle Homes is a 7-year-old company he started with his partner Steve Friedman. He said that he has been doing residential development in southeast Michigan for 18 years and Steve Friedman has been doing residential development for about 30 years. Currently, we have two communities in Novi that we are building; one is in Bella Terra at Nine Mile and Napier and the second one is Normandy Hills located near Eight Mile and Meadowbrook. Pinnacle was named Builder of the year last year in 2010 as awarded to us by the Builder's Association. Also, in 2011 we were the largest single family builder in Oakland County after having pulled 102 permits. In addition to two projects in Novi, we have worked in Orion,

Rochester, Commerce, and just finished a project in Royal Oak. Mr. Fingerroot said he is opening two communities in Farmington Hills this year and looks forward to working with the City of Novi.

Mr. Bill Anderson came forward and explained that they have developed a concept plan that takes into account the preservation of the trees on the south side of the property. Also, off of Twelve Mile the plans shows tree preservation, leaving the large wood stand there. This concept plan shows an 80 foot by 125 foot minimum lot size, an R-4 development. Mr. Anderson said, we plan to put in our Storm Water Management and that will provide some buffer for Knightsbridge Gate and plan to preserve the large wooded area in the middle of the property.

Chair Gutman wanted to confirm that the Commission is just commenting on the rezoning tonight and this nothing to do with a concept plan at this time.

Deputy Director McBeth answered in saying that is correct. There was no concept plan review at this time. Staff did talk to the applicant about submitting a rezoning with a Planned Rezoning Overlay which would have included a concept plan. However, at this point, the applicant has declined to go about the rezoning with a PRO, and no concept plan has been reviewed.

Again, Chair Gutman stated that we are strictly focusing on the rezoning itself tonight. He wanted to make sure we were all clear on this.

Chair Gutman stated that this is a public hearing. If there is anyone from the audience who would like to speak, please come forward.

Mr. Rick Stanbridge from 26990 Maxwell Court in Knightsbridge Gate stated that he abuts the property. He stated that quite a few of the residents did not get notice of this hearing, and questioned why not. Mr. Stanbridge said he would like to have this meeting postponed. Once notice is provided, residents can prepare and discuss this issue. Mr. Stanbridge said that he is opposed to this project. There is not enough information on sewer; on the original plan, it was supposed to go to the east. In the pamphlet he picked up on line, it shows sewer going to the west through Knightsbridge Gate. Mr. Stanbridge asked how is that going to be sufficient. The pamphlet says we assume this is going to be okay, but how do we know it will be. We could end up with backed-up basements which is a huge concern. We question why this was changed. Mr. Stanbridge stated that when the planning was done in 2010 the sewer was all supposed to go to the east. Mr. Stanbridge questioned whether we really need to go into the new planning like this. He wondered how are we assured that we're only going to have 135 homes and don't end up with 206. Mr. Standbridge said a lot of us paid extra money for those lots and assumed it was going to stay the way it is. We also believe this will decrease our property values by changing this zoning.

Mr. Ryan Bishop from 27372 Sloan Street as part of Knightsbridge Gate said he has several concerns regarding this rezoning. The first one is the timing of it. He has lived in Knightsbridge Gate for five years and the development of the property has been a slow. The last thing we want to see is open lots sitting in this proposed development years and years down the line. The second issue is with privacy. The western edge of the two parcels in question tonight is shared with Knightsbridge Gate and there would be approximately 2,600 feet of shared property line. He wonders how the applicant plans to address this so privacy is not degraded. The third issue is negative traffic impact. There are apartments to the north, a school to the northwest, Knightsbridge Gate to the west, and if you add in another sub, you are going to have a definite congestion issue especially on Twelve Mile Road. The last issue is the density increase; the R-4 zoning will have an impact on the openness of the area. Mr. Bishop says, that he thinks that the jump from the R-A/R-1 zoning to R-4 zoning is too much. One of the attractive features of the western side of the City of Novi is its openness and preservation of the natural features. Mr. Bishop thinks this proposal goes against that.

Mr. Gerald Sczymanski from 27346 Sloan Steet as part of Knightsbridge Gate, said he is one of the resident board members of the Homeowners Association. Mr. Sczymanski echoes both of the previous speakers and their concerns. Knightsbridge Gate is a community with the highest density in Novi with 349 lots and approximately 80 acres. We are currently hitting 60% build-out with a handful of lots still in construction. That is 6 years after the start of Knightsbridge Gate. Adding another development next door is going to slow us down to a point where we are starting at construction either to our east or in our own community for an even longer period of time. As a community, we're dealing with just trying to finish roads that are starting to deteriorate from the base coat. The sewage issues and which way is it going and wildlife are our concerns. A bigger concern is the lack of notification for some of our residents. Mr. Sczymanski communicated with as many homeowners as he could through the Facebook page to try and get some more information out there. He thinks the timing of this is inappropriate right now. He said, we still have 150 sites available for construction that we need to finish out before we start planning another development next door.

Chair Gutman asked if there was anyone else who wished to speak. Seeing no one, he asked if there was any correspondence.

Member Greco answer in saying we do have two items.

The first correspondence is from a Peter Serini at 27098 Maxwell Court, Novi. Mr. Serini approves of the zoning map amendment for several reasons: 1) New homes with children would increase population at schools both public or private. 2) It would also increase the tax base for Novi. 3) It would cause the paving of Twelve Mile Road. 4) It's a much better alternative to duplex homes previously proposed and rejected. 5) More businesses and shops would establish in shopping center at Grand River and Wixom. 6) There is no chance that anyone would buy homes in the R-A parcel on an acre with condos and apartments on the other side of Twelve Mile Road and Knightsbridge Gate to the west.

The second correspondence is from Stephan Schwarzkopf at 27276 Sloan Street, Novi. He objects to the rezoning request for the following reasons: 1) The zoning change was rejected in 2008 and wonders what has changed. 2) There would be an increase of traffic for the Grand River/Wixom Road intersection. 3) His decision to buy a house in the subdivision was based on existing zoning in the neighborhood areas, i.e. large homes that increase our home values. 4) He believes there would be a decrease in his home value with competing size homes in the area. 5) He also has an issue with the delay with finishing homes in his subdivision if home sizes are similar. 6) He is also concerned about the reduction of forested areas with the proposed zoning.

Member Greco stated that this concludes the correspondence.

Chair Gutman closed the public hearing. Chair Gutman stated that before we turn this over to the Planning Commission he would like to address the question of notification. Chair Gutman asked Deputy Director McBeth to speak on this.

Deputy Director McBeth stated that public hearing notices went out as required by the ordinance. Our documents show that 218 letters were mailed to property owners within 300 feet of the rezoning request. That measurement is taken from the perimeter of the property in all directions including Wixom to the north, as well properties as to the south, west and east.

Chair Gutman then turned it over to the Planning Commission for their comments.

Member Lynch stated that it was his understanding that there was a proposal to put duplexes in here which was a higher density. This went as far back as the master planning process. When we redid the Master Plan and had a public hearing, he questioned whether the property was already rezoned to R-4.

Planner Campbell stated that the Master Plan was adopted with a single family designation for the property and a residential density consistent with R-4 zoning. But the property itself was never actually rezoned. When the proposal came in for the Catholic girls' school as well as the duplexes, the Planning Commission made a recommendation for one zoning designation for the property that was going to be the Catholic girls' school and another zoning designation for this particular property to allow for the duplex units. That request was then taken to City Council and the City Council looked at a different proposal at the applicant's request. The City Council tentatively approved a rezoning for the property contingent on a PRO Agreement. Council gave the applicant 60 days to work out a PRO Agreement with the City Attorney. That PRO Agreement never materialized. So, the rezoning was never approved for this property.

Member Lynch asked if that was when the girls' school moved to Wixom.

Planner Campbell answered that the girls' school is now built on the north side of Twelve Mile Road in the City of Wixom.

Member Lynch addressed Mr. Coburn and stated that he saw two conflicting things in the paperwork. One place shows the sewage will flow to the east toward Wixom Road and the other one says towards Napier Road. Are there two different lift stations we are talking about and exactly what are doing with it.

Mr. Coburn's reply was that there was no concept plan submitted with the rezoning application and so Engineering was not able to do a detailed analysis of an engineered sanitary sewer plan as they would with a typical site plan. Engineering has an overall utility master plan for the Twelve Mile Road and Napier vicinity that shows that there is capacity in the system overall for the maximum density permitted for the subject parcel under its planned density in the Master Plan. That utility master plan assumed that sanitary sewer from the subject parcel would flow east. If and when a site plan is submitted for the subject parcel, it will be incumbent upon the applicant's engineer to demonstrate that sanitary sewer flows could be handled if directed to the west as mentioned by the applicant, and Engineering will conduct a detailed evaluation of that site plan once it has been submitted.

Member Lynch asked Mr. Coburn that when he did his analysis, did you assume there would be a number of homes; I think the R-4 was 133 homes.

Mr. Coburn answered in saying we assumed 211 homes.

Member Lynch then asked if R-4 allows a lesser number than that.

Planner Campbell stated that calculations vary, but over 200 units is what could be permitted at maximum density in R-4. What the applicant has said all along is that the plans will provide somewhere in the neighborhood of 120 or 130 units. But again, there wasn't a concept plan included with the rezoning application.

Member Lynch asked about as far as a pressure drop to the surrounding communities. He wondered if that would result and if it going to be a closed loop system.

Mr. Coburn answered in saying there is no concept plan and we would have to look at how they're going to be served on the site plan which will show the actual points of connection. The review at this phase is

to look at the impact on the overall system and generally we look at supply and demand in this location as part of the overall system. The detailed review of the connections would occur at the time that a site plan is submitted for review.

Member Lynch then asked what the density was of Knightsbridge Gate.

Planner Campbell stated that Knightsbridge Gate is zoned R-4, however, it came in under a Consent Judgment.

Deputy Director McBeth stated that she hadn't verified that recently but thought it was around 4.3 or 4.4 units to the acre.

Member Lynch asked if the density at Old Dutch Farms is in the double digits.

Deputy Director McBeth stated that the Master Plan indicates the density in the mobile home parks is about 8 units to the acre. Sometimes it is more than that depending on how they have the homes arranged.

Member Lynch asked who owns Twelve Mile Road. He wondered if there are multiple ownerships, or does Oakland County own the road.

Mr. Coburn stated that it used to be the City of Wixom until a few years ago when Novi took over jurisdiction of the east-west portion of Twelve Mile Road. He mentioned that the north-south section of the road is still under Wixom's jurisdiction.

Member Lynch asked about who is responsible for the part of the road that is not paved.

Mr. Coburn answered Member Lynch in saying the City of Novi owns the unpaved portion.

Member Lynch stated since there is no concept plan, so we cannot do a traffic study.

Planner Campbell answered that for a rezoning such as this the only thing that is required is a Traffic Impact Analysis where you compare the maximum development that could occur under existing zoning compared to the traffic impacts of the maximum development that could occur over the proposed zoning. If and when a site plan were to come in for this property, that is when a Full Traffic Impact Study would be submitted. Because to do the Full Impact Traffic Study you would have to know where the driveway locations are going to be and where it might connect to neighboring developments, etc. The applicant did have their traffic engineers submit a traffic impact assessment that showed the maximum number of trips that would be generated under maximum density and also the number of trips that would be generated based on a number of homes more in line with what the applicant has in mind.

Member Greco asked the applicant about the size of the homes they were planning.

Mr. Fingerroot answered in saying 2,400 – 3,000 square foot homes are being planned.

Member Greco asked what the general sizes of the homes were in Knightsbridge Gate.

A member of the audience answered in saying the size of the homes in Knightsbridge Gate were about the same size.

Mr. Fingerroot stated that the geometry or the structure of the houses will look different. He said he is not sure they're going to be necessarily competing with the Knightsbridge Gate development. On an 80 foot lot, Mr. Fingerroot anticipates the majority of the houses being about 50 foot wide presenting nice curb appeal with wide houses. He said, we are not trying to create an environment necessarily competing with our neighbors. He thinks it should enhance property values for the area.

Member Greco stated that after hearing from the comments from the residents of Knightsbridge Gate and the correspondence, the rezoning is not only consistent with our Master Plan, but is also consistent generally with the area. Many times when we hear from residents what is being built out or built up around them is something usually of a much higher density than what they are used to, or something commercial. In our role as a Planning Commission and in the City's role in looking at this, basically what surrounds this property looks very consistent with what is being proposed as a rezoning. Member Greco does not have any concerns about it. As far as the review of the sewage, or potential traffic impacts, other than what's already been done, those are issues that need to be addressed once we have a site plan.

Member Greco stated that just looking at the map - the mobile home park, looking at the R-4 where Knightsbridge Gate is, the school, Twelve Mile Road and apartments that are there - it seems to him that the residents that are here from Knightsbridge Gate are right to not specifically rely on representations that are not etched in granite as far as a potential site plan. But, the rezoning request certainly seems consistent with what's going on in the area. Member Greco said he is likely to vote in favor of the rezoning based upon the evidence that he has.

Member Anthony asked Planner Campbell about the property and the previous request before the City Council.

Planner Campbell answered in saying the City Council had previously tentatively approved a rezoning with PRO for duplex units on that property but the PRO Agreement never came back for final approval.

Member Anthony said it was the developer who backed away from the final approval.

Planner Campbell answered that he believes that to be the case.

Member Anthony said that when he was reading through the history of the property, there was a very good argument made for an even higher density residential in that area.

Planner Campbell answered in saying that at that time, the applicant wanted 230 attached units and the Planning Commission wanted no more than 212 units - both of which are more than this developer showed on the plan this evening.

Member Anthony asked about the Consent Judgment at Knightsbridge Gate. Can the City Attorney expand on what was the City's initial desire versus what the courts ruled.

Attorney Kudla stated that she did not have the prior history on what was proposed before the Consent Judgment but it is something we could look into.

Member Anthony stated that when you look at the surrounding area, at the future land use plan, and at this parcel being single family, the risk of an even higher density coming in exists. Sometimes the courts even take that out of our hands and Knightsbridge Gate is an example of that. When you look at consistent development and transition zones, R-4 ends up being a good compromise and a good place to be. You have a developer looking at single family residential and even less number of units than could

be put there - far less than if this was multi-family. The concerns of protecting the woodlands and creating buffers - those are rules and zoning ordinances that we have in place. We can be certain to address those concerns when plans are put in place. When it comes to the concern of storm-water or sanitary drains, those are pretty straight forward. Engineering analysis and whether the pipes can handle the flow is the concern of our engineering department.

Member Anthony stated that those concerns are addressed later. We will make sure those are taken care of at that time. What we have the opportunity for here is for setting the zoning to maintain the integrity of single family residential. The concerns of developments not being fully built out are concerns that we all live with, especially in these times. However, Novi is one of the few communities adding residential stock. That will help bolster all of our property values. Member Anthony said, at this point in time when I look at our Future Land Use Plan. When he looks at what is being proposed, this seems like a good place to be. It is not always exactly what we want, but the alternative could be worse. He thinks this is a very good density and it fits. The developer is presenting a kind of plan that helps, when everything is built out, increase property values for all. He also approves the rezoning at this time.

Chair Gutman said that the project itself is in compliance with the Master Plan for Land Use which is what we as a Commission need to look at first and foremost. Member Anthony put it very well that many of the concerns - how we are dealing with stormwater and sewer issues - are handled through further processes and will be fleshed out as on a plan such as what was brought before us tonight. The plan is something that needs to be further viewed and something our Planning Department will deal with over time and bring forward to the Planning Commission when it is time to be reviewed. So, for the issue before the Commission tonight, Member Gutman said that he is supportive of the request for rezoning because it is in compliance with the Master Plan.

Motion made by Member Anthony, seconded by Member Lynch:

ROLL CALL VOTE ON THE REQUEST OF PINNACLE HOMES FOR ZONING MAP AMENDMENT 18.702, MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO REZONE THE SUBJECT PROPERTY FROM R-A/R-1 TO R-4, MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH.

In the matter of the request of Pinnacle Homes for Zoning Map Amendment 18.702, motion to recommend approval to the City Council to rezone the subject property from RA, Residential Acreage District and R-1, One-Family Residential District to R-4, One-Family Residential District, for the following reasons:

1. The requested zoning is consistent with the Future Land Use Map in the 2010 Master Plan for Land Use as well as the recommended residential density shown in the Residential Density Map;
2. The subject property was evaluated in detail as part of the "Twelve Mile, Napier, and Wixom Roads Study Area" in the 2008 Master Plan for Land Use Review, which recommended a Future Land Use designation and residential density for the subject parcel consistent with the requested zoning;
3. The requested zoning is consistent with the zoning recommended for the subject parcel by the Planning Commission in November 2007 when the subject parcel and four others were collectively considered for rezoning;
4. Twelve Mile Road is largely residential in character in this area and residential zoning is appropriate for this location. *Motion carried 5-0.*

MATTERS FOR CONSIDERATION

1. ADOPTION OF THE 2012-2013 PLANNING COMMISSION BUDGET

Motion to approve the 2012-2013 Planning Commission Budget. Motion carried 5-0.

Deputy Director McBeth stated that the Planning Commission's Planning Studies and Budget Committee met a couple of weeks ago and reviewed a draft budget that was prepared by the Planning Staff for consideration. Staff included one service improvement request for tablet PCs for the Planning Commission members. In the past, staff had recommended purchase of laptop computers for the Commission members, but we found that the tablet PCs could be considerably less cost, as well as a savings in terms of staff time needed for duplication, sorting and delivery of paper packets. Again, if this is approved by the Planning Commission, we would forward a recommendation to the City Administration for possible consideration of this purchase in next year's budget.

Staff also included a number of other pages that are typically requested as part of the budget package: the Planning Commission overview, the summary of the activities that the Planning Commission took part in over the last year, conferences and workshops, a small budget for printing and publishing. At this point, staff modified the recommended Budget per the Committee's recommendation, and it is in front of the Planning Commission this evening for consideration and possible adoption.

Chair Gutman asked if there were any comments from the Commission.

Member Greco said it looks like the Committee has done a good job on the proposed budget, hoping to save the City some money.

Motion made by Member Lynch and seconded by Member Greco.

VOICE VOTE ON APPROVAL OF THE 2012-2013 PLANNING COMMISSION BUDGET, MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO.

Motion to approve the 2012-2013 Planning Commission Budget. Motion carried 5-0.

2. APPROVAL OF THE JANUARY 25, 2012 PLANNING COMMISSION MINUTES

Motion to approve the January 25, 2012 Planning Commission minutes. Motion carried 5-0.

Motion made by Member Prince and seconded by Member Anthony.

VOICE VOTE ON APPROVAL OF THE JANUARY 25, 2012 PLANNING COMMISSION MINUTES, MOTION MADE BY MEMBER PRINCE AND SECONDED BY MEMBER ANTHONY.

Motion to approve the January 25, 2012 Planning Commission minutes. Motion carried 5-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Agenda items.

MATTERS FOR DISCUSSION

There were none.

SUPPLEMENTAL ISSUES

There were none.

AUDIENCE PARTICIPATION

Seeing no one in the audience, Chair Gutman closed the last audience participation.

ADJOURNMENT

Moved by Member Lynch and seconded by Member Greco.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GRECO.

Motion to adjourn the February 8, 2012 Planning Commission meeting. Motion carried 5-0.

The meeting was adjourned at 7:47 PM.

Transcribed by:

Juanita Freeman, Account Clerk, February, 2012

Date Approved:

Richelle Leskun, Planning Assistant

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

January 13, 2012

Planning Review

Pinnacle Homes

Zoning Map Amendment 18.702

Petitioner

Pinnacle Homes (Howard Fingerroot)

Review Type

Rezoning Request from RA (Residential Acreage) and R-1 (One-Family Residential) to R-4 (One-Family Residential)

Property Characteristics

- Site Location: South side of Twelve Mile Road, between Wixom Road and Napier Road
- Site Zoning: RA, Residential Acreage – Northerly ~23 acres
R-1, One-Family Residential – Southerly ~41 acres
- Adjoining Zoning: North (across Twelve Mile, City of Wixom): RM-1, Multiple-Family Residential; South: MH, Mobile Home District; East: RA and R-1; West: R-4, One-Family Residential (Knightsbridge Gate Consent Judgment)
- Current Site Use: Vacant
- Adjoining Uses: North (across Twelve Mile, City of Wixom): Multiple-Family Residential; South: Old Dutch Farms Mobile Home Park; East: Vacant, Catholic Central High School campus, Island Lake Arbors; West: Knightsbridge Gate single-family homes
- School District: South Lyon Community Schools
- Proposed Rezoning Size: 64 acres

Project Summary

The petitioner is requesting the rezoning of a 64-acre parcel on the south side of Twelve Mile Road between Wixom Road and Napier Road. The subject property is currently split-zoned; the northerly ~23 acres is zoned RA, Residential Acreage, and the southerly ~41 acres is zoned R-1, One-Family Residential District (see aerial photo to the left). The applicant has requested a rezoning for the whole property to R-4, One-Family Residential. While the rezoning application is not tied to any concept plan, the application does estimate approximately ±130 single-family homes built in two or three phases (the rezoning traffic impact study included with the submittal assumed 165 homes). The maximum density within R-4 would allow as many as 206 single-family homes, based on an estimated net acreage of 62.5 acres. Staff discussed with the applicant the option of a rezoning with a Planned Rezoning Overlay (PRO); the applicant has opted not to pursue the PRO option at this time.



Recommendation

Staff recommends approval of the proposed Zoning Map amendment, which would rezone the property from RA, Residential Acreage and R-1, One-Family Residential, to R-4, One-Family Residential. The rezoning request is consistent with the Master Plan for Land Use, which recommends Single Family with a residential density of 3.3 units per acre. This residential density is consistent with the maximum density permitted in the R-4 zoning district. Approval is recommended for the following reasons:

- ❑ The requested zoning is in compliance with the Master Plan for Land Use and recommended residential density shown in the Residential Density map;
- ❑ The requested zoning is consistent with the zoning recommended for the subject parcel by the Planning Commission in November 2007 when the subject parcel and four others were collectively considered for rezoning;
- ❑ Twelve Mile Road is largely residential in character in this area and residential zoning is appropriate for this location;
- ❑ The requested zoning is consistent with adjacent residential zoning districts and land uses.

Planning Commission Options

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

1. Recommend rezoning of the parcel to R-4, One-Family Residential (*APPLICANT REQUEST, STAFF RECOMMENDATION*).
2. Recommend denial of the request, with the zoning of the property to remain RA, Residential Acreage (northerly ~23 acres) and R-1, One-Family Residential (southerly ~41 acres).
3. Recommend rezoning of the parcel to any other classification that the Planning Commission determines is most 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 64-acre subject parcel is designated for Single Family on the Future Land Use map within the City's 2010 Master Plan for Land Use, with a planned maximum density of 3.3 dwelling units/acre as shown on the Residential Density map. This Future Land Use designation and planned density are a result of the City's 2008 Master Plan for Land Use Review, the recommendations of which were incorporated into the 2010 Master Plan for Land Use (adopted August 25, 2010). The 2008 Review included the subject property as part of the "Twelve Mile, Napier, & Wixom Roads Study Area", one of three Study Areas included in that report. Recommendations for that Study Area included encouraging high quality residential development with lot widths and setbacks consistent with R-4 zoning standards. Prior to the 2008 Review, the property was designated as "Special Planning Project Area #2" in the 2004 Master Plan for Land Use, without a residential density designation. Based on the 2008 Review and the 2010 Master Plan, a rezoning to the R-4 District would be in compliance with the planned use and density for the site as indicated by the Future Land Use map.

Property History

The 64-acre parcel in question was part of a larger collection of five parcels for which a Planned Rezoning Overlay (PRO) rezoning was applied for in 2007. The intent of that rezoning application was to collectively rezone all five parcels to RM-2 with a PRO option; the corresponding concept plan included the campus of St. Catherine of Siena Catholic girls' school as well as 230 attached condominium units (Nicoleena Estates). Planning staff reviewed the proposal and recommended against a rezoning to RM-2 in a letter dated October 8, 2007, and further advocated for a rezoning to RT, Two-Family Residential District with a Planned Rezoning Overlay.

The matter was discussed by the Planning Commission on November 7, 2007, and a public hearing was held before the Planning Commission on November 28, 2007. Following the public hearing and further discussion, the Planning Commission unanimously voted to recommend approval to the City

Council of a rezoning to R-4 (rather than RM-2 as requested), with a PRO deviation allowing for duplex units (which are typically not permitted in R-4) at a density not to exceed 3.3 units per acre. Since the residential density proposed by the applicant was 3.6 units per acre, the density recommended by the Planning Commission would have resulted in 18 fewer residential units (230 units versus 212).

Following this recommendation from the Planning Commission, the applicant chose to revise their application prior to bringing it before City Council on January 7, 2008. In the revised submittal, the proposed zoning was to be split between RM-2 for the 52 acres to the east (the proposed St. Catherine's campus), and RT with a PRO for the 64 acres to the west (the attached condominiums); 230 attached condominium units were still proposed on the 64 acre portion. (The westerly 64-acre portion proposed to be rezoned to RT in the revised submittal is the same 64-acre parcel currently under review.)

In the interim between the November 28, 2007 public hearing with the Planning Commission and the January 7, 2008 meeting before the City Council, the Planning Commission on December 12, 2007 endorsed a Master Plan designation of Educational Facility for the 52 acres to the east and Single Family with 3.3 units/acre density for the 64-acre parcel to the west. This endorsement was made as part of the 2008 Master Plan for Land Use Review that was wrapping up around the time the rezoning application was submitted, and was consistent with the Planning Commission's motion following the November 28, 2007 public hearing.

On January 7, 2008, the revised rezoning application was brought before City Council. After much discussion, the matter was tabled for a future meeting. On January 22, 2008, Council passed a motion to tentatively approve the rezoning request (with a PRO for the westerly 64 acres) with the condition that the westerly 64 acres would be rezoned to R-4 (and not RT as proposed by the applicant) with duplex units permitted at 3.3 units/acre. The City Council directed the applicant to work with the City Attorney on a draft PRO agreement to be brought back before the Council within 60 days for a final determination on the rezoning request. The draft PRO Agreement never materialized, and St. Catherine's ultimately built their campus on the north side of Twelve Mile Road in the City of Wixom.

On August 25, 2010, the Planning Commission adopted the 2010 Master Plan for Land Use, in which the 64-acre parcel was designated as Single Family with a planned density of 3.3 units per acre.

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	Northerly ~23 acres – RA, Residential Acreage	Vacant land	Single Family (3.3 dwelling units per acre)
	Southerly ~41 acres – R-1, One-Family Residential		
Northern Parcels (across Twelve Mile Road – City of Wixom)	RM-1, Multiple-Family Residential	Multiple-Family Residential	Multi-Family (9 units/acre)
Southern Parcels	MH, Mobile Home District	Old Dutch Farms Mobile Home Park	Mobile Home Park
Eastern Parcels	R-4, R-1	Vacant, Catholic Central Athletic Fields	Educational Facility
Western Parcels	R-4	Knightsbridge Gate	Single Family

Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the requested R-4 zoning with the zoning and uses (existing and planned) on the adjacent properties should be considered by the Planning Commission in making the recommendation to City Council on the rezoning request. Based on an estimated net acreage of 62.5 acres, a rezoning of the subject property to R-4 will allow it to be developed with as many as 206 single-family homes (62.5 net acres at 3.3 dwelling units per net acre).

Across Twelve Mile Road to the **north** in the City of Wixom are two housing developments; multiple-family apartments to the west and attached single-story units to the east. Just west of the apartments is the new St. Catherine of Sienna Academy. The multi-family development directly north of the subject property currently has two points of gated emergency-only access to Twelve Mile, with its main access on the south side of Grand River. Just east of that development is another residential development (attached units) that has full access off of both Twelve Mile and Grand River. The addition of as many as 206 new homes on the south side of Twelve Mile would add – based on the applicant's rezoning traffic study – over 2,000 new trips to the adjacent road network. The majority - if not all - of those trips would enter and exit the subject property via one of more new driveways on Twelve Mile (some may enter and exit via Napier if there is a public connection to adjacent property). The residents of the multi-family to the north would see a significant increase in traffic along Twelve Mile Road with the maximum level of development permitted under R-4 zoning. If and when a residential site plan is approved for the subject property, it will be conditioned upon road improvements as determined by the mitigation recommended in the traffic impact study that will be required. While the residents and landowners across Twelve Mile north of the subject property will experience higher traffic volumes on Twelve Mile Road as a result of development of the subject property consistent with R-4 zoning, they may also benefit from anticipated road improvements triggered by that development (depending on what those improvements will be, which has not yet been determined).

Old Dutch Farms mobile home park is located directly **south** of the subject property. No negative impacts are expected with the proposed rezoning, as it is unlikely that any road connections will be proposed between the subject property and the mobile home park. Residents of the mobile home park that commute via Twelve Mile Road will see higher traffic volumes along that road, but might benefit from road improvements triggered by future development as discussed above.

Vacant land (planned for an Educational Facility, zoned RA) is located directly **east** of the northern 23 acres of the subject property, and Catholic Central's athletic fields (notably the football stadium) are located to the east of the southern 41 acres. The vacant land consists of two long narrow lots, the easterly of which is under the same ownership as the parcel proposed to be rezoned. East of those two lots are the newly-constructed athletic practice fields for Catholic Central High School. Impacts to Catholic Central's athletic fields (and the campus as a whole) to the southeast will be negligible, other than the effects to Twelve Mile Road discussed above.

Directly to the **west** of the subject property is the Knightsbridge Gate single-family development. In addition to the effects on Twelve Mile Road already discussed, it is possible that there will be one or more future roadway connections proposed between the subject property and adjacent properties if and when the subject property is developed.

Comparison of Zoning Districts

The table on the following page provides a comparison of the current and proposed zoning classifications. No alternate zoning districts have been proposed at this time.

	RA (Existing, Northerly 23 Acres)	R-1 (Existing, Southerly 41 acres)	R-4 (Proposed)
Principal Permitted Uses	<ol style="list-style-type: none"> 1. One-family detached dwellings 2. Farms and greenhouses* 3. Publicly owned and operated parks, parkways, and outdoor recreation facilities 4. Cemeteries (existing) 5. Public, parochial, or private elementary schools 6. Home occupations 7. Accessory buildings and uses 8. Family daycare homes 	<ol style="list-style-type: none"> 1. One-family detached dwellings 2. Farms and greenhouses* 3. Publicly owned and operated parks, parkways and outdoor recreational facilities 4. Cemeteries (existing) 5. Home occupations 6. Accessory buildings and uses 7. Keeping of horses and ponies* 8. Family daycare homes 	Same as R-1
Special Land Uses <i>(Italics denotes a special land use only when adjacent to residential)</i>	<ol style="list-style-type: none"> 1. Raising of nursery plant materials 2. Dairies 3. Keeping and raising of livestock* 4. Special land uses in R-1 through R-4 5. Limited nonresidential use of historic buildings* 6. Bed and breakfasts* 	<ol style="list-style-type: none"> 1. Churches and facilities normally incidental thereto* 2. Public, parochial and private elementary, intermediate or secondary schools offering courses in general education* 3. Utility and public service buildings and uses* 4. Group Day Care Homes, Day Care Centers and Adult Day Care Centers* 5. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pools* 6. Golf courses* 7. Colleges, universities and other such institutions of higher learning* 8. Private pools* 9. Cemeteries (proposed)* 10. Railroad right-of-way 11. Mortuary establishments* 12. Bed and breakfasts* 13. Accessary building and uses incidental to a Special Land Use 	Same as R-1
Minimum Lot Size (Area)	43,560 square feet	21,780 square feet	10,000 square feet
Minimum Lot Size (Width)	150 feet	120 feet	80 feet
Building Height	2.5 stories or 35 feet	2.5 stories or 35 feet	Same as R-1
Building Setbacks	Front: 45 feet Sides: 20 feet minimum either side, aggregate of 50 feet Rear: 50 feet	Front: 30 feet Sides: 15 feet minimum either side, aggregate of 40 feet Rear: 35 feet	F: 30' S: 10' min, 24' aggregate R: 35'

	RA (Existing, Northerly 23 Acres)	R-1 (Existing, Southerly 41 acres)	R-4 (Proposed)
Minimum Floor Area Per Unit / Maximum % of Lot Area Covered	1,000 square feet / 25%	1,000 square feet / 25%	Same as R-1
Maximum Density	0.8 dwelling units per net acre	1.65 units per net acre	3.3 units per net acre

*Subject to certain conditions.

Infrastructure Concerns

See the Engineering review letter (dated January 10, 2012) for a specific discussion of water and sewer capacities in the area serving the subject property. The Engineering review indicates there will be increased demand on utilities as a result of the proposed rezoning. However, demands were evaluated as part of the Master Plan for Land Use update process and it was determined that the capacity exists within the system to manage the increased demand with minimal impact. The Engineering review letter did note that the sanitary sewer area plan recommended sewer flows be routed to the east to Wixom Road.

A Rezoning Traffic Impact Study was submitted, showing that the maximum allowable single-family residential density under the proposed R-4 zoning would generate approximately double the traffic of the maximum allowable density under the current split zoning (RA and R-1). The City's traffic consultant has provided a review letter stating that the applicant's rezoning traffic study is generally acceptable, and verifying that a full Traffic Impact Study will be required if and when the parcel is rezoned and a residential site plan is submitted. The scope of that traffic study will be determined once a conceptual site plan has been created, but will likely evaluate traffic impacts at one or more off-site intersections (Twelve Mile & Napier and Twelve Mile & Grand River are good possibilities) and certainly the traffic impacts along Twelve Mile Road. It is worth noting that the Road Commission for Oakland County (RCOC) generally considers 500 trips/day to be the threshold for paving a gravel road, and as already discussed, the proposed development is expected to generate as many as 2,000+ new trips

Twelve Mile Road from Napier to approximately 3,900 feet east of the Napier intersection is under the jurisdiction of the City of Novi, and is designated in the Thoroughfare Classification map within the 2010 Master Plan as a Non-Residential Collector. Approximately 3,900 east of Napier, Twelve Mile Road curves into a short north/south segment that intersects with Grand River Avenue. The north/south segment of Twelve Mile and the intersection with Grand River are in the City of Wixom. Both this segment north/south segment of Twelve Mile and the whole of Grand River Avenue are under the jurisdiction of the Road Commission for Oakland County, as is Napier Road. The jurisdiction of the roads in the vicinity of the subject property will be relevant for the analysis and recommendations within any traffic impact study included as part of a future residential site plan submittal. Twelve Mile Road is paved from Napier to approximately 1,300 feet east of Napier (the extent of the Knightsbridge Gate frontage), and from the Novi city limits north to Grand River. Between the two paved portions, which includes the frontage of the 64-acre subject parcel, is approximately 2,600 feet of unpaved roadway.

Natural Features

The regulated wetland and woodland maps indicate that there are regulated woodlands and a small pocket of wetlands on the site. 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 parcel. Impacts to these natural features will be reviewed and discussed during the site plan submittal for any project on the

property. Typically the City does not require a review from our woodlands and wetlands consultant for a standard rezoning request. It is worth noting, however, that when this parcel was part of the larger rezoning request in 2007 for St. Catherine of Sienna girls' school and the Nicoleena Estates attached condominiums, a woodlands and wetlands review was conducted because there was a PRO concept plan attached. The 2007 wetlands review determined that both City and MDEQ wetlands permits would be required for the PRO concept plan, although several of the wetlands to be impacted were/are located on parcels other than the 64-acre parcel currently under review. The woodlands review noted that over 300 existing trees were proposed to be removed from the 64-acre site based on the PRO concept plan, and that nearly 500 replacement trees would be required. If and when the rezoning is approved and a development plan is submitted by the applicant, a revised woodland and wetland survey will be required for a residential site plan on the subject property, with a corresponding review and field verification by the City's consultants.

Development Potential

Based on the estimated net area of the property and the density permitted under its current split zoning (RA to the north and R-1 to the south), the subject property could be developed with as many as 84 single-family homes ($[22.5 \text{ net acres} \times 0.8 \text{ units / net acre} = 18 \text{ units}] + [40 \text{ net acres} \times 1.65 \text{ units / net acre} = 66 \text{ units}]$), either as a site condominium or a subdivision. Under the proposed R-4 zoning, the property could be developed with as many as 206 single-family homes based on the estimated net site acreage of 62.5 acres ($62.5 \text{ net acres} \times 3.3 \text{ units / net acre}$). The rezoning application estimates " ± 130 units", and the applicant's rezoning traffic study assumed 165 units. Since the application is not tied to a concept plan with a defined number of units, the City has no mechanism at this stage to hold the applicant to a certain number of units, and the potential maximum should be considered.

Submittal Requirements

- The applicant has provided a survey and legal description of the property in accordance with submittal requirements.
- The applicant has provided a plot plan of the location of the rezoning sign on the property, along with a proof of the sign's size and content, in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request. The applicant has been notified of the requirements for when to install and remove the sign.
- The landowner (Mr. Pellerito) has provided his notarized signature on the rezoning application.



David R. Campbell, AICP, Planner
248-347-0484 or dcampbell@cityofnovi.org

ENGINEERING REVIEW

MEMORANDUM



TO: BARB MCBETH, AICP; DEPUTY DIR. COMM. DEV.
FROM: BRIAN COBURN, PE; ENGINEERING MANAGER *BTC*
SUBJECT: REVIEW OF REZONING IMPACT ON PUBLIC UTILITIES
REZONING 18.702 PELLERITO
DATE: JANUARY 10, 2012

The Engineering Division has reviewed the rezoning request for the 64.00 acres located south of 12 Mile Road and east of Napier Road. The applicant is requesting to rezone 23.68 acres from RA to R-4 and 40.32 acres from R-1 to R-4. The Master Plan for Land Use indicates a master planned density of 3.3 units per acre, which is equivalent to the requested R-4 zoning.

Utility Demands

A residential equivalent unit (REU) equates to the utility demand from one single family home. If the area were developed under the current zoning, demand on the utilities for the site would be about 85 REUs. The proposed R-4 zoning would yield about 211 REUs, an increase of approximately 2.5 times the current zoning. However, the proposed zoning is in line with the proposed density in the current master plan. Therefore, there are no major concerns related to the increased demand.

Water System

Water service is currently available from the existing water main constructed with Knightsbridge Gate. A water main stub to the east of the site for eventual connection to Wixom Road would be recommended on a potential site plan. Additionally, there may need to be a pressure study to determine the location of a pressure reducing valve to isolate Knightsbridge Gate and Catholic Central from the Island Lake Pressure District, which operates using a booster pump. The City's water model indicates that the rezoning would decrease pressures by approximately 3 pounds per square inches (psi), but would not have a negative impact on the overall system if looped properly.

Sanitary Sewer

There is no sanitary sewer service directly available for this site. There is sanitary sewer available in Wixom Road to the east and Knightsbridge Gate to the west. A sanitary sewer area plan was developed for this area and recommended that sanitary sewer flows be sent easterly to Wixom Road for discharge through the 11 Mile Road sanitary sewer and Lannys Bypass Pumping Station. If the flows are directed to the east, as master planned, the proposed rezoning would have a minimal impact on the capacity of the downstream sanitary sewer.

Summary

The proposed rezoning is in line with the master planned density and was determined to have a negligible impact on utilities.

TRAFFIC REVIEW

December 27, 2011

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



**SUBJECT: Rezoning Request by Pinnacle Homes / Pellerito, RZ 18.702,
Traffic Review**

Dear Ms. McBeth:

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

Site Description

What is the applicant proposing, and what are the surrounding land uses and road network?

1. The applicant, Pinnacle Homes, has asked the City to rezone to R-4 (One-Family Residential) two contiguous parcels, one of 23.68 acres and now zoned RA (Residential Acreage) and one of 40.32 acres and now zoned R-1 (One-Family Residential). The subject property is on the south side of 12 Mile Road approximately 1/4 mile east of Napier Road (see attached aerial photo).
2. The site is bordered on the west by the Knightsbridge Gate single-family detached condominium complex; on the south by the Old Dutch Farms Mobile Home community; on the southeast by the existing athletic complex of Catholic Central High School; and on the northeast by vacant property (which would retain its existing RA zoning).
3. 12 Mile Road abutting the site is an unpaved, two-lane Non-Residential Collector under City jurisdiction. According to counts made in September 2010, the average daily volume on this section of 12 Mile was about 420 vehicles.

Traffic Study and Trip Generation

Was a traffic study submitted and was it acceptable? How much new traffic would be generated?

4. We have reviewed the applicant's Rezoning Traffic Study, prepared by Wilcox Professional Services and dated December 15, 2011, and found it acceptable.
5. Wilcox based its trip generation forecast on the north parcel being 22 acres and the south parcel being 42 acres, areas slightly different than those indicated in the rezoning application. Applying the Zoning Ordinance's maximum permissible densities, Wilcox determined that the two parcels developed at their existing zoning would accommodate 17 and 69 homes, respectively, for a total of 86. Applying those densities to the application's areas, we have determined that the two parcels together would accommodate 84 homes.

- Since the equations used to forecast trip generation by single-family homes are non-linear, predicting trip generation by the existing parcels separately and adding the results will produce slightly higher values than predicting trip generation for the two parcels combined. Results for the alternative forecasting methods are summarized in Table I (below). Also, Wilcox made trip forecasts for a “proposed development” of 165 homes, whereas the rezoning application indicates “130 +/-” homes; our forecast for the latter is shown in the last row of the table.

Table I. Trip Generation Comparison

Case	No. of Homes	Weekday Trip Ends	AM Peak-Hour Trip Ends			PM Peak-Hour Trip Ends		
			In	Out	Total	In	Out	Total
Existing Zoning per Wilcox								
RA	17	204	6	16	22	13	8	21
R-1	69	739	15	43	58	47	28	75
Both	86	Totaling Above Forecasts						
		943	21	59	80	60	36	96
		Forecasting Directly for 86 Homes (by BA)						
		905	18	52	70	58	34	92
Existing Zoning per Birchler Arroyo								
RA	18	Not Forecasted Individually						
R-1	66							
Both	84	886	17	52	69	57	33	90
Permitted by Requested Zoning								
R-4	211	2,067	39	118	157	130	76	206
Assumed to Be Developed Under Requested Zoning								
Wilcox	165	1,648	31	94	125	104	61	165
Applicant	130	1,324	25	76	101	84	49	133

- In summary, site development under the requested R-4 zoning could result in 2.3 times as many trips, on both a daily and peak-hour basis, as site development under existing RA and R-1 zoning. Although the assumed development size under the requested new zoning has no status absent a conditional rezoning agreement, estimates show that possible development under the new zoning would generate 1.5-1.9 times as many trips.
- The above forecasts show that if the two parcels are rezoned as requested, the potential peak-hour, peak-direction trips would exceed 100. Hence, City policy would call for the preparation of a full traffic impact statement, wherein one or more off-site intersections would have to be evaluated in addition to the proposed site access drives. We would also be interested in forecasts of future daily traffic on the unpaved sections of 12 Mile Road, assuming build-out of both the subject site and the adjoining Knightsbridge Gate detached condominium complex. If and when the requested rezoning is obtained, the applicant’s traffic consultant to call us regarding the appropriate traffic impact study scope.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.



Rodney L. Arroyo, AICP
Vice President



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

Attachment



Rezoning 18.701, Pellerito

APPLICANT RESPONSE LETTER



February 2, 2012

Ms. Barbara McBeth, Deputy Director of Community Development
City of Novi - Community Development Department
45175 W. Ten Mile Road
Novi, Michigan 48375

RE: Capital Park of Novi – Request for Rezoning
Section 18, City of Novi, Oakland County, Michigan – 64 acres
Applicant - Pinnacle Homes

Dear Ms. McBeth,

We received the staff review comments for our proposed rezoning, and appreciate the **recommended approval** of the proposed zoning map amendment by the city staff. Obviously, we concur with staff that the rezoning to the R-4 district would be in compliance with the planned use and density for the site as indicated by the Future Land Use map.

On the utility services question, we did recently meet with the city engineering manager, Mr. Brian Coburn, to discuss sanitary sewer services to the property. We will be working with his department to confirm that a connection to the public sanitary sewer provided to our site on Twelve Mile road, which flows westerly, not easterly, through the Knightsbridge Gate development will be an appropriate outlet for the property.

That said, we look forward to the public hearing and discussing any questions the community or the Planning Commissioners may have on our proposal. Thank you again for your support.

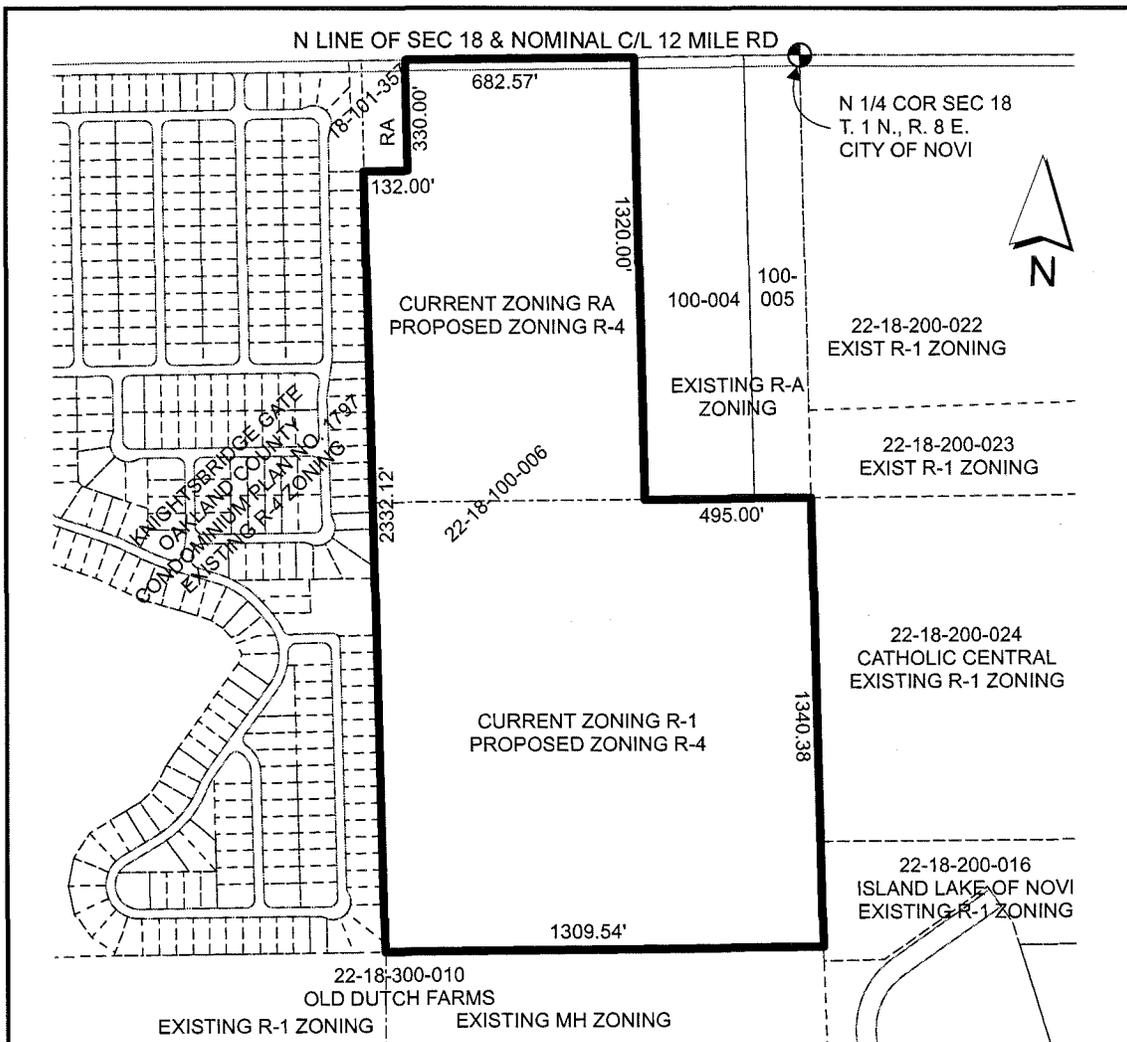
Sincerely,
A-Team Associates, LLC

William W. Anderson, PE

William W. Anderson, PE
President

XC: Howard Fingerroot, Applicant / Pinnacle Homes

PROPERTY SURVEY



To rezone a part of the northwest 1/4 of Section 18, T. 1 N., R. 8 E., City of Novi, Oakland County, Michigan being parcels 22-18-100-006 more particularly described as follows:

Commencing at the north 1/4 corner of said section 18 and proceeding N. 89°31'51" W. 495.00 feet along the north line of section 18, also being the center line of 12 Mile Road (33 feet wide, 1/2 width) to the point of beginning; thence S. 00°15'03"E. 1320.00 feet; thence S. 89°31'51" E. 495.00 feet; thence along the north and south 1/4 line of said section 18 S. 00°15'03" E. 1340.38 feet to the center of said section 18; thence along the east and west 1/4 line of said section 18 N. 89°36'24" W. 1309.54 feet, thence the following three (3) courses along "Knightsbridge Gate" Oakland County Condominium Subdivision Plan No. 1797 1) N. 00°15'03" W. 2332.12 feet, 2) S. 89°31'51" E. 132.00 feet, and 3) N. 00°15'03" W. 330.00 feet; thence along said north line of section 18 and 12 Mile Road centerline S. 89°31'51" E. 682.57 feet to the point of beginning containing 64.00 acres more or less.

FROM: RA RESIDENTIAL ACREAGE DISTRICT
R-1 ONE-FAMILY RESIDENTIAL DISTRICT

TO: R-4 ONE-FAMILY RESIDENTIAL DISTRICT

ORDINANCE NO. 18.702
ZONING MAP AMENDMENT NO. 702
CITY OF NOVI, MICHIGAN

ADOPTED BY THE CITY COUNCIL _____

ROBERT J. GATT MAYOR

MARYANNE CORNELIUS CLERK

CITY COUNCIL MEETING MINUTE EXERPTS
January 7, 2008
January 22, 2008

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 7, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD

EXERPT

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage to RM-2, High-Density, Mid-Rise, Multiple-Family Residential, or some lesser residential designation, and favorable consideration of the PRO Concept Plan. The subject property is 115.89 acres.**

Matt Quinn was present representing the applicant. Mr. Quinn introduced Mr. and Mrs. Frank Pellerito, the owner's of the property, Mike Dewan and Ed Turik, the developers of St. Catherine, and some Sisters representing the Dominican Sisters of Mary, Mother of the Eucharist, Father Richard Elmer from Catholic Central. Mr. Quinn also advised Council of who would be on their consultant team.

Mr. Quinn advised Council about the surrounding property and what the use of the properties was at present. He explained what the high school would be like and said it would educate up to 750 young girls. He introduced Father Elmer who introduced Sister Augustan, the designated principal of the ten Sisters who would come to staff the school, and spoke about the mission of the school. Mr. Dewan, developer, spoke about what would go on in the Resource Center, which was to allow people to come in and bring their questions and ideas. Mr. Quinn stated the facility would also be used by the senior citizens, the Parks and Recreation program, public community associations and Boy Scouts and Girl Scouts for a nominal fee for janitorial and utility costs. Mr. Pellerito's B-2 property would also benefit to the maximum as a tax base for the City. There would be 70% of open space; Twelve Mile Road was proposed to be paved along with sidewalk use on the south side and the storm water drainage improvements. He said traffic for the site would not be a major impact for anywhere in Novi. Mr. Quinn said the major access to the high school would be off of Twelve Mile Road and because of the Wixom Road Interchange the area would be improved 100%. They believed having another cultural institution would be a benefit to the City.

Tom Ryan, attorney for St. Catherine, said the Planning Commission had endorsed the project but there were issues they were still dealing with. Mr. Ryan explained the issues to Council regarding 1) going from an R-A to an R-1 density, 2) Using an RT, Transitional Zoning, to buffer the residential zoning to the west. He said negotiations and cooperation would be needed to bring this project to fruition as it was R-A or R-1 on the map but it shouldn't be and Transitional Zoning was needed. He hoped Council would consider that. The Pellerito's were asking for R-M Zoning so this would work for them. Mr. Ryan asked Council to use the Transitional Zoning, allow the R-M zoning with a PRO and the controls the City would have, so this concept could become a reality.

Mr. Quinn thought the R-M 2 zoning, for the school property only, did no harm to the City because it was protected with the PRO contract and could make this an economic reality. He

said without the R-M 2 zoning the project would be a financial impossibility and would not happen. He said the project was unique and would not set precedence.

Mr. Quinn said they would ask for 3.6 units per acre on their residential portion and that the property be rezoned to RT, duplex zoning, which was 4.8 units per acre. Another option that

the Master Plan Consultants came up with was to split the use with 3.3 units per acre on the north and 4.4 units on the south, which would give them more than what they the 3.6 units they were asking for.

Barbara McBeth said the project was about 116 acres and the applicant was proposing to rezone all or portions of the site from Light Industrial, Residential Acreage and R-1. She showed the proposed plan which entailed the Nicoleena Estates, the Catholic girls' school and the St. Catherine of Siena, the associated convent and the Catholic Educational Research Center, which was the portion proposed to be rezoned to R-M 2. The west end of the site they were proposing to rezone to RT. On November 28th the Planning Commission made a recommendation to rezone the property with the PRO to R-4 with 3.3 units per acre, and they recommended a deviation from the PRO be allowed to allow the duplex style development on the west part of the site. Ms. McBeth said the proposed density of Nicoleena Estates was presently 3.6 units per acre and the applicant would have to reduce the number of units by about 18 units to obtain 3.3 units per acre, which were 18 units less than the 230 that were shown on the plan.

On December 12th the Planning Commission completed their study of the Master Plan for Land Use. She said the western part of the site was shown at 3.3 units to the acre and the approval was for educational facility for the east side of the site. The final recommendation of the Planning Commission was for 3.3 units per acre and this option was consistent with the Planning Commission recommendation that was made two weeks prior to that. She said the Community Development Department suggested that Council consider one of four options. 1) the applicant's original request for the RM-2 maintaining the current proposed density of 3.6 units per acre. She noted that under the RM-2 there could be up to 20 units of two bedroom units per acre and that was their recommendation. 2) Staff's proposal for RT or any lesser single family residential designation as it was consistent with the duplex nature of the western part of the project and with the RT District which allowed a maximum of 4.8 units to the acre. 3) The Planning Commission's recommendation for R-4 with the necessary ordinance deviations and revising the concept plan to accommodate the maximum density of 3.3 units per acre to the acre, which was consistent with the recently approved Master Plan study density for that area unanimously endorsed by the Planning Commission. 4) The applicant's revised request as presented on December 19th which included rezoning of the 51.89 acres to RM-2 for the property to be developed with St. Catherine's of Siena and rezoning the remaining 64 acres to RT for the property to be developed with Nicoleena Estates with the necessary provisions of the PRO Overlay.

Mayor Pro Tem Capello said he had no problem with the developer's revised option #4. The RT was a higher density than the Planning Commission wanted, .but he thought 27 units per acre wasn't that great of an increase in the density given what the City would receive in return. He said not only was the City getting in return the girls Catholic high school but would also be getting the entire property that the high school would be built on that was not being developed as residential at all. So, the City would be getting the benefit of not having any density, except for the convent, on that entire piece of property, which he thought was a plus, because this had

been a problematic area in the City. He said there was going to be a PRO so to him the zoning and the density on the property where the high school was to be located didn't matter. He said it didn't matter what it was rezoned to or what the density was because they knew with the PRO they would be guaranteed the density would be no more than just the Sisters living in the convent. He said he didn't understand the Planning Commission's logic wanting to keep

that as R-4 after they had already agreed it should be used for educational purposes. He said there was no detriment to the City whether it was RM-2 or R-4. The benefit to the Dominicans if it was RM-2, was possibly \$3 or \$4 million dollars of additional funds coming into the school to help not only build the school but to maintain payments and operating expenses for the first few years until the school could get on its feet. Mayor Pro Tem Capello couldn't understand why they wouldn't want money not taken out of the City's taxpayers dollars; give the school \$4 to \$5 million dollars to operate on with no detriment to the City whatsoever. He couldn't understand why they wouldn't do that. He understood the RM-2 zoning was inconsistent with any other zoning but with the PRO they were not going to have that zoning in place insofar as determining density. He said he didn't have a problem with duplexes whether RT or R-4 with the PRO provision for duplexes 18 units would not make or break it. The real question was whether or not the school property would get RM-2 rezoning. He thought if there was a problem rezoning to RM-2, after the project was over and funding in place, any harm in them coming back and asking for it to be changed back to R-4, if it looked better in the Master Plan.

Member Gatt concurred with Mayor Pro Tem Capello. However, he thought he understood why they wouldn't do this, and that was because the Master Plan and the new Master Plan that was coming out didn't recommend the RM-2 zoning. He said it would be covered by a PRO and he didn't believe it would set a precedent to any other developer down the line. Member Gatt said, as Mr. Quinn said, they needed it for the money, and with the higher density zoning they would be able to borrow more money and have it appraised higher, which they would use for the school. Member Gatt said Novi had the best co-ed school in Michigan, and then Catholic Central came in and was the very best all boys school that anyone could ask for. He said now they were proposing what he believed to be the very best all girls school and all in the City of Novi. He said these schools would increase the property values and the quality of life in Novi. He said he was fully in support of this endeavor and understood both sides and would lean toward the school's side more because the benefit to the City was black and white.

Member Crawford commented that she, as a new Council member, had met with Mr. Quinn and Planning Commissioners over the last four days and talked about it. She said she was very much in favor of the project and thought it would be a wonderful thing to have another educational venue in Novi. She loved the idea of having community involvement where the community would be invited to the campus to use it. However, there was time invested in the recent Master Plan study and she had wrestled with this but concurred with Mayor Pro Tem Capello and was very much in favor of the project.

Member Margolis also thought they would get an approval; the question was what kind of an approval. She said she absolutely supported the school and thought it would be a wonderful addition to the community. She said her issue was the idea of her position and job to set policy for this City, and with such strong discussion and emotional appeals about the importance of the school to the City, it was easy to lose sight of their responsibility to look at things with an objective eye. Member Margolis said one of their responsibilities was to follow the Master Plan. She said she had no problem with the R-4 designation but would not be able to support a rezoning to the RT or the R-M 2 at this point.

Member Mutch had concerns about the off site wetlands on the commercial property to the east. He asked if staff or consultants been able to quantify the impact of the wetland impacts and were they covered under the Wetland Permit process. Ms. McBeth said this was a concept plan at this point and she asked Dr. John Freeland from ECT to comment.

Mr. Freeland said on this stage of their review they had done wetland boundary verification but had not done a final regulatory determination. He recommended to the applicant that they submit an application to the MDEQ to see what they would or wouldn't regulate. He said they didn't want to do their final determination and determine a wetland might be non-essential and then have the MDEQ decide to regulate it. He said any wetland that was MDEQ regulated would also automatically be City regulated. He said now they were calling for impacts of approximately 4 ½ acres of wetland and proposing a little over 6 acres of wetland mitigation. He believed there was a total of 5 proposed wetland mitigation areas to compensate for the proposed impacts. Mr. Freeland said the highest quality wetlands were forested wetland or forested emergent open water wetland complexes that had high quality values in terms of wildlife habitat, water retention, stormwater storage, etc. He said they were concerned about the proposal to discharge water into a wetland adjacent to Knightsbridge Gate. He said it was a forested wetland and covered by a conservation easement. He said they had discharged stormwater into areas covered under conservation easements before but in this case he was concerned about putting a lot of water into a forested wetland that was on the east side of Napier Road in Knightsbridge Gate. They went out to look at culverts on Napier Road and it appeared that they were blocked from years of not having any maintenance, and if those blockages weren't dealt with there would be additional water building up in the forested wetland next to Napier Road. He said they didn't know who was responsible for those culverts, but suggested they take care of them to prevent damage to a very quality forested wetland.

Member Mutch said Mr. Freeland had raised the issue that the offsite stormwater conveyance into that wetland could lead to a tree die off from water saturation. He asked if that was west between Knightsbridge and Napier Road. Mr. Freeland said correct, it was on the west side of Nicoleena Estates. Member Mutch said Mr. Quinn said they were going to mitigate the wetlands that would be filled on the commercial property to the east on the site, and Mr. Freeland had noted in his letter that there had not been any determination by MDEQ or the City about essentiality or whether the wetlands were regulated or not. Mr. Freeland agreed and said it was typically done at the preliminary site plan stage and they thought there might be some very small wetlands that weren't regulated. He said 4 ½ acres of impact was probably a good number to think about tonight. Member Mutch asked if he had the formula of how they got to the mitigation number. Mr. Freeland responded he thought the formula was 1 ½ to 1 replacement ratio with the assumption that a few of the wetlands would not be regulated. Member Mutch asked what his view was on their concept of the wetland mitigation and how it would work. Mr. Freeland responded that they thought it was approvable depending on the details of the wetland mitigation plan, which had to be developed.

Member Mutch asked if the wetland permit approval process would be done at the Planning Commission level or would it be done by City Council. Mr. Schultz stated it would be a part of the overall approval, and what was going to happen with the wetland would be addressed in the PRO agreement. Then site plan approval at the Planning Commission level. Member Mutch asked if the wetland permit approval for the off site wetlands would be included in any wetland permit approval for development of these properties, or would it take place when Mr.

Pellerito developed the commercial portion. Mr. Schultz said, at this point, they would expect that there would be an approval and permitting for that entire process. Member Mutch asked if language to that affect would be included in the PRO agreement. Mr. Schultz said if that was part of Council's understanding they would make that clear in the agreement. Member Mutch

asked Mr. Quinn if it was his expectation that the PRO agreement would include addressing the off site wetlands. Mr. Quinn said it was, and in their proposed Phase I included all wetland mitigation programs. Member Mutch said the permit would include the off site wetlands as well, and Mr. Quinn said yes. Member Mutch said Mr. Quinn talked about intrusion into a couple of the woodland areas in the Nicoleena Estates portion of the property, and he asked Ms. McBeth what staff's evaluation of the quality of the woodlands was. Ms. McBeth said Mr. Freeland worked with the City on woodlands as well. Mr. Freeland said the woodlands were fairly mature hardwoods common to the City. They contained some Hickory, Ash, Elm, Maples and Red Oak primarily. Member Mutch asked what the quality was of the woodlands in the area of the western pocket where the cul-de-sac came down and went into the existing woodlands. Mr. Freeland responded it was generally good quality.

Member Mutch said there were questions from staff about sanitary sewer capacity downstream from the site and questions about how the sewage would be conveyed from these developments to the existing sanitary sewer system. He asked if they had been able to determine capacity downstream and what kind of facilities would be put in place, in terms of pump stations, to get the sewage from the site into the existing system. Ms. McBeth read from their letter "the project is within the Lanny's Sanitary Sewer District and we are currently undertaking a project to increase the capacity within that district with the addition of a diversion chamber, pumping system and bypass force main along Beck Road and I-96". She said that was based on the Master Plan for Land Use in 2004. She said they went on to talk about the site "the topography of the site the sanitary flow could be discharged easterly or westerly from the site. Any flow that was discharged from the west impacts three existing pump stations, the Knightsbridge Gate, the Napier Road and Wixom Road, along with the proposed Lanny's bypass pump station. A flow to the east would impact only the Lanny's bypass pump station. Therefore the Engineering Division supports the applicants plan to construct a new pump station to direct all sanitary flows to the east. Engineering can estimate, based on information provided in the PRO concept plan, that would result in an increased peak sanitary sewer discharge of .25 cubic feet per second over the anticipated flows assuming that a warehouse might have been developed in the Light Industrial District or a decrease of .1 CFS in flow assuming a factory was used in the I-1 District". She said they were saying it would require the applicant to provide sanitary basis and design, and the applicant would be required to study the existing capacity downstream. It would typically take place at the time of site plan.

Member Mutch asked at what point they would know whether there was an issue with capacity downstream. Mr. Hayes said they should know that at the preliminary site plan phase when they give them their initial calculations. Member Mutch said whose responsibility would it be to make improvements if an issue occurred with capacity, either at the pump station or in the lines, to accommodate it. Mr. Hayes said by virtue of their recommendation of directing all flow to the east to the new lift station on Beck Road that capacity condition should be ameliorated. Member Mutch asked if they would be putting in their own pump station and he assumed that would become the City's responsibility to maintain. Mr. Hayes said he was correct. Member Mutch said this would also be the most current design with backup generators, and Mr. Hayes

agreed. Member Mutch assumed it would be covered by any agreements the City drafted and Mr. Hayes agreed.

Member Mutch commented he had no issues with the school site itself. The environmental impacts, the roadways, fields, etc., with the school itself were fairly limited. Member Mutch

said the concerns he had with the site plan as presented were with the impacts in the Nicoleena Estates area. He thought they had a blank slate to create a development that met the needs of the applicant and also addressed the City's environmental standards. He said when he saw a design that had some impacts to the good quality woodlands, and the questions about the wetland impacts, to him it meant they had some more work to do. The development team for the project needed to make changes to the site plan to address those environmental impacts. His concern with these parallel projects was once they were approved by Council they went back through the process, and he thought the perception by staff and the Planning Commission was that Council saw this and signed off on the plan so they must be OK with it. Member Mutch wanted them to know if this did go forward, there was more work to be done. This was not the final plan and it was not the intent of the PRO Ordinance or process to rubber stamp what had been presented before Council. Member Mutch thought they should address the issue of sewer capacity and water pressure, also the question of street connections to the vacant parcel between Nicoleena Estates and St. Catherine School. He didn't see anything that would permit a connection to the vacant land, and he didn't want to end up with the 20 acre parcel Mr. Quinn highlighted, being not developable in a quality way or a future dispute about access. He wanted to see some provision or understanding in the site plan that highlighted how these two properties could co-exist and be developed. He said the access drive would be a logical place to have at least one point of connection but if that wasn't spelled out more often than not it doesn't happen. He said he would be looking for the applicant to work with Catholic Central to better work out the pedestrian access between the properties, and even to the commercial section to the east.

Member Mutch said the school and the Catholic Education Resource Center were unique public benefits to the community. He thought a lot of the benefits presented really flowed more to the applicants and the Pelleritos. He commented he wasn't impressed with the PRO Ordinance as a vehicle to bring forth projects that he saw equitable benefit to the public and the private sector. Member Mutch understood the needs of the applicant but that raised the two core issues he was struggling with. One was the Master Plan, which was not officially approved, and they were talking about making some deviations regarding density. Member Mutch said while each site was unique, when deviations were made it did create a precedent, and that was a concern. He was also concerned with using the PRO Ordinance as a vehicle to finance the project. He understood the economic and the obstacles the Sisters faced creating a school from scratch, they didn't have the alumni base that Catholic Central had, and they were depending on the Pelleritos being able to do the creative financing. But, that was not the responsibility of the City of Novi to make that happen. He said a PRO was a zoning tool; it was not a financial tool or some other tool that the City would have more leeway with. He was concerned that if they opened the door with this project, as good and as beneficial it might be for the City, long term what would be the impact of that. He asked how many other proposals would come forward that might not be as beneficial or have the same benefits. Member Mutch said he would not support the rezoning because of that. He thought the rest of the issues could be addressed.

Member Staudt said he walked the property and liked what he saw and what he was thinking about this. He saw this as a future opportunity for potential employees of Providence to locate close to their workplace. He said relative to the woodland and environmental issues, he agreed with Member Mutch that this was a less than complete project at this point. He said Mr. Quinn addressed his issues regarding the documentation of the usage of facilities, which he felt was an important element. He was happy to hear him offer the written documentation.

He said he would lean toward staff option 3. He thought this was an extremely complicated situation and he had given it much thought and thought they would have an interesting struggle dealing with this. Mr. Staudt was happy to see a girls Catholic High School and this was a great opportunity for our City to add another crown jewel to it.

Mayor Landry said he was in favor of the project, and thought that St. Catherine would benefit the City. He wasn't concerned about the traffic, thought the stormwater issues could be worked out, and the PRO requirements were met with the paving of Twelve Mile with respect to benefits to the City. However, he said he was concerned about the underlying zoning. He said it was his responsibility to protect the integrity of the City's Master Plan and the City's zoning plan. He said he understood the economic realities to the extent that in order for Mr. Pellerito to donate the property he had to see an economic gain, and in order for him to see an economic gain he needed increased density on the parcel he was retaining to the west. It was currently zoned R-A, which was .8 units per acre and R-1, which was 1.6 units per acre. Mayor Landry said what was being proposed, RT for Nicoleena Estates, was 3.6 units that quadrupled the density in R-A and doubled the density in R-1. He said R-M 2 would provide for between 15 and 31 dwelling units per acre depending on one bedroom or three bedroom apartments in high rise apartments. Mayor Landry stated he could not agree to RM-2. He said this was not the only religious or educational institution that was in the planning stages in the City. He said others were coming forward, and what he couldn't do was arbitrarily designate a zoning category for an area to give it the highest market value when it had nothing to do with the actual use that was going to happen on the property. He understood about the PRO and that they were going to guarantee it was an educational institution, but he could not utilize the Master Plan and Zoning Ordinance when they knew it would have nothing to do with the use that was there. Mayor Landry thought the Planning Commission hit the nail right on the head. The Planning Commission recommended R-4 for the entire property, which allowed 3.3 dwelling units per acre. He said that would give Mr. Pellerito the density he needed and was within 15 units, and he agreed with Mayor Pro Tem Capello that 15 units would not make or break that project. Mayor Landry said he wouldn't build on it for 10 years; he would not build on it but would sell it. He said 3.3 dwelling units per acre would give Mr. Pellerito what he needed for this project. Mayor Landry said he would be in favor of R-4 with a PRO to allow the school; he would also allow the duplexes on Mr. Pellerito's portion of the property but he could not agree to RM-2. Mayor Landry said they just spent a lot of time and money looking at the Master Plan, and had hired consultants to advise them on the Master Plan. He said the whole reason was to maintain the integrity of the Master Plan. He said they had to update the plan and it had to be fresh, if they were going to utilize it in the future. Mayor Landry said they were just coming to a close with that exercise, and the Master Plan was going to reveal 3.3 dwelling units per acre, and he could not ignore that in the very first project that comes before Council. He didn't think it would be maintaining consistency and they could not look at another project and say they weren't consistent with the Master Plan because they would say Council just totally ignored it and gave them 30 dwelling units per acre and gave them a PRO on top of it. He said he just could not agree to that. Mayor Landry said he was willing to bend and increase the density to allow Mr. Pellerito to get what he needed to allow the project to go forward and

he had no problems with the PRO or the duplexes. He could do that but could not just arbitrarily use the Zoning Ordinance.

Mayor Landry stated he would support a motion consistent with what the Planning Commission did, or he would consider any other motion that Council might have.

Mayor Pro Tem Capello said the property was zoned I-1 and B-2 and they were asking to go for the school property to an R-4, and asked if the property value would be higher as a Light Industrial and B-2 than an R-4 in today's market.

Mr. Quinn said the school was not allowed in the I-1 but was allowed in all residential areas. He said they were seeking RM-2. Mayor Pro Tem Capello said he thought private schools were allowed in Light Industrial. Mr. Schultz said no, they needed the R designation in order to get their school. Mr. Quinn said a for profit went into I-1 not a non-profit school.

Mr. Quinn said they had come in before the Master Plan update began, it was not adopted yet, and he said they still had the right to come in under the existing Master Plan. He said even the proposed Master Plan said that the R area for the school facility was designated as education facility and he wasn't aware that there was an underlying density. He said the only 3.3 was on their residential component. He said if it was just designated as educational facility with no density applicable to it then they were in compliance with the proposed Master Plan.

Ms. McBeth said Mr. Quinn was correct. She said the 3.3 units per acre were shown for the western part of the site, and this was recommended for institutional and there would be no density associated with that.

Mayor Pro Tem Capello commented that it appeared there would not be consensus on the RM-2 and there might be consensus on the R-4. He said he didn't want them to leave with something they couldn't deal with and asked if they tabled this, would it give them an opportunity to go back and readjust and come up with another alternative. He said it looked like the consensus tonight was that it would all go to R-4.

Mr. Quinn said all the financial analysis had been done on the RM-2 basis and it was a break even point at that with a little bit of reserve. He thought they needed to do some additional financial evaluation if it was not going to go there. He said they would not mind a table, but if it was tabled, they would like it on the agenda for the next available meeting.

**CM-08-01-04 Moved by Capello, seconded by Mutch; CARRIED UNANIMOUSLY:
To postpone the consideration of Zoning Map Amendment 18.676
with a PRO to the next available City Council meeting to give the
applicant an opportunity to go back and consider comments made
by Council members tonight and reconsider their request of the City.**

DISCUSSION

Member Gatt asked if it was designated "education facility" could RM-2 fit there.

Ms. McBeth said the Master Plan recommended the underlying land use. The zoning districts allow the uses that would be permitted there. So during the months of study with the Planning

Commission and consultants bringing the residents in to discuss this as well, the recommendation was for residential uses with the educational component associated with it. She said for that reason they didn't usually have a designated density on the Master Plan for Land Use when the educational component was recommended. She said the RM-2 allowed the highest density residential development that was in the community. The RM-2 District

would allow an educational facility as it carried through all the residential districts. Member Gatt said the new Master Plan would designate the property as educational facility. Ms. McBeth said correct.

Member Mutch said the fact that the Master Plan designated that as educational facility and did not designate a density didn't mean it was a blank slate and any number they wanted could be used. The designation of educational facility recognized that it was essentially a residential land use but without density associated with it. He said they couldn't just use the zoning and Master Plan to craft it into whatever designation Council wanted to do. He thought if there was an understanding that there was going to be some density associated with it, that would be something the Planning Commission would have reviewed. He said he highly doubted that RM-2 would have been the density they would have placed on that property. He would support the table so the applicant had the opportunity to review whatever issue they had that they could address, and also based on the Council's comments. He thought they needed to keep a couple issues in mind, and one issue with the school property was there was a proposal for the convent. He said the convent was a residential use, so this discussion whether the school could go into I-1 or not, he thought they had to keep in mind there was some residential component with that. He said he was always open to creative ideas and suggestions but within limits. He agreed with Mayor Pro Tem Capello that they had existing zoning on portions of the property that would seem more valuable than a residential zoning, which might be something to look at, or ways to utilize Mr. Pellerito's B-3 property to benefit this development. There were definitely some complicating factors and he hoped two weeks would be enough time for the applicant to bring forward a solution that the majority of Council could support.

Mayor Landry stated he had no problem tabling this, if the applicant needed more time. However, he would not support RM-2 under any circumstances. He said oftentimes tables were used to prevail upon people and that was fine, but to be fair to the applicant he was open to options, but would not designate a zoning category that dense in this situation under any circumstances.

Roll call vote on CM-08-01-04

**Yeas: Gatt, Margolis, Mutch, Staudt, Landry,
Capello, Crawford**

Nays: None

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
TUESDAY, JANUARY 22, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD
cityofnovi.org**

EXERPT

MATTERS FOR COUNCIL ACTION – Part I

- 1. Consideration of Zoning Map Amendment 18.676 with Planned Rezoning Overlay (PRO) SP07-33A from the applicant, Lakeside Oakland Development, to rezone property located south of Twelve Mile Road, west of Wixom Road from I-1, Light Industrial, R-1, One-Family Residential and RA, Residential Acreage to RM-2, High-Density, Mid-Rise, Multiple-Family Residential, or some lesser residential designation, and favorable consideration of the PRO Concept Plan. The subject property is 115.89 acres.**

Matthew Quinn was present representing the applicants. Mr. Quinn said Mr. Pellerito had a meeting last week with some finance people and the numbers were not yet determined. They had also met with Parks and Recreation to discuss programming and the use of Mr. Pellerito's fields and building, and were making calls to some of the areas where there were leagues they might participate in regarding what the requirements were for time. Mr. Quinn commented they were not ready to proceed tonight, and believed they would be able to meet the next submission deadline for the Council meeting of February 4th. Then they would be able to discuss the economics of it all, whether they could change their plan or not, and how they could add the Parks and Recreation programming to their public benefit proposal.

Mr. Pearson commented that they had added some material about this in the Master Plan, and clarification of that was in Council packets.

Member Margolis thought most of what was in the packet and all of the information Council had wasn't much different from what the Planning Commission had discussed. She said they adjourned to give the applicant more time to try and work out some alternatives, and that had not been successful. Member Margolis thought Council would like to move this forward and the things Mr. Quinn had talked about could be addressed in the PRO process. She stated she wanted to see this move forward, the Planning Commission had done a good job in vetting the issues and giving Council a recommendation, and it was fitting with the Master Plan that was proposed.

**CM-08-01-012 Moved by Margolis, seconded by Mutch; MOTION CARRIED:
That Council indicate under the PRO Ordinance that it may approve
Rezoning of the property to the R-4 District, not an RM-2, and
therefore, direct the City Attorney's office to begin work with the
applicant on an appropriate PRO Agreement. The conditions of the
approval would be that duplex units could be established on the
residential portion and would be limited to 3.3 units per acre. In**

**addition, any conditions referenced in the staff reports should be
considered for inclusion in the agreement. Also, require the matter
to return to Council between 30 and 60 days. If no agreement could**

be reached, the Council could then act to deny the request or make another appropriate motion including approving the Planned Rezoning Overlay with those conditions.

Mayor Landry said the motion was to direct the City Attorney to meet with the applicant to work on the language of the PRO that would include a rezoning to R-4. Mr. Schultz agreed. Mayor Landry said then Mr. Schultz would meet with the applicant to work out the PRO language, if they were not able to work out that language, they would return to Council in 30 to 60 days and Council would either deny it or consider an alternative, if available, then. Mr. Schultz agreed. He said it was consistent with the two step process of the PRO, where the actual decision on the rezoning came after the effort on the agreement. Mayor Landry said this motion would be very consistent with the City Ordinance, and Mr. Schultz agreed.

DISCUSSION

Mayor Pro Tem Capello commented that he still believed they would get a higher valuation with their existing zoning of Light Industrial than they would get with R-4. He asked Mr. Schultz if they chose to move forward on the entire project but only moved forward on a portion of the rezoning, with the motion on the floor would it have to come back to Council. Mr. Schultz said it would. Mayor Pro Tem Capello asked if they could say they wanted to move forward with the PRO, with only a portion of the rezoning. Mr. Schultz said they could come back with something less than what had been advertised and discussed by the Planning Commission, but again this was an optional form of development, essentially an agreement form so Council would have to be interested in doing that for it to go anywhere.

Member Crawford thought St. Catherine would benefit the City of Novi and she was very much in favor of the educational portion of it. However, she was still having difficulty with changing and altering the Master Plan. Member Crawford said she would vote in favor of the motion with the hope it would be sufficient.

Member Gatt commented he had no problem giving the applicant a couple of weeks as requested. He said he would not support the motion and thought their request should be granted.

Member Mutch echoed the previous speaker's comments in that he had no problem with their request. However, he also believed that the motion that was made was ultimately what he would support, that being the R-4. He stated he would support the motion but wanted to make it clear that the motion itself just got the process moving forward with the PRO. If there was any change or problem from the applicant's viewpoint with proceeding, this would come back to Council in two months or sooner.

Mr. Schultz said Member Mutch was correct. The ordinance was set up so that it was kind of a preliminary indication about whether or not the staff and the petitioner should get to work on the agreement. He thought that part was clear, and if it didn't go anywhere, it didn't go anywhere.

Member Mutch thought that was an appropriate way to move this forward. This would give the applicant direction on where the Council stood, and if there was some significant change that

required it to come back to Council, there was the opportunity for that. Member Mutch stated he had asked questions of staff regarding the wetland issues, and when the PRO Agreement came back to Council he would expect those questions to be addressed either in the agreement or through staff correspondence. The agreement or correspondence would need to make it clear that whatever impact was taking place on the commercial property was addressed through the PRO Agreement. Also, that there was appropriate mitigation taking place either as part of the proposed project or whatever appropriate fashion permitted by the ordinance.

Mr. Quinn said Mr. Pellerito had spent over a half million dollars out of his own pocket on this project so far. If this motion passed, Mr. Quinn said he would not be working for him tomorrow because he was cutting off all funds. He said the R-4 definitely would not work and Council was killing this project by this vote. He commented they were asking for two weeks on a \$35 million project and he failed to see why two weeks in any way harmed the residents of this City. Mr. Quinn said if the residents of Novi knew exactly what this project was, and that he was present asking for a two week adjournment, they would be appalled that a two week adjournment was not being granted so they could bring Council more information on a decision that they were asking Council to make on this important project. However, if Council was not willing to let them give more information, it wouldn't work to pass it and tell them to talk with the City Attorney because there was nothing to talk about. He said, from what he had been told, that would be the end of this project. Perhaps, it would go to Mr. Pellerito's property in Wixom or Lyon Township, but it would not be a part of the campus that everybody thought and wanted it to be, sitting next to Catholic Central. Mr. Quinn said the action on the table now would not solve anything or move anything forward.

Mayor Landry commented that at the last meeting this was discussed at length and there was no support for RM-2. The applicant was offered the opportunity of an adjournment so they could consider alternatives, which they would bring back to Council and Council had indicated they would be willing to listen to them. At that time, the applicant said they wanted an adjournment, but only if it came back in two weeks and Council granted that. Mayor Landry said no alternative had been presented to Council, and nothing else had been presented to Council. So, what Council was doing if this motion passed, was directing the City Attorney to get with the applicant, try to work out a PRO using an R-4, and if they couldn't and there were other alternatives, they could get together and come back for Council's consideration. Mayor Landry said they were moving the process forward but would certainly be willing to consider alternatives other than RM-2, if they wanted to come back and present another alternative. Mayor Landry said this would give the applicant the opportunity to continue to discuss, continue to work on their numbers and come back to Council. This was moving the process forward rather than delaying it.

Mayor Pro Tem Capello said he understood Mr. Quinn's frustration but all they were trying to do was move it forward. He thought Mayor Landry had made a comment, and Mayor Pro Tem Capello had tried to make the same comment to the City Attorney that things totally were not working. He said he talked with Administration and threw the I-1 back out there and it came back to them. He asked Mr. Quinn to talk with Mr. Pellerito tomorrow.

Roll call vote on CM-08-01-012

Yeas: Crawford, Margolis, Mutch, Landry, Capello

Nays: Gatt

Absent: Staudt