

MASTER PLAN & ZONING COMMITTEE
City of Novi Planning Commission
April 16, 2009 at 7:00 p.m.
Novi Civic Center – Conference Room C
45175 W. Ten Mile, Novi, MI 48375
(248) 347-0475

Members: Victor Cassis, Andy Gutman, Michael Lynch and Michael Meyer
Alternate David Greco
Staff Support: Mark Spencer

1. **Roll Call**
2. **Approval of Agenda**
3. **Audience Participation and Correspondence**
4. **Matters for Discussion**

Item 1

City of Livonia proposed Master Plan amendments
Review proposed Master Plan amendment. Committee will be asked to make a recommendation to Planning Commission to send a response to Livonia.

Item 2

Potential rezoning northeast corner Twelve Mile and Novi Roads
Applicant presentation on potential rezoning of property and staff review of previous rezoning applications and recommendations. Committee will be asked to provide feedback to applicant.

Item 3

Potential rezoning southwest corner Eleven Mile and Beck Roads
Applicant presentation on potential rezoning of property and a staff review of proposal. Committee will be asked to provide feedback to applicant.

Item 4

Master Plan for Land Use Review

- a) General Information
 - 1) Housing for the Elderly Introduction (material in last packet)
Review projected demographic changes and potential land use strategies to accommodate seniors. Committee will be asked to endorse report to allow staff to produce strategies on accommodating the aging population into the Master Plan.
- b) Sections 13, 14, 15, 16, 21, 22, 23 & 24 Discuss need for additional studies or future land use changes. Staff will present a section-by-section review to assist the Committee in identifying parcels that may need to be studied. (material in last packet)

5. **Adjourn**

Future Meetings –May 7, May 21, June 4 & June 18.

Proposed City of Livonia Master Plan Amendments

MEMORANDUM



TO: MASTER PLAN & ZONING COMMITTEE
FROM: MARK SPENCER, AICP, PLANNER *Mark Spencer*
SUBJECT: CITY OF LIVONIA PROPOSED MASTER PLAN AMENDMENTS
DATE: APRIL 13, 2009

Per the requirements of PA 33 of 2008, the Michigan Planning Enabling Act, the City of Livonia submitted a draft copy of its proposed Master Plan amendments for review and comment by the City of Novi. The proposed amendments include only one future land use designation change within 1.8 miles of the City of Novi. The proposed change is for 9.6 acres of land located in Section 6 and south of Eight Mile Road, east of Haggerty Road and west of I-275 freeway. The amendment proposes changing the future land use designation for the area from "Office" and "General Commercial" to "Nature Preserves or Recreation-Open Space." The Planning Staff believes that the proposed change will have no negative impact upon the City of Novi since it is a less intense use of the property. Other proposed changes throughout the balance of the City are more than 1.8 miles from the City of Novi and should have little effect upon the City of Novi. A portion of the proposed Livonia Future Land Use map depicting this proposed change is attached to this memo.

The Planning Staff suggests that the Master Plan and Zoning Committee recommend that the Planning Commission authorize the Planning Commission Chairperson to send a letter to the City of Livonia stating the Planning Commission has no objection to the City's proposed Master Plan future land use map changes and attaching this letter as the Planning Commission's review of the proposed Master Plan.

If you have any questions on this review, please feel free to contact me.

c: Clay Pearson, City Manager
Stephen T. Ruple, Director Community Development
Barbara McBeth, AICP, Deputy Director Community Development

PLANNING COMMISSION

R. LEE MORROW, Chairman
IAN WILSHAW, Vice Chairman
CAROL A. SMILEY, Secretary

DEBORAH L. McDERMOTT
ASHLEY R. VARTOOGIAN
LYNDA L. SCHEEL
JOE TAYLOR



JACK KIRKSEY
MAYOR

MARK TAORMINA
PLANNING DIRECTOR

ECONOMIC DEVELOPMENT OFFICE

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2290 Fax (734) 458-6007

April 2, 2009

Planning Director
City of Novi
45175 West Ten Mile
Novi, MI 48375

**Re: City of Livonia
Proposed Amendments to Future Land Use Map**

~~To whom it may concern:~~ **DEAR BARB:**

The Livonia Planning Commission recently completed a number of draft amendments to the City of Livonia Future Land Use Map. On March 25, 2009, the Livonia City Council approved the distribution of the proposed amendments to the various entities as prescribed by State Law.

Pursuant to MCL 125.3841(2), you are receiving a copy of the proposed map amendments for review and comment. Please forward any comments that you may have regarding the proposed changes to either: 1) planning@ci.livonia.mi.us; or 2) Mr. Lee Morrow, Chairman, City of Livonia Planning Commission, 33000 Civic Center Drive, Livonia, MI 48154. Please respond no later than May 17, 2009.

For further information, please do not hesitate to contact the undersigned.

Sincerely,

Mark S. Taormina, AICP, PCP
Planning Director

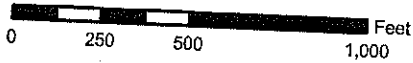
Enclosures

File
cc: Mr. Lee Morrow



CITY OF LIVONIA

**PROPOSED AMENDMENTS
TO THE
FUTURE LAND USE MAP**



Prepared by the City of Livonia Planning Department
October 2008

LOCATION MAP

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

SITE DATA

Petition No:

Reference No: 6-01

Location: Northwest 1/4 of Section 6

Current FLU Designation: Office and General Commercial

Proposed FLU Designation: Nature Preserves or Recreation-Open Space

Current Zoning: PO, High Rise Professional Office and C-2, General Business

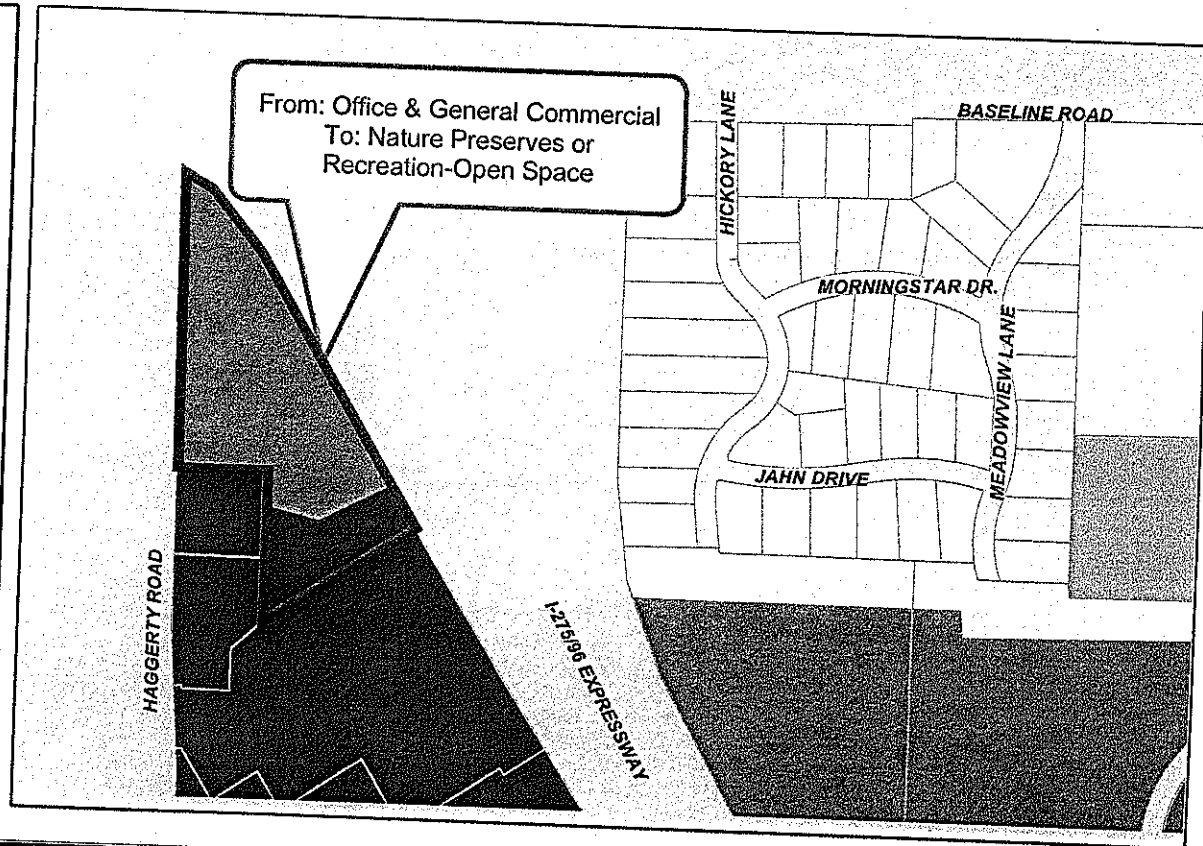
Existing Land Use: Vacant (Wetland Preservation Area)

Approximate Land Area: 9.60 acres

Legend

Future Land Use

- Low Density Residential
Density is 1 to 5 dwelling units per acre.
- Medium Density Residential
Density is 4 to 14 dwelling units per acre.
- High Density Residential
Density is 14 to 50 dwelling units per acre.
- Office
Professional and business office services.
- General Commercial
All retail businesses and commercial service establishments other than regional shopping centers.
- Regional Shopping
Five mile service radius containing a wide compliment of goods and services.
- Industrial
All manufacturing, assembly, processing, research, warehousing and all other special quasi-industrial services.
- Community Service
Major public institutions such as libraries, museums, Civic Center, hospitals, cemeteries, and schools.
- Recreation-Open Space
Land areas such as parks, golf courses, playgrounds and natural areas which are available to people in pursuit of leisure activity.
- Nature Preserves
Protected natural land areas.
- Mixed Use
Designed to provide opportunities for a variety of potential uses, including mixtures of retail, office, institutional and residential type development. This category may also act as a transition between low density residential and higher intensity developments.



Potential Rezoning Northeast Corner Twelve Mile and Novi Roads

Letter from Mark Szerlag March 18, 2009

THOMAS A. DUKE COMPANY
COMMERICAL & INVESTMENT REALTORS

March 18, 2009

Ms. Barbara McBeth
Deputy Director of Community Development
City of Novi
45175 Novi Road
Novi, MI 48375

RE: Northeast corner of Novi Road & Twelve Mile Road

Dear Barbara:

As a follow up to our conversation, Jim Barnas and I would like to schedule a meeting with the Master Plan and Zoning Committee to discuss possible development plans for the above referenced property. I have included for your review a "Conceptual Plan" for discussion purposes.

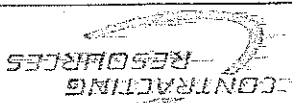
Please let me know when we may be able to meet. Thank you for your help.

Sincerely,

THOMAS A. DUKE COMPANY



Mark W. Szerlag, CCIM
Partner

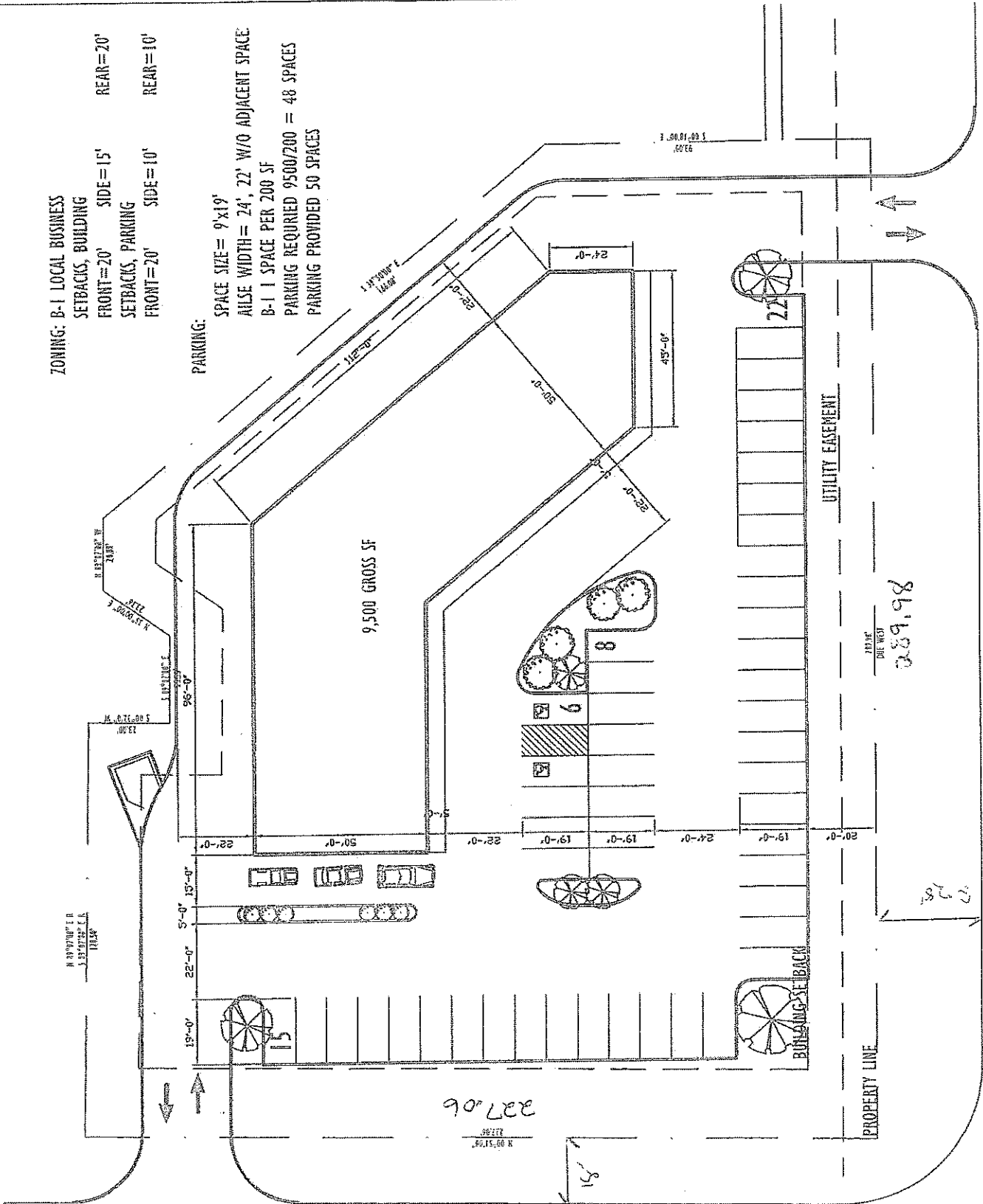


12 MILE RD & NOVI RD

SITE PLAN

ZONING: B-1 LOCAL BUSINESS
 SETBACKS, BUILDING
 FRONT=20' SIDE=15'
 SETBACKS, PARKING
 FRONT=20' SIDE=10'
 REAR=20'
 REAR=10'

PARKING:
 SPACE SIZE = 9'x19'
 AISLE WIDTH = 24', 22' W/O ADJACENT SPACE
 B-1 SPACE PER 200 SF
 PARKING REQUIRED 9500/200 = 48 SPACES
 PARKING PROVIDED 50 SPACES



12 MILE ROAD



NOVI ROAD

861.98
 200 SF
 200 SF

227.06
 200 SF
 200 SF

PLANNING REVIEW LETTER
APRIL 4, 1994
PREVIOUS REZONING REQUEST

BRANDON M. ROGERS & ASSOCIATES, P.C.

PLANNING CONSULTANTS
20490 HARPER AVENUE

HARPER WOODS, MICHIGAN 48225-1645

TELEPHONE (313) 884-7654

FAX (313) 884-7949

April 4, 1994

Mr. Greg Capote
Planning Clerk
City of Novi
45175 West Ten Mile Road
Novi, MI 48375-3024

Subject: Report and recommendation on petition by ROBERTO A. SANCHEZ, AIA, Agent, to rezone property at northeast corner of Novi Road and 12 Mile Road from R-4 to B-3 District. Proposed Ordinance No. 18.522.

Dear Mr. Capote:

I have reviewed the above petition dated March 24, 1994 to rezone a 1.151 acre, R-4 zoned parcel from R-4 to B-3 District so as

"to provide a 'higher and best use' on a highly exposed area. Cemetery use adjacent to high noise and circulation is not desirable to the buyer."

Owner must provide a letter, signed, requesting the zoning change.

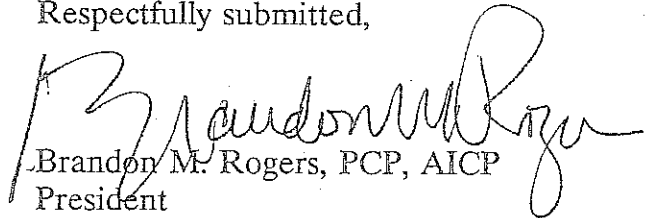
The subject property is presently used as part of the Oakland Hills Memorial Cemetery and serves in part as a gated entranceway. Some of the property is planned to be taken for the widening of 12 Mile Road. 60' from centerline exists as ROW, 90' needed based on preliminary engineering design by JCK & Associates, Inc. which, if acquired, would reduce site area to 0.994 acre.

Property to the north and east is part of the Cemetery's property, is zoned R-4 District, and is proposed on the City's Master Plan for Land Use for Cemetery use. Property to the south across 12 Mile Road is presently occupied by the former Dobbs Furniture Store building and a Michigan National Bank branch office, is zoned R-C District, and Master Planned for Non-Center Commercial future land use. Property to the west is used for an Amoco Service Station, is zoned B-3 District, and Master Planned for Non-Center Commercial future land use. 12 Mile Road is proposed as a Major Arterial road (180' ROW), Novi Road as an Arterial road (120' ROW) on the Master Plan for Land Use.

Mr. Greg Capote
ROBERTO A. SANCHEZ
April 4, 1994
Page 2

Based upon facts in matter, recommendations of the City's Master Plan for Land Use, lack of any specific proposed use for subject small site, and pending issue of the 12 Mile Road widening requirements which may limit usage of the subject site, I do not recommend the proposed rezoning from R-4 to B-3 District.

Respectfully submitted,

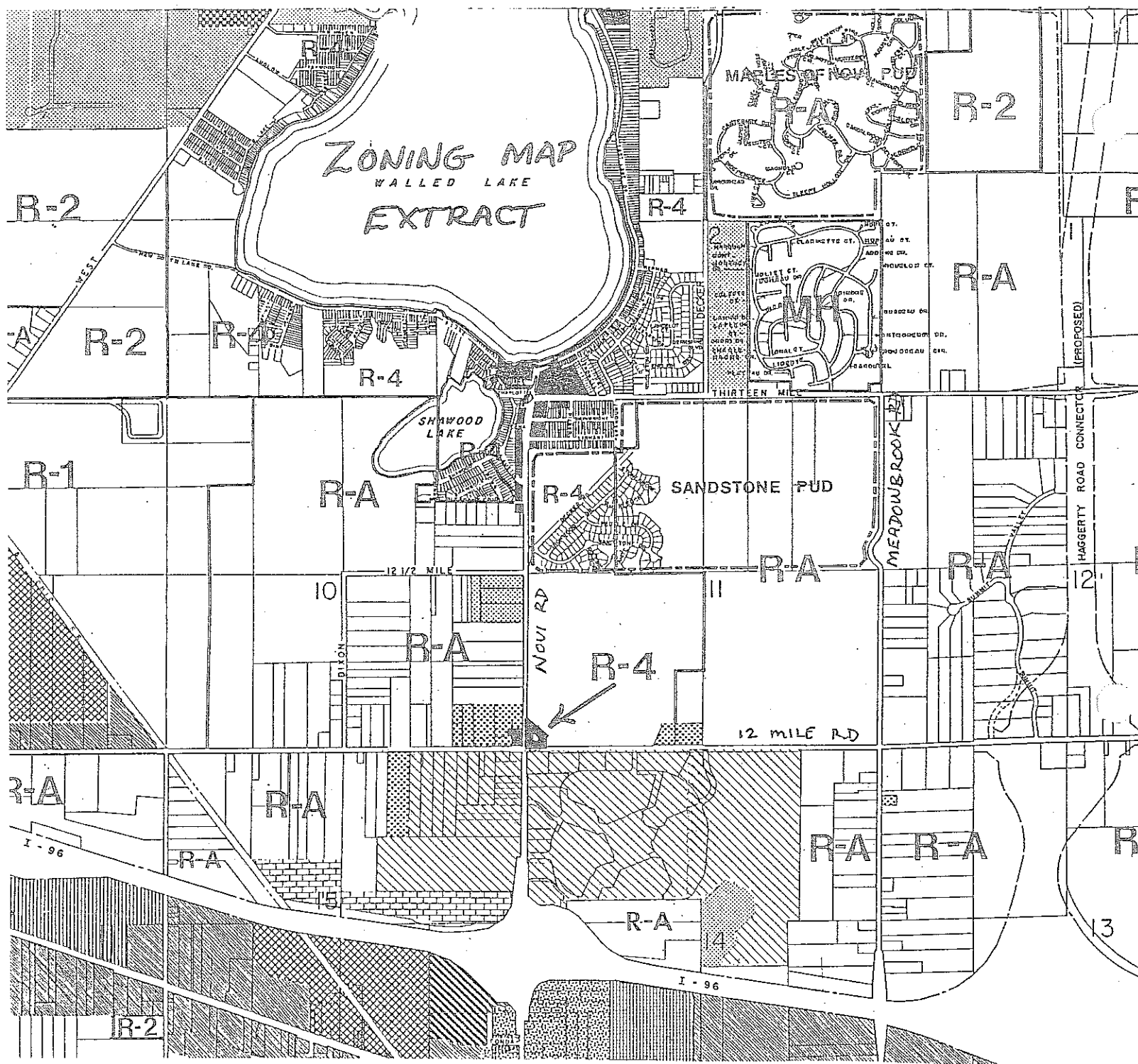

Brandon M. Rogers, PCP, AICP
President

Attachments

BMR/co

cc: R. Arroyo
D. Bluhm
R. Clark
M. Csapo
L. Lemke
A. Nowicki
D. Roy
D. Saven
J. Wahl
Roberto A. Sanchez, AIA

ZONING MAP WALLED LAKE EXTRACT



	R-A	RESIDENTIAL AGRICULTURAL		OS-1	OFFICE SERVICE DISTRICT
	R-1	ONE-FAMILY RESIDENTIAL DISTRICT		OS-C	OFFICE-SERVICE-COMMERCIAL DISTRICT
	R-2	ONE-FAMILY RESIDENTIAL DISTRICT		B-1	LOCAL BUSINESS DISTRICT
	R-3	ONE-FAMILY RESIDENTIAL DISTRICT		B-2	COMMUNITY BUSINESS DISTRICT
	R-4	ONE-FAMILY RESIDENTIAL DISTRICT		B-3	GENERAL BUSINESS DISTRICT
	RT	TWO-FAMILY RESIDENTIAL DISTRICT		R-C	REGIONAL CENTER DISTRICT
	RM-1	LOW-DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT		FS	FREWAY SERVICE DISTRICT
	RM-2	HIGH-DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT		I-1	LIGHT INDUSTRIAL DISTRICT
	MH	MOBILE HOME DISTRICT		I-2	GENERAL INDUSTRIAL DISTRICT
	NCC	NON-CENTER COMMERCIAL DISTRICT		P-1	VEHICULAR PARKING DISTRICT
	OS-2	PLANNED OFFICE SERVICE DISTRICT		TC	TOWN CENTER DISTRICTS
				TC-1	

MASTER PLAN WALLED LAKE EXTRACT

SIDENTIAL

□ SINGLE - FAMILY

(REFER TO RESIDENTIAL DENSITY PATTERNS MAP FOR DISTRIBUTION OF DWELLING UNIT DENSITY)

UD PLANNED UNIT DEVELOPMENT

••• MULTIPLE - FAMILY (Pd1)*

□ MOBILE HOME PARK

MMERCIAL

••• OFFICE (Pd2)*

••• CENTER COMMERCIAL

••• NON CENTER COMMERCIAL (Pd3)* (Pd4)*

••• EXPO CENTER

DUSTRIAL

••• LIGHT INDUSTRIAL (Pd5)*

••• HEAVY INDUSTRIAL

BLIC

○ CIVIC CENTER (C) LIBRARY (L)

○ WASTE WATER TREATMENT PLANT

○ WATER STORAGE FACILITY

○ FIRE STATION

IASI PUBLIC

○ CEMETERY

○ GOLF COURSE

○ PARK

Pd1, Pd2, Pd3, 5 Pd4 OPTION DESIGNATIONS ON MAP REFER TO SECTION 2406 OF ZONING ORDINANCE FOR VARIATIONS FOR Pd OPTION REFER TO SECTION 22013.6

TOOLS

••• ELEMENTARY

••• PROPOSED ELEMENTARY

••• SECONDARY

KS

••• NEIGHBORHOOD

••• PROJECTED

••• COMMUNITY

ROFARIES

••• PROPOSED R.O.W.

••• 250' FREEWAY

••• 180' MAJOR ARTERIAL (DIVIDED)

••• 120' ARTERIAL

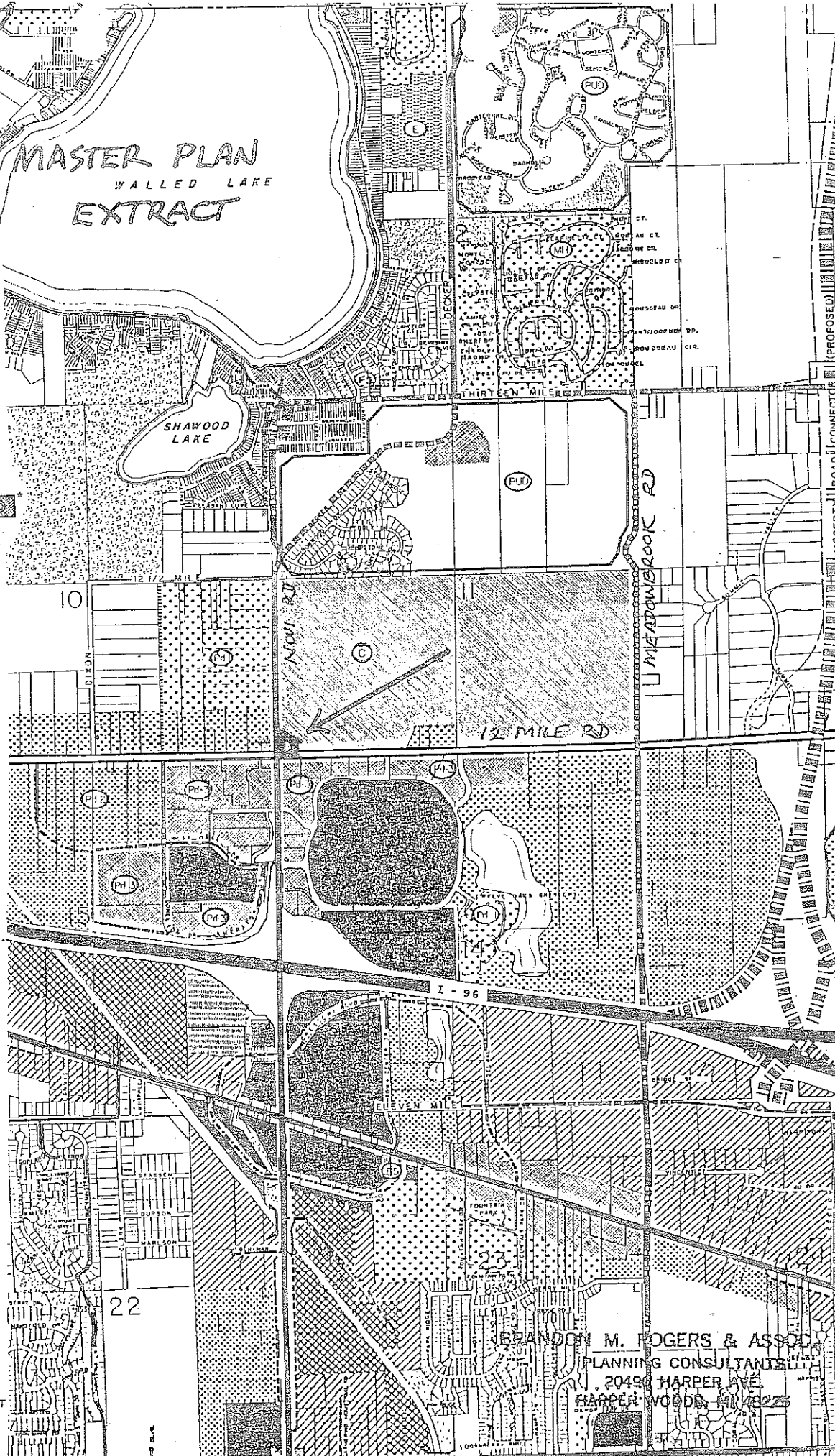
••• 120' MINOR ARTERIAL

••• 86' RESIDENTIAL COLLECTOR

••• 70' NON RESIDENTIAL COLLECTOR

••• 60' LOCAL RESIDENTIAL STREET

••• 66' SCENIC DRIVE ROAD



BRANDON M. ROGERS & ASSOCIATES
PLANNING CONSULTANTS
20496 HARPER AVE
HARPER WOODS, MI 48225

EXCERPT FROM
PLANNING COMMISSION
MINUTES OF
MAY 4, 1994

Regular Planning Commission
May 4, 1994

Member Bonaventura said the recommendation was out of order.

Member Taub said it was initiated out of order. Member Cahill said some of the residents have been out of order as well.

Member Capello said it was now 12:50 AM and there was a gentleman here regarding Item #2 and he felt they should at least address that item.

Member Taub made a motion to adjourn.

Chairman Clark said he could make a motion to adjourn, but they have a problem with their By-Laws and they have a Petitioner there and they could ask the Petitioner whether he wanted to proceed at this point in time or not.

Member Taub said he saw a Novi News Reporter there and he wanted to indicate for the record, that he felt what occurred there was highly irregular with the Petitioner's counsel speaking out of order and then all of a sudden there was a motion to table, and it was tabled and now they were going to have to have another meeting, and all those residents were going to have to come back and it would probably go again and there would probably be no new issues and this was the second time they have returned on this and he just wanted to object for the record.

Chairman Clark said his objection was on the record. Member Taub said he represented the citizens of Novi and Chairman Clark said so did the Commissioner who made the motion to table and the motion to table came from a Commissioner and not a member of the Audience but Member Taub was entitled to his opinion, but that was what happened and Member Taub said he respectfully disagreed.

Chairman Clark said they would proceed with Item #2, Map Amendment No. 18.522.

2. Map Amendment No. 18.522 - The proposed rezoning of the property on the northeast corner of Novi Road and 12 Mile Road from R-4 to B-3 District for Possible Recommendation to City Council.

Mr. Roberto Sanchez, registered Michigan architect and practicing Corporate architect for MCM (Michigan Cemetery Management), was present. He indicated he has calculated his conversation that evening to be about nine minutes and in that time, he would take care of three small items.

Mr. Sanchez said the first item was his reason for requesting this proposal. He indicated his reason was two-prong and one reason was

land value of his site plan analysis and the other reason was supply demand analysis.

Mr. Sanchez said concerning the land value, this parcel in this corner at the present time, contains an ingress and egress into the cemetery to a gate that was built with brick and stone. He said the most recent drawings available to him through the City's Consultants for the Novi portion north of 12 Mile Road to 12 1/2 Mile Road engineering drawings, and from JCK engineers who are the engineers for 12 Mile Road, indicate a 90' right-of-way for future construction on 12 Mile Road and a 60' right-of-way on Novi for future construction.

Mr. Sanchez said this proposal eliminates or destroys the immediate approach to this entrance to the cemetery and also cuts through the present Administration Building of the cemetery. He said when high traffic and congestion and noise was added to the edges of a cemetery, this immediately gives a less dignifying value to the land than that traditionally reserved for the location of dear ones' final remains, and basically the land doesn't sell for the purpose it was originally planned for.

Mr. Sanchez said normally he resolved this difficulty of noise and traffic in the immediate cemetery area with the construction of berms or greenbelts of normally 10-30 feet to create a buffer zone from this noise and congestion into the cemetery to particularly create a better vista for the visitors in the inside area. He said so when he looked at this parcel and under the future plans brought in by the future expansion and growth of this community, the first reaction was to develop some kind of buffer zone and that area after the setback, becomes approximately one acre.

Mr. Sanchez said because of the economic burden that would be brought to this cemetery due to the external forces of expansion and as a practicing corporate architect, he also has a personal duty to himself and to the organization to find ways to fund and create extra sources of income to build the new Administration Building and the new entrance to the cemetery.

Mr. Sanchez said that brought to his attention to propose then two things, a buffer zone in the immediate area of the burials, which was the diagonal line show there of A and B of about 300 feet on Novi Road and 280 feet on 12 Mile Road and he also indicated that diagonal to the cemetery does not contain burials at this time.

Mr. Sanchez said so the construction of the berm and then the possible generation of revenues for the construction of the two items was the other reason. He said MCM has been aggressively approached by several business areas that would thrive in a B-3

Regular Planning Commission
May 4, 1994

zone, and then he made the initial suggestion and initial proposal and then filed it with Mr. Rogers and the Planning Department.

Mr. Sanchez said Mr. Rogers wrote a letter indicating that he could not visualize what could be developed in just something less than an acre and Mr. Sanchez said he had a conversation with him, and presented to him two different alternative proposals that could make viable that corner, and Mr. Rogers had encouraged him to submit the schematics so he was submitting two schematics in front of the Commissioners right now showing the possibilities on how that could be developed again to create the buffer zone and to create some source of revenue.

Mr. Sanchez said he had a point regarding the zoning and one point on utilities and traffic. He said regarding the zoning, he would like to say that the property to the north and to the east was part of the cemetery property and zoned R-4. He said the property to the south across 12 Mile Road was presently occupied by the former Dobbs Furniture building and Michigan National Bank and was zoned RC District and was master planned for Commercial future land use.

Mr. Sanchez said the property to the west was used for an AMOCO Service Station and zoned B-3 and master planned for Non-Center Commercial future land use. He said in terms of traffic, the entrance on 12 Mile Road would be eliminated completely if this parcel was rezoned and the entrance in the Novi side would be moved from its present location, which was 140 feet from the intersection to 210 feet from the centerline of the intersection to the north.

Mr. Sanchez said he believed that the management of traffic in that corner in the future would be superior to what it was today. He said finally regarding the utilities, there was water and sanitary sewer passing in the immediate vicinity, and the sanitary sewer was across the street at the gas station, and he would bore across Novi Road and bring the service to the east side of Novi Road and service this particular parcel and other possible developments in the future.

Mr. Sanchez said the water main was a 36" inch main that goes north/south on the east side of the property that would be tapped to serve this parcel. He then concluded by saying he had with him also several copies of the sketch rendering that shows a 3-D view of that corner which he would share with the Commissioners.

CONSULTANTS' REVIEWS

Mr. Rogers indicated he did not recommend this rezoning. He said it was part of the cemetery and it was uniformly planned, master planned, and uniformly zoned. He said for them to spot zone a

Regular Planning Commission
May 4, 1994

parcel of less than one acre was not wise in his opinion and to rezone the property before there has been a design and possibly a decision on the right-of-way of 12 Mile Road, was premature. He said he recognized the other three corners were Commercially zoned and planned and used but that doesn't mean they have to have all four corners in the same pattern.

Mr. Rogers said they have tried to limit commercialization of property on the north side of 12 Mile in the past over to Haggerty Road for example. He said he has had several good meetings with Mr. Sanchez who was doing a master plan for the entire Oakland Hills Cemetery further up Novi Road near 12 1/2 Mile, and he has talked about a funeral home and a new Administration Building, because the present one would be taken by the 12 Mile Road widening. He said there were other Commercial districts in this area and to put this particular use, which he didn't know what this use was, but the two site plans he saw he thought represented fast food outlets, would be unwise and improper.

AUDIENCE PARTICIPATION

None.

COMMISSION DISCUSSION

It was,

Moved by Member Bonaventura
Seconded by Member Taub

To recommend to City Council denial of Amendment No. 18.522, the proposed rezoning of property on the northeast corner of Novi Road and 12 Mile Road from R-4 to B-3 District.

(voice vote)

Motion Carried Unanimously

3. Map Amendment No. 18.520 - The proposed rezoning of the property south of Eleven Mile Road, westerly of Beck Road from R-A to R-1 District for Possible Recommendation to City Council.

This item had been requested to be tabled.

4. Ordinance No. 94-18.
An Ordinance to amend Subpart 2407-3C of Ordinance No. 84-18 as amended, the City of Novi Zoning Ordinance, and to amend Subsection 2516-4 of said Ordinance, to amend the requirements for site condominiums, and to amend the requirements for site plans.

EXCERPT FROM
CITY COUNCIL
MINUTES OF
JUNE 6, 1994

city property.

Discussion:

Councilman Schmid said he wouldn't support the motion, not because he didn't want underground lines but the poles were up and Edison has acted in good faith and it would cost a considerable amount of money to tear them down.

Councilwoman Mason asked what this would service, and Mr. Kriewall said primarily residential areas and city hall/municipal complex. She asked if this was for new residential, and Mr. Kriewall said no, it was really a looping of the existing system. He said the poles already existed along Dunbarton Pines from 9 to 9-1/2 Mile so they were just closing a loop to provide back up service and an alternate power supply to residential areas.

David Fried said someone in the city and Joe Ford of Detroit Edison were discussing now the concept of having reciprocal easements; he suggested that council could table this matter until that discussion was done.

Councilman Pope said he would withdraw his motion and take no action rather than table and allow administration to deal with the issue.

It was then,

Moved by Councilman Pope,
Seconded by Councilman Mitzel,

To move to Agenda Item #5.

Yes (6) No (1-Schmid)

Motion carried

4-6-3870

5. Zoning Map Amendment 18.522 - Requested by Oakland Hills Memorial Gardens - northeast corner of 12 Mile and Novi Road from R-4 to B-3 General Business District

Mayor McLallen said this request had a negative recommendation from the Planning Commission and the consultants.

It was then,

Moved by Councilman Crawford,
Seconded by Councilman Toth,

That Zoning Map Amendment 18.522 - requested by Oakland Hills Memorial Gardens from R-4 to B-3 General Business District - be denied.

Discussion:

Councilman Pope asked if the applicant would like to explain this, and Bill Eldridge said he had a real estate company and a cemetery employing about 50 people in Novi and his companies owned about 155 acres along 12 Mile Road and Novi Road across from the mall most of which was zoned R-4 and some office and most of which was dedicated for cemetery use. He explained that the three other corners of Novi Road & 12 Mile were commercial use in a high traffic area; he was requesting that 1.2 acres on the northeast corner be zoned to B-3 for restaurant use. He said he had a proposal from McDonald's Corp. to buy that 1.2 acres.

Mr. Eldridge said it was clear that this high traffic intersection was tied up by the funeral processions and it would be to everybody's advantage to move the cemetery entrance further down either 12 Mile or Novi Road, depending on the Road Commission plans. His architect, Mr. Sanchez, said the thinking was to create a buffer zone from the noise and traffic for the cemetery at the diagonal location of the property; this is a high traffic, congested corner which made it a less dignified area than traditionally reserved for the location of final remains of loved ones.

Councilman Pope asked if he was saying a McDonald's would be an appropriate buffer zone to the cemetery, and Mr. Sanchez said no; a buffer zone could be created at the diagonal lines. He said there was also the economic reality of the destruction of the cemetery entrance and main office due to the expansion of 12 Mile Road and the necessity for funding the new construction was also why they needed this new zoning.

Councilman Mitzel said earlier they heard the chairman from the Walled Lake Sector Study Committee complain about their lack of input on this. He said it was his understanding that zoning and zoning map amendments follow fairly strict legal procedure; he asked if there was any room for committee recommendations within that procedure or should just a notice of a rezoning request within their area be sent to the committee and they could comment at the Planning Commission hearing, if they so desired.

David Fried asked if the sense of his question was whether there was an obligation on the city, and Councilman Mitzel said in the future would there be a provision that would allow that committee to act, if the city so chose, in the sense of like the Town Center Committee acted - they could give formal input if they wished through a committee action as opposed to attending the Planning Commission hearing. David Fried said any organization could appear before the Planning Commission and make any recommendation they wanted. Councilman Mitzel suggested that in the future, administration make specific notice to the committee

that a rezoning request has been received and the hearing would be at the Planning Commission. David Fried said the Walled Lake Sector Study Committee could request a notice of all rezoning applications.

Councilman Crawford said he wanted his motion to also reflect the reason for his recommendation to deny this rezoning was based on a negative recommendation from the planning commission, community development department, and planning consultant.

ROLL CALL: Council Members Mason (yes), Mitzel (yes), Pope (yes), Schmid (yes), Toth (yes), Crawford (yes), and Mayor McLallen (yes).

Yes (7) No (0) Motion carried unanimously

6. Zoning Map Amendment 18.523 - Requested by Paul Baker - West side of Novi Road, north of Ten Mile Road from OS-1 to B-3, General Business District

Mayor McLallen said this received a unanimous positive recommendation from the Planning Commission, and the planning consultant. She said this was to bring this land into conformity with the master plan.

It was then,

Moved by Councilwoman Mason,
Seconded by Councilman Crawford,

That Zoning Map Amendment 18.523 - request by Paul Baker - west side of Novi Road, north of Ten Mile Road from OS-1 to B-3, General business district - be approved, per the positive recommendation from the Planning Commission and to bring it into conformity with the Master Plan.

ROLL CALL: Council Members Mitzel (yes), Pope (yes), Schmid (yes), Toth (yes), Mayor McLallen (yes), Crawford (yes), and Mason (yes).

Yes (7) No (0) Motion carried unanimously

7. Request for Property Split - Timothy M. Koltun, representing the New Apostolic Church, owner of Glen Oaks Apartments

Tim Koltun said the lot split was denied by the Assessor because some of the resulting sub parcels would not comply with the Zoning Ordinance setback requirements for RM-1/PD-1 and the south unimproved parcel did not front on a public road thus violating the frontage requirements of the Zoning Ordinance.

EXCERPT FROM
ZONING BOARD OF APPEALS
MINUTES OF
SEPTEMBER 5, 1995

Excerpt from

REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE CITY
OF NOVI

TUESDAY - SEPTEMBER 5, 1995

CIVIC CENTER - 45175 TEN MILE RD.

The Meeting was called to order at 7:32 p.m., with Vice-Chairman Harrington presiding.

CASE NO. 95-076

Continuation of case filed by William Eldridge, representing Oakland Hills Memorial Gardens requesting a use variance to allow approximately a 1.151 acre parcel located at the northeast corner of 12 Mile and Novi Road to be used as B-3 (General Business District). The property is currently zoned R-4.

Roberto Sanchez was present and duly sworn.

Roberto Sanchez: This case I have come to label in my files "The Cinderella Case". I will present a brief history of the case to you so that you can understand this label. This case came to the Planning Commission and the Planning Department recommended "not approval" for this change of zoning proposal here. The night of the meeting there was a discussion that lasted 2 minutes after it was suggested that the approval be denied. They sent the case then to the City Council group and the night that the City Council group meeting there was a very controversial case prior to my case that lasted until 12:30 a.m. At that point, one of the members of the City Council group proposed to table this case or to hear what the petitioner had to say and about that I got up and said that I have been

here for 5 hours and I would like to have the case heard. So, the case came to be heard. Discussion was approximately 1 and 1/2 minutes which was reading the names of all the members after the suggestion was not to approve. Then that sent the case to the ZBA which is your group here for the meeting of August I received a call at 10 o'clock in the morning from Nancy McKernan informing me that there were several members of your group that were on vacation and for that reason there was no quorum and it would be advisable that the case be postponed until tonight. I had 2 extra witnesses to come; one from Chicago, that day. Fortunately I was able to call in time and have this person who was an expert witness on land values for cemeteries be held there and did not fly to the City. Tonight for the case I was happy that my case was case number 2. I came to the meeting and the first motion was to send the case with the last case tonight here. And here we are and that is the basic history of how we came to this point.

Vice-Chairman Harrington: Sir, we are here at this point in the agenda because we wish to afford Mr. Rogers the opportunity to speak. This is a significant issue to you and presumably a significant issue to other people. Do not take it as a slight that you were placed at this point in the agenda, but please state your case.

Roberto Sanchez: The case may warrant or may not warrant approval; but I propose that the case warrants attention and discussion of some of the hardships that I would like to present to your group and those are as follows: The 2 boards that I have here to present to you (pictures set up on easel).

Robert Sanchez: In this particular one, in this simple graphic here, it shows the situation at that corner today, Twelve Mile and Novi Road. There is an entrance here that is the procession entrance to the cemetery from this location. Here is an entrance with the arches at the present time. In the past when the request for

zoning was made it was for B-3 and this is a slight error the request is for a B-2. At the time of the B-3 there was a proposal from McDonalds Corporation to purchase this portion of land in the corner for a possible fast food restaurant and that would call for a B-3. Subsequently, Shell Oil has made another approach to this company to purchase land in that corner for a possible location of a Shell gas station at that corner. That corner as you probably know, on the northwest corner there is the Amoco gas station at the present time. At the southwest corner there is a Midas automobile repair or muffler place and on the southeast corner there is a big furniture store. I present these facts so that the possibility of a spot zoning could be presented or discussed in light of the situation at the corner.

Roberto Sanchez: By virtue of the expansion of the City of Novi and the proposed 5 lane construction of Novi Road and the 5 lane construction on Twelve Mile Road, the noise and the traffic and congestion produced by 2, 5 lanes coming together at the corner would make the immediate vicinity that land used for a cemetery for the last resting place of loved ones impossible to promote as burial grounds at that particular location. The proposal then is to create a visual and audio barrier and take a portion of that corner away and have green area behind so that the land on the other side will be away from the pollution and the noise and the traffic and be more acceptable for a burial ground. Liberating then the immediate closest to the noise and distraction. Also the second hardship deals with traffic in the following fashion. As I read the report made to you by Finkebiner, for the engineering of this road. They never mentioned the presence and the location of that intermit into the cemetery. I am facing right now the same situation in the city of Cleveland Township, where there is a boulevard entrance at the very intersection of Garfield and Clinton River Road. The city came to us begging to move that entrance to another location because of the traffic hazard. When you have 5 lanes on Novi and 5 lanes on Twelve Mile Road and the processions are entering and exiting on a platoon formation going through red lights at a slow speed that will become a nightmare to you and a nightmare to us. The hardship with that particular case of

traffic; we are proposing that if this rezoning is granted that entrance to the cemetery will be removed to a different location anticipating that nightmare of traffic on that corner with the procession entry and exit.

Roberto Sanchez: In a few minutes I have with me Paul Slaving a traffic consultant known to this communitydifficult with that kind of traffic there.

Roberto Sanchez: In conversations that I have had with Mr. Kriewall and the Mayor they also suggested that I present it to the community and the ZBA other places that are favorable to the community by having this deletion here. One of those is the competition to the present location of Amoco who know that several miles, I believe 5 or 7 miles, would be the next gasoline station location so the presence of a Shell gas station would be competition to Amoco and the benefit of the community. The next benefit to the community would be that if a rezoning is given here then this parcel would enter immediately to the tax paying parcels of the community since the cemetery is not paying taxes to the local community.

Roberto Sanchez: Tonight what I wanted to do then is to present the ZBA now the new hardship that I have mentioned and those other things that I believe would benefit the community and then I will be able to answer any question. I would like to bring now Paul Slaving to make his case on the traffic situation in that corner.

Paul Slaving: I represent Reid, Cool & Michalski traffic and transportation consulting engineers in Farmington Hills. I have a report that was prepared by us for Mr. Sanchez. (Copies passed out.)

Vice-Chairman Harrington: Sir, are you expecting us to read this report right now?

Paul Slaving: No, I am not. I am expecting to give you synopsis of the report. I am sorry that it didn't get to you sooner.

Paul Slaving: We were asked to look by Michigan Real Estate Properties at the traffic concerns of this area. What we did and keeping in mind that they are looking for a rezoning from a residential to a business zoning of R-4 to B-2; we looked at the volumes of the roads as they exist today. We looked at the laneage as it exists today, and we all know that laneage very well. Twelve Mile Road is currently a 2 lane road and it widens out to 5 lanes at this intersection. Novi Road is a 5 lane road south of the intersection and narrows down to a 2 lane road about 700 feet north. Novi Road has planned expansion that is currently under way or is about to begin. Planning is already there, I believe from my understanding that contracts have been let for that. That will become a 5 lane road within a 120 foot right of way from where it exists as a 5 lane road now at Novi Road up to the Twelve Mile Decker connection. Decker will continue obviously as a 5 lane road from that point to the north. Twelve Mile Road is also slated to be rebuilt. It is to be rebuilt as a boulevard in this area; they are not exactly sure on what the exact laneage will be at this time although they believe from conversations with Finkbeiner, Petter and Strout that they are going to 180 foot of right of way to accommodate this boulevard cross section. We are assuming that it will be similar to the boulevard cross sections now under construction on Twelve Mile between Halstead and Drake and consistent with the whole new Twelve Mile Road Boulevard to the east.

Paul Slaving: We did traffic counts at the intersection on August 3, 1995; at that time we did a 24 hour machine count to the location approximately 1000 feet north of the intersection on Novi Road and found a volume of 26411 vehicles on Novi Road. 14000 in the southbound direction and 12000 in the northbound direction. We also did 15 minute manual turning movement counts for a period of 2 hours in the morning and 2 hours in the afternoon to gain the peak hour and that information is included in the report. There is approximately 3091 vehicles in

the morning peak hour through the intersection and 3866 vehicles through the intersection in the afternoon peak hour.

Paul Slaving: In keeping with the idea that this could possibly be re-zoned and a gas station allowed to be constructed there; we looked at the ITE trip generation manual for a service station allowing for 8 pumps. The ITE trip generation manual has a new update that was just released in February of 1995 and in that manual a station with 4 pumps and a car wash would generate approximately 1165 cars in an average day. 87 of those cars being generated in the morning peak hour and 101 cars being generated in the afternoon peak hour. In a situation like a gas station or a convenience market or a shopping center we allow for pass by traffic; that means that trips that already on the road that will be turning into the site just because it is there. It is not a distinctive, I am going to the gas station to get gas, like a trip. For a gas station of 8 pump size the manual allows for approximately a 61% reduction in new trips for the morning and 56% reduction in trips for the afternoon peak hours which relates to 34 new trip or new vehicles that will come in the morning and 44 new trips generated by the site of a gas station of this size in the afternoon. The other traffic would all be from the drive by traffic and those individual most likely on their way home. This site has the opportunity to provide home bound motorists on northbound Novi Road with an excellent opportunity to make a right turn in and the easiest movement allowable and a right turn out back to Novi to head home. It also allows for the same type of movement from westbound, a right turn in and either back out to westbound Twelve Mile Road or to the northbound side of the site. Those 2 movements happen to be 2 of the highest movements out there. We have in the afternoon peak hour, which would be the premium time for a station like this. We have 966 vehicles traveling north on Novi Road and 458 that are currently making right turns onto Novi Road. We believe that because of the location of the existing driveways and the tapes that will be necessary for the expansion of the roadways it will put the driveways that are currently there in closer proximity to the corner making it a little harder to get in and out of that driveway or those

driveways that exist. With a new site that can be developed there those driveways can be then modified to be set back farther from the curb line.

Paul Slaving: That is basically the crux of our report. If you have any questions I will be happy to answer them.

AUDIENCE PARTICIPATION

Brandon Rogers: Mr. Chairman and Members of the Zoning Board of Appeals, I have reviewed the petition of applicant (The Michigan Cemetery Group and Mr. Eldridge) and also have heard the comments of Mr. Sanchez, the architect, for that group. I have reviewed the City's Master Plan for Land Use on many occasions since being retained in February of 1985. This site was planned in the 1980 Master Plan for cemetery usage and was carried forward in the plan that I assisted on in the 1988 Master Plan and the 1993 Master Plan. Through this time the zoning has been; at least since 1984 and I believe in the 1975 ordinance, zoned for residential R-4, single family residential which permits or refers to cemeteries being allowed where they existed at the time of the ordinance went into effect. Of course, this cemetery has been here for many years. It has been a good citizen, a very attractive feature, I feel, for the City. A softening affect if you will, highly compatible with the trust property to the east and residential properties to the north. The property and some of it may be taken for the widening of Twelve Mile Road and maybe for Novi Road and there may have to be some relocation of a building, like the administration building to the north. They may have to relocate some landscaping. I have not seen a redevelopment plan, but there is going to be some admitted dis-location; but I cannot find in good conscience why this property cannot be continued to be used for cemetery purposes or for that matter R-4 purposes. I am concerned that to introduce a commercial use at this corner would be poor planning. I think that the zoning implements the Master Plan. The property, the quarter section close to 160 acres, is a magnificent cemetery facility with some room to expand. I see no

need and I see no good purpose in taking off a 1 acre corner with the possible of the possible taking of the 2 widening projects, the property is just over 1 acre. To, you might say to change the zoning on this quadrant. The discussion tonight was on a gas station, a Shell Station. I have never heard that referred to in the past, when they came in for a re-zoning request. That was a new issue tonight. I looked at the plan when it was turned around facing me and said "this is a new concept", but we are not here tonight to do a site plan approval we are here to consider B-3 District usage because the present zoning is not suitable on such a high traffic corner. We all know that there is a lot of traffic on this corner. I think that it might behoove traffic planners to reduce not add curb cuts and I think that the gas station will generate more traffic than the cemetery will at this location. Particularly if a plan that I once saw relocates the administration center and maybe a funeral home to the north on Novi near 12 1/2 Mile Road. I would respectfully recommend that you not approve this variance because I cannot see where it is clearly shown where the land cannot be used for it's zoned use or for that matter for the planned use that has been historically been on the property. I will be happy to answer any questions.

DISCUSSION

Don Saven had no comment.

Vice-Chairman Harrington indicated there was a total of 27 Notices sent to adjacent property owners with now written response received.

Member Bauer: I can't see where it is a hardship for one thing. Also, I don't know of any funerals that start out and come in at the cemetery at 7 in the morning or at 4 or 5 o'clock in the afternoon. They are usually after 10 or 11, but that is beside the point. I don't see where there is any reason to make any change, none whatsoever except to the petitioner's own making.

Member Harris: Mr. Chairman, what I see before us is an opportunity for the Zoning Board of Appeals to look at something that might not have another resolution and the ordinance is very clear to us that there needs to be a clear showing that the land cannot be used as zoned. The presentation this evening did not rise to that level, from my perspective. In fact, it struck me a little odd that we would be looking at changing this to a B-3, high intensity use, a gas station if you would, that would further bring traffic noise and other disruption to the otherwise tranquil piece of property that exists there as we speak. I see no basis under the current zoning for this Board to do anything but to deny this request.

Vice-Chairman Harrington: I concur with Mr. Harris.

Moved by Member Harris,

Seconded by Member Bauer,

**THAT IN CASE NO. 95-076 TO DENY THE REQUESTED VARIANCE, AS NO
HARDSHIP EXISTS.**

Roll call: Yeas (6) Nays (0) MOTION CARRIED

Planning Review 18.638



PLAN REVIEW CENTER REPORT

June 14, 2004, Revised August 18, 2004

Planning Review

Eldridge Rezoning

18.638

Petitioner

William Eldridge

Review Type

Rezoning Request from R-4, One Family Residential, to B-3, General Business

Property Characteristics

- Site Location: Northeast corner of Novi Road and Twelve Mile Road
- Site Zoning: R-4, One Family Residential
- Adjoining Zoning: East and North: R-4, One Family Residential; South and Southwest: R-C, Regional Center; West: B-3, General Business.
- Site Use(s): Oakland Hills Memorial Cemetery entrance with landscape features
- Adjoining Uses: West: Gas Station; North and East: Cemetery; South: Retail businesses; Southwest: Midas.
- Site Size: 1.3 acres (as part of the 150+ acre Oakland Hills Cemetery)

Project Summary

The petitioner is requesting the rezoning of approximately 1.3 acres of property on the northeast corner of Twelve Mile Road and Novi Road in Section 11 of the City of Novi. The current zoning of the property is R-4, One Family Residential. The proposed zoning is B-3, General Business.

The existing R-4 zoning allows a maximum of 3.3 dwelling units to the acre if developed for residential purposes. The R-4 District allows cemeteries that existed at the time the Zoning Ordinance was adopted (this cemetery pre-dates the adoption of the Zoning Ordinance). Uses that are accessory to the main use as a cemetery are also permitted uses on the subject property as currently zoned.

The proposed B-3, General Business district allows retail business and services establishments, as allowed in the B-1 and B-2 districts; auto wash when completely enclosed in a building; bus passenger stations; new and used car salesroom, show room or office; tattoo parlors; publicly owned parks; and other similar uses.

The Plan Review Center has not held a Pre-Application meeting with this applicant, so the proposed use for the property is not known at this time. However, at the Master Plan and Zoning Committee meeting during which this matter was discussed, the applicant indicated that the rezoning request to B-3 is not specifically for a gas station use; the owners represented to

the committee that an upscale wine shop, a drug store, and some restaurants have approached the applicant regarding this property. However, the current request is for a rezoning which would subsequently permit any of the allowed uses in B-3 as of right.

Recommendation

Staff recommends the subject property be retained as R-4, One Family Residential, for the following reasons:

- R-4, One Family Residential zoning is consistent with the historic, current and proposed designation of the Master Plan for Land Use which recommends Quasi Public: Cemetery uses.
- R-4, One Family Residential zoning is consistent with the zoning in the northeast quadrant of Novi Road and Twelve Mile Road.
- R-4, One Family Residential zoning is consistent with the current and historic use of the subject property as a cemetery entrance.
- The applicant has voluntarily offered deed restrictions for the property to limit the uses of the subject property if rezoned to B-3, General Business as a result of the request of the Master Plan and Zoning Committee for assurances regarding the future utilization of the property. However, the property owner has indicated there is no interest in pursuing development under the Planned Rezoning Overlay ordinance, which has been developed to allow review of a site plan in conjunction with rezoning requests and allow for site-specific uses of the property.
- For properties on the north side of Twelve Mile Road from Novi Road to the M-5 collector road, the City has historically encouraged residential zoning and uses permitted in the residential district. Across from the Twelve Oaks Mall, there is also a cluster of office uses, further east of the proposed rezoning with intervening cemetery use. There are no commercial uses east of Novi Road on the north side of Twelve Mile.
- Based on the public opinion survey completed in 2002 for the update of the Master Plan for Land Use, many people held the opinion that adequate retail development currently exists in the City of Novi, and no further land should be zoned for retail purposes.
- While the applicant has addressed the property boundary question by offering to shift the rezoning boundary 3 feet to allow adequate setback for the existing mausoleum on the adjacent parcel, review of the landscaping requirements for commercial parcels that abut residential parcels shows that the developable area of the site may be limited due to berming requirements, as City Staff indicated to the applicant's representatives.

Planning Commission Options

In the past, the Planning Commission has asked Staff to present options in addition to the requested rezoning. The Planning Commission may wish to consider the following options in its recommendation to City Council:

1. Rezone the parcel to B-3, General Business, which is consistent with the Master Plan and Zoning Committee's recommendation for B-3, General Business district, and consistent with the applicant's request.
2. Rezone the parcel to B-2, Community Business, which is not consistent with the applicant's request for B-3, General Business zoning, and the subject site does not meet the minimum site area of 2 acres for the B-2 district.

3. Rezone the parcel to B-1, Local Business, which is not consistent with the applicant's request for B-3, General Business zoning, but would provide limitations and greater restriction of uses of the property.
4. Request that the applicant voluntarily submit an application under the Planned Rezoning Overlay section of the Zoning Ordinance, to allow review of a site plan with the rezoning request, and provide for a site specific use for the property.
5. Identify some other appropriate zoning district for consideration. NOTE: This option would require the Planning Commission to hold and send notice for another public hearing with the intention of recommending rezoning to an office designation.
6. Deny the request to allow the parcel to remain zoned as R-4, One Family Residential.
(STAFF RECOMMENDATION)

Brief History of this Property

The subject property has historically been used as a formal entrance to the Oakland Hills Cemetery. Two driveways exist on the subject property: one on Twelve Mile Road, and the other on Novi Road. These driveways have provided access to a main driveway leading into the cemetery property to the north and east. The subject property has historically been maintained with attractive landscaping and a decorative brick and rock wall.

This property has previously been the subject of rezoning requests and land use considerations, including the following:

- Planning Commission meeting in May 1994: To request a Zoning Map Amendment (18.522) by Oakland Hills Memorial Gardens for the northeast corner of 12 Mile and Novi Road from R-4 to B-3, General Business. *Request recommended to City Council for denial.*
- City Council meeting in June 1994: To request a Zoning Map Amendment (18.522) by Oakland Hills Memorial Gardens for the northeast corner of 12 Mile and Novi Road from R-4 to B-3, General Business. *Request denied.*
- Zoning Board of Appeals hearing in September 1995: To request a use variance to allow an approximately 1.151 acre parcel located at the northeast corner of 12 Mile and Novi Road to be used as B-3 (General Business District). *Request denied.*
- City Council meeting in October 2003: Exxon Mobil Corp. – Presentation on behalf of Mr. Eldridge (property owner) as a proposal to settle pending litigation regarding condemnation for Special Assessment District 155. There was interest in building a gas station/convenience store at the northeast corner of 12 Mile and Novi Road. *No action taken, presentation only.*

The City also recently secured right-of-way from this corner parcel (and the cemetery itself) as part of Twelve Mile Road improvements. Litigation was required and was settled in July, 2003.

Master Plan and Zoning Committee Recommendation

During the recent, extensive, Master Plan update for the City of Novi, the Master Plan and Zoning Committee recommended maintaining the current designation of Quasi Public: Cemetery use for the subject property, based on its current and historic use. However, on May 6, 2004, the Master Plan and Zoning Committee considered the applicant's rezoning request to B-3,

General Business, based on the current application. The Committee recommended a change for the Master Plan from its current recommended use as Quasi Public: Cemetery, to a use appropriate with the recommended B-3 zoning. At the time of the Committee's work session on which the topic was discussed, the complete reviews were not available for the Committee's discussion. The following motion was made at the May 6 meeting:

Moved by Member Shroyer, seconded by Member Avdoulos, (Carried Unanimously):

Motion to send a positive recommendation to the Planning Commission to change the zoning from R-4 to B-3, pursuant to Rezoning Request 18.638, and work with the Applicant regarding some type of written agreement outlining appropriate utilization and tenants for the property, for the reason that it will be consistent with the existing corner lots at that intersection.

Planning Review

• Master Plan for Land Use

The Master Plan for Land Use designates the use as Quasi Public: Cemetery for this parcel and the abutting parcels to the north and east. As stated above, at the meeting of May 6, the Master Plan and Zoning Committee recommended that the Master Plan be updated to include the recommended change to commercial land uses. To the south and southwest, the Master Plan recommends Regional Commercial. To the west, the Master Plan Community Commercial and office uses for the properties.

• Zoning

The current zoning of the subject property is R-4, One Family Residential, as are the properties to the north and east. To the south and southwest, across Twelve Mile Road, the properties are zoned R-C, Regional Center. To the west, across Novi Road, the property is zoned B-3, General Business.

• Site Area

The site consists of slightly less than 1.3 acres of land. Recently, the Twelve Mile Road GAP project improvements were completed, allowing Twelve Mile Road to be a four lane divided boulevard in this area. A total of 75 feet of right of way was needed for the north 1/2 of the road improvements, and approximately 35 feet of land was taken by the County for right of way purposes. The submitted plans show the new right of way, depicted with a heavy dark line. Certain site improvements were removed as part of the road construction, including a one-story building and decorative screen walls along the Twelve Mile Road frontage.

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

	Existing Zoning	Existing Land Use	Master Plan Land Use Designation
Subject Site	R-4, One Family Residential (R-4: 3.3 du/acre)	Landscaped entrance to the Cemetery	Quasi-Public: Cemetery
Northern Parcels	R-4, One Family Residential (R-4: 3.3 du/acre)	Cemetery	Quasi-Public: Cemetery
Southern	R-C, Regional Center	Retail businesses fronting on	Regional

Parcels		Twelve Mile and Novi Roads	Commercial
Eastern Parcels	R-4, One Family Residential (R-4: 3.3 du/acre)	Cemetery	Quasi-Public: Cemetery
Western Parcels	B-3, General Business	Gas Station	Community Commercial

◦ Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the requested B-3, General Business zoning with the zoning and uses on the adjacent properties should be considered by the Planning Commission in making the recommendation to City Council on the rezoning request. The City should consider the expected development of the site with a use permitted in the B-3 district, or subject to special conditions in the B-3 district in the context of the developments on the surrounding properties, including the cemetery uses to the north and east, and the gas station, muffler shop and retail developments to the south and west.

The property to the north and east is used as a cemetery, with associated buildings, driveways and parking areas. The properties are zoned R-4, One Family Residential. The Zoning Ordinance allows cemeteries as a permitted use, provided the cemetery lawfully occupied land at the time of adoption of the Zoning Ordinance. It is expected that the land will remain a cemetery for very long time, given the nature of its use. If the rezoning is approved, and the applicant submits a site plan, it is recommended that the Planning Commission carefully review whether appropriate buffering is provided between the subject property and the adjacent cemetery. Traffic considerations also should be carefully reviewed because of the corner location and relatively small size of the site.

To the south, on the south side of Twelve Mile Road, the land is developed with a furniture store and other retail uses fronting along Twelve Mile Road and in the Twelve Oaks Shopping Center. The property on the south side of the street is zoned R-C, Regional Center.

To the west and southwest, on the west side of Novi Road, the properties are developed with a gas station and a muffler store. The gas station is zoned B-3, General Business, and the muffler store is zoned R-C, Regional Center.

◦ Intent of the One-Family Residential Districts

The R-1 through R-4 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents of the district. As previously mentioned, Cemeteries which lawfully occupied land at the time of adoption of this Ordinance are Principal Uses Permitted in the residential zoning districts.

◦ Intent of the Business Zoning Districts

◦ B-3, General Business Intent (Requested zoning)

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

o B-2, Community Business Intent

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

o B-1, Local Business District

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

o Comparison of Zoning Districts

The following table provides a comparison of the current and proposed zoning classifications, as well as alternates the Planning Commission and Council may wish to consider (within the business classification).

	R-4 Zoning (Existing)	B-3 Zoning (Requested)	B-2 Zoning (Alternative)	B-1 Zoning (Alternative)
Principal Permitted Uses	One-family dwellings; farms and greenhouses; public parks; existing cemeteries; home occupations, the keeping of horses or ponies, subject to special conditions; accessory buildings	Any retail business or service est. permitted in B-1 and B-2; completely enclosed auto wash; bus passenger stations; new and used car salesroom, showroom or office; tattoo parlors, publicly owned parks; similar and accessory uses	All permitted B-1 uses; Sit down restaurants; Banquet facilities; Theaters; Business schools; Day cares or nurseries; Professional or Medical offices; Other similar uses	Generally recognized retail providing commodities on premises (Groceries, drug stores, etc.); Personal service establishments; Dry cleaners; Banks; Medical Offices; Instructional Centers for art and music
Special Land Uses	Churches; Public, parochial, or private elementary or intermediate schools; utility and public service buildings; Day care centers; Private recreation facilities; golf courses;	Outdoor space for sale of vehicles; motel; drive-in or open front store; veterinary hospitals; plant material nursery; public or private recreational facilities; mini-lube or quick oil change establishments	Gasoline service stations, where no major repair work is completed	Mortuary Establishments; Publicly owned buildings

	R-4 Zoning (Existing)	B-3 Zoning (Requested)	B-2 Zoning (Alternative)	B-1 Zoning (Alternative)
	colleges; cemeteries; mortuary establishments; bed & breakfasts			
Minimum Lot Size	10,000 sq. ft.	Based on the amount of off-street parking, landscaping, and setbacks required	2 acres	Based on the amount of off-street parking, landscaping, and setbacks required
Building Height	2 ½ stories –or– 35 ft.	30 ft.	2 stories –or– 30 ft.	25 ft.
Building Setbacks	Front: 30 ft Sides: 10 ft, 25 ft. aggregate Rear: 35 ft	Front: 30 ft Sides: 15 ft Rear: 20 ft	Front: 40 ft Sides: 30 ft Rear: 30 ft	Front: 20 ft Sides: 15 ft Rear: 20 ft

• Public Utilities and Services

Please see the accompanying Engineering Review Letter for comments about public utilities. Twelve Mile Road was recently widened as part of the "gap project" in this area, providing a four lane, divided road from Donelson Drive on the west, to the eastern City boundary.

• Natural Features

Natural features on the site will be considered in greater detail at the time of Preliminary Site Plan review. The following provides an overview for consideration of the rezoning request:

- Woodlands: The Regulated Woodlands map shows the site is not indicated to contain any regulated woodlands.
- Wetlands: The Wetlands map shows that there are no regulated wetlands on the property.
- Wildlife Habitat: The Wildlife Habitat map shows that the site is not one of the areas designated as wildlife habitat areas.

• Limiting uses on the property

In its consideration of the request, the Master Plan and Zoning Committee recommended the applicant provide a written agreement outlining appropriate uses and tenants for the property, in accordance with the discussion at that meeting. In further discussions with the applicant's attorney, it was determined that the applicant intends to formulate a means to restrict the uses on the property following the discussion at the Planning Commission meeting. The applicant's attorney has provided draft deed restrictions proposing to limit the use of the site by eliminating certain uses permitted in the B-3, General Business zoning district. The Planning Commission and City Council will recall, rezoning of a property subject to conditions is not permitted.

Another option that would limit the uses on the property is utilization of the Planned Rezoning Overlay Ordinance. The intent of this ordinance is to allow an opportunity for

applicants, in conjunction with the approval of a rezoning request, to establish a site specific use in order to accomplish the objectives of the Zoning Ordinance based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area. At the date this report is written, the applicant has declined to submit an application under the Planned Rezoning Overlay Ordinance.

- Possible Future Use of the Site

As the property is currently zoned, R-4, One Family Residential, the property could continue to be used as a cemetery entrance or for cemetery uses, as these are Principal Uses Permitted in the R-4 district. Additionally, the residential zoning districts allow one family detached dwellings, public parks, home occupations, and accessory uses, as Principal Permitted Uses. Numerous uses are permitted subject to special conditions, as listed in the chart on page 6 of this report. Possibilities for Special Land Use include day care centers, private noncommercial recreational areas and centers, and mortuary establishments.

In the recent history of the site, and as recently as in the May 6th Master Plan and Zoning Committee meeting, the possible future use of the property has been raised as a concern. While only the rezoning request is being considered at this time, a number of factors will need to be considered at the time of Preliminary Site Plan Review, including: the relatively small size of the site (approximately 1.3 acres); the unusual shape of the site; the potential need to buffer the existing cemetery uses in this area from the proposed uses on the subject site; traffic and circulation issues for this site, as well as the cemetery property; and ordinance requirements for building setback and parking for the proposed use.

- Cemetery Access

The subject property currently provides access to the cemetery through two driveways leading from the public road system into the internal driveways of the cemetery, although the applicant has indicated there is no formal agreement to require that these driveways must continue to provide access to the cemetery. An additional access point has been established to the cemetery on Novi Road, approximately ¼ mile north of Twelve Mile Road. If the subject property is reused for another purpose, the applicant may need to seek another access point into the cemetery to provide secondary access to the cemetery. The applicant will be asked to provide information from Oakland County regarding whether another access point would be available for the Twelve Mile Road, if needed.

- Property Boundaries

The subject property is shown on the tax records to be part of the Oakland Hills Memorial Cemetery. The applicant provided deeds that indicate that Mr. Eldridge has maintained ownership of the subject property. The cemetery contains more than 150 acres, which is almost a full quarter-section extending nearly one-half mile along both Twelve Mile and Novi Roads. The subject property has never been split from the overall cemetery parcel, as indicated in the City's tax records. When the cemetery was sold in 1996, this area, along with several others, were maintained as "Exceptions" by the current owner. This may have been done to maintain the tax-free status as a cemetery, since the excepted parcels were still part of the cemetery parcel.

The Planning Department has concerns about approving a development on this site prior to the creation of a separate parcel through the assessing department. Additionally, although

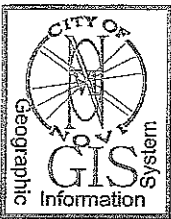
the rezoning cannot be subject to the condition that a separate parcel be created, the Department has concerns about rezoning a piece of the cemetery, with the possibility that the anticipated commercial development might not occur. This might create a situation where the cemetery could never utilize this piece of land, since cemeteries are not permitted uses in the B-3 district. It would be appropriate for the applicant to take the necessary steps to create this parcel, prior to the approval or denial of the rezoning request, eliminating uncertainty with respect to this issue. Please see the accompanying letter from the City Attorney related to property ownership issues.

- Zoning Lot

The subject parcel may be considered a Zoning Lot as defined by the ordinance:

"A single tract of land, located within a single block, which, at the time of filing for a building permit or for a site plan approval, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, setbacks and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record."

If the applicant were to create the parcel through the Assessing Department, as the Planning Department requests, the supporting documentation will allow confirmation that all ordinance requirements will be met for the subject site and the remaining cemetery parcel. Any necessary waivers or variances for the location of existing buildings may be granted at that time.



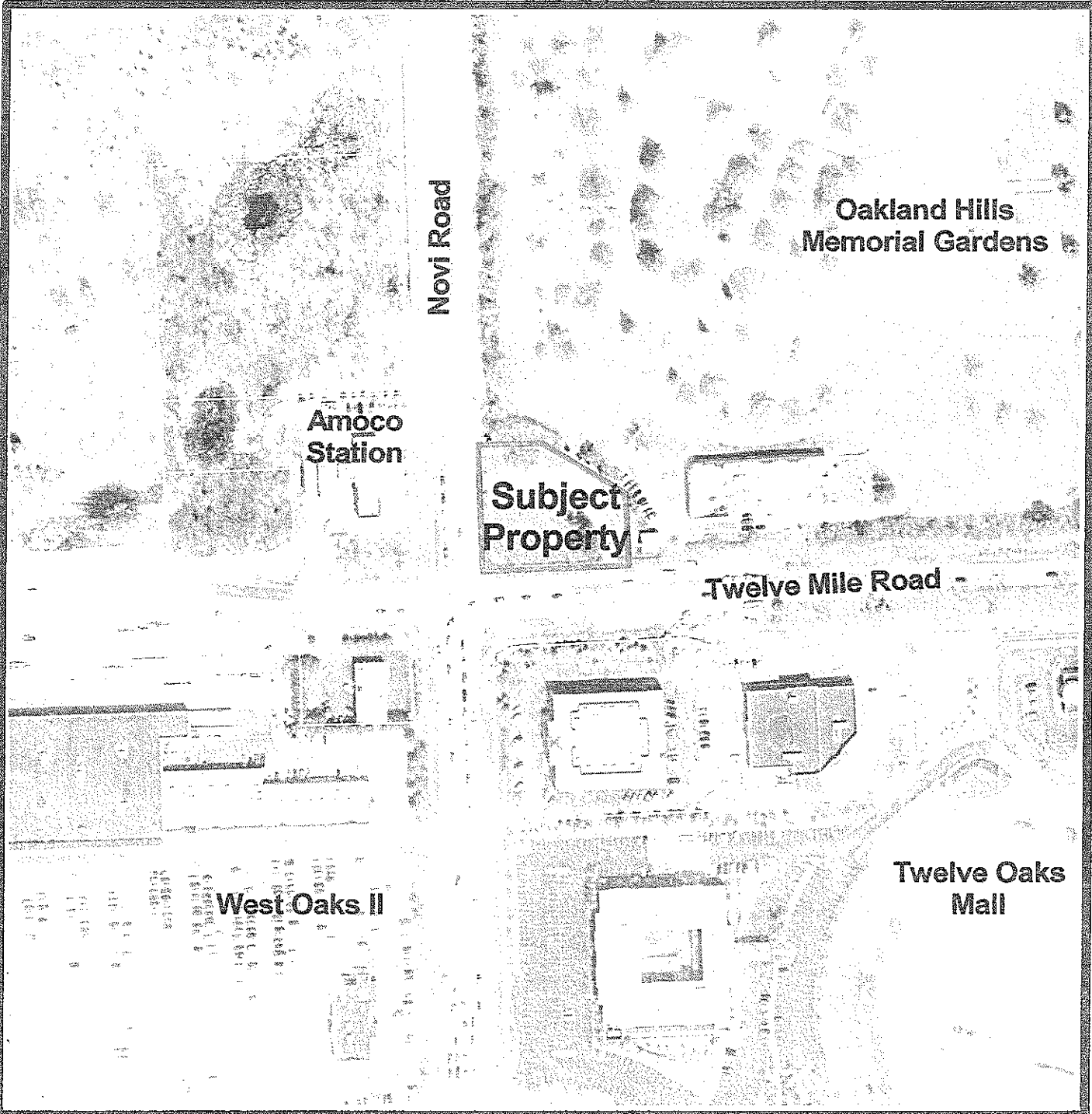
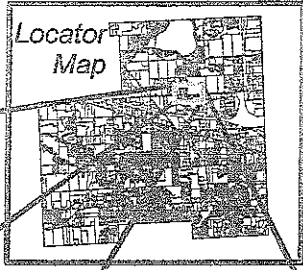
Rezoning 18.638 Air Photo Map

City of Novi, Michigan

Legend

 Subject Property

 Parcels



Coordinate System Description -
Projection Michigan State Plane
Zone South Zone (640 F)
Horizontal Datum NAD 1983
Map Units International Feet
Spheroid GRS 1980

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(248) 547-0454

Created by:
Tim Schmidt
Planner
Plan Review Center

Date Created:
June 4, 2004
Project File Name:
cerozkaynovmwr.apr
Layout Name:
Rezoning 18.638 Air Photo

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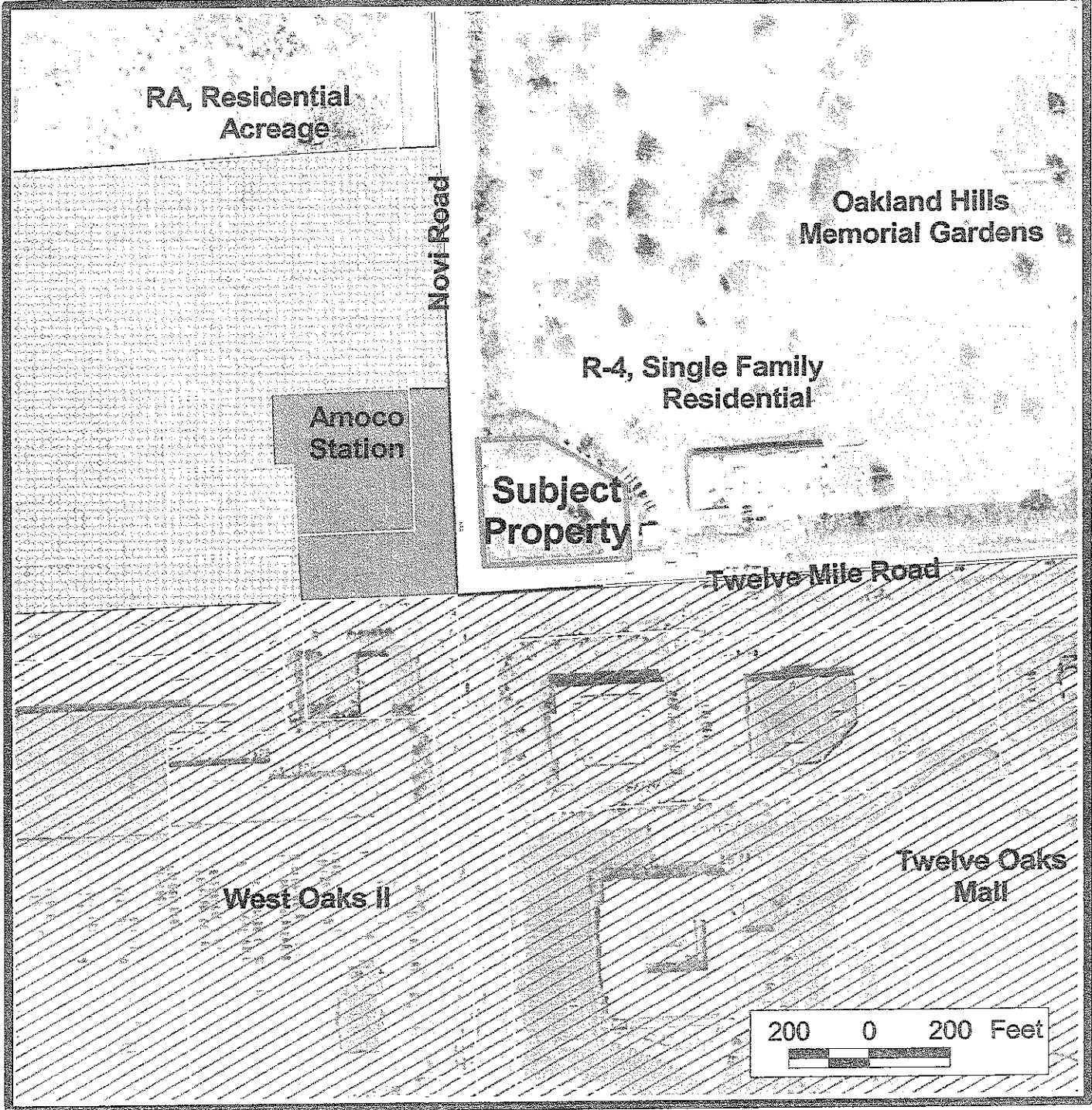
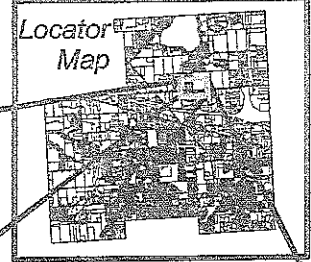
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Rezoning 18.638 Current Zoning

City of Novi, Michigan

Legend	
	B-3, General Business
	R-4, Single Family Residential
	RA, Residential Acreage
	OS-1, Office Service
	RC, Regional Commercial



Coordinate System Description
 Projection Michigan State Plane
 Zone South Zone (8401)
 Horizontal Datum NAD 1983
 Map Units International Feet
 Spheroid GRS 1980

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 Layout Name:
 Rezoning 18.638 Current Zoning

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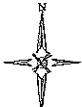
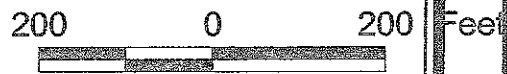
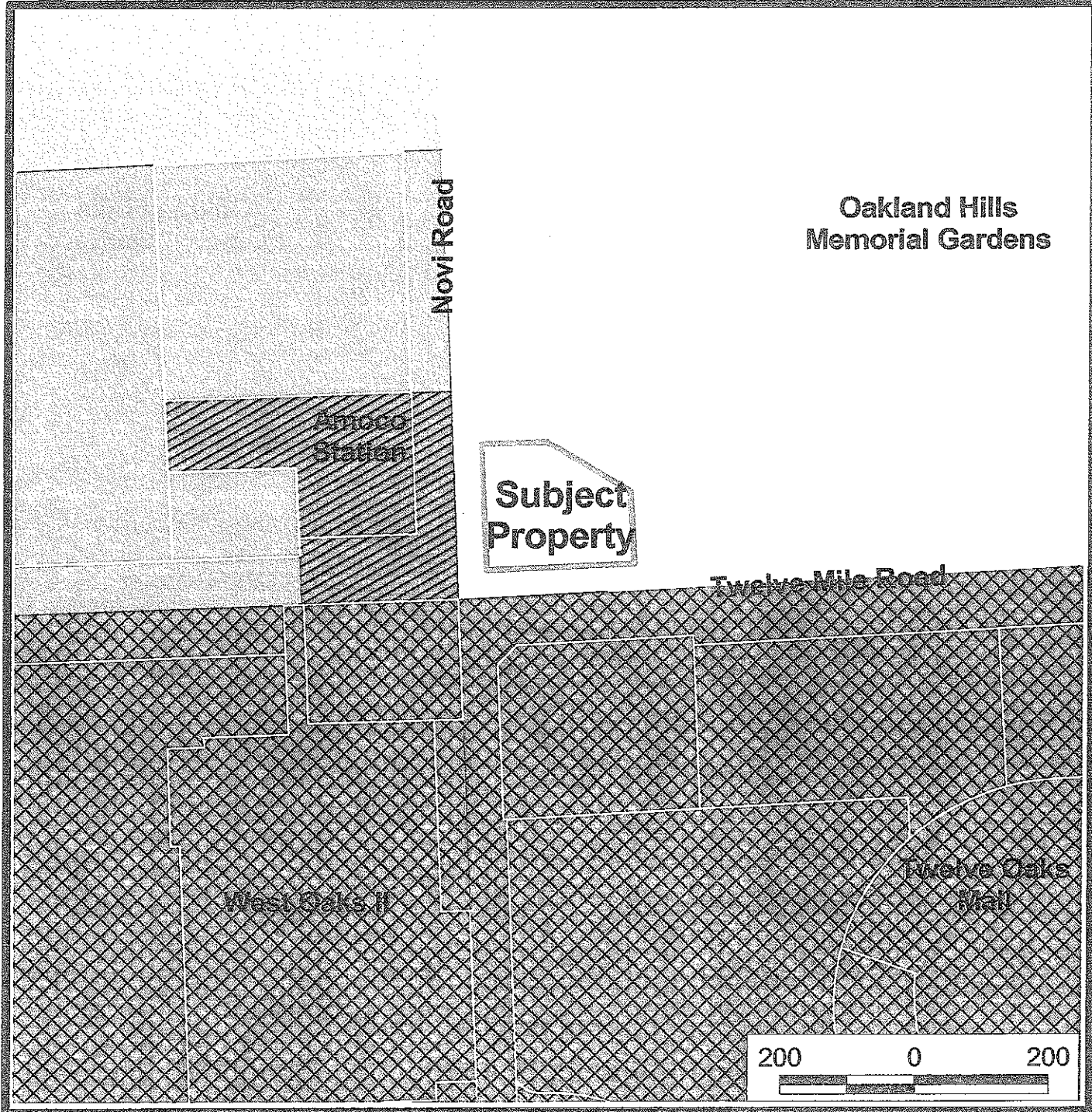
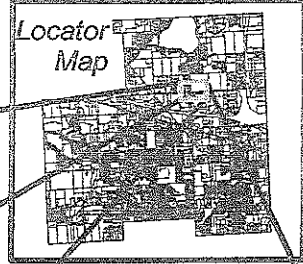
Rezoning 18.639 Land Use Map

City of Novi, Michigan

Legend

- OFFICE
- PD-1 OPTION
- CEMETARY
- GENERAL BUSINESS
- REGIONAL COMMERCIAL WITH PD-2 OPTION

Parcels



Coordinate System Description -
Projection - Michigan State Plane
Zone - South Zone (5401)
Horizontal Datum - NAD 1983
Map Units - International Feet
Spheroid - GRS 1980

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Planner
Plan Review Center

Date Created:
June 4, 2004
Project Filename:
conrez18.639.mxd
Layout Name:
Cemetery Corner Land Use

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


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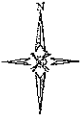
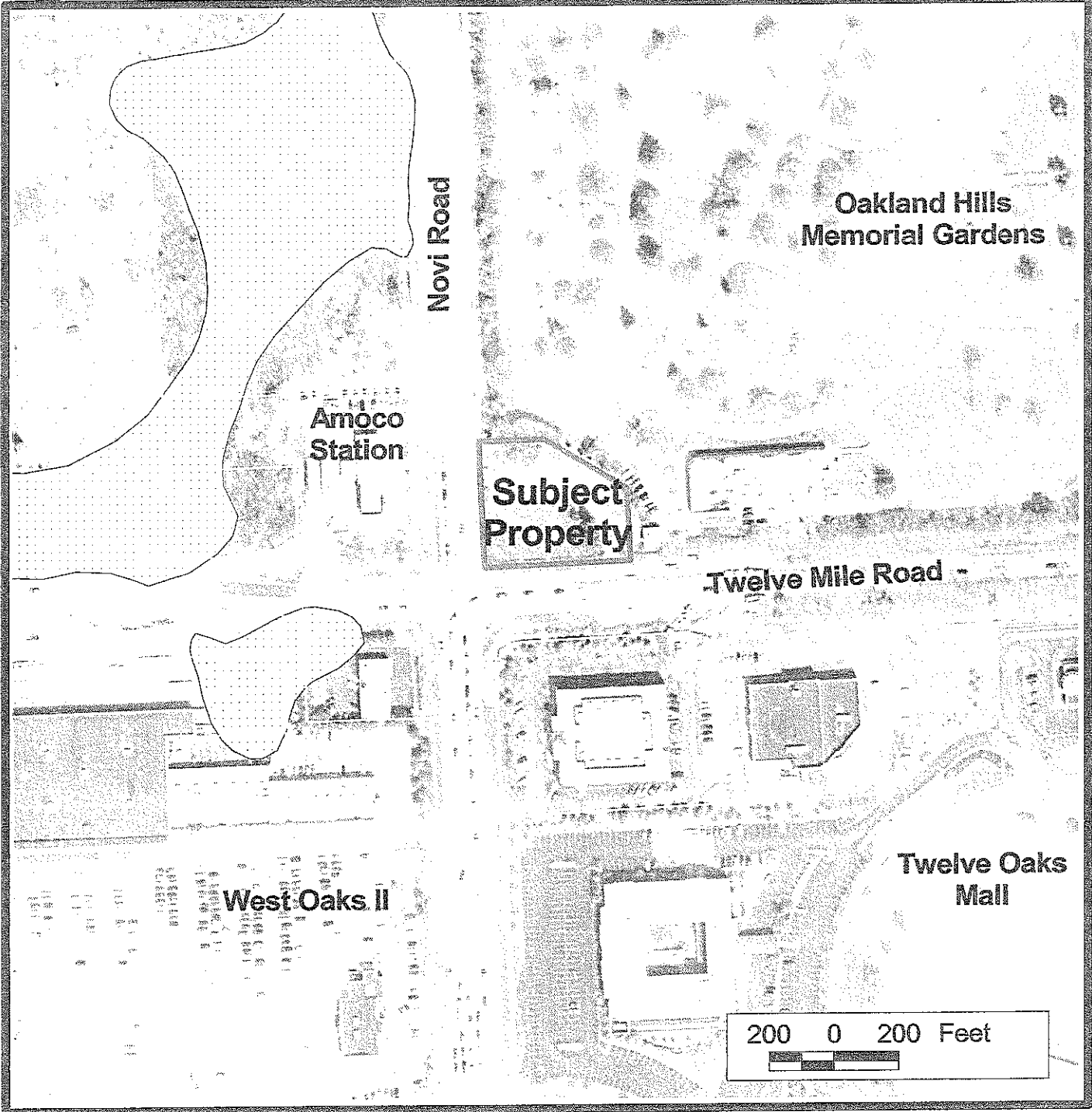
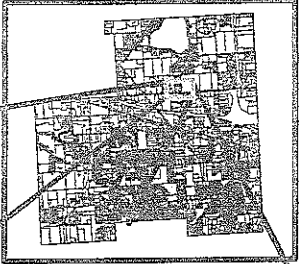
Rezoning 18.638 Wetlands Map

City of Novi, Michigan

Legend

-  Subject Property
-  Parcels
-  Wetlands

Locator
Map



Coordinate System Description
 Projection Michigan State Plane
 Zone South Zone (8401)
 Horizontal Datum NAD 1983
 Map Units International Feet
 Spheroid GRS 1980

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Created by:
 Tina Schmitt
 Planner
 Plan Review Center

Date Created:
 June 4, 2004
 Project Filename:
 rezoning18.638.apr
 Layout Name:
 Cemetery Corners Wetlands

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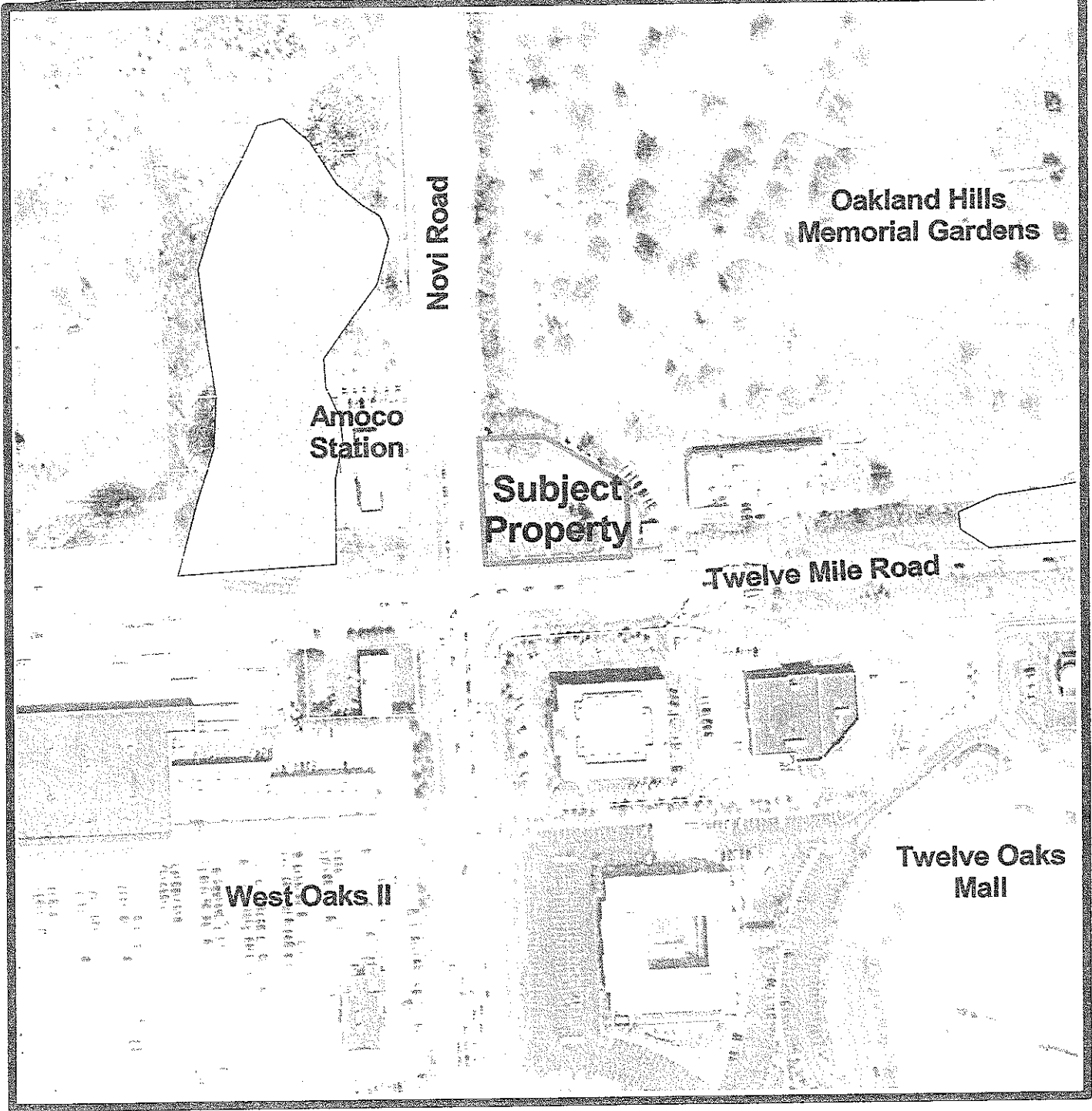
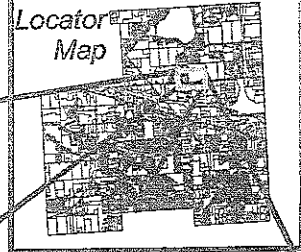


Rezoning 18.638 Woodlands Map

City of Novi, Michigan

Legend

- Subject Property
- Parcels
- Light Woodlands
- Medium Woodlands
- Dense Woodlands



Coordinate System Description -
 Projection: Michigan State Plane
 Zone: South Zone (6401)
 Horizontal Datum: NAD 1983
 Map Units: International Feet
 Scale: 3.26084 per meter
 Spheroid: GRS 1980

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Created by:
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 Plans Review Center

Date Created:
 June 4, 2004
 Project File Name:
 rezoning18.638.mxd
 Layout Name:
 Conveyance - Woodlands

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**PLANNING COMMISSION MINUTES
JULY 14, 2004**

PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JULY 14, 2004 7:30 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER
45175 W. TEN MILE, NOVI, MI 48375
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:30 p.m.

ROLL CALL

Present: Members John Avdoulos, Victor Cassis, Richard Gaul, Andrew Gutman, Lynn Kocan, David Lipski, Mark Pehrson, Lowell Sprague, Wayne Wrobel

Also Present: Barbara McBeth, Acting Planning Director; Tim Schmitt, Planner; Brian Coburn, Engineer; Lance Shipman, Landscape Architect; Dave Gillam, City Attorney

PUBLIC HEARINGS

1. ZONING MAP AMENDMENT 18.638

The Public Hearing was opened on the request of William Eldridge for possible recommendation to City Council for rezoning on property in Section 11 located on the northeast corner of Twelve Mile and Novi roads from R-4 (Residential Acreage) to B-3 (General Business). The subject property is 1.3 acres.

Member Lipski recused himself based on his affiliation with the presenting law firm.

Moved by Member Pehrson, seconded by Member Sprague:

Motion to recuse Member Lipski from participating in the matter of Zoning Map Amendment 18.638.

Motion carried 8-0.

Acting Planning Director Barbara McBeth located the 1.3-acre property on an aerial map. She reminded the Planning Commission that on June 14, 2004 a Preliminary Hearing was held on this matter. The current zoning of the property is R-4, One Family Residential. The subject property is used as the Oakland Hills Memorial Cemetery entrance with two driveways, one on Twelve Mile, the other on Novi Road. To the west is a gas station (zoned B-3, General Business and master planned for community commercial uses). To the north and east is the cemetery (zoned R-4, One Family Residential and master planned for quasi-public cemetery uses). To the south are retail businesses and to the southwest is the Midas Muffler shop (zoned R-C, Regional Center and master planned for regional commercial uses).

The Planning Review letter recommended the subject property be retained as R-4, One Family Residential. This zoning is consistent with the historic, current and proposed designation of the Master Plan for Land Use which recommends Quasi Public: Cemetery uses. It is consistent with the zoning in the northeast quadrant of Novi Road and Twelve Mile Road, and with the current and historic use of the subject property as a cemetery entrance.

As of this date, the Applicant has not provided any assurances or written agreement regarding the future utilization or tenants of the property, as requested by the Master Plan and Zoning Committee. The property owner is aware of their option to pursue a Planned Rezoning Overlay. The Applicant has submitted a list of proposed deed restrictions for the property.

For properties on the north side of Twelve Mile, from Novi Road to M-5, the City has historically encouraged residential zoning and uses permitted in the residential district. There is also a cluster of office uses further east but still across from the Twelve Oaks Mall. There are no commercial uses east of Novi Road on the north side of Twelve Mile.

Based on the public opinion survey completed in 2002 for the update of the Master Plan for Land Use, many people voiced the opinion that adequate retail development currently exists in the City of Novi, and no further land should be zoned for retail purposes.

There is currently a property boundary question with respect to the subject parcel. The Planning Department would ask the Applicant to voluntarily create a separate parcel prior to the approval or denial of the rezoning request. As currently framed, the proposed creation of a B-3 zoning lot leaves the remaining R-4 zoning lot (the cemetery) with a deficient building setback on the west side (the mausoleum). The Applicant has provided an updated survey and has now proposed turning three feet of land over to the cemetery to address the setback deficiency.

The Planning Report also highlights some of the history of the requests involving this property, including a previous rezoning request to B-3 from 1994 and 1995. That request was ultimately denied by City Council.

Additionally, during the recent Master Plan update for the City of Novi, the Master Plan and Zoning Committee recommended maintaining the current designation of the Quasi Public Cemetery use for the subject property based on its current and historic use. However, on May 6, 2004, the Master Plan and Zoning Committee considered the Applicant's rezoning request to B-3, General Business, based on the current application. The Committee recommended a change for the Master Plan from its current recommended use as Quasi Public Cemetery to a use appropriate with the recommended B-3 zoning. At the time of the Committee's work session on which the topic was discussed, the complete professional staff and consultant's reviews were not available for the Committee's discussion.

While the Applicant has not indicated the expected future use of the property if the B-3 zoning is approved, the following uses are permitted in the B-3 zoning district: retail business and services establishments, as allowed in the B-1 and B-2 districts; auto wash when completely enclosed in a building; bus passenger stations; new and used car salesrooms, show room or office; tattoo parlors; publicly owned parks; and other similar uses. This list does not reflect the deed restrictions proposed by the Applicant.

The Civil Engineering Report indicated that the water mains located along both frontages are adequate to serve the site regardless of the zoning of the site. The sanitary sewer, while not immediately available, does have the capacity to support additional flows that would be anticipated with a higher use zoning of B-3. Engineer Brian Coburn was present at the meeting to answer any questions about the public utilities.

The Traffic Engineering Review provided a trip generation comparison for potential uses of the site if the property is rezoned to B-3, General Business. It also recommended that the City's Police Chief comment on his department's experience with cemetery traffic at this location.

The requested action this evening is that the Commission holds this Public Hearing and, if the Commission chooses, to forward a recommendation to City Council for approval or denial of this rezoning request.

David Gillam, City Attorney, addressed the Planning Commission. He reiterated that the Applicant has suggested moving the lot split line to remove the setback deficiency.

Mr. Gillam also said that technically the property is still part of the cemetery. Michigan law is specific in terms of what can be done with property platted for a burial ground. This [plat] is a legal document that is on file with the State. If any part of the property is going to be used for a purpose other than for burial, a specific procedure is required under Michigan law. The corporation responsible for the cemetery operation must adopt a corporate resolution that authorizes the corporation to file an action in Circuit Court which asks for permission to use that platted property for something other than the purpose of burial. The procedure requires a minimum of six months from the time that the action is filed in the Circuit Court. A Notice must be published for a period of twelve consecutive weeks. If the Court then makes the determination that the proposed use is acceptable, an order is entered which grants permission. However, if the Court determines that it is not acceptable, that order would not be entered.

Mr. Gillam said that it is not clear to the City whether this land was platted as burial ground. If it wasn't, then this is not an issue. If it was platted as burial ground, the property cannot be used for anything but burial purposes without an action being filed at the Circuit Court level. Mr. Gillam recommended that the Planning Commission hold the Public Hearing and either close the Hearing or continue the Hearing in order to provide the City Attorney with time to look into this issue.

Allen Green represented the Applicant. He stated that the area is very commercial in nature – the other corners are fairly intense commercial uses. There are shopping centers, fast food and sit down restaurants, auto uses and a hotel. Mr. Green said that this corner stopped being the entrance into the cemetery in the late 1990s. He said that the cemetery has no ownership rights to the subject property. As a matter of convenience for the cemetery the corner has remained opened but is not maintained.

Mr. Green said the corner has been for sale for over six years. He said that R-4 is not an appropriate, reasonable or desirable use for the property. It will cost in excess of \$100,000 for sewer to be brought to this corner. He said that the Master Plan and Zoning Committee unanimously concluded that B-3 is the appropriate zoning for this property, and further commented that the property has been treated like commercial property through the City's recent Twelve Mile road widening project. He said that the City Appraiser essentially said that this property is no longer used as an entrance to the cemetery. As part of the road condemnation, the City demolished an old masonry building, its drives and its well. The City took the position that they didn't have to replace this or repay Mr. Eldridge for this because it served no useful purpose since it was no longer a part of the cemetery property. In essence, they said they were enhancing the value of Mr. Eldridge's land. The Applicant did not dispute this because the statement was accurate.

Mr. Green reiterated that this corner does not house the cemetery entrance. He said that the Applicant is seeking the B-3 zoning for several reasons. B-1 would be less intense than the uses on the other corners, and would preclude a couple of uses that have inquired about the properties (restaurants, service stations, etc.). B-2 is comparable to the RC zoning but requires a minimum parcel size of two acres. Mr. Green said that the B-3 is most appropriate for tiny commercial-type properties on an intersection. While undesirable businesses may be allowed in the B-3, the Applicant told the Master Plan and Zoning Committee that certain uses could be deed-restricted along with the B-3 rezoning.

Mr. Green said that interested parties have included a wine shop, gas stations, banks and a drug store. The Applicant provided a list of the Request for Purchases they have received in the last three years. Mr. Green concluded that they are basically looking to rezone to a B-3 classification that functions like a B-2 (but without the two-acre minimum).

Mr. Green said the surveyor reviewed the survey and determined there are only seven feet between the mausoleum and the property line. The Applicant, he said, could ask for a variance from the ZBA, since the residential use is atypical. The other solution would be to adjust the zoning boundary that maintains the ten-foot setback.

Mr. Green said that the overall traffic generated by a B-3 use of this property would be insignificant to this corner based upon the volume of traffic already using this intersection. At most, an 8,000 square-foot building would fit on this site, and there are hundreds of thousands of commercial square feet in this area. Mr. Green said this was a service site and will likely draw most of its customers from people who are already driving and using this road system. There is a tremendous traffic pattern of people exiting the expressway and traveling north into Walled Lake. It is a perfect location for those people to make a right turn into a service-type use.

Mr. Green maintained that none of the 1.3 acres are platted for cemetery plots. He said that other cemeteries in Metro Detroit have performed similar land transactions. He said that the City had to go through the Circuit Court process on platted burial ground during the Twelve Mile Road Widening Project.

Chair Kocan stated that Police Chief Douglas Shaeffer wrote a letter wherein he commented that this corner is a concern to the Police Department. The traffic volume is very heavy at the intersection, and even after redesign there is a high traffic accident rate. He asked that great care be given to any plan that would further impact the traffic of this intersection.

Mr. Green also asked to include for the record that in his opinion the cemetery lot split and the fact that the corner was not platted burial property were both acknowledged by the City based on the manner in which they went forward with the condemnation for the road widening project.

Member Sprague read the correspondence into the record:

- Michael Yokubison, 43028 Sandstone Drive: Objected because he preferred to maintain a quiet residential atmosphere and said there was enough commercially-zoned land.
- Praveen Mam, 43121 Sandstone Drive: Objected for traffic and congestion reasons.
- Barbara Lewis: Objected for sanctity of the corner reasons.
- Hugh and Cathy Crawford, 46275 West Eleven Mile: Objected for sanctity of the corner reasons.
- Raymond Davis, 43420 West Twelve Mile: Objected to the rezoning. Mr. Davis, the owner of the nearby Amoco station, quoted from previously-held City meetings and summarized that the City has already weighed in on and disapproved of this concept. He said that the arches signify that this land is indeed part of the cemetery and if the land was split off it was a gross misrepresentation to those who purchased plots in the cemetery. He said that his family has endured loss of income on several occasions because of planning and development issues determined at the City and State levels.

Chair Kocan opened the floor up for public comment:

- Carol Crawford, 22135 Beck: Objected to the request because she found it to be offensive. She felt that the City paid too much money for the condemned land for the road widening project (she thought it was \$200,000). She noted that the demolished building had already been earmarked for removal by the cemetery ownership. She would be willing to work toward making a ballot issue out of saving this corner and she said that she has support of others in the Community for the purpose of formulating a request for the City to purchase this corner.
- James Korte, Austin Drive: Objected because the purchasers of the plots within the cemetery bought "the whole package" when they chose that cemetery. He said that putting an intense business use in front of the cemetery would be spot zoning. He said that people still use the corner entrance and the entry in the back serves no purpose, is not built to any standard, and should be shut down.

- Brent Canup, 47201 Glamorgan: Objected because he felt that the lot split stole from the plot owners of the cemetery. He said it was a gross misuse of public trust.
- Sarah Gray, 133 Maudlin: Cited Section 1502.14, and questioned whether curb cuts could be placed in accordance with the Ordinance. She questioned whether a full acre would be left once the corner gave three feet back to the cemetery. She said that rezoning the property would make it nonconforming and would require variances. She said that B-3 would allow for gas stations, and that would put storage tanks within 500 feet of a crematorium, which is a safety issue. She said that the cemetery has breached a covenant with the plot owners.
- LCDR Daniel Lee Conrad, 136 Saint Clair River Drive, Algonac, MI: His family owns 14 plots. There is a veterans' memorial that is very close to this corner. As a veteran and plot owner he objected to commercial development on this corner. He called the Cemetery Commission to confirm the process by which this lot split and development could occur. He said he was never contacted by the cemetery about land being sold. There is no information on this land sale in the City Assessor's office or with the Register of County Deeds. He said the Cemetery Commissioner stated that Michigan has never allowed a lot to be split off of a cemetery parcel. He asked why the City is considering rezoning a non-parcel. He said that the land is tax-exempt and no one has been paying taxes on this land. The Cemetery Act 87 of 1855, Amended 1982 (for the road widening), states that plot owners are part owners of the cemetery. He said that the Cemetery Commissioner said that there must be a 500-foot setback between a cemetery and some commercial development. Mr. Conrad said that Mr. Eldridge moved graves in order to achieve that setback requirement. He said that the new "entrance" is an unimproved muddy road. In accordance with Cemetery Regulation Act 251 of Public Acts of 1968, a permanent sign and a permanent entrance are required. He was told that the cemetery paid rent to Mr. Eldridge to keep the corner open for entry. He asked whether the plot owners who paid into the perpetual fund were given their \$5,000/acre for the road condemnation or this 1.3 acre parcel. He said that the Cemetery Commissioner told him that what was deeded were the burial rites for the gravesites that were in the cemetery. He asked where an impact study is for this rezoning. He asked about gas leaking into the gravesites, if in fact the property became a gas station. He said that approving nonconforming lots must be kept to a minimum, according to the Michigan Municipal League. He asked that the land remain sacred.
- William Eldridge, owner of the subject property: Said that he has owned cemeteries in Metro Detroit for over thirty years. He said that in 1990 the Macomb Road Commission and Clinton Township approached him regarding Oakland Hills' sister cemetery, Cadillac Memorial Gardens East, and asked him to move the entry from the corner because of the length of funeral processions and the possibility of tying up the intersection. He said that the office building near the corner was admittedly old and in need of replacement. He said that it didn't make sense to put the office back in that area because they anticipated the same request to move the driveway at this cemetery location as they received in Clinton Township. The new owner, Mr. Bush, agreed to open a new entrance off of Novi Road. He said it was not his intention to desecrate this cemetery. He said that with appropriate screening, the families would enjoy this corner of the cemetery more without the entrance. It would create a sight and sound barrier for the property. He said that three acres of Roseland Park in Royal Oak were split off from the cemetery for a shopping center. Ten acres were taken from Acacia Park Cemetery in Beverly Hills for a shopping Center. Cadillac West sold its frontage to a racquetball court and shopping center. He said they had sale arrangements with Shell Oil and Exxon; both backed out because they preferred that the land was rezoned first. He said that originally he was contacted by the previous City Manager, Ed Kriewall, and was asked whether he would parcel off the corner for the Novi Road/Grand River Avenue Amoco gas station swap. Mr. Eldridge was not in a position at the time to do so, and as a result the Amoco ended up on the opposite corner.

Mr. Green said that he cannot comment on the emotional impact of a change to the cemetery. He has not leased this land to Mr. Bush for the entry; as a courtesy they allow the cemetery to use this entrance. He said it was not his place to comment on the cemetery operations, but he did note that the cemetery received money for the road condemnation and that there was a

permanent sign at their Novi Road entrance. He asked the Planning Commission to concentrate on the land use issues rather than the emotional issues.

- Linda Krieger, 44920 Byrne Drive: Said that it was an emotional issue for her. She would not like it if a gas station were developed and it leaked gasoline. She said this was the only paved entry into the cemetery. She asked that the City be careful and thorough in their review.

Chair Kocan closed the Public Hearing. Chair Kocan said that it was the Planning Commission's charge to look at the land use and compatibility issue.

Member Pehrson agreed that it was an emotional issue. He asked the City Attorney whether the Planning Commission should not discuss this issue further until it has been determined that any necessary Circuit Court action has been satisfied.

Mr. Gillam said that the point was well taken. He reiterated that the City's position is not that the proper procedure has not been followed. However, if this land was platted for burial, the procedure must be followed. The City would feel more comfortable if the status of this parcel could be confirmed.

Member Pehrson did not endorse moving forward with the rezoning process until that question has been answered. He thought it would be best that the Planning Commission comments be delayed until the aforementioned question has been answered.

Mr. Green asked that the review be postponed until the determination has been made, if in fact this process would make the Planning Commission feel more at ease.

Member Sprague asked how long it would take to make the determination. Mr. Gillam asked Mr. Green if a copy of the plat could be garnered through Mr. Eldridge, and Mr. Green said that it could. Mr. Gillam said that two weeks to a month would be the window.

Chair Kocan said that she and Member Avdoulos would both prefer to continue the Public Hearing as well so that any new comments could be added to the record. Ms. McBeth thought that either of the next two Agendas could accommodate this postponement.

Moved by Member Sprague, seconded by Member Pehrson:

In the matter of Zoning Map Amendment 18.638, the Eldridge rezoning request, motion to table the matter to a future meeting so that a determination can be made on the platting of the subject property regarding location of the cemetery plots.

DISCUSSION

Member Cassis asked whether the motion was for a tabling (used for an issue returning to the table in the same meeting) or a postponement (used for an issue returning to the table at a later date). Mr. Gillam suggested that the phrase, "**Continue the Public Hearing**" could be used. Member Sprague and Member Pehrson agreed.

Member Avdoulos explained that when this issue came before the Master Plan and Zoning Committee he was under the impression that the preliminary paperwork on this parcel split was effectively complete. He now questioned whether the appropriate paperwork was provided to the City. He said that he was concerned about rezoning the piece of land while it was still connected to the cemetery, because it would create a non-conforming situation in which cemeteries aren't allowed in the B-3 zoning and now their property is zoned B-3. He reiterated that he wanted all of the paperwork complete prior to this project going forward. Once there are no paperwork issues, Member Avdoulos would divulge his comments on acceptable uses for the corner; he also stated that he thought that the existing arch created a nice inviting corner.

Member Cassis asked whether there were any covenants or restrictions with a cemetery that are recorded. Mr. Gillam was only aware of the issues he described earlier in the meeting. He agreed to take a closer look at the situation to ensure that there are no other situations that should be considered. He said that these restrictions may be a result of those imposed through the law, or those imposed through a contract signed between the plot owners and the cemetery. The City cannot involve itself with private contracts. Member Cassis was curious to see any paperwork that the cemetery had regarding the rules of the cemetery, including what the plot owners received as a holder of land. Mr. Gillam said he would review the public laws but reiterated the private contracts were not under the purview of the City.

Chair Kocan appreciated the civility under which the Planning Commission, the City and the Applicant have agreed to go forward. She asked the Planning Department to address the request for an Impact Study. She asked for clarification of the berming requirements, and how that would impact the size of the lot. She asked what the impact was of the three-foot setback. She asked for clarification of all impacts created by the rezoning from residential to B-3. She noted that there are certain land uses allowed in R-4 (daycares, churches, etc.) and that could also be explored.

Chair Kocan confirmed that a Public Notice would not be required with a continuation. Because she felt that the residents were well-versed on this Public Hearing, another Public Notice would not be necessary.

ROLL CALL VOTE ON THE ELDRIDGE REZONING REQUEST 18.638 MOTION MADE BY MEMBER SPRAGUE AND SECONDED BY MEMBER PEHRSON:

In the matter of Zoning Map Amendment 18.638, the Eldridge rezoning request, motion to continue the Public Hearing to a future meeting so that a determination can be made on the platting of the subject property regarding location of the cemetery plots.

Motion carried 8-0 (Recused: Lipski).

Chair Kocan called for a short break.

**MEMO SUMMARIZING MEETING
WITH APPLICANT'S ATTORNEYS**



MEMORANDUM

TO: Members of the Planning Commission

FROM: ^{Barb} Barbara McBeth, AICP, Acting Director of Planning

DATE: August 19, 2004

SUBJECT: Update for the Eldridge Rezoning

At the public hearing for the rezoning request of Mr. Eldridge, the Planning Commission requested additional information be collected from the applicant to address several concerns raised at the public hearing. I attended a meeting at the City offices with Landscape Architect Lance Shipman, City Attorney Dave Gillam and the applicant's attorneys, Mr. Alan Greene, and Mr. Ken Kalousek. Among the items discussed at the meeting were the following:

- a. Use of the property: The applicant's attorneys stated that, although a gas station was proposed previously, that gas station is no longer interested in pursuing development of this corner. The attorneys stated that the general assumption that the proposed use of the subject property for a gas station is not accurate, and, in fact, there is no known user for the property at this time. Additionally, deed restrictions were voluntarily offered to limit the possible uses of the subject property if it is rezoned to B-3, General Business.
- b. Previous request for a gas station: The applicant's attorneys discussed the previous site plan submittal by Exxon Mobil for the development of a gas station on the subject property. The submittal was provided in conjunction with the condemnation proceedings to allow the Twelve Mile Road improvements in this area. City Council did not grant approval of the proposal for Exxon Mobil.
- c. Ownership: The history of the property ownership was discussed at length. Mr. Eldridge owned the cemetery (including the corner parcel) for some period of time until 1996. In 1996, the cemetery was sold to the Siena Group, and Mr. Eldridge retained ownership of the corner parcel. While the City does not dispute that Mr. Eldridge owns the subject property, the corner parcel has not been

recognized as a separate tax parcel by the City Assessor's office, since no application for a property split has been filed.

- d. Driveway access: The applicant's attorneys indicated the new owner of the cemetery (the Siena Group) was obligated to build a new cemetery entrance driveway on Novi Road. This entrance has been constructed. The attorneys indicated there was an agreement to continue to use the corner parcel for driveway access to the cemetery for a limited time, but the time frame has expired. For various reasons, the corner parcel has been used as an entrance driveway intermittently since that time, along with the newer entrance constructed on Novi Road, approximately ½ mile north of 12 Mile Road.
- e. Modify legal description for requested rezoning: While a property split is not required for approval of a rezoning request, the applicant's attorney offered to modify the rezoning request and move the expected future property line to a position that will not require variances for building setback for the existing mausoleum. This was offered in the July 8 letter from the applicant's attorneys (page 5).
- f. Entrance Markers: Mr. Eldridge offered the new cemetery owners the opportunity to remove and reuse the existing entrance markers and walls to identify the new entrance and provide continuity. To date, this offer has not been accepted. Lance Shipman suggested that if the new property owner is not interested in using these markers, the City may be interested in reusing these walls for "Welcome to Novi" signs (at another location) since these markers are attractive and hold historic significance for the community.
- g. Original Cemetery Plat: The original cemetery plat, dating from the 1930s, showed that the area in consideration was not intended to be used for burial plats. While the applicant submitted one plan that showed a burial plat in the vicinity of the subject property, Mr. Greene explained that that burial location was an error on the part of the current cemetery owner, and the remains have since been relocated to an acceptable location in the cemetery. It is expected that City Attorney Dave Gillam will provide additional information to the Planning Commission on the cemetery plat in separate correspondence.
- h. Future development of the site: For the future development of the property, the requirements of the landscape ordinance were discussed with the applicant:
 - a. Between B-3 and Single Family Residential zoned parcels, the ordinance requires the placement of a berm on the B-3 property lines abutting residential. In this situation a 6 foot tall berm (minimum) to 8 foot tall berm is required per Section 2509.3.a. A berm of this height takes up approximately 40 feet of horizontal land area.
 - b. Along the front and side abutting the right of way, the landscape ordinance requires a berm of 3 feet in height with B-3 zoning, requiring a horizontal distance of approximately 20-25 feet of land area (Section 2509.3.b).

The applicant was advised of these requirements for future consideration of the development of the site if the B-3 zoning is approved. See attached sketch for additional detail of approximate land area needed for landscape berm requirements.

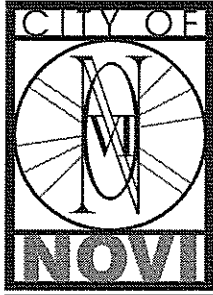
- i. Additional information: Mr. Greene offered to supply additional information as a part of the City's consideration of the rezoning request, including deeds, access agreements, and follow-up information from the Real Estate Broker for people who have expressed interest in the property over the last several years. The attorneys also offered the opportunity for the City to use the wall materials, if the current cemetery owner (Siena) does not want to use the materials, and if development is approved for the site. This information was provided in correspondence dated July 29, 2004.

There is a revised Planning Review Letter based on the new information. The review letter remains consistent in that staff does not recommend approval of the rezoning request to B-3, General Business. The recommendation section of the letter is modified, and there are minor changes to the text of that letter.

If there are any questions, please feel free to contact the Planning Department.

Potential Rezoning Southwest Corner Eleven Mile and Beck Roads

(Bosco – 18.689)



PLAN REVIEW CENTER REPORT
April 13, 2009
Master Plan & Zoning Committee Review
Bosco Property
Zoning Map Amendment 18.689

Petitioner

Paul Bosco

Review Type

Rezoning Request from RA (Residential Acreage) to OS-2 (Planned Office Service)

Property Characteristics

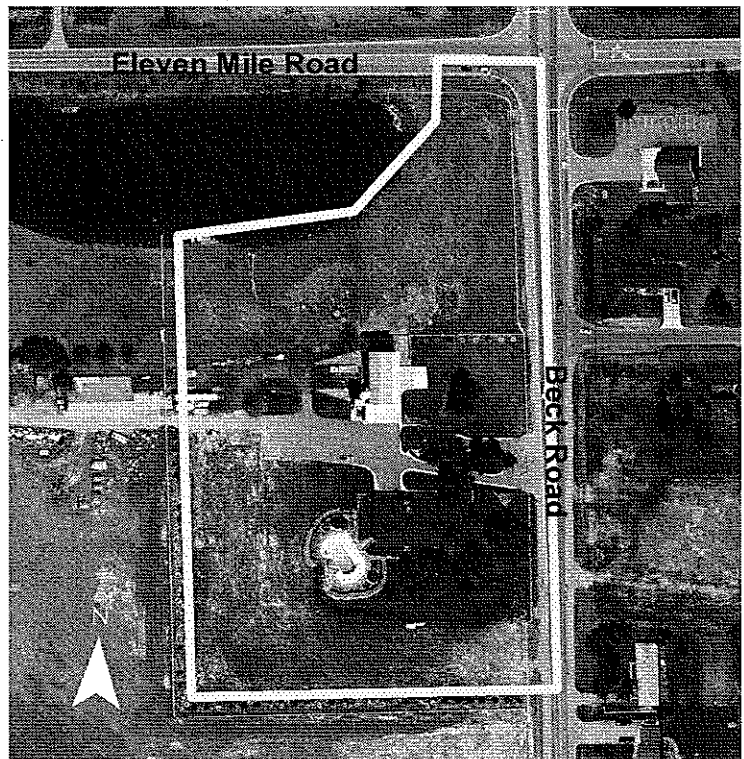
- Site Location: Southwest corner of Eleven Mile Road and Beck Road
- Site Zoning: RA, Residential Acreage
- Adjoining Zoning: North: R-3 (One-Family Residential) South, East and West: RA
- Current Site Use: Single-Family Home
- Adjoining Uses: North: Single-Family Homes (across Eleven Mile Road); East: Single-Family Homes; West and South: Vacant Novi Schools Property
- School District: Novi Community School District
- Site Size: 7.4 acres

Project Summary

The petitioner is requesting the rezoning of a property at the southwest corner of Eleven Mile Road and Beck Road in Section 20 of the City of Novi. The 7.4 acres under review are currently zoned RA, Residential Acreage. The applicant has requested a rezoning of the parcel to OS-2, Planned Office Service. The site is currently developed with a single-family home and related accessory structures. The City is presently considering the development of a large public park on the parcel bordering the southern and western sides of the subject property.

Current Status

The applicant is proposing a Zoning Map Amendment, which would rezone the property from RA, Residential Acreage, to OS-2, Planned Office Service. As noted in this letter, the Master Plan for Land Use is currently under review by the Master Plan



and Zoning Committee. The rezoning request could be evaluated differently depending on whether the Master Plan changes, which in turn may depend on whether the City's plans for a signature park in the area come to fruition.

Master Plan for Land Use

The Master Plan for Land Use currently designates this property for single-family uses. A rezoning of the property to OS-2 would be inconsistent with the recommended actions of the Master Plan. The Master Plan recommends single-family uses not only for this parcel, but also for the parcels to the north and east. The parcel to the south and west of the subject property is master planned for educational facilities. In addition, the recommended density for the subject properties per the Master Plan residential density map recommends a density of 1.65 dwelling units per acre, which is consistent with the R-1, One-Family Residential District. Presently, the subject property is zoned RA, Residential Acreage.

The Master Plan for Land Use is currently under review by the Master Plan and Zoning Committee and the subject property is part of a larger study area to be examined as part of the Master Plan review. A variety of potential uses are being considered for the subject property and the surrounding area. The recommendations of the Master Plan and Zoning Committee for the subject property could be substantially different from the recommendations of the current Master Plan.

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	RA, Residential Acreage	Single-Family Home	Single-Family Residential
Northern Parcels	R-3, One-Family Residential	Single-Family Homes (across Eleven Mile Road)	Single-Family Residential
Southern Parcels	RA, Residential Acreage	Vacant School-owned Property	Educational Facility
Eastern Parcels	RA, Residential Acreage	Single-Family Homes (across Beck Road)	Single-Family Residential
Western Parcels	RA, Residential Acreage	Vacant School-owned Property	Educational Facility

Compatibility with Surrounding Land Use

The surrounding land uses are shown on the above chart. The compatibility of the requested OS-2 zoning with the zoning and uses on the adjacent properties should be considered by the Planning Commission in making the recommendation to City Council on the rezoning request.

Directly to the **north and east** of the subject property, across Eleven Mile Road and across Beck Road, are single-family homes, zoned R-3, One-Family Residential. In addition to residential uses, the R-3 Zoning District also allows farming operations, parks, churches, schools, day care facilities, private noncommercial recreational areas, golf courses, institutions of higher learning and cemeteries. This property is in the Master Plan for Land Use for Single-Family Residential. Changing the zoning of the subject property to OS-2 could have a negative impact on these properties. The owners would likely see an increase in traffic and a potential decrease in the re-sale value of their home if an office or commercial development is constructed.

Directly to the **south and west** of the subject property is vacant land currently owned by the Novi Community School District, zoned RA. In addition to residential uses, the RA Zoning District also allows farming operations, churches, parks, schools, day care facilities, private noncommercial recreational areas, golf courses, institutions of higher learning, bed and breakfasts and cemeteries. The proposed rezoning would have little to no effect on the vacant land if used for school uses. The proposed rezoning could have some negative impact on the property if it was used for single family residential uses. The property could be less attractive for residential development and potentially decrease in value if office or commercial development is constructed. However, the signature park proposal noted above could affect the subject property, depending on its final approval and/or configuration.

Comparison of Zoning Districts

The following table provides a comparison of the current and proposed zoning classifications. One alternative has been provided at this time, the OS-1, Office Service District. This district allows uses similar to those in the OS-2 District. However, the OS-1 District would also be in conflict with the Master Plan for Land Use and provides for reduced setbacks, which could further impact the nearby residential uses.

	RA (Existing)	R-1 Zoning (Master Plan Designation)	OS-2 Zoning (Proposed)	OS-1 Zoning (Alternate)
Principal Permitted Uses	1. One-family dwellings 2. Farms and greenhouses (subject to specific conditions). 3. Publicly owned and operated parks. 4. Cemeteries. 5. Public, parochial and other private elementary schools. 6. Home	1. One-Family detached dwellings. 2. Farms and greenhouses (subject to specific conditions). 3. Publicly owned and operated parks, parkways and outdoor recreational facilities. 4. Cemeteries. 5. Home occupations.	1. Office buildings, offices and office sales and service activities for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales and engineering and data processing; corporate offices and headquarters	1. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales subject to the limitations contained in Section 1103, Required Conditions.

RA (Existing)	R-1 Zoning (Master Plan Designation)	OS-2 Zoning (Proposed)	OS-1 Zoning (Alternate)
<p>occupations. 7. Accessory buildings and uses. 8. Family Day Care homes.</p>	<p>6. Accessory buildings and uses. 7. The keeping of horses and ponies. 8. Family Day Care Homes.</p>	<p>and office support functions, such as conference rooms, dining facilities, photographic facilities and record storage facilities. 2. Medical offices, including laboratories and clinics. 3. Facilities for human care, such as general hospitals, sanitariums, convalescent homes, hospice care facilities and assisted living facilities subject to the requirements of subsection 1101.3. 4. Off-street parking lots. 5. Accessory structures and uses customarily incident to the above permitted uses. 6. Publicly owned and operated parks, parkways and outdoor recreation facilities.</p>	<p>2. Medical office, including laboratories and clinics. 3. Facilities for human care such as general hospitals, sanitariums, convalescent homes, hospice care facilities and assisted living facilities (subject to specific conditions). 4. Banks, credit unions, savings and loan associations, and similar uses with drive-in facilities as an accessory use only. 5. Personal service establishments including barbershops, beauty shops, and health salons. 6. Off-street parking lots. 7. Churches. 8. Other uses similar to the above uses. 9. Accessory structures and uses customarily incident to the above permitted uses. 10. Publicly owned</p>

	RA (Existing)	R-1 Zoning (Master Plan Designation)	OS-2 Zoning (Proposed)	OS-1 Zoning (Alternate)
				and operated parks, parkways and outdoor recreational facilities.
Special Land Uses	<ol style="list-style-type: none"> 1. Plant nursery (subject to specific conditions). 2. Dairies (subject to specific conditions). 3. Keeping and raising of livestock (subject to specific conditions). 4. All principal uses permitted subject to special conditions and regulated in Section 402 (R-1 through R-4 Districts). 5. Historical buildings in residential districts maybe occupied by limited nonresidential uses to encourage preservation (subject to specific conditions). 6. Bed and breakfasts. 	<ol style="list-style-type: none"> 1. Churches. 2. Public, parochial and private elementary intermediate or secondary schools. 3. Utility and public service buildings and. 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 pool clubs, not including indoor ice skating rinks and indoor tennis courts. 6. Golf courses. 7. Colleges, universities. 8. Private pools as an accessory use. 9. Cemeteries. 10. Railroad right-of-way but not including 	<ol style="list-style-type: none"> 1. One or more of the following uses which is accessory to and located in the same building as a principal use authorized by Section 2301: a pharmacy or apothecary shop, medical supply store, optical services, restaurants, barber shops or beauty shops, gift shops, travel agencies, health studios and related services for employees or offices (subject to specific conditions). 2. Sit down restaurants (subject to specific conditions). 	<ol style="list-style-type: none"> 1. An accessory use customarily related to a principal use authorized by this Section, such as but not limited to: a pharmacy or apothecary shop, stores limited to corrective garments or bandages, or optical service may be permitted. 2. Mortuary establishments (subject to specific conditions). 3. Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformers stations, or gas regulator stations. 4. Day care centers and adult day car centers (subject to specific

	RA (Existing)	R-1 Zoning (Master Plan Designation)	OS-2 Zoning (Proposed)	OS-1 Zoning (Alternate)
		terminal freight facilities, transfer and storage tracks. 11. Mortuary establishments. 12. Bed and breakfasts. 13. Accessory buildings and uses.		conditions). 5. Public or private recreational facilities.
Minimum Lot Size	1 acre	1/2 acre	Based on the amount of off-street parking, landscaping, and setbacks required	Based on the amount of off-street parking, landscaping, and setbacks required
Building Height	2.5 stories –or- 35 feet	2.5 stories –or- 35 feet	3 stories –or- 42 feet	30 feet
Building Setbacks	Front: 45 feet* Sides: 20 feet* 50 feet total Rear: 50 feet* * Non-single family residential uses 75 feet	Front: 30 feet* Sides: 15 feet* 40 feet total Rear: 35 feet* * Non-single family residential uses 75 feet	Front: 50 feet Sides: 50 feet* Rear: 50 feet	Front: 20 feet Sides: 15 feet Rear: 20 feet
Parking Setbacks	Single Family N/A Non-Single Family Front: 75 feet Sides: 20 feet Rear: 20 feet	Single Family N/A Non-Single Family Front: 75 feet Sides: 20 feet Rear: 20 feet	Front: 20 feet Sides: 20 feet Rear: 20 feet	Front: 20 feet Sides: 10 feet Rear: 10 feet

*Three feet of horizontal setback for each foot of building height required.

Infrastructure Concerns

See the Engineering review letter for specific discussion of water and sewer capacities in the area serving the subject property. The Engineering review generally indicates they do not have any significant concerns with the proposed rezoning with regards to available utilities. Per the Site Plan Manual, a Rezoning Traffic Study is required for any proposed rezoning from residential to non-residential. The applicant has requested a waiver of the required traffic study. The City’s Traffic Consultant is not recommending a waiver of the traffic study at this time. See the traffic review letter for additional information. The requirement for a traffic study can be waived by the City Council with a recommendation from Planning Commission if the following factors are met:

- A. The existing level of service along the roadway is not expected to drop below LOS "C" due to the proposed project.
- B. The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
- C. A similar traffic study was previously prepared for the site and is still considered applicable.

Natural Features

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

Development Potential

Development under the current RA zoning could result in a residential development of approximately six single-family homes and if rezoned to R-1, as contemplated in the Master Plan, 12 homes could be built. Other uses permitted in the RA District include plant nurseries, churches and day care facilities. The subject property would be large enough to accommodate a non-residential use permitted in the RA District. The development of the parcel under the proposed OS-2 zoning could result in an office establishment of approximately 40,000 sq. ft. The ultimate size of the facility would depend on the parking requirements associated with its specific use. A general office building on this site would increase this yield, due to the slightly lower parking demand when compared to a medical office. The applicant has not proposed a specific development, use or building size.

Submittal Requirements

- The applicant has provided a survey and legal description of the property in accordance with submittal requirements.
- The applicant should place the rezoning signs on the property, in accordance with submittal requirements and in accordance with the public hearing requirements for the rezoning request. Staff has reviewed the proposed sign location submitted by the applicant. In addition to the sign indicated, the applicant should also place a rezoning sign along the Eleven Mile Road frontage and notify the City once both signs have been erected. The applicant should refer to the Site Plan Manual for appropriate wording for the proposed sign.
- The applicant has not submitted the required Rezoning Traffic Study.