

MEMORANDUM



TO: VICTOR CARDENAS, CITY MANAGER
FROM: LINDSAY BELL, AICP, SENIOR PLANNER
THROUGH: BARBARA MCBETH, AICP, CITY PLANNER
SUBJECT: NORTH KAREVICH DRIVE STREET VACATION/CULVER'S REQUEST
DATE: AUGUST 14, 2024

This memo is sent to share information about a request to vacate North Karevich Drive and convey the land to the property owner of the parcels that the road bisects (see attached location map). The street vacation is being requested by Union Pacific Holdings, LLC, who is interested in developing the site as a Culver's fast-food restaurant with a drive-thru. Vacating the road would permit them to combine their parcels to better accommodate the proposed development. South Karevich Drive will remain a public street south of West Oaks Drive.

The applicant's current Preliminary Site Plan has been submitted and reviewed by the Plan Review Center. The applicant has been working to address the comments brought forth in previous plan submittals. This includes providing additional landscaping, the off-site location of the sanitary sewer and associated easement, a full traffic impact study, and a justification for why the City should consider vacating the public street.

Subject Parcels

The two parcels that North Karevich Drive bisects at the south end are located south of Value City Furniture (former Art Van) and north of West Oaks Drive.

- The parcel on the southeast side of Karevich Drive is irregular in shape and contains approximately 0.96 acres (22-15-200-099)
- The parcel on the northwest side of Karevich Drive is irregular in shape and contains approximately 0.44 acres (22-15-200-097)
- If the street vacation and parcel combination are approved, the site would total 2.35 acres.



The full length of North Karevich Drive between West Oaks Drive and West Oaks Access Road is requested to be vacated and deeded to the applicant (see map attached). A

legal description of the road has been provided by the applicant, which lists the total area to be vacated as 0.945 acres. The applicant intends to reroute North Karevich Drive around the proposed Culver's so that traffic could still move between West Oaks Drive and West Oaks Access Drive. The new road through this area would be privately owned and maintained by the applicant if it is conveyed to them. The applicant states they would allow public access over the roadway by placing it in a Public Access Easement. Utility easements would also be given for all existing utilities within the area.



Figure 1: proposed site layout

Zoning and Master Plan

The property is located in the RC, Regional Center District, and the Master Plan for Land Use indicates the Planned-Development Option 2 (PD-2) is available for the site.

Site Plan Process - Planned Development Option 2

The Zoning Ordinance outlines the process for uses under the PD-2 Option. The Planning Commission recommends approval or denial of a Preliminary Site Plan to City Council, who ultimately has the decision of whether to approve or deny the Preliminary Site Plan. Both the Planning Commission and the City Council must consider specific factors when evaluating a site plan under the PD-2 Option, including the effect on public services and facilities, the effect on natural features and resources, the compatibility with the surrounding uses, and whether or not the proposed plan promotes the use of land in a socially and economically desirable manner.

When the PD-2 Option is utilized, projects are to be evaluated as a Special Land Use. This means that the project required a public hearing and 15-day notice to surrounding property owners, which was also published in the local newspaper and on the City website. The Planning Commission held the public hearing on June 26, 2024, and recommended approval of the Preliminary Site Plan and Special Land Use requirements, including:

- i. Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.
- ii. Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.
- iii. Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- iv. Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
- v. Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- vi. Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
- vii. Whether, relative to other feasible uses of the site, the proposed use is
 - a. Listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and
 - b. Is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Site Plan Process - Ordinance Requirements

Review by staff has highlighted the requested deviations that the City Council will have discretion to approve or deny. The applicant has worked to limit those deviations, but a few are going to be required for the site plan to be approved. Currently there are six deviations requested from Ordinance standards:

1. Deviation from Section 3.31.7.B.v.a, that states a fast food drive-thru under PD-2 Option **requires a minimum distance of 1,000 feet between a proposed freestanding restaurant from any other such use on the same side of the street. The proposed restaurant is less than 1,000 feet from the Carabba's to the south;**
2. Deviation from Section 4.19.2.F for allowing a **dumpster in the exterior side yard instead of required rear yard;**
3. Landscape deviation from Section 5.5.3.B.ii and iii **for lack of berm or wall along both Novi Road and West Oaks Drive;**
4. Landscape deviation from Section 5.5.3.B.ii and iii for **deficient perimeter depth between the west drive and the west property line;**

5. Deviation from Section 11-216 of the Code of Ordinances, Design Considerations, for the **deficient driveway turning radius where the mountable concrete median is proposed;**
6. Section 9 Façade waiver for an **underage of brick and an overage of composite siding.**

Section 3.31.5 explains the standards that the City Council should consider when authorizing a deviation from the Zoning Ordinance when utilizing the PD-2 Option:

- a) That each zoning ordinance provision from which a deviation is sought would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest;
- b) That approving the proposed deviation would be compatible with the existing and planned uses in the surrounding area;
- c) That the proposed deviation would not be detrimental to the natural features and resources of the affected property and surrounding area, or would enhance or preserve such natural features and resources;
- d) That the proposed deviation would not be injurious to the safety or convenience of vehicular or pedestrian traffic; and
- e) That the proposed deviation would not cause an adverse fiscal or financial impact on the City's ability to provide services and facilities to the property or to the public as a whole.

The Street Vacation

Since the public street was not designed as a part of a plat, but was conveyed to the City by a deed, the vacated land does not automatically go to the adjacent property owner. Staff has asked the applicant what benefit to the public results from the vacation of the roadway and the applicant's acquisition of the underlying property. The applicant has provided a narrative that states why the street vacation would benefit the City. These include:

- The applicant will construct the missing 8-foot-wide pathway segment along the adjacent Novi Road right-of-way (an approximately 695-foot portion of Segment 32A).
- Additional landscaping and park benches along the pathway.

In addition, the applicant will take over all future costs associated with maintaining and repairing the roadway, while still allowing public access over it.

Section 7.6 of the Novi City Charter states the required process for vacation of a street or alley:

- (a) **Action to Vacate Public Places.** Action to vacate, discontinue or abolish any highway, street, lane, alley, or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the **Council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.**

- (b) **Action Requiring Affirmative Vote of Five (5) Members of Council.** The following action shall require the affirmative vote of **five members** of the Council for the effectiveness thereof:
- (1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof:

Next Steps

The street vacation request and a draft Resolution to Vacate North Karevich Drive (attached) will be placed on an upcoming agenda for consideration by the City Council in order to set a public hearing for formal consideration of the request at a subsequent meeting. If the resolution is approved, the public hearing will be advertised, and the City Council would consider a resolution to vacate as well as a separate action on the Preliminary Site Plan at a future meeting.