



CITY OF NOVI CITY COUNCIL
FEBRUARY 27, 2023

SUBJECT: Final approval of the request of Granger Construction, LLC, for Michigan CAT Catherine Drive Access Parcel, JZ21-22, with Zoning Map Amendment 18.734, to rezone property from Light Industrial (I-1) to General Industrial (I-2), subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan. The property is located east of Novi Road and north of Catherine Industrial Drive in Section 23, and totals approximately 5.29 acres. The applicant is proposing to use the site for outdoor storage of construction equipment related to Michigan CAT's shore and pump operation. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning

BACKGROUND INFORMATION:

The petitioner is requesting a Zoning Map amendment for approximately 5.29 acres of property located east of Novi Road and north of Catherine Industrial Drive, from Light Industrial (I-1) to General Industrial (I-2) using the City's Planned Rezoning Overlay (PRO) option. The applicant is proposing to use the site for outdoor storage of construction equipment related to Michigan CAT's shore and pump operation. The City Council tentatively approved the PRO Agreement and Concept Plan on August 8, 2022 and directed the applicant to work with the City Attorney on drafting the PRO Agreement.

Since the Council granted tentative approval in August, the applicant has requested that Item G, subsection i, on page 2 of the PRO Agreement, be modified to allow for an increased limitation in height of the equipment being stored from ten feet in height to fifteen feet in height. The applicant has indicated that this gives Michigan CAT more flexibility in the use of the land and is consistent with the outdoor storage use at the Michigan CAT dealership, which is north and east of the area proposed to be developed. The Section below is reflected in the draft PRO Agreement (emphasis added):

The use of the site shall be limited to the outdoor storage of shoring and pump operation equipment as described in the developer's narrative, or equipment of a similar height, but in all cases, equipment being stored shall be limited to a maximum of fifteen (15) feet in height. This restriction shall include trucks and cranes, the booms of which shall be stored in a horizontal position.

Ordinance Deviations Requested

Section 7.13.2.D.i.c(2) permits deviations from the strict interpretation of the Zoning Ordinance within a PRO agreement. These deviations must be accompanied by a finding by City Council that "each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas." The deviations requested are as follows:

- a) Design and Construction Manual Deviation from Section 11-239 of the Code of Ordinances for asphalt millings as a parking lot material in lieu of pavement, which is justified because the proposed millings are an extension of the existing storage yard and are a material that is preferable for storage yards;
- b) Design and Construction Manual Deviation from Section 11-239 of the Code of Ordinances for a lack of curbs, which is justified due to the site having adequate sheet drainage during rainfall events that will be adequately filtered by a vegetative swale located on the north side of the storage area;
- c) Design and Construction Manual Deviation from Section 11-239 of the Code of Ordinances for the lack of parking lot striping, which is justified due to the lot being used exclusively for storage of construction equipment;
- d) Landscape Deviation from Section 5.5.3.B.II of the Zoning Ordinance for the use of an evergreen shrub wall in lieu of required canopy greenbelt trees and berm, which is justified because the proposed shrub wall provides more adequate screening of the construction equipment;
- e) Landscape Deviation from Section 4 of the Landscape Design Manual for the lack of meeting the required tree diversity standards, which is justified due to the heavy use of evergreens to provide the necessary screening for the project and the lack of suitable evergreen species available for use in Michigan.

PRO Conditions

In consideration of the rezoning and approval of the Concept Plan, the agreement provides the following PRO Conditions that shall apply to the land:

1. Developer shall develop the Land in accordance with all applicable laws, ordinances, and regulations, including all applicable setback requirements of the Zoning Ordinance under the Proposed Classification, except as expressly authorized herein, and all storm water and soil erosion requirements and measures throughout the site during the design and construction phases of the Development, and during the subsequent use of the Land as contemplated in this Agreement:

The use of the site shall be limited to the outdoor storage of shoring and pump operation equipment as described in the developer's narrative, or equipment of a similar height, but in all cases, equipment being stored shall be limited to a maximum of fifteen (15) feet in height. This restriction

shall include trucks and cranes, the booms of which shall be stored in a horizontal position.

2. Developer offers a 20 foot wide access aisle easement across the length of the proposed site as shown on the concept plan to allow for proper emergency access to the Michigan CAT site. This area shall be kept clear of equipment and signage shall be provided near the existing gate located on the site.
3. Developer offers to install a Motor City Historical Marker commemorating Michigan CAT's history within the City of Novi as shown on the concept plan, and shall be reviewed in detail with the Preliminary Site Plan Review for consistency with other historical marker signage and verbiage.
4. Developer offers to install a pedestrian plaza with a bench and six foot clear path access from the Novi Road sidewalk as shown on the concept plan.
5. Developer offers to install a decorative breakaway emergency access gate near Catherine Industrial Drive as shown on the concept plan.
6. Woodland tree removals during the project shall be approximately 74 trees, which shall require 47 woodland replacement credits. Any woodland replacement credits planted on-site shall be permanently protected via conservation easement or landscape easement. Any credits not planted on site will require a payment of \$400 per credit into the Novi Tree Fund.
7. Any additional regulated woodland tree removals shall meet the requirements of the City of Novi Woodland Protection Ordinance, and may be granted administratively up to 10 trees with proper justification. If additional regulated trees proposed for removal exceeds 10, Planning Commission approval must be granted.
8. The existing drainageway on the east side of the site shall be preserved and shall be reviewed as part of the Preliminary Site Plan.
9. The site shall be properly screened as indicated in the concept plan and shall be reviewed as part of the Preliminary Site Plan.
10. Tentative completion date for the project shall be calendar year 2023.

City Council Action

Because the attached draft PRO Agreement is consistent with the rezoning with PRO requested, and tentatively approved by the City Council at the August 8, 2022 meeting, with the exception of the changes the applicant has made to the condition related to the height of the stored equipment, as noted in this memo, the City Council is now asked to consider the actual text of the Planned Rezoning Overlay Agreement and give final approval of the agreement, the PRO Plan and the rezoning. Following Council's final approval, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures.

RECOMMENDED ACTION: Final Approval of the request of Granger Construction, LLC, for Michigan CAT Catherine Drive Access Parcel, JZ21-22, with Zoning Map Amendment 18.734, to rezone property from Light Industrial (1-1) to General Industrial (1-2). This approval is subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, and subject to the conditions listed in the staff and consultant review letters, and with any changes and/or conditions as discussed at the City Council meeting, with any final minor alterations required in the determination of the City Manager and City Attorney to be incorporated by the City Attorney's office prior to the execution of the final agreement. This motion is made for the following reasons:

1. The proposed outdoor storage development would be compatible with the intent of the 2016 Master Plan for the Heavy Industrial use.
2. Growing an important Novi business (Michigan CAT) would complement the goals and objectives of the 2016 Master Plan.
3. The proposed project will protect and maintain the City's woodlands, wetlands, and natural features *as the drainageway to the east of the property (Walled Lake Branch of the Middle Rouge River Basin) will be preserved.*
4. The proposed project will ensure compatibility between residential and non-residential developments *because the project proposes to increase the footprint of an industrial business while limiting the use of the site to outdoor storage of shoring and pump operation equipment with proper screening.*