

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, AICP, PLANNER *Kristen*
THROUGH: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT
DEPUTY DIRECTOR
SUBJECT: SET PUBLIC HEARING FOR TEXT AMENDMENT 18.272
DATE: JANUARY 21, 2015

Attached you will find a proposed ordinance amendment submitted by Sovel Service Center that would make automobile service establishments for minor repair services a permitted special land use on properties not abutting residential zoning in the B-3, General Business District. The proposed amendment includes a number of conditions for approval as noted in the planning review memo.

Staff has completed a review of the proposed amendment and recommends approval with some suggested modifications. Attached please find the planning review, the applicant proposed version of the amendment and a version incorporating staff's recommendations. The applicant has indicated they have no objection to staff's version of the ordinance amendment.

The Planning Commission is asked to set a Public Hearing for the ordinance amendment to be held on February 25, 2015. At that time the Commission will hold the public hearing and forward a recommendation to the City Council, for reading and adoption. If any Commissioner has any questions related to this request, do not hesitate to contact Kristen Kapelanski, in the Community Development Department at (248) 347-0586.

Staff Version

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 15- 18 – 272

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 4, USE STANDARDS, SECTION 4.29, FUELING STATIONS AND MINOR AUTOMOBILE SERVICE ESTABLISHMENTS; IN ORDER TO PERMIT FUELING STATIONS WITH ACCESSORY MINOR AUTOMOBILE SERVICES THAT PRE-DATE THE ORDINANCE TO TERMINATE FUELING OPERATIONS AND CONTINUE MINOR AUTOMOBILE REPAIR SERVICES.

THE CITY OF NOVI ORDAINS:

Part I. That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.29, Fueling Stations and Minor Automobile Service Establishments, is hereby amended to read as follows:

4.29 FUELING STATIONS AND
MINOR AUTOMOBILE
SERVICE ESTABLISHMENTS

1. Fueling station for the sale of gasoline and alternate fuels, oil and minor accessories only, and minor automobile repair services as defined in Article 2 are permitted as a special land use in the B-2 district and as a permitted use in the B-3 and FS districts subject to conditions A-G as listed below:
~~Fueling stations for the sale of gasoline and alternate fuels, oil and minor accessories only, and where no major repair work is done, other than accessory minor repair and incidental services, but not including major services such as steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line are permitted as a special land use in the B-2 district and as a permitted use in the FS district, subject to the following:~~
 - A. The curb cuts for access to a fueling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than one-hundred (100) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - B. The minimum lot area for any fueling station shall be one (1) acre.
 - C. Fueling stations shall be located on the site so as to minimize its impact on any adjacent residential district, OS-1, OSC or B-1 district. Ample space shall be provided for motor vehicles waiting for service, or which are parked to be mechanically serviced or to be picked up following mechanical service. Sufficient vehicle stacking space shall provide at the pump islands so that vehicles awaiting service will not interfere with vehicles entering the site.
 - D. Canopies, when constructed as an integral part of the main building, shall comply with the minimum setback requirements of the district. Detached freestanding canopies shall comply with the requirements of [Section 4.19](#) of this Ordinance.
 - E. The storage of vehicles overnight shall be prohibited except for working vehicles (wreckers and similar vehicles) and vehicles or trailers for general rental and those awaiting mechanical repair. These vehicles shall be parked in accordance with [Section 5.2](#) and [Section 5.3](#). Wrecked vehicles may be stored for a period not to exceed twenty-four (24) hours.
 - F. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).
 - G. In the B-3 district only, a fueling station with accessory minor automobile services that pre-dates the adoption of this Ordinance, whether considered legal non-conforming or not, may terminate its fueling operations and continue its minor automobile repair services, subject to the following:
 - i. The structure within which use is conducted may not be enlarged.
 - ii. The applicant makes one or more of the following improvements:

STAFF VERSION

- a) Elimination of a lawful nonconforming structure, such as a pole sign or canopy for the prior fueling station use.
 - b) Installation of additional landscaping and green space over the existing layout.
 - c) Mitigation of traffic impacts by eliminating a curb cut.
 - d) Installation of pedestrian safety paths.
- iii. A proposal pursuant to this subsection for the continuation of minor vehicle repairs, and any proposed site plan showing one or more of the improvements required by this subsection, may be reviewed and approved administratively pursuant to Sections 6.1.1.C or 6.1.1.D, or both.
2. [Unchanged.]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2015.

STAFF VERSION

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

Applicant Version

APPLICANT VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14- 18 – 272

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 15, B-3 GENERAL BUSINESS DISTRICT, SECTION 1501, PRINCIPAL USES PERMITTED; IN ORDER TO PERMIT AUTOMOBILE SERVICE STATIONS – MINOR SERVICES IN THE B-3 DISTRICT.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

ARTICLE 15. B-3 General Business District

Section 1500. [Unchanged.]

Section 1501. Principal Uses Permitted

1-11. [Unchanged.]

12. Automobile Service Establishment – Minor Services

Section 1502. – 1503. [Unchanged.]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief

APPLICANT VERSION

notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2014.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

Staff Review Memo

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, AICP, PLANNER *Kristen*
THROUGH: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT
DEPUTY DIRECTOR
SUBJECT: REVIEW OF PROPOSED TEXT AMENDMENT 18.272
DATE: AUGUST 19, 2014 [UPDATED JANUARY 21, 2015]

The applicant, Sovel's Service Centers, Inc., is proposing modifications to Article 15, B-3, General Business District, in order to permit automobile service establishments for minor repair services as a principal permitted use. The applicant is proposing the ordinance change at this time because Sovel's Service Center, located at the southwest corner of Ten Mile Road and Meadowbrook Road intends to remove the gas pumps and canopy and focus entirely on minor vehicle repair and service.

Staff Review

Planning staff recommends approval of the proposed text amendment (with the suggested staff modifications as attached). The staff modifications would allow an existing fuel station with an accessory minor automobile service repair facility to cease operation of their fuel station and continue operation of the repair service business provided the existing building is not enlarged and one of the suggested improvements is made to the site.

The B-3 General Business District is intended 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. The District currently permits mini-lube or oil change establishments as a Special Land Use. The operation of and impacts from an automobile service establishment for minor repair services would be similar to those of the oil change use already permitted and would not interfere with the operation of other more-typical B-3 commercial uses.

Staff has attached a revised amendment with suggested conditions for the proposed use. The applicant is asked to review this memo along with the attached language and contact the Planning Division to indicate whether they would like to make any additional revisions to their proposed amendment in accordance with staff's recommendations or if they would like to proceed to the Planning Commission with their original draft language. The Planning Commission will hold the public hearing for the proposed text amendment and make a recommendation to the City Council, who will ultimately approve or deny the amendment and may propose alterations as well. The attached staff version of the proposed amendment is subject to review and changes by City staff and/or the City Attorney's Office. Please contact Kristen Kapelanski (248) 347-0586 or kkapelanski@cityofnovi.org) with any questions or concerns.

Information from the Applicant

**ATTACHMENT
TO
APPLICATION FOR TEXT AMENDMENT**

Description of Zoning Ordinance Change Proposed

The proposed text amendment will allow Sovel's Service Center, Inc. at the southwest corner of 10 Mile and Meadowbrook Roads (41425 Ten Mile Road, Zoned B-3, General Business) to continue the existing minor automotive repair use after the sale of fuels is discontinued. Sovel's currently sells gasoline and diesel fuel and performs minor automotive repairs, and has done so at this location since 1983. Under the City's Zoning Ordinance the minor automotive repair work is deemed accessory to the sale of fuels.

By way of background, from the mid-1950s to the early 1980s Gulf Oil owned the Sovel's site and also sold motor fuel and performed minor automotive repairs. After Sovel's acquired the property in 1983, it continued to sell fuel and perform minor automotive repairs (as defined in the Zoning Ordinance). In 1984, the City approved Sovel's request to rezone the property to the B-3 zoning district, which had setback requirements that would allow additional service bays to be built. In 1990, the City approved the construction of two additional service bays which resulted in the current configuration of the property with four automotive service bays.

The four Sovel brothers, who operate this business today, are all trained mechanics and repair cars at this site. As a result, the accessory use under the Zoning Ordinance – minor automotive repairs – has been the primary business operated by Sovel's at the property.

The underground tanks at the site, which have never leaked, have reached their useful life and must be removed. Sovel's is removing, but not replacing, the tanks and intends to permanently discontinue selling fuel. Sovel's has already contracted to remove the canopy, tanks and fuel pumps from the site.

Sovel's intends to continue, however, the minor automotive repair business that has been conducted by them since 1983 and by others since the mid-1950s. They respectfully propose the attached text amendment as a means to allow the continuation of this valuable, community-supported use. The attached text amendment, if enacted, would allow an ongoing, thirty-plus year City of Novi business to continue.

As you review this request, note that tire sales and installation are allowed in the B-3 District, and are not subject to special conditions. An example of this use is Belle Tire on Grand River west of Marty Feldman. In addition to tire sales and installation, Belle Tire also performs minor auto repair services such as oil change, brakes, mufflers, etc. as an accessory use. Another example of current minor automotive repair in the B-3 district is VIP Tire and Automotive at 48705 Grand River Avenue. We also understand that Dan's Auto Repair (43151 Grand River Avenue) and Firestone Tommy's Tire and Services Center (43111 Grand River Avenue) were each zoned in the B-3 classification prior to their current town center classification.