



# PLANNING COMMISSION ACTION SUMMARY

CITY OF NOVI  
Regular Meeting

**August 28, 2024 7:00 PM**

Council Chambers | Novi Civic Center  
45175 Ten Mile Road, Novi, MI 48375 (248) 347-0475

## CALL TO ORDER

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

## ROLL CALL

Present: Member Avdoulos, Member Becker, Member Dismondy, Member Lynch, Chair Pehrson, Member Roney

Absent Excused: Member Verma

Staff: Barbara McBeth, City Planner; Beth Saarela, City Attorney; Lindsay Bell, Senior Planner; Humna Anjum, Plan Review Engineer

## APPROVAL OF AGENDA

**Motion to approve the August 28, 2024 Planning Commission Agenda. Motion carried 6-0.**

## PUBLIC HEARINGS

### 1. JSP24-14 GATSBY'S PATIO AND FACADE RENOVATION

Public hearing at the request of Tower Built LLC for Special Land Use and Preliminary Site Plan approval for the exterior renovation of the existing Gatsby's Restaurant. The subject property is approximately 1.09 acres and is located at 45701 Grand River Avenue.

**In the matter of JSP24-14 Gatsby's Patio and Facade motion to approve the Special Land Use Permit request, based on and subject to the following:**

#### a. Relative to other feasible uses of the site:

1. The proposed use will not 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 *(as the modifications to the existing business will not result in significant additional traffic)*.
2. The proposed use will not 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 serve existing and planned uses in the area *(no impacts to utilities are anticipated)*.
3. The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses, and wildlife habitats *(no impacts to existing natural features are proposed as the changes are made in previously paved areas)*.
4. 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 *(there are no residents in close proximity, and the restaurant has been in this location for a long time)*.

5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan or Land Use *(as it fulfills the Master plan objective to sustain existing businesses in the City of Novi)*.
  6. The proposed use will promote the use of land in a socially and economically desirable manner *(as it allows a long-standing business to invest in the City of Novi and will improve its appearance along Grand River)*.
  7. The proposed use is listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance and is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located *(as it is the expansion of a non-conforming use in the I-1 District)*.
- b. In addition, the following factors have been considered:
1. *Any alteration or expansion of the use must meet the height, setback, parking, and other applicable requirements for the zoning district where the property is located, unless the Zoning Board of Appeals grants the necessary variances.*
  2. *Additional traffic anticipated by an expansion or alteration shall not pose an undue burden on the surrounding neighborhood and uses.*
  3. *The expansion or alteration shall not go beyond the limits of the parcel of property upon which such use existed at the time it became lawfully nonconforming.*
  4. *The lighting, noise, vibration, odor, and other possible impacts that may be generated shall not be increased beyond the levels that existed prior to the expansion and shall be in compliance with the performance standards of Section 5.14.*
  5. *Total added floor space shall not exceed fifty percent of the existing total floor area as measured in gross square feet. This percentage shall be based on the floor area originally in use when the use became lawfully nonconforming.*
  6. *The expansion or alteration shall not hinder the future development of surrounding properties in accordance with the Master Plan.*
- c. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan submittal.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

In the matter of JSP24-14 Gatsby's Patio and Facade, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. A Section 9 façade waiver to allow for the underage of brick (10-20% proposed, 30% minimum required), an overage of metal panels of various types, an overage of CMU (to be painted) on the east and south facades (70% proposed, 15% permitted), and the painting of existing brick. This waiver is granted because the rendering and sample board indicate carefully coordinated colors and visual integration, and the proposed design represents a significant improvement to the overall aesthetic value of the building. Additionally, the red color of the existing brick would likely not result in the intended color using stain and is relatively obscured at the base of the building. The applicant shall submit manufacturer's literature indicating the coating is intended for the application on brick at the time of Final Site Plan.
- b. Traffic waiver (Section 5.3.12) to allow painted end islands rather than raised islands as shown on the site plan, because this is an existing condition and only minor changes to the parking lot are proposed, which is hereby granted.
- c. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and

**Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 6-0.**

**2. JZ24-02 JAX KAR WASH PRO PLAN WITH REZONING 18.744**

Public hearing at the request of Jax Kar Wash for Planning Commission's recommendation to City Council for a Zoning Map Amendment from Regional Center (RC) to General Business (B-3) with a Planned Rezoning Overlay. Conditional approval of the Preliminary Site Plan and Stormwater Management Plan is requested concurrently. The applicant is proposing to develop an enclosed car wash tunnel building with exterior vacuum spaces.

**In the matter of JZ24-02 Jax Kar Wash, with Zoning Map Amendment 18.744 motion to recommend approval to City Council to rezone the subject property from Regional Center (RC) to General Business (B-3) with a Planned Rezoning Overlay Concept Plan.**

- A. The recommendation includes the following ordinance deviations for consideration by the City Council, for the reasons noted:**
- 1. Overhead Door (Sec. 3.10.1.A): In the B-3 District, no overhead door or other type of service bay door is permitted to face a major thoroughfare. A deviation would be required for the car wash tunnel door facing Twelve Mile Road. *The corner lot location makes it necessary for an overhead door to face one of the frontages, and the existing easements limit options for building orientation.***
  - 2. Dumpster (Sec. 4.19.2.F): The location of the dumpster within 10 feet of the building would require a deviation. *This deviation is supported since there are no office or living spaces adjacent inside the main building, only the car wash tunnel.***
  - 3. Loading-Unloading Zone (Sec. 5.4.2): Deviation would be required for the lack of a loading zone. *The applicant states the car wash use does not have a specific need for a loading/unloading area as there are no large deliveries to the site.***
  - 4. Parking Lot Landscaping (Section 5.5.3.C): Deviation would be required for not providing the required number of accessway perimeter trees. *The applicant has provided the easement for the existing utility easement which does not permit the planting of landscaping in the easement area.***
  - 5. Section 9 Waiver (Section 5.15): Proposed elevations of the building have an overage of Horizontal lap siding (8-10% proposed, 0% minimum required) and an overage of Asphalt Shingles (31-36% proposed, 25% maximum allowed). *In this case the deviations are not detrimental to the overall design of the building, and the design consistent with the intent and purpose of the Ordinance.***
- B. If the City Council approves the rezoning, the Planning Commission recommends the following conditions be made part of the PRO Agreement:**
- 1. The use shall be limited to a car wash. No other uses permitted in the B-3 District would be allowed on this site.**
  - 2. The building height will be 24.5 feet, which is more limiting than the 30 feet allowed in the B-3 District.**
  - 3. The building setbacks will exceed the B-3 requirements on all sides. Front and exterior side yards are 68-88 ft (30 ft required) and interior side yards are 54- to 138-feet (15 ft required).**
  - 4. The façade ordinance requires a minimum of 30% brick on all elevations. The proposed building exceeds this requirement with 49.6 to 59.9%.**
  - 5. A shared parking agreement with the Fountain Walk retail center will be required for employee parking spaces on the adjacent parcel.**
- C. This motion is made because the proposed General Business (B-3) zoning district is a reasonable alternative to the RC District and fulfills the intent of the Master Plan for Land Use, and because:**
- 1. The applicant offers to construct two covered seating areas along 12 Mile Road. The plan shows a concrete pedestrian node with benches and a metal pergola along the sidewalk fronting on 12 Mile Road, with the other stated location further to the**

- east near Donelson Drive.
2. The applicant offers to provide two decorative curbed walls on the property: one at the corner of 12 Mile Road and Cabaret Drive, and the other at the corner of Cabaret Drive and the entrance of Fountain Walk. The walls could include signage identifying the center. No signage for Jax Kar Wash or other businesses would be placed on the walls. The stone would match the existing wall located at the West Oaks and Donelson Drive entrance.
  3. Public utilities are available to connect to, and adequate service capacity is available for the car wash demand proposed.
  4. The car wash use is not expected to generate more traffic demand than other uses that could be built under the existing RC zoning.
  5. The project does not impact existing woodland or wetland areas since the area was prepared for development when the Fountain Walk center was originally developed.
  6. The proposed Jax Kar Wash would support the Master Plan goal of attracting new businesses to the City, and may provide a customer draw that would support the growth of other businesses within Fountain Walk.
  7. The detriments to the City from a car wash development as proposed are not substantial overall, so while the benefits to the public of this proposed use resulting from the conditions above are somewhat speculative, they do tend to outweigh the detriments.

*Motion carried 5-1 (Becker).*

In the matter of JZ24-02 Jax Kar Wash, motion to conditionally approve the Preliminary Site Plan subject to the City Council's determination regarding the proposed rezoning request with Planned Rezoning Overlay, based on and subject to the following:

- a. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.
- b. The applicant has addressed the noise impact requirements.

This motion is conditioned on the applicant's PRO request being approved by City Council, and because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-1 (Becker).*

In the matter of JZ24-02 Jax Kar Wash motion to approve the Stormwater Management Plan, subject to the findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is conditioned on the applicant's PRO request being approved by City Council, and because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 6-0.*

#### **MATTERS FOR CONSIDERATION**

1. **APPROVAL OF THE AUGUST 14, 2024 PLANNING COMMISSION MINUTES**

Motion to approve the August 14, 2024 Planning Commission minutes. *Motion carried 6-0.*

#### **ADJOURNMENT**

Motion to adjourn the August 28, 2024 Planning Commission meeting. *Motion carried 6-0.*

Meeting adjourned at 7:52 PM.

\*Actual language of the motion sheet subject to review.