

cityofnovi.org

## CITY of NOVI CITY COUNCIL

Agenda Item F  
September 16, 2013

**SUBJECT:** Approval of Zoning Ordinance Text Amendment 18.268 to amend the City of Novi Zoning Ordinance at Article 19, "I-1, Light Industrial District", Section 1903, "Principal Uses Permitted In Locations Not Abutting a Residential District and Subject to Special Conditions" in order to permit passenger motor vehicle rental facilities in the I-1 District.

### SECOND READING

**SUBMITTING DEPARTMENT:** Department of Community Development, Planning Division <sup>Burb</sup>

**CITY MANAGER APPROVAL:** 

### BACKGROUND INFORMATION:

The applicant, Hertz Car Rental, is proposing modifications to add car rental facilities as a Special Land Use permitted on properties not abutting residential districts in the I-1 Zoning District. Staff has reviewed the proposed amendment and sees no issue with the addition. The applicant had provided some suggested conditions (see attached applicant's version of the amendment). Staff and the City Attorney's office have offered some modifications to those suggested conditions and the applicant does not object to staff's version of the amendment (see attached).

### Ordinance Amendment

The proposed amendment would add "Outdoor space for parking of licensed motor vehicles including loaners..." to Section 1903 of the Zoning Ordinance. Conditions suggested by staff and the City Attorney's office and accepted by the applicant include the following:

- The rental parking area must be designed in accordance with the Zoning Ordinance provisions and Design and Construction Standards.
- Access to the rental parking area must be 60 feet from any street intersection.
- A noise impact statement is required.
- The rental parking area must be in the rear yard and be clearly marked.
- Rental vehicles shall only be parked in marked spaces and rental spaces must be excess of the required parking spaces.
- Any washing facilities must be accessory to the rental use and within a completely enclosed building.
- Rental vehicles are limited to passenger vehicles.
- No car hauler delivery operations are permitted.

### Planning Commission Action

The Planning Commission set the public hearing for the matter at the July 10, 2013 Planning Commission meeting. The Planning Commission held the public hearing and recommended approval of the proposed amendment on August 14, 2013. All relevant Planning Commission minutes are attached.

City Council Action

The City Council approved the first reading of the proposed amendment on August 26, 2013. In response to Council's comments at the approval of the first reading, staff has added a provision to the Ordinance limiting the number of rental vehicles that can be stored on the site to 25 and the maximum lot coverage of parking for rental vehicles to 25%, whichever is less. This was added in order to maintain the intent of the light industrial district to primarily accommodate research, office and light industrial uses and to prevent large areas of land dedicated to storage of vehicles. Additionally, the provision requiring a landscaped berm adjacent to residential zoning has been removed as this use would not be permitted adjacent to residential zoning.

**RECOMMENDED ACTION: APPROVAL OF SECOND READING** of Zoning Ordinance Text Amendment 18.268 to amend the City of Novi Zoning Ordinance at Article 19, "I-1, Light Industrial District", Section 1903, "Principal Uses Permitted In Locations Not Abutting a Residential District and Subject to Special Conditions" in order to permit passenger motor vehicle rental facilities in the I-1 District.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

**PROPOSED ORDINANCE AMENDMENTS –  
STRIKE-THROUGH VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 13- 18 – 268

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 19, I-1 LIGHT INDUSTRIAL DISTRICT, SECTION 1903, PRINCIPAL USES PERMITTED IN LOCATIONS NOT ABUTTING A RESIDENTIAL DISTRICT AND SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO PERMIT PASSENGER MOTOR VEHICLE RENTAL FACILITIES IN THE I-1 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 19. I-1 Light Industrial District**

Section 1900. – Section 1902. [Unchanged.]

Section 1903. Principal Uses Permitted in Locations Not Abutting a Residential District and Subject to Special Conditions

1-11. [Unchanged.]

12. Outdoor space for parking of licensed rental motor vehicles, including loaners, but not including junk, inoperable, partially dismantled, or damaged motor vehicles, all subject to the following:

- a. The rental parking area shall be designed in accordance with the standards listed in Article 25, General Provisions relating to off-street parking, off-street parking layout, landscaping and screening requirements and performance standards and with the Design and Construction Standards identified in Chapter 11 of the City Code. The area shall be paved, graded and drained as to dispose of all surface water accumulated within the area.
- b. Access to the rental parking area shall be at least sixty (60) feet from all street intersections.
- c. A noise impact statement is required subject to the standards of Section 2519.10(c).
- d. Rental motor vehicle parking spaces must be located in a single area in the rear yard, and be clearly marked as parking for rental motor vehicles, and shall be limited to 25 in number or 25% of the rear yard area, whichever is less. Rental motor vehicles shall only be parked in those spaces.
- e. Rental motor vehicle parking spaces must be in excess of the off-street parking spaces required by Section 2505.

- f. Any motor vehicle washing facilities must be accessory to the motor vehicle rental use and must be contained within a completely enclosed building.
- g. Consumers shall be permitted in the rental motor vehicle parking areas.
- ~~h. A landscaped berm shall be provided around all sides of a rental motor vehicle parking area abutting a residential zoned district, which shall comply with the standards at Section 1905.4.e.~~
- ~~i.h. Motor vehicles parked pursuant to this section shall be limited to passenger vehicles (cars, vans, pick-up trucks and sports utility vehicles), and shall not include semi-trucks or trailers, step-vans or other commercial vehicles.~~
- ~~j.i. No car hauler delivery operations shall be allowed.~~

4213. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

Section 1904. [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 \_\_\_\_\_, 2013.

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ROBERT J. GATT, MAYOR

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MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

**PROPOSED ORDINANCE AMENDMENTS –  
CLEAN VERSION**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 13- 18 – 268

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 19, I-1 LIGHT INDUSTRIAL DISTRICT, SECTION 1903, PRINCIPAL USES PERMITTED IN LOCATIONS NOT ABUTTING A RESIDENTIAL DISTRICT AND SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO PERMIT PASSENGER MOTOR VEHICLE RENTAL FACILITIES IN THE I-1 DISTRICT.

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  - a. The rental parking area shall be designed in accordance with the standards listed in Article 25, General Provisions relating to off-street parking, off-street parking layout, landscaping and screening requirements and performance standards and with the Design and Construction Standards identified in Chapter 11 of the City Code. The area shall be paved, graded and drained as to dispose of all surface water accumulated within the area.
  - b. Access to the rental parking area shall be at least sixty (60) feet from all street intersections.
  - c. A noise impact statement is required subject to the standards of Section 2519.10(c).
  - d. Rental motor vehicle parking spaces must be located in a single area in the rear yard, be clearly marked as parking for rental motor vehicles, and shall be limited to 25 in number or 25% of the rear yard area, whichever is less. Rental motor vehicles shall only be parked in those spaces.
  - e. Rental motor vehicle parking spaces must be in excess of the off-street parking spaces required by Section 2505.
  - f. Any motor vehicle washing facilities must be accessory to the motor vehicle rental use and must be contained within a completely enclosed building.



- g. Consumers shall be permitted in the rental motor vehicle parking areas.
  - h. Motor vehicles parked pursuant to this section shall be limited to passenger vehicles (cars, vans, pick-up trucks and sports utility vehicles), and shall not include semi-trucks or trailers, step-vans or other commercial vehicles.
  - i. No car hauler delivery operations shall be allowed.
13. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

Section 1904. [Unchanged.]

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**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.

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MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

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MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

**CITY COUNCIL MINUTES  
AUGUST 26, 2013 – DRAFT – EXCERPT**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, AUGUST 26, 2013 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

**ALSO PRESENT:** Clay Pearson, City Manager  
Thomas Schultz, City Attorney

**APPROVAL OF AGENDA:**

**CM-13-08-117** Moved by Margolis, seconded by Casey; **CARRIED UNANIMOUSLY:**

To approve the Agenda as amended for the addition of Appointments to Boards and Commissions to Mayor and Council Issues, updates by the County Commissioner, and a proclamation for Senior Center Month.

Roll call vote on CM-13-08-117                      Yeas: Staudt, Casey, Fischer, Margolis, Mutch, Wrobel, Gatt  
Nays: None

**MATTERS FOR COUNCIL ACTION:**

1. Approval of Zoning Ordinance Text Amendment 18.268 to amend the City of Novi Zoning Ordinance at Article 19, "I-1, Light Industrial District", Section 1903, "Principal Uses Permitted In Locations Not Abutting a Residential District and Subject to Special Conditions" in order to permit passenger motor vehicle rental facilities in the I-1 District. **FIRST READING**

City Manager Pearson explained there was an inquiry from a business that wanted to establish a car rental business in the I-1 District. Our current text does not provide for it but believed it would be a good use for that district.

**CM-13-08-121** Moved by Wrobel, seconded by Casey; **CARRIED UNANIMOUSLY:**

To approve Zoning Ordinance Text Amendment 18.268 to amend the City of Novi Zoning Ordinance at Article 19, "I-1, Light Industrial District", Section 1903, "Principal Uses Permitted In Locations Not Abutting a Residential District and Subject to Special Conditions" in order to permit passenger motor vehicle rental facilities in the I-1 District. **FIRST READING**

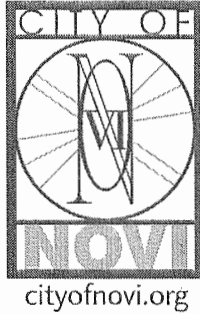
Member Mutch had a concern with the way the ordinance was written and in it there wasn't a limitation to the number of vehicles that could be parked in the I-1 District for this kind of use. The applicant that requested the text amendment is only having a relatively small number of cars. He was concerned that it could become a larger scale operation and didn't want to see the district turned into a vehicle storage district. Parking lots don't pay much in the way of property taxes. In other communities they allow them, but in Novi he thought those properties should be of a more productive use.

**Roll call vote on CM-13-08-121**

**Yeas: Mutch, Wrobel, Gatt, Staudt, Casey,  
Fischer, Margolis**

**Nays: None**

**PLANNING COMMISSION MINUTES  
AUGUST 14, 2013- EXCERPT**



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**August 14, 2013 7:00 PM**

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Baratta, Member Giacometti, Member Greco, Chair Pehrson, Member Zuchlewski

**Absent:** Member Lynch, Member Anthony

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Elizabeth Saarela, City Attorney.

## PLEDGE OF ALLEGIANCE

Member Baratta led the meeting attendees in the recitation of the Pledge of Allegiance.

## APPROVAL OF AGENDA

Moved by Member Greco, seconded by Member Baratta:

## VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:

**Motion to approve the August 14, 2013 Planning Commission Agenda. Motion carried 5-0.**

## PUBLIC HEARINGS

### 1. ZONING ORDINANCE TEXT AMENDMENT 18.268

Public hearing to consider recommendation to City Council for an Ordinance to amend ordinance no. 97-18 as amended, the City of Novi Zoning Ordinance at Article 19, I-1 Light Industrial District, Section 1903, Principal uses permitted in locations not abutting a Residential District and subject to special conditions, in order to permit car rental facilities in the I-1 District.

Planner Kristen Kapelanski said this is an ordinance amendment that's submitted by Hertz Car Rental. It would make car rental facilities a permitted Special Land Use on properties not abutting residential zoning in the Light Industrial District. Staff has completed a review of the amendment and recommends approval with some suggested modifications. The Planning Commission set the public hearing for the proposed amendment on July 10<sup>th</sup>. Since that time, the City Attorney's office has reviewed the amendment and made some additional modifications. It is staffs understanding that the applicant does not object to any of staffs' conditions or those of the City Attorney's office. The Planning Commission is asked to hold a Public Hearing and forward a recommendation onto the City Council this evening.

Justin Britski, General Manager for the State of Michigan for Hertz Car Rental came forward. Hertz wishes to move into Omni Auto Center and wish to abide by all the recommendations made via the staff and proceed with a car rental facility.

Chair Pehrson opened the public hearing. No one from the audience wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Chair Pehrson ask if there were provisions within the amendment related to car sales.

Planner Kapelanski said there are sections of the Zoning Ordinance that would allow car sales. Staff is proposing for that not to be included in this instance. It's really only for the rental of motor vehicles.

Chair Pehrson asked the applicant if that was agreeable.

Mr. Britski said yes.

Member Greco asked what the market for rentals is in this area.

Mr. Britski said the market here is for insurance replacement, body shop replacement and dealership replacement needs.

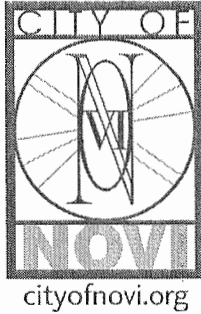
Moved by Member Greco and seconded by Member Baratta:

**ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:**

**Motion to recommend approval of Zoning Ordinance Text Amendment 18.268 to include car rental facilities as a special land use in locations not abutting a residential district in the I-1 District. Motion carried 5-0.**



**PLANNING COMMISSION MINUTES  
JULY 10, 2013 – EXCERPT**



# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

July 10, 2013 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

## CALL TO ORDER

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

## ROLL CALL

**Present:** Member Anthony, Member Baratta, Member Giacometti, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

**Also Present:** Barbara McBeth, Deputy Director of Community Development; Gary Dovre, City Attorney; Kristen Kapelanski, Planner; Adam Wayne, Engineer; David Beschke, Landscape Architect.

## PLEDGE OF ALLEGIANCE

Member Baratta led the meeting attendees in the recitation of the Pledge of Allegiance.

## APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Anthony:

## VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:

**Motion to approve the July 10, 2013 Planning Commission Agenda. Motion carried 7-0.**

## MATTERS FOR CONSIDERATION

### 1. SET PUBLIC HEARING FOR TEXT AMENDMENT 18.268

Planner Kapelanski said the City has received a proposed text amendment adding car rental facilities as a special land use in locations not abutting residential zoning in the I-1 District. Staff is generally in support of the proposed amendment with some minor revisions to the conditions noted in the suggested text. Suggested conditions include the following: The site shall be designed in accordance with the Design and Construction Standards in terms of paving, grading and draining; Access to the car rental storage area shall be at least 60 feet from any street intersections; A noise impact statement is required; Car storage spaces must be located in the rear yard and in excess of the required parking; and Car wash facilities must be within an enclosed building and accessory to the rental use. The Planning Commission is asked to schedule the public hearing for August 14<sup>th</sup>. Should the Planning Commission so choose, this matter could be sent to the Implementation Committee for further review.

Chair Pehrson said relative to the Implementation Committee, it would seem that in the past we have probably done that. Do you think that's required in this case, or should this just go straight to a public hearing?

Planner Kapelanski said we as the staff are fairly comfortable with the amendment. If the committee wants to explore that, we certainly can set something up. With our suggested modifications we really wouldn't object to what is proposed.

Chair Pehrson said he would rather just set the date and move forward then.

Moved by Member Greco and seconded by Member Anthony:

## ROLL CALL VOTE ON TEXT AMENDMENT 18.268 APPROVAL MOTION TO SET THE PUBLIC HEARING MADE BY MEMBER GRECO AND SECONDED BY MEMBER ANTHONY:

**Motion to set the public hearing for Text Amendment 18.268 for August 14, 2013. Motion carried 7-0.**