



CITY OF NOVI CITY COUNCIL
JANUARY 23, 2023

SUBJECT: Final approval of the request of Leon's of Novi, JZ22-27, with Zoning Map Amendment 18.738, to rezone property from Local Business (B-1) to General Business (B-3). The property is located on the south side of Ten Mile Road, west of Haggerty Road. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning

BACKGROUND INFORMATION:

The petitioner is requesting a Zoning Map amendment for approximately 0.9 acres of property located on the south side of Ten Mile Road, west of Haggerty Road, from Local Business (B-1) to General Business (B-3). The applicant is not proposing any changes to the site at this time, and plans on continuing to operate the site as Moe's on Ten sit-down restaurant.

The Future Land Use Map of the 2016 City of Novi Master Plan for Land Use identifies this property as Community Commercial. Adjacent land to the north and east is identified as Community Commercial, adjacent land to the west is identified as Community Office, and adjacent land to the south is identified as One-Family Residential. The Future Land Use Map Designation of Community Commercial, is consistent with the requested B-3, General Business Zoning District.

The subject site has been used as a sit-down restaurant for 39 years, and is now proposed to be rezoned to bring the use into compliance with current zoning regulations. The current zoning of B-1, Local Business allows sit-down restaurants only when the restaurant is part of a Planned Commercial Shopping Center of 15,000 square feet or more. Moe's on Ten is in a stand-alone building, and not part of a Planned Commercial Shopping Center. The applicant explained the request to rezone is to allow the property to continue to operate as a sit-down restaurant, but as a legal, conforming use in the B-3 District.

The applicant has not provided a Rezoning Traffic Impact Study, since the use of the property will not change as a result of the rezoning, and there will be no change in traffic volume, circulation, or hours of operation. The City's Traffic Engineering Consultant

supports the request to forgo the Rezoning Traffic Impact Study since there are no changes to the existing business.

The Planning Commission held a public hearing on December 7, 2022, and forwarded a favorable recommendation of the rezoning request to the City Council. The Planning Commission found no specific issues of concern regarding the rezoning request. On January 9, 2023, the City Council tentatively approved the rezoning request and found no specific issues of concern.

RECOMMENDED ACTION: Final approval of the request of Leon's of Novi, JZ22-27, with Zoning Map Amendment 18.738, to rezone property from Local Business (B-1) to General Business (B-3), as recommended by the Planning Commission. **SECOND READING.**

This motion is made for the following reasons:

1. *The proposed General Business (B-3) Zoning District meets the intent of the 2016 Master Plan for the Community Commercial future land use, and if approved will allow the use to be a legal conforming use as a sit-down restaurant in the General Business zoning district;*
2. *The Master Plan for Land Use objective to support and strengthen existing businesses is fulfilled by allowing an existing business to continue its use;*
3. *The Master Plan for Land Use objective to maintain quality architecture and design throughout the City is fulfilled because Moe's on Ten is a long-term, identifiable and unique business in Novi;*
4. *There will be no negative impact on public utilities as a result of the rezoning request as stated in the Engineering memo, and no anticipated changes to the traffic patterns as a result of the rezoning request;*
5. *A waiver of the Rezoning Traffic Study as the proposed rezoning is not expected to result in additional trips.*