



CITY OF NOVI CITY COUNCIL
MAY 5, 2025

SUBJECT: Consideration of tentative approval of Feldman Kia, JZ24-32, with Zoning Map Amendment 18.746 to rezone property at the southwest corner of Grand River Avenue and Joseph Drive from Non-Center Commercial to General Business with a Planned Rezoning Overlay.

SUBMITTING DEPARTMENT: Community Development Department, Planning Division

KEY HIGHLIGHTS:

- Rezoning of 4.88 acres on Grand River Avenue to allow an auto dealership development in the B-3 District.
- Redevelopment of a vacant parcel on a commercial corridor.
- Public benefit offered is design and construction of three pedestrian seating areas and an “enhanced sidewalk” along Joseph Drive, as well as two covered seating areas at nearby bus stops.
- Council's initial consideration of the PRO was on December 2, 2024.
- Planning Commission recommended approval of the PRO Plan on April 9, 2025.

BACKGROUND INFORMATION:

Feldman Automotive is requesting a Zoning Map Amendment for approximately 4.88 acres of property on the south side of Grand River Avenue, to the west of Joseph Drive, utilizing the Planned Rezoning Overlay option. The site is vacant and was formerly the site of Glenda's Garden Center for many years. The current zoning is Non-Center Commercial.

As shown in the PRO Concept Plan, the applicant proposes to rezone to B-3 General Business and redevelop the property with an auto dealership with accessory outside storage of the inventory vehicles. The proposed dealership building would have a footprint of approximately 18,800 square feet with a mezzanine floor for parts storage. The parking lot consists of approximately 300 spaces.

In this area of Grand River, there are professional offices, small strip retail centers, sit down restaurants and the US Energy fuel supplier. Single family residential homes are located to the south of the property. The current zoning of the surrounding area is I-1

Light Industrial to the north, OS-1 Office Service to the west, NCC Non-Center Commercial to the east, and R-4 One Family Residential to the south.

The current Non-Center Commercial Zoning District allows uses such as retail business and service uses, professional and medical offices, financial institutions, sit-down restaurants, and instructional centers. Special Land Use permits could also allow low density multi-family or single-family dwellings, day care centers, places of worship, public utility buildings, and veterinary hospitals or clinics. Similar commercial uses are allowed in the B-3 District, as well as more intense uses such as fueling stations, auto washes, vehicle sales, microbrews or brewpubs as permitted uses.

The Future Land Use Map identifies this property and the parcel to the east as Community Commercial. The parcels to the west along Grand River Avenue are planned for Community Office. To the north of Grand River is planned for Industrial, Research Development and Technology. To the south is planned for single family residential uses.

There are no regulated natural features on the site since it was previously developed.

Engineering review found that there are adequate public utilities to serve the parcel, and that the impacts from B-3 uses are expected to be the same as potential NCC uses. The stormwater management plan consists of underground detention with infiltration, as well as above-ground infiltration trench and basin.

Traffic consultants have reviewed the anticipated traffic generation from the proposed use and found the impacts under the proposed rezoning are expected to be similar compared to what could be developed under the existing zoning. The site plan utilizes the existing curb cuts on Grand River Avenue, so no changes are proposed to driveway spacing. No curb cuts are proposed along Joseph Drive.

Façade review notes that the building will require a Section 9 façade waiver for an underage of brick on the front facade. This waiver is supported because the front of the building is primarily showroom glass, and adding brick would not enhance the facade. On all other facades, the amount of brick proposed significantly exceeds the required amount.

BURDEN ON APPLICANT

The applicant bears the burden of demonstrating eligibility for a PRO:

In order to be eligible for the proposal and review of a rezoning with PRO, an applicant must propose a rezoning of property to a new zoning district classification, and **must, as part of such proposal, propose clearly-identified site-specific conditions relating to the proposed improvements that (1) are in material respects, more strict or limiting than the regulations that would apply to the land under the proposed new zoning district, including such regulations or conditions as set forth in Subsection C below; and (2) constitute an overall benefit to the public that outweighs any material detriments or that could not otherwise be accomplished without the proposed rezoning.**

The ordinance then goes on to specifically describe the applicant's burden in proving to the Planning Commission and City Council that its property is a good candidate for a PRO:

- a) The PRO accomplishes the integration of the proposed land development project with the characteristics of the project area in such a manner that results in **an enhancement of the project area as compared to the existing zoning that would be unlikely to be achieved, or would not be assured, in the absence of the use of a PRO.**

In other words, an applicant needs to prove not only that its proposed project can integrate with the other development in the area, but that it results in an **enhancement** of the project area as compared to the existing zoning, one that couldn't happen without the rezoning and the PRO.

The ordinance adds to the "restrictions" requirement as follows:

- 1) Restrictions/limitations not required by ordinance. Development and use of the property **shall propose and be subject to**, following City Council review and approval, **requirements** shown, depicted, or specified on the PRO Plan, and/or in the PRO Conditions imposed, and/or in other conditions and provisions set forth in the PRO Agreement, **that are more restrictive, in ways that are material and identifiable and capable of being shown or described and as required in this Ordinance.** Such PRO Plan, PRO Conditions, and PRO Agreement shall overlay and supersede all inconsistent regulations otherwise applicable under this Ordinance.

The PRO ordinance also separately discusses the concept of "benefits" as a concept related to the PRO Conditions and the public interest generally:

- b) **Sufficient conditions have been included** on and in the PRO Plan and the PRO Agreement such that the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site-specific land use proposed by the applicant, **it would be in the public interest to grant the rezoning with PRO.** In determining whether approval of a proposed application would be in **the public interest**, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

The PRO Conditions shall not authorize uses or development not permitted in the district proposed by the zoning (and shall not permit uses or development expressly or implicitly prohibited in the PRO Agreement), and **may include some or all of the following, in addition to conditions that may be imposed by the City under MCL 125.3504:**

- 1) Establishment of development features such as the location, size, height, area, or mass of buildings, structures, or other improvements in a manner that cannot be required under the Ordinance or the City's Code of Ordinances, to be shown on the PRO Plan.
- 2) Specification of the maximum density or intensity of development and/or use, as shown on the PRO Plan and expressed in terms fashioned for the particular development and/or use (for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like).
- 3) Provision for setbacks, landscaping, and other buffers in a manner that exceeds what the Ordinance or the Code of Ordinances can require.
- 4) Exceptional site and building design, architecture, and other features beyond the minimum requirements of the Ordinance or the Code of Ordinances.
- 5) Preservation of natural resources and/or features, such as woodlands and wetlands, in a manner that cannot be accomplished through the Ordinance or the Code of Ordinances and that exceeds what is otherwise required. If such areas are to be affected by the proposed development, provisions designed to minimize or mitigate such impact.
- 6) Limitations on the land uses otherwise allowed under the proposed zoning district, including, but not limited to, specification of uses that are permitted and those that are not permitted.
- 7) Provision of a public improvement or improvements that would not otherwise be required under the ordinance or Code of Ordinances to further the public health, safety, and welfare, protect existing or planned uses, or alleviate or lessen an existing or potential problem relating to public facilities. These can include, but are not limited to, road and infrastructure improvements; relocation of overhead utilities; or other public facilities or improvements.
- 8) Improvements or other measures to improve traffic congestion or vehicular movement with regard to existing conditions or conditions anticipated to result from the development.
- 9) Improvements to site drainage (storm water) or drainage in the area of the development not otherwise required by the Code of Ordinances.
- 10) Limitations on signage.
- 11) Creation or preservation of public or private parkland or open space.

- 12) Other representations, limitations, improvements, or provisions approved by the City Council.

CONDITIONS/BENEFITS PROPOSED BY APPLICANT

The applicant has described restrictive conditions, including providing **greater building and parking setbacks than the B-3 ordinance requires**. Additional conditions to reduce noise impacts, such as limiting the hours of operation and delivery of vehicles, are also proposed as shown in the draft motion below.

The physical benefit proposed is an **enhanced sidewalk along their Joseph Drive frontage**. This includes a **meandering sidewalk with decorative light poles and the construction of three seating areas**.

The applicant has also offered to **build covered shelters with seating at two nearby existing bus stops**. The images provided on Sheet 9 of the PRO Plan show **a paved pad with a shelter at the bus stops approximately 300 feet to the east of the property on Grand River Avenue, one on the north and one on the south**.

The applicant's response letter indicates that they will be able to eliminate the need for 3 of the deviations that Staff had identified in our initial review of the project.

The remaining deviations are supported by staff given the justifications provided.

MASTER PLAN FOR LAND USE

The proposal helps fulfill objectives contained in the Master Plan for Land use, as well as other positive outcomes, such as:

1. The objective to support retail commercial uses along established transportation corridors,
2. The B-3 district is consistent with the Master Plan for Land Use designation for Community Commercial.
3. The impacts on traffic and public utilities are expected to be similar to development under the existing zoning.
4. Submittal of a Concept Plan and any resulting PRO Agreement provides assurance to the Planning Commission and the City Council of the manner in which the property will be developed and can provide benefits that would not be likely to be offered under standard development options.

BUFFER FOR RESIDENTS TO THE SOUTH/SCREENING BERM

While many commercial uses could be developed on the site under the current zoning, Staff has highlighted some of the detriments of a car dealership adjacent to residential areas, which include noise, lighting, traffic, and security concerns. The City wants to ensure that if this project is approved, those detriments are minimized or mitigated to protect the adjacent neighbors.

In particular, the issue of the screening buffer along the south property line has been a topic of significant discussion. The current berm is only 2-3 feet from the overall grade of the Feldman site, and once grading/paving is completed it would only be 1-2 feet above the finished parking lot grade. (The average grade of the Feldman site is 3-4 feet higher than the residential properties to the south.) Staff felt this would not provide

sufficient sound and visual buffering to the residential properties. The applicant proposed raising the berm to 6 feet in height relative to the parking lot grade, which would require removing all the existing trees. As shown in the tree list, most of the trees on the berm are in poor condition, with many of the evergreens suffering from dieback and covered in deciduous vines. Once raised, the new berm would be planted with a double row of evergreens to provide the necessary screening.

One adjacent resident has stated he would prefer the existing trees to remain, with only those that are dead or nearly dead to be removed, and new plantings to infill any gaps. His property abuts the southeastern corner of the property. Staff looked into the possibility of retaining the existing trees on his end of the berm only. This area has additional distance from the proposed parking lot because of the stormwater basin between, and a lower elevation than the west side of the site. Four-to-five trees in fair condition could be maintained if this section of the berm was left alone but staff's opinion is that all trees in poor condition should be removed and replaced with new trees and supplemental plantings to provide the 80-90% opacity requirement. The Planning Commission recommended this alternative, as well as a condition that the berm work and plantings are to be completed early during construction so that the neighbors have screening in place for the bulk of the work. The applicant has confirmed that they would agree to the changes to the berm and landscaping, and have provided revised grading and landscaping plans that show this change.

PLANNING COMMISSION

The Planning Commission held a Public Hearing on the formal PRO Plan on April 9, 2025 and recommended approval to the City Council. Comments made at that time are reflected in the meeting minutes included in this packet.

CITY COUNCIL ACTION

If the City Council is inclined to approve the rezoning request with PRO at this time, the City Council's motion would be to direct the City Attorney to prepare a PRO Agreement with specified PRO Conditions. Once completed, the PRO Agreement will return to Council for final approval.

RECOMMENDED ACTION: Tentative indication that Council may approve the request of Feldman Automotive, for JZ24-32, with Zoning Map Amendment 18.746, to rezone property at the southwest corner of Grand River Avenue and Joseph Drive from Non-Center Commercial to General Business with a Planned Rezoning Overlay Agreement, and corresponding PRO Concept Plan, and direction to the City Attorney to prepare the PRO Agreement including items A through C:

- A.** All deviations from the ordinance requirements shall be identified and included in PRO Agreement, including:
 - 1. Deviation from Section 3.10.3 to allow the Service Bay Doors to face a major thoroughfare and a residential district. *The service reception area is proposed to have a total of four overhead doors. The northern overhead*

doors are 129 feet from the Grand River Avenue right of way. The southern overhead doors are located 281 feet from the southern property line. There will be a screen wall and berm with landscaping along the southern property line to screen the overhead doors from the residential uses from the south. The overhead doors are needed for customer use.

2. Traffic deviation from Section 5.3.12. There are two locations, on either side of the building, where 2 customer parking spaces have an end island on one side, but not the side adjacent to the entry/exit point of the service area. *This is supported as the area next to the parking spaces has been striped out.*
3. Landscape deviation from Section 5.5.3.B.ii and iii to permit a continuous evergreen hedge along Grand River Avenue and Joseph Drive in lieu of the required minimum 3-foot-high berm along the road rights of way. *The deviation is supported as the applicant has proposed to use evergreen shrubs to achieve the intent of the ordinance.*
4. Landscape deviation from Section 5.5.3.D to permit only 79% of the building foundation landscaping to be located at the building. *This is supported as the required foundation area is provided in total, and the remaining landscaping is placed in areas that will enhance the appearance of the site.*
5. Lighting deviation from Section 5.7.3.L to exceed the 1 footcandle limit at the north and east property lines (3.4 fc and 6.2 fc, respectively). *This deviation is supported as these areas are illuminating the sidewalks along the road frontages.*
6. Façade deviation from Section 5.15 for the north facade to contain 0% brick rather than the minimum 30% brick. The front consists of 70% showroom glass and 30% flat metal panels. *The deviation is supported as the addition of brick would not offer an enhancement to the design.*
7. Landscape deviation from Section 5.5.3.B.ii and iii for insufficient screening berm for the southeastern portion of the property that abuts parcel 22-24-326-004. *This deviation is supported as it was requested by the adjacent property owner in order to preserve existing trees, however additional inspection as to the viability of the trees shall be conducted by the applicant before final approval and landscaping shall be provided to achieve the 80-90% opacity requirement.*

B. The following conditions shall be requirements of the PRO Agreement:

1. The use of the property is a New and Used Car Salesroom, Showroom and Office with a Servicing department and outdoor inventory of vehicles, as typically associated with dealerships.

2. Accessory to the Car Dealership, Outdoor Space for exclusive sale of new or used automobiles will be permitted under the conditions for Special Land Use approval:

- i. Whether, relative to other feasible uses of the site, the proposed use will 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. *(The traffic impact study provided indicates fewer trips generated by the proposed use than other potential uses.)*
- ii. Whether, relative to other feasible uses of the site, the proposed use will 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 service existing and planned uses in the area. *(The use is not expected to increase the demand on public services and utilities relative to other feasible uses of the site.)*
- iii. Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats. *(There are no significant natural features or characteristics present on the site.)*
- iv. Whether, relative to other feasible uses of the site, 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. *(The proposed use is similarly compatible to other uses that could be developed under the current NCC zoning district. No major automobile repair or service, as defined in Section 4.50 of the Zoning Ordinance, shall be permitted on the site.)*
- v. Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use. *(The Master Plan recommends Community Commercial uses, which includes uses permitted within the B-2 and B-3 districts.)*
- vi. Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner. *(The redevelopment of the site will remove a long-standing non-conforming use and improve the site visually from Grand River Avenue. The investments in the site improvements as well as the jobs created will benefit the area economically.)*
- vii. Whether, relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located. *(1. Outdoor Space for exclusive sale of new or*

used automobiles is listed as a Special Land Use in the B-3 District, and 2. the applicant has addressed the concerns previously raised so that the proposed use better conforms to the site design regulations.)

3. The applicant shall provide a unique streetscape along Joseph Drive with a winding sidewalk and the installation of a bench node on a concrete platform, decorative light poles, and significant landscaping across the western side of Joseph Drive, as shown on the PRO Plan.
 4. The applicant shall construct two covered bus stop shelters along Grand River Avenue to serve the nearby SMART bus stops.
 5. The days of operation shall be limited to Monday – Saturday. The business shall not be open on Sundays.
 6. The hours of operation shall be limited to the following, as described by the applicant: 7:00 a.m. to 6:00 p.m. on Tuesday, Wednesday and Friday, 7:00 a.m. to 9:00 p.m. on Monday and Thursday, and 8:00 a.m. to 4:00 p.m. on Saturdays.
 7. Outdoor speakers for security purposes may be permitted but must be attuned to meet the requirements of the noise ordinance and avoid disturbance of the adjacent residential neighborhood.
 8. No outdoor compressors shall be permitted.
 9. Automobile transit deliveries shall be limited to 8:00 a.m. to 6:00 p.m. on weekdays and must take place on the site in the designated loading/unloading area. Unloading shall not take place in any public right-of-way.
 10. The parking setback shall be no less than 53 feet from the property line to the south.
 11. The footprint of the building shall be limited to approximately 18,900 square feet, excluding mezzanine space.
 12. The overhead service doors shall remain closed except to allow the entering and existing of vehicles.
 13. The berm and landscape plantings along the southern property line shall be installed early in construction to protect the residents from the negative impacts of construction.
- C.** This motion is made because the proposed B-3 General Business zoning district is a reasonable alternative to the NCC Non-Center Commercial district and fulfills the intent of the Master Plan for Land Use, and because of the following enhancements that will result in an overall benefit to the public:

1. The applicant proposes a unique streetscape along Joseph Drive with a winding sidewalk and the installation of a bench node on a concrete platform, decorative light poles, and significant landscaping across the western side of Joseph Drive.
2. The applicant states that the economic impact of this development includes an investment of \$7 million, the creation of 175-200 construction jobs, and the creation of 40-50 full-time permanent jobs.
3. The applicant has proposed to construct two covered bus stop shelters along Grand River Avenue to serve the nearby SMART bus stops.