



CITY OF NOVI CITY COUNCIL DECEMBER 2, 2024

SUBJECT: Initial review of the eligibility of Feldman Kia, JZ24-32, 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 - Planning

KEY HIGHLIGHTS:

- Rezoning 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.
- Planning Commission reviewed the Initial PRO Plan and provided feedback on October 16, 2024.
- Additional public benefit proposed by the applicant after Planning Commission review: 2 covered seating areas at bus stops nearby.

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. 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 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, 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.

The applicant has described the benefits to the public, including providing greater building and parking setbacks than the B-3 ordinance requires. 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. Staff encouraged the applicant to consider other ways the detriments of the project could be off set with the provision of more significant community enhancements, including looking at recommendations in the Active Mobility Plan or providing a bus shelter at the nearby transit stop.

Following the Planning Commission public hearing, the applicant has also offered to build covered shelters with seating at two nearby existing bus stops. The images provided 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 4 of the deviations that Staff had identified in our initial review of the project. This

includes the biggest issue we had with the project, which was the berm and landscaping along the southern property line where the site is adjacent to existing residential neighborhoods. The applicant now states that the existing trees will be removed (most are in poor health), the berm height will be raised, and new landscaping, including a significant number of evergreens, will be planted to provide the necessary screening.

The remaining deviations are generally supported by staff given the justifications provided. Additional information will need to be reviewed at the time for Formal PRO plan submittal to confirm.

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.

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 will want to ensure that if this project is approved, those detriments are minimized or mitigated to protect the adjacent neighbors.

As detailed in the review letters, there are comments the applicant should further address in the Formal PRO submittal, which include:

1. Whether the buffer proposed along the south property line will be sufficient to provide the desired audio and visual screening to the adjacent residential district to the south;
2. Identifying the deviations requested from the sign ordinance standards,
3. Additional information to determine compliance of the lighting plan,
4. Whether any additional conditions that would provide a benefit to the public will be offered as part of this request.

The request to rezone includes the condition to limit the use of the property to an auto dealership, unless the agreement is amended. Additional conditions proposed include exceeding the building and parking setbacks of the B-3 District, and other conditions to reduce the noise impacts and address hours of operations. These are summarized in the Summary of Conditions and Benefits offered section below.

PRO ORDINANCE

The PRO option creates a “floating district” with a conceptual plan attached to the rezoning of a parcel. As part of the PRO, the underlying zoning is proposed to be changed and the applicant enters into a PRO agreement with the City, whereby the City and the applicant agree to a conceptual plan for development of the site. Following final approval of the PRO concept plan, conditions for the development, and a PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two (2) years, the rezoning and PRO concept plan expires, and the agreement becomes void.

City Council adopted revisions to the Planned Rezoning Overlay ordinance. Under the terms of the new ordinance, the Planning Commission does not make a formal recommendation to City Council after the first public hearing. Instead, the initial review is an opportunity for the members of the Planning Commission, and then City Council, to hear public comment, and to review and comment on whether the project meets the requirements of eligibility for Planned Rezoning Overlay proposal. Section 7.13.2.B.ii states:

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.*

[\(See Full text, including Subsection C\)](#)

After this initial round of comments by the public bodies, the applicant may choose to make any changes, additions or deletions to the proposal based on the feedback received. The applicant will then submit their formalized PRO Plan, which will be reviewed by City staff and consultants. The project would then be scheduled for a 2nd public hearing before Planning Commission. Following the 2nd public hearing the Planning Commission will make a recommendation on the project to the City Council. The City Council would then consider the rezoning with PRO, and if it determines it may approve it, would direct the City Attorney to work with the applicant on a PRO Agreement. Once completed, that final PRO Agreement would go back to Council for final determination.

Types of PRO Conditions (Section 7.13.2.C.ii.b)	Included	Notes
(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 in the PRO Plan.	Yes	Buildings and layout to be as shown in the PRO Plan, setbacks exceed Ordinance standards.
(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).	Yes	Use and building as shown in PRO Plan could be stated as the maximum intensity allowed. Additional restrictions could include hours of operation, truck delivery schedule, and noise attenuation measures.
(3) Provision for setbacks, landscaping, and other buffers in a manner that exceeds what the Ordinance of the Code of Ordinances can require.	Yes	Building setbacks are shown to be greater setback than minimum required in B-3 District
(4) Exceptional site and building design, architecture, and other features beyond the minimum requirements of the Ordinance or the Code of Ordinances.	Yes	The building exceeds the requirement for brick material on the south, east and west facades.
(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.		No natural features present
(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.	Yes	Use to be limited to a Car Dealership with accessory minor service and outdoor inventory space
(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 related to public facilities. These can include, but are not limited to, road and infrastructure	Yes	Provision of two bus shelters with seating nearby on Grand River Ave

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.	No	Not proposed – existing curb cuts to be utilized
(9) Improvements to site drainage (storm water) or drainage in the area of the development not otherwise required by the Code of Ordinances.		Stormwater management to be collected by underground detention/infiltration system, an infiltration basin, and infiltration trench
(10) Limitations on signage.	No	Not proposed – the applicant will likely require deviations from signage requirements
(11) Creation or preservation of public or private parkland or open space.	Yes	The enhanced pedestrian area along Joseph Drive (benches, landscaping) would be available for public use
(12) Other representation, limitations, improvements, or provisions approved by the City Council.	TBD	

PLANNING COMMISSION

The Planning Commission held an initial Public Hearing on October 16, 2024, to review and make comments on the proposal's eligibility for using the Planned Rezoning Overlay option. Comments made at that time are reflected in the meeting minutes included in this packet, and the Commission's comments are summarized here:

- Commissioners stated the additional evergreen trees and height of the berm would help with noise and light concerns of the neighbors.
- Commissioners mentioned the use is consistent with the other vehicle dealerships that are along the corridor, so it does not seem out of place.
- Commissioners wanted assurance that loading/unloading of car haulers would not happen in Grand River Avenue, as it is a problem at other vehicle dealerships in the City.
- Commissioners stated that the PRO Agreement should include a condition that test drives on Joseph Drive shall be prohibited.
- Commissioners suggested looking at other places in the city where car dealerships abut residential areas to get feedback on their experience, and whether any security concerns are supported by data.
- Commissioners encouraged the applicant to consider other public benefits as the sidewalk and seating area on Joseph Drive is fairly minor.

SUMMARY OF CONDITIONS AND BENEFITS OFFERED

CONDITIONS: Summary of possible conditions from applicant, or staff and consultant's review letters *that may be considered to meet the standard of clearly identified site-specific conditions that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district:*

1. The use of the property is a New and Used Car Salesroom, Showroom and Office with a Servicing department as typically associated with dealerships.
2. Accessory to the Car Dealership, outdoor space for sale of new or used automobiles would be permitted.
3. The building setbacks will exceed the B-3 requirements on all sides. Especially where adjacent to the Residential uses to the south, the 188-foot setback is more restrictive than the 20-foot minimum permitted in B-3.
4. The days of operation shall be limited to Monday – Saturday. The business will not be open on Sundays;
5. The hours of operation shall be limited to the following, as shown on the P-1 Photometric Plan: 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;
6. No outdoor speakers shall be permitted;
7. No outdoor compressors shall be permitted;
8. Automobile transit deliveries shall be limited to 8:00 a.m. to 6:00 p.m. on weekdays;
9. The parking setback shall be no less than 53 feet from the property line to the south;
10. The footprint of the building shall be limited to approximately 18,900 square feet, excluding mezzanine space.
11. The overhead service doors shall remain closed except to allow the entering and existing of vehicles.

BENEFITS: Summary of conditions that may be considered to meet the standard of constituting an overall benefit to the public that outweighs any material detriments or that could not otherwise be accomplished without the proposed rezoning:

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"

Staff Comment: Sheet L-4 of the PRO Plan shows a total of 3 benches to be provided at intervals along the sidewalk and includes a detail of the proposed

benches and decorative lighting fixtures. The benches and decorative lighting can be considered an enhancement. Providing a sidewalk on the Joseph Drive frontage is a requirement, so the meandering nature of it is the only unique feature, which may or not be considered an "enhancement." As for the landscaping, the only element that exceeds what is required by the ordinance are the seasonal flowers. While those could be considered a nice enhancement, it would be a difficult item to inspect and enforce each year if it is made a condition of the PRO Agreement. Besides the flowers, the landscaping would not be above what is expected of any development on the site.

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 proposes two shelters at existing bus stops nearby to the east, both on the north and south of Grand River Avenue. The shelters will sit on a paved pad and have seating.

Staff Comment: This public benefit was offered after the Planning Commission public hearing, but generally Staff supports this as a benefit to the public.

DEVIATIONS

The proposed PRO Concept Plan includes the following ordinance deviation requests:

1. Service Bay Doors (Sec. 3.10.3): *In the B-3 district the ordinance provides that no overhead door should face a major thoroughfare or abut a residential district. Pedestrian exits or emergency doors are permitted on such building facades. A service reception area that is easily accessible to the customers is a necessity for the proposed type of business. The service reception area is proposed to be situated parallel to the development's main drive for easy customer access and to maintain a safe and organized flow within the parking lot. This portion of the building is for customers reception and generally automotive service will be completed within the southern part of the building separate from this area. See the "composite floor plan."*

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.

Staff Comment: The justification provided by the applicant appears to be adequate to protect adjacent uses from negative impacts, provided the buffer/screening at the southern property line is improved. Staff supports the deviation for the overhead doors if this buffer will meet or exceed the requirements of the ordinance. The applicant is asked to clarify whether they would agree to a condition that the

service bay doors shall remain closed except to allow the entering/exiting of vehicles, to further limit noise emissions from the building.

2. Parking Lot Islands (Sec. 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.

Staff Comment: Staff supports a waiver to allow painted end islands in lieu of a curbed island to separate the spaces from the service drive.

3. Right of Way Green Belt Berm. The right-of-way landscape screening requirements table for a B-3 zoning district, where the right-of-way is adjacent to parking, requires a 20-foot green belt width with a minimum 3-foot-high berm is required along the road rights of way. Here, parking is set back the required 20 feet from both Grand River Avenue and Joseph Drive rights of way; however, in lieu of a 3-foot-tall berm, the applicant respectfully requests to provide a 3-foot-high continuous hedge along the Grand River Avenue right of way and the Joseph Drive right of way. See the landscape site plans for additional information.

Staff Comment: This is supported by staff for the frontages since the continuous hedge proposed provides an alternative form of screening, and this has been allowed for other dealerships.

4. Building Foundation Landscaping (Sec 5.5.3.D): The required foundation area is provided in total, but only 72% is at the building.

Staff Comment: As the remaining landscaping is provided in areas that will enhance the appearance of the site from Grand River, it would be supported by staff.

5. Façade Waiver (Sec. 5.15): As noted in the pre-application review comments, all of the facades are in full compliance except the north (front). The north (front) does not have the minimum 30% brick. The front is virtually 70% showroom glass and 30% flat metal panels. We would respectfully request the section 9 waiver for the façade.

Staff Comment: As noted in the Façade Review, the front façade consists primarily of showroom glass, which is not regulated by the façade ordinance. "In this case the addition of Brick would not enhance the front façade, and all other facades have large percentages of brick. For this reason, we recommend that the design is consistent with the intent and purpose of the Façade Ordinance and that a Section 9 Façade Waiver be granted for the underage of Brick on the front facade."

6. Business Sign. City Code, Chapter 28 Signs, Section 28-5 table and applicable footnotes provides that with respect to wall signs a single tenant within a B-3 district is allowed one wall sign up to 250 square foot maximum. Additional requirements (Section 28-5.b.1.b) indicates the maximum wall sign area as it correlates to the setback distance from the adjacent road. Due to the nature of the business, it is respectfully requested that additional wall signs be allowed to indicate dealership branding and to provide wayfinding for the customers. Dimensions indicating the distance from the building to the centerlines of the roads are located on the preliminary site plan. The applicant is requesting two wall-mounted brand signs,

one dealer sign and one directional sign for service reception area. The total wall signage area is approximately 118 square feet.

Staff Comment: Additional information has been requested from the applicant.

CITY COUNCIL ACTION

This is the City Council's opportunity to comment on the eligibility of the proposal according to the standards of the PRO Ordinance and offer feedback to the applicant. No motion is necessary at this time, but the table above [*Types of PRO Conditions (Section 7.13.2.C.ii.b)*] contains the examples of conditions that may be more strict or limiting, and/or provide an overall benefit to the public, as listed in the Ordinance that could be discussed at the City Council meeting.