



CITY OF NOVI CITY COUNCIL OCTOBER 14, 2024

SUBJECT: Consideration of tentative approval of the request by Jax Kar Wash, to rezone property at the southeast corner of Twelve Mile Road and Cabaret Drive to General Business with a Planned Rezoning Overlay.

SUBMITTING DEPARTMENT: Community Development Department – Planning

KEY HIGHLIGHTS:

- Rezoning 1.8 acres in Fountain Walk to allow a car wash development
- Activating a long-vacant parcel in a core commercial district
- Public benefit offered is design and construction of two pedestrian seating areas and two decorative walls
- Planning Commission recommended approval of the PRO Plan on August 28, 2024.

BACKGROUND INFORMATION:

The petitioner is requesting a Zoning Map Amendment for approximately 1.8 acres of property on the south side of Twelve Mile Road, to the east of Cabaret Drive. The applicant is proposing to rezone the property from Regional Center (RC) to General Business (B-3) using the City's Planned Rezoning Overlay (PRO) option.

The Formal PRO plan proposes a one-story 6,200 square foot building to develop a tunnel car wash, with outdoor vacuum stations that are typically associated with this type of car wash. Access to the site would be from the existing driveway off Cabaret Drive, so no new curb cuts are proposed for either public road frontage.

In their proposal the applicant describes some of the reasons this site has remained vacant in the 20+ years since Fountain Walk was developed; including, being limited by lease agreements to not allow a use that would compete with existing tenants of the center. The RC district also requires 100-foot building setbacks, which limits the developable area for a corner site. There are also 55-foot and 60-foot-wide gas line easements that run north-south along both sides of the property.

Staff and consultants have identified some issues with the proposed rezoning and PRO Plan. One of the questions with the proposal is whether this would be considered "spot zoning" since no like or similar B-3 uses are in proximity. However, since the PRO

Agreement restricts the development of the property to the use and design shown in the PRO Plan, the City Council should consider the compatibility of this particular project within the context of its surroundings rather than the B-3 District as a whole. A car wash is a commercial use typically permitted in a fairly intensive commercial district that serves a local market. The Regional Center district is an intense commercial district that serves a broader reach of customers. The Fountain Walk development in particular has commercial tenants in large footprint spaces, with some smaller tenant spaces mixed in. While Jax Kar Wash is unlikely to draw in customers from a greater distance, those coming to Fountain Walk for another purpose may find it convenient to get a car wash while they are there.

The detriments to rezoning to B-3 in order to permit a car wash in this location may include foregoing the development of a use that would be a better complement to the existing retail center on a prominent corner and one that creates more jobs. There is also the risk of market over-saturation as there are several existing and proposed car washes in Novi.

The applicant has amended their initial proposed public benefit and now 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.

Additionally, the applicant offers to provide two decorative curved 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.

See the proposed motion for a complete list of deviations requested and suggested conditions to be included in the PRO Agreement.

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.

The Planned Rezoning Overlay ordinance outlines the requirements to be eligible to utilize the option. 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 the initial round of comments by the public bodies, the applicant submitted their formalized PRO Plan, which was reviewed by City staff and consultants. The project was then considered at a 2nd public hearing by the Planning Commission.

PLANNING COMMISSION

The Planning Commission held a Public Hearing on the formal PRO Plan on August 28, 2024, and recommended approval to the City Council. Comments made at that time are reflected in 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 to be brought back before the City Council for approval with specified PRO Conditions.

RECOMMENDED ACTION: Tentative indication that Council may approve the request of Jax Kar Wash, JZ24-02 with Zoning Map Amendment 18.744, to rezone from RC to B-3, subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, and direction to the City Attorney to prepare the PRO Agreement including:

- A.** All deviations from the ordinance requirements shall be identified and included in PRO Agreement, including:
 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. The following conditions shall be requirements 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 curved 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.