



CITY OF NOVI CITY COUNCIL OCTOBER 28, 2024

SUBJECT: Deny 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: City Manager

KEY HIGHLIGHTS:

- Tentative Approval was not granted by City Council at their last meeting on October 14th.
- The item was postponed to this meeting in order to have a formalized vote be on the record

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. One of the easements has been determined not to be a factor as well as the need for the property to be separated out from the rest of the Fountain Walk parcel in order for it to be developed.

Location maps for the request are attached for reference. The applicant has provided the attached letter dated October 23, 2024.

RECOMMENDED ACTION: Denial of the request from 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 based on the following factors:

1. The applicant has not established that there is an enhancement to the project area that can only be accomplished by this PRO. The applicant has not addressed the fact that one of the utility easements on the property indicated as a reason for its limited use might in fact be able to be removed, according to Consumers Power, which holds the easement. That removal could allow a different use than that proposed.
2. The applicant has not established that the limitation of the use of the property to a single use, a car wash, is in the public interest or a benefit to the public in this particular location or under the conditions applicable to this project area.
3. While the applicant asserts that the detriments of the project are limited, the benefits expected to accrue to the City from this use are likewise limited in scope and nature and therefore do not clearly establish that the project is an overall benefit to the public that could not be accomplished without the rezoning.
4. The request to rezone to B-3 is not consistent with the Master Plan for Land Use.
5. The specific need for a car wash use in this location has not been established, which also limits the overall benefit to the public from the rezoning.
6. The limitations on the ability to develop this property in a way that is related to or consistent with the larger retail center is not created by any provision of the zoning ordinance but result instead from the manner in which the retail center itself has been planned, constructed, and occupied or leased by other competing uses, and by the proposed division of the property.
7. The proposed conditions (for example, the pedestrian seating areas and decorative walls) are of limited scope and nature when compared to the project and the entire project area and do not specifically relate to the use of the land.