



**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:

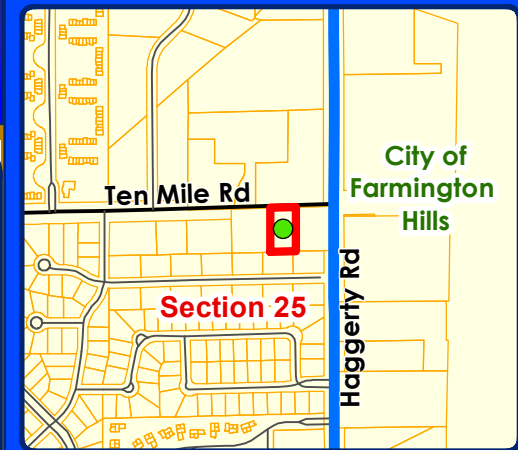
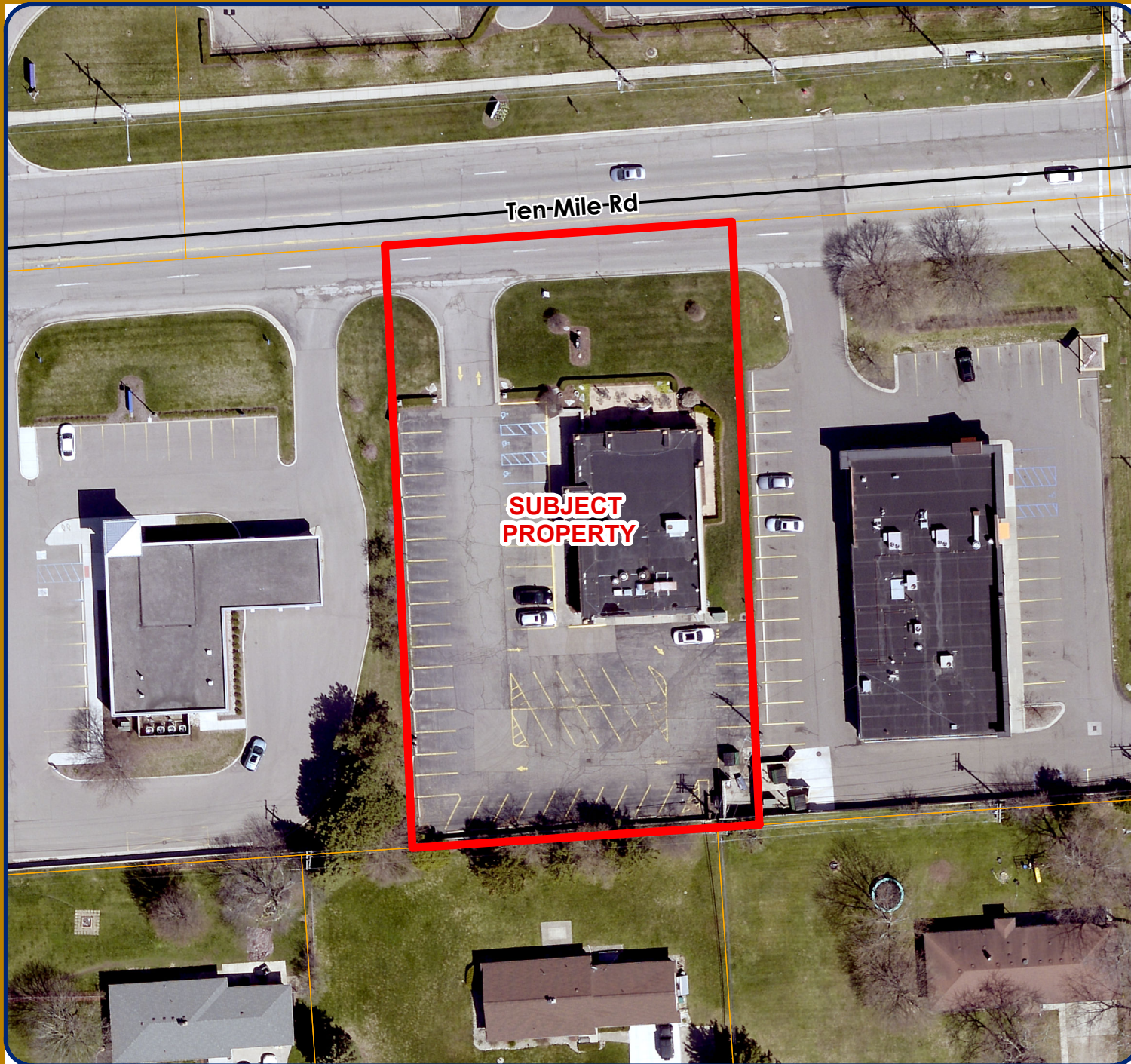
1. *The proposed General Business (B-3) Zoning District meets the intent of the 2016 Master Plan for the Community Commercial future land use, and if approved will allow the use to be a legal conforming use as a sit-down restaurant in the General Business zoning district;*
2. *The Master Plan for Land 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.*

**MAPS**  
**Location**  
**Zoning**  
**Future Land Use**  
**Natural Features**

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# MOE'S ON TEN REZONING LOCATION




**LEGEND**

 Subject Property

**City of Novi**  
Dept. of Community Development  
City Hall / Civic Center  
45175 W Ten Mile Rd  
Novi, MI 48375  
cityofnovi.org

Map Author: Christian Carroll  
Date: 11/23/22  
Project: MOE'S ON TEN  
Version #: 1

0 12.5 25 50 75 Feet  
1 inch = 63 feet

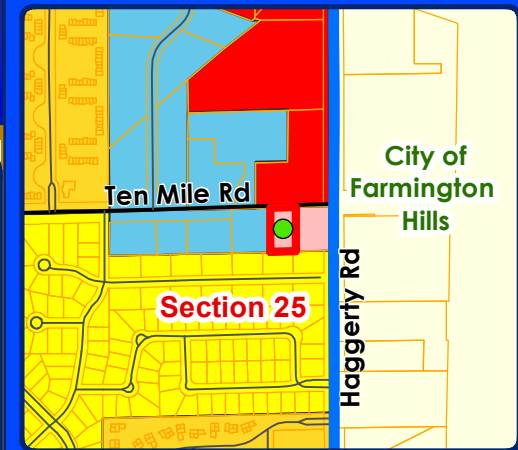
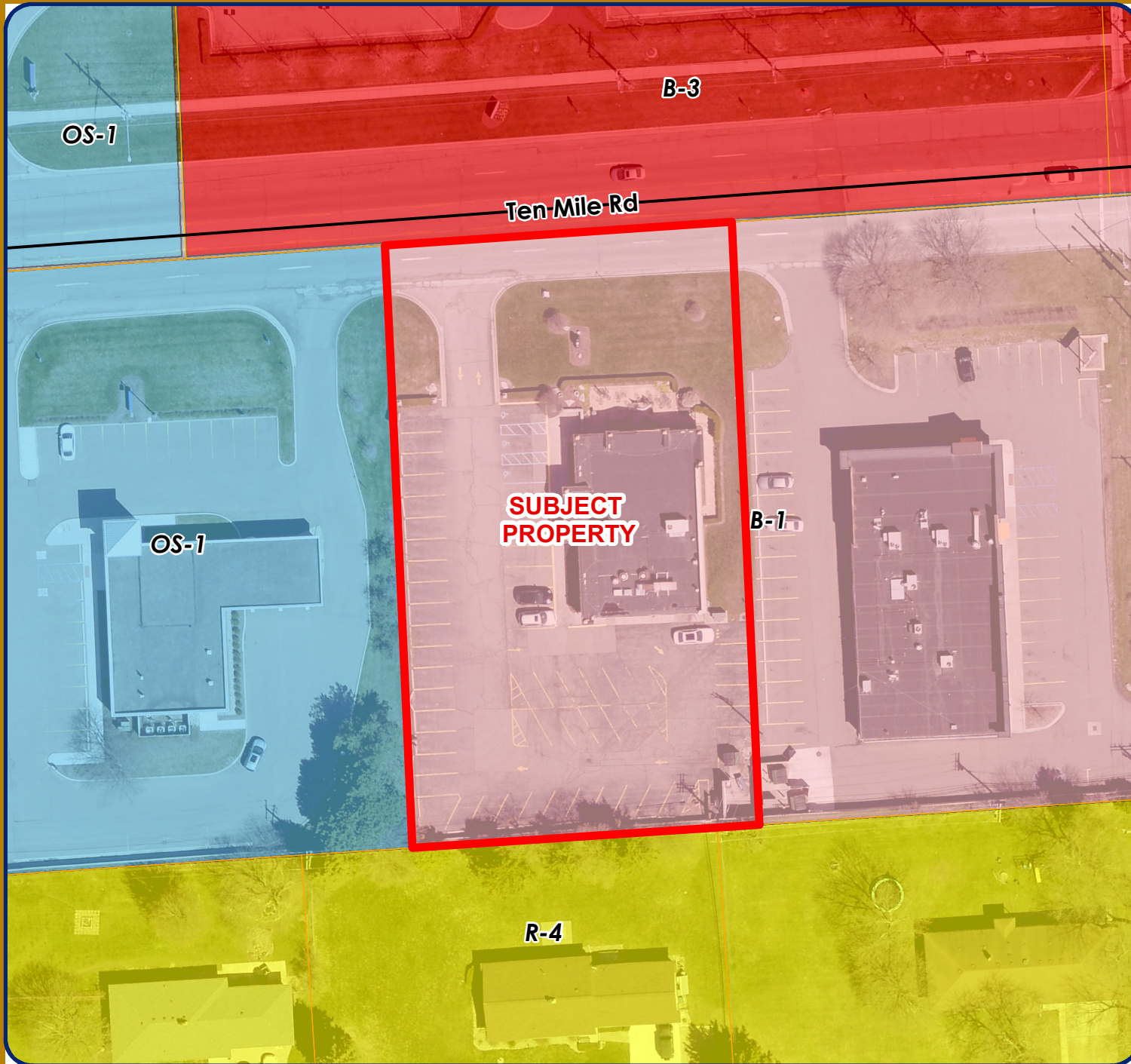


**MAP INTERPRETATION NOTICE**

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



# MOE'S ON TEN REZONING ZONING



**LEGEND**

- R-4: One-Family Residential District
- RM-1: Low-Density Multiple Family
- B-1: Local Business District
- B-3: General Business District
- OS-1: Office Service District
- Subject Property

**City of Novi**  
 Dept. of Community Development  
 City Hall / Civic Center  
 45175 W Ten Mile Rd  
 Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)

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Feet  
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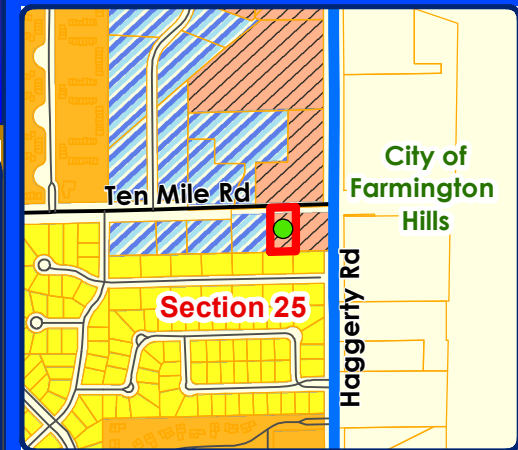
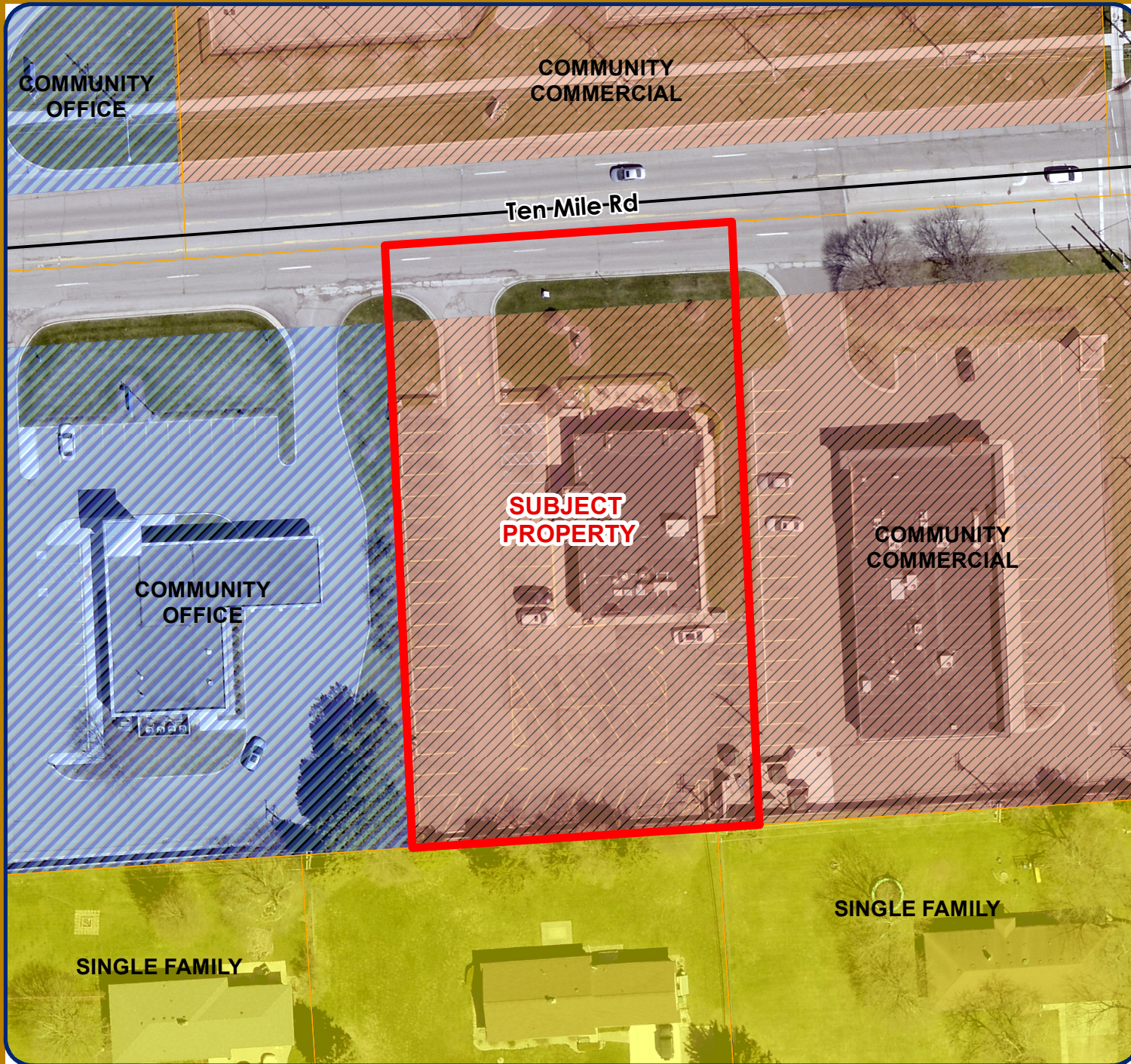
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# MOE'S ON TEN REZONING

## FUTURE LAND USE



**LEGEND**

- Single Family
- Multiple Family
- Community Office
- Community Commercial
- Subject Property

**City of Novi**  
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 City Hall / Civic Center  
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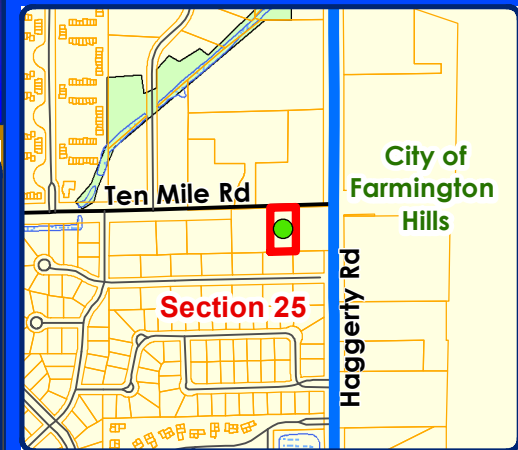
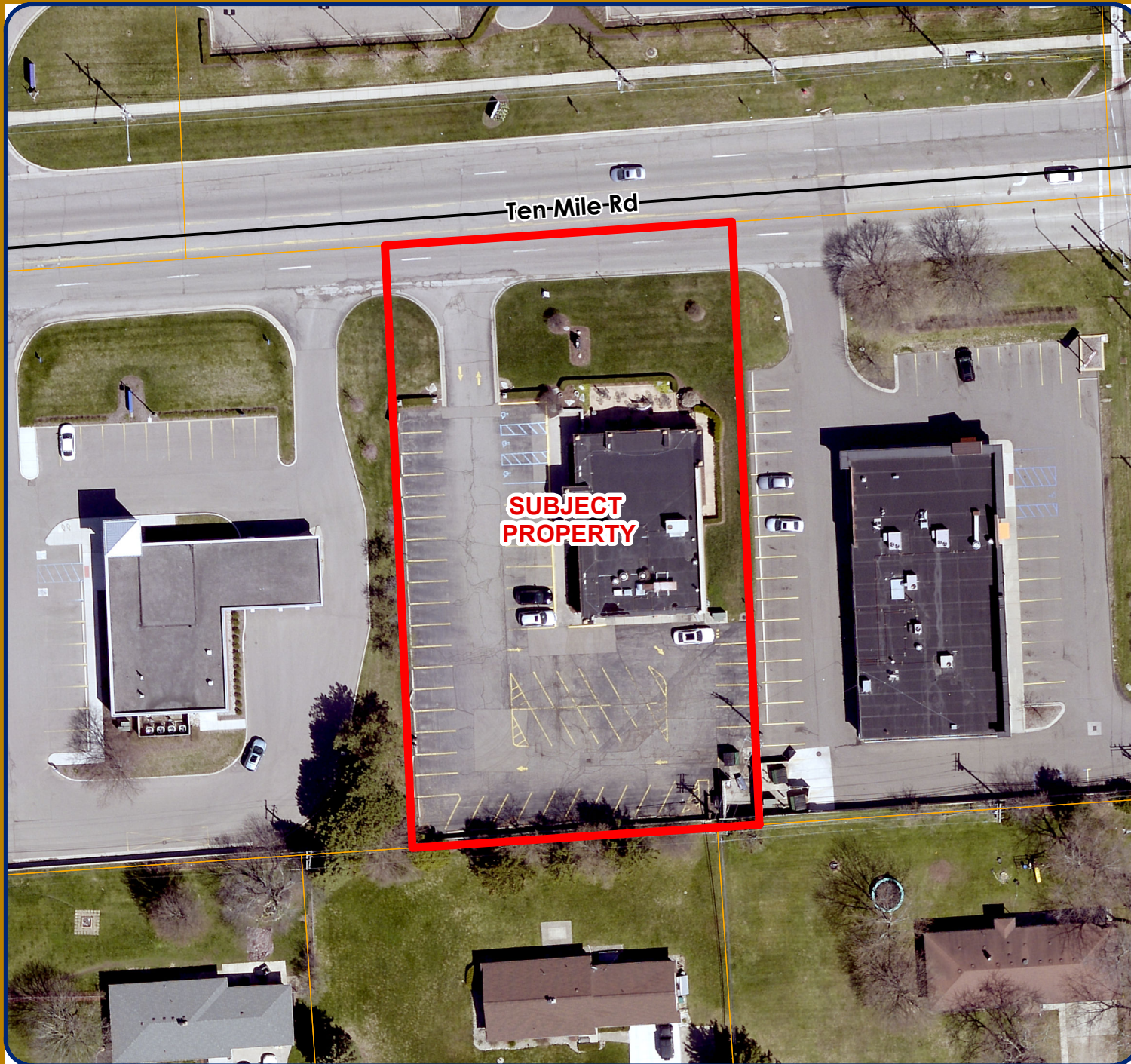
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# MOE'S ON TEN REZONING

## NATURAL FEATURES



**LEGEND**

- WETLANDS
- WOODLANDS
- Subject Property

**City of Novi**  
Dept. of Community Development  
City Hall / Civic Center  
45175 W Ten Mile Rd  
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**SITE SURVEY**

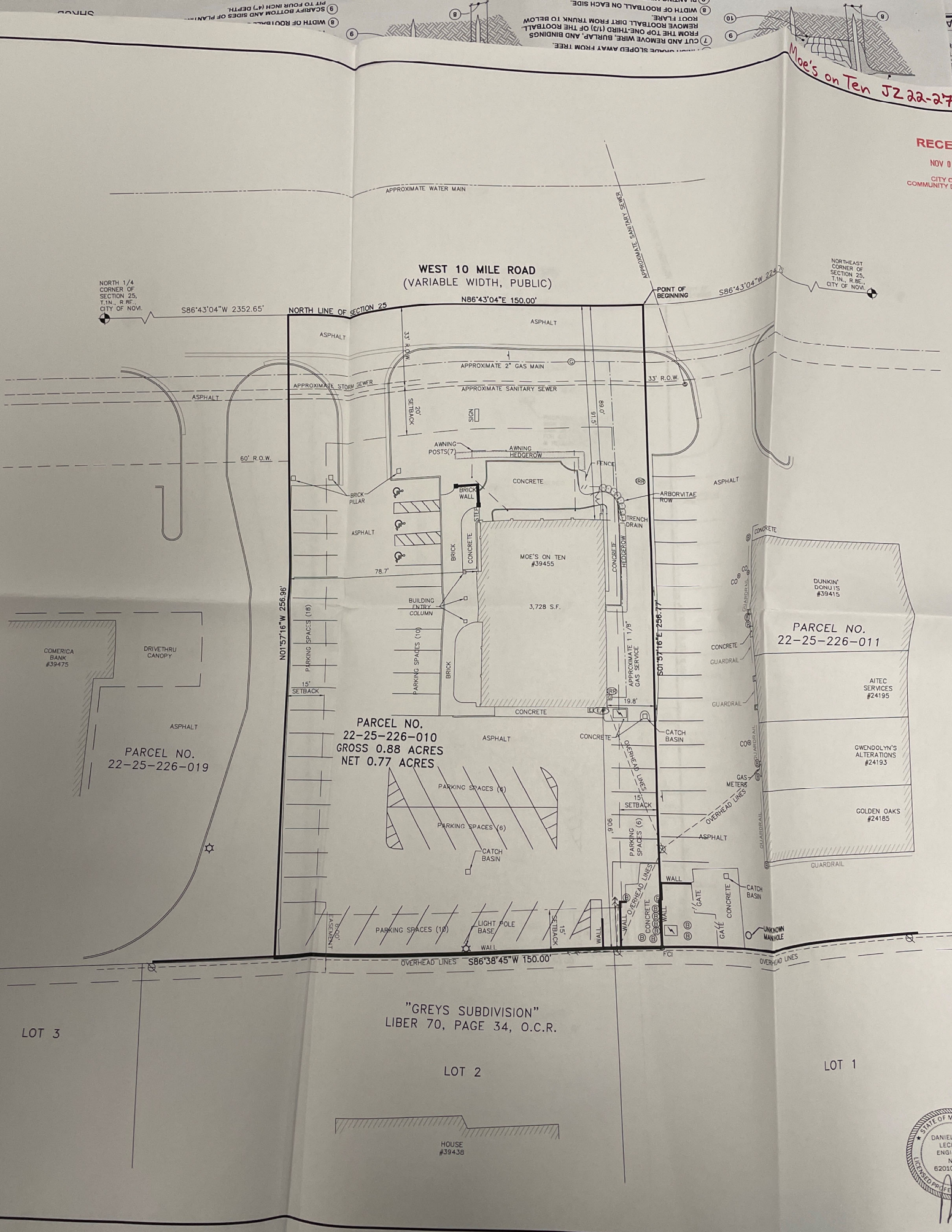
**(Full plan set available for viewing at the Community Development Department.)**

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Moe's on Ten JZ 22-27

RECEIVED  
NOV 04 20  
CITY OF NOVI  
COMMUNITY DEVELOPMENT



WEST 10 MILE ROAD  
(VARIABLE WIDTH, PUBLIC)

NORTH LINE OF SECTION 25

PARCEL NO.  
22-25-226-010  
GROSS 0.88 ACRES  
NET 0.77 ACRES

PARCEL NO.  
22-25-226-011

"GREYS SUBDIVISION"  
LIBER 70, PAGE 34, O.C.R.



## PLANNING REVIEW

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## PLAN REVIEW CENTER REPORT

November 30, 2022

### Planning Review

Moe's on Ten

JZ22-27 with Rezoning 18.738

#### PETITIONER

David B. Landry

#### REVIEW TYPE

Rezoning Request from B-1 (Local Business) to B-3 (General Business)

#### PROPERTY CHARACTERISTICS

<b>Section</b>	25	
<b>Site Location</b>	39455 W. Ten Mile Rd; South of Ten Mile Rd, West of Haggerty Rd (Parcel 22-25-226-010)	
<b>Site School District</b>	Novi Community School District	
<b>Site Zoning</b>	B-1 Local Business	
<b>Adjoining Zoning</b>	North	B-3 General Business
	East	B-1 Local Business
	West	OS-1 Office Service
	South	R-4 One-Family Residential
<b>Current Site Use</b>	Sit Down Restaurant (Moe's on Ten)	
<b>Adjoining Uses</b>	North	Former Jaguar Dealership (future: Audi of Novi)
	East	Shopping Plaza
	West	Comerica Bank
	South	One-Family Residential
<b>Site Size</b>	0.90 acres	
<b>Plan Date</b>	July 6, 2022	

#### PROJECT SUMMARY

The petitioner is requesting a Zoning Map amendment for a 0.90-acre property located on the south side of Ten Mile Road and west of Haggerty Road (Section 25) from B-1 (Local Business) to B-3 (General Business). The applicant states that the rezoning is being requested to bring the site into compliance with current standards. The site, which is owned by Moe Leon, has been used as a restaurant for the past thirty-nine years. No changes are proposed to the site.

#### MASTER PLAN FOR LAND USE

The Future Land Use Map of the 2016 City of Novi Master Plan for Land Use identifies this property as Community Commercial. As the Master Plan states, "this land use is designated for comparison-shopping needs of a larger population base. They are along major thoroughfares and roadway intersections." Given the site's location along Ten Mile Road near Haggerty Road, it meets the intent of the Master Plan. In addition, the B-1 Local Business District generally falls within areas planned for Local Commercial and the B-3 General Business District generally falls within areas planned for Community Commercial.

The property to the north is identified in the Master Plan as Community Commercial, the property to the west is identified as Community Office, the property to the east is identified as Community Commercial, and the property to the south is identified as One-Family Residential.

The proposal would follow objectives listed in the Master Plan for Land Use including the following:

1. Objective: Retain and support the growth of existing businesses and attract new businesses to the City of Novi.

**Staff Comment: Moe Leon has owned this restaurant for 39 years and the proposed rezoning promotes continued success of his restaurant.**

2. Objective: Maintain quality architecture and design throughout the City.
  - a. Zoning Action Item: Establish architectural design, signage, and landscaping conveying Novi's quality image to the community.



**Current Image of Subject Property**

**Staff Comment: Moe's on Ten is an identifiable and popular local business in Novi. The signage and feel of the restaurant are unique to the City.**

**EXISTING ZONING AND LAND USE**

The following table summarizes the zoning and land use status for the subject property and surrounding properties.

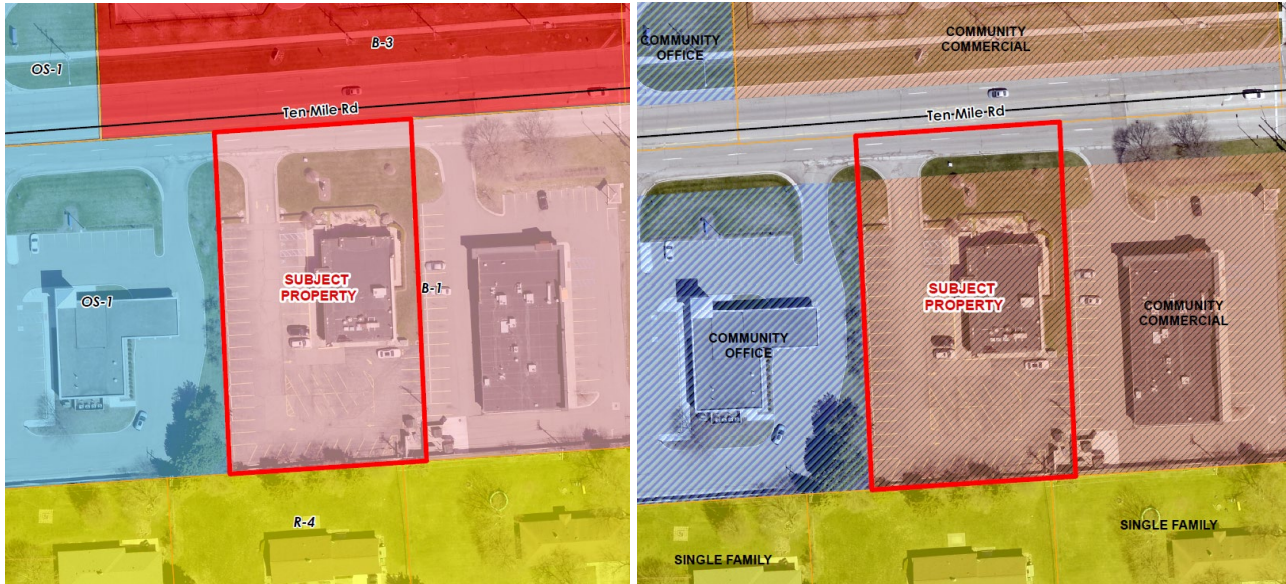
**Land Use and Zoning: For Subject Property and Adjacent Properties**

	<b>Existing Zoning</b>	<b>Existing Land Use</b>	<b>Master Plan Land Use Designation</b>
<b>Subject Property (Project Area)</b>	B-1 Local Business District	Moe's on Ten (Sit-Down Restaurant)	Community Business (Uses consistent with B-2 and B-3 District)
<b>Northern Parcel</b>	B-3 General Business District	Former Jaguar Dealership (future: Audi of Novi)	Community Business (Uses consistent with B-2 and B-3 District)
<b>Southern Parcel</b>	R-4 One-Family Residential District	One-Family Residential	One-Family Residential (Uses consistent with R-1 to R-6 District)
<b>Eastern Parcel</b>	B-1 Local Business District	Shopping Plaza	Community Business (Uses consistent with B-2 and B-3 District)
<b>Western Parcel</b>	OS-1 Office Service District	Comerica Bank	Community Office (Uses consistent with OS-1 Office Service District)



**COMPATIBILITY WITH SURROUNDING LAND USE**

The surrounding land uses are shown in the above chart. The compatibility of the proposed rezoning with the zoning and uses on the adjacent properties should be considered by the Planning Commission in making the recommendation to City Council on the rezoning request.



**Zoning**

**Future Land Use**

**DEVELOPMENT POTENTIAL**

The portion of this parcel proposed to be rezoned is currently developed with a sit-down restaurant. Development under either the current B-1 zoning or the proposed B-3 zoning could result in the construction of fairly similar uses, but there are some differences. Some uses permitted in the B-1 zoning district that are not allowed in the B-3 district include post offices, off-street parking lots, instructional centers, and mortuary establishments. Some uses permitted in the B-3 district that are not allowed in the B-1 district include fueling stations, auto washes, tattoo parlors, new and used car sales showrooms, microbreweries/brewpubs, day care centers, motels, veterinary hospitals/clinics, and oil change establishments.

**COMPARISON OF ZONING DISTRICTS**

The following table provides a comparison of the current and proposed zoning development standards. The applicant is requesting a change of districts from the existing B-1 Local Business to B-3 General Business. The types of uses allowed in these districts have some overlap, although they also differ in important ways. The proposed B-3 district allows a maximum building height of up to 30 feet compared to the 25 feet allowed in the B-1 district. The building setbacks in the B-3 district are 10 feet longer in the front yard than the B-1 standards. Parking setbacks are the same for both zoning districts.

	<b>B-1 (Existing)</b>	<b>B-3 (Proposed)</b>
<b>Principal Permitted Uses &amp; Special Land Uses</b>	<b>Principal Permitted Uses</b> <ol style="list-style-type: none"> <li>1. Retail Business Use</li> <li>2. Retail Business Service Uses</li> <li>3. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer</li> <li>4. Business establishments which</li> </ol>	<b>Principal Permitted Uses</b> <ol style="list-style-type: none"> <li>1. Retail Business Use</li> <li>2. Retail Business Service Uses</li> <li>3. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer</li> <li>4. Business establishments which</li> </ol>

	<p>perform services on the premises</p> <ol style="list-style-type: none"> <li>5. Professional services</li> <li>6. Post office and similar governmental office buildings, serving persons living in the adjacent residential area</li> <li>7. Off-street parking lots</li> <li>8. Instructional centers</li> <li>9. Other uses similar to the above uses</li> <li>10. Accessory structures and uses customarily incident to the above permitted uses</li> </ol> <p><b>Special Land Uses</b></p> <ol style="list-style-type: none"> <li>1. Mortuary establishments</li> <li>2. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations</li> <li>3. Restaurants (Sit-Down) and Restaurants (Fast Food Carryout), within a Planned Commercial Center of at least 15,000 (fifteen thousand) square feet of gross floor area</li> </ol>	<p>perform services on the premises</p> <ol style="list-style-type: none"> <li>5. Professional services</li> <li>6. Retail business or retail business service establishments</li> <li>7. Professional and medical offices, including laboratories</li> <li>8. Fueling station</li> <li>9. Sale of produce and seasonal plant materials outdoors</li> <li>10. Auto wash</li> <li>11. Bus passenger stations</li> <li>12. New and used car salesroom, showroom, or office</li> <li>13. Other uses similar to the above uses</li> <li>14. Tattoo parlors</li> <li>15. Publicly owned and operated parks, parkways and outdoor recreational facilities</li> <li>16. Accessory structures and uses customarily incidental to the above permitted uses</li> <li>17. Public or private health and fitness facilities and clubs</li> <li>18. Microbreweries</li> <li>19. Brewpubs</li> <li>20. Day care centers, and adult day care centers</li> </ol> <p><b>Special Land Uses</b></p> <ol style="list-style-type: none"> <li>1. Outdoor space for exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes, or rental of trailers or automobiles</li> <li>2. Motel</li> <li>3. Business in the character of a drive-in or open front store</li> <li>4. Veterinary hospitals or clinics</li> <li>5. Plant materials nursery</li> <li>6. Public or private indoor and private outdoor recreational facilities</li> <li>7. Mini-lube or oil change establishments</li> <li>8. Sales of produce and season plant materials outdoors</li> <li>9. Restaurants in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit down</li> </ol>
<b>Minimum Lot Size</b>	See Section 3.6.2.D	See Section 3.6.2.D
<b>Minimum Lot Width</b>	See Section 3.6.2.D	See Section 3.6.2.D
<b>Building Height</b>	25 feet or 1 story, whichever is less	30 feet



<b>Building Setbacks</b>	Front Yard: 20 feet Rear Yard: 20 feet Side Yard: 15 feet	Front Yard: 30 feet Rear Yard: 20 feet Side Yard: 15 feet
<b>Parking Setbacks</b>	Front Yard: 20 feet Rear Yard: 10 feet Side Yard: 10 feet	Front Yard: 20 feet Rear Yard: 10 feet Side Yard: 10 feet

## INFRASTRUCTURE

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### Engineering

The Staff Engineer has reviewed the rezoning request and indicated that they have no concerns. See the Engineering Review Letter for more information.

### Traffic

The City's Traffic Consultant has reviewed the rezoning request and indicated that they have no concerns and support the waiver for the Rezoning Traffic Study. See the Traffic Review Letter for more information.

### Fire

The City Fire Marshal has reviewed the site plan and has no comments at this time.

## NATURAL FEATURES

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There are no significant natural features present on this site.

## REVIEW CONSIDERATIONS

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Staff asks for the following items in **bold** to be addressed in the next submittal:

1. Site Survey: A survey of the site has been provided to staff. **If possible, please show the future right-of-way line and the location of the barrier free signage in the next submittal.**
2. Rezoning Traffic Study (RTS): The applicant has requested a waiver of the rezoning traffic study (RTS), which is supported by the City's Traffic Consultant as the site is not intended to change uses at this time.

## SUMMARY OF OTHER REVIEWS:

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- a. Engineering Review (dated 9-21-22): Engineering has no concern regarding the proposed rezoning as it has no impact on the existing utilities.
- b. Traffic Review (dated 11-22-22): Traffic recommends approval of the rezoning request.
- c. Fire Review (dated 11-14-22): Fire recommends approval of the rezoning request.

## RECOMMENDATION

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Approval of the **Rezoning is recommended** by *Planning staff at this time* because the rezoning aligns with the goals and intent of the 2016 Master Plan for Land Use. The intensity of uses in the B-3 Zoning District compared to the B-1 Zoning District is much different, but the location is heavily traveled and meets the context of the surrounding area.

## NEXT STEP: PLANNING COMMISSION PUBLIC HEARING

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The rezoning is scheduled for a public hearing before the Planning Commission on **December 7, 2022 at 7pm in the Novi Civic Center**. It is requested that the applicant or someone familiar with the project be in attendance. Following the hearing, the Planning Commission will either make a recommendation to City Council or postpone pending further information. If a recommendation is made, the rezoning will then be scheduled for a first reading by the City Council. If the City Council

recommends approval at that time, it will go before City Council for a second reading and final approval.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.735.5607 or [ccarroll@cityofnovi.org](mailto:ccarroll@cityofnovi.org).

A handwritten signature in blue ink that reads "Christian Carroll". The signature is written in a cursive style.

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Christian Carroll, Planner





## PLANNING REVIEW CHART

**Review Date:** November 30, 2022  
**Review Type:** Rezoning Review  
**Project Name:** **JZ 22-27 MOE'S ON TEN REZONING**  
**Location:** 39455 W. Ten Mile Road; 22-25-226-010  
**Plan Date:** July 6, 2022  
**Prepared by:** Christian Carroll, Planner  
**E-mail:** [ccarroll@cityofnovi.org](mailto:ccarroll@cityofnovi.org) **Phone:** 248.735.5607

<b>Bold</b>	To be addressed with the next submittal
<u>Underline</u>	To be addressed with final site plan submittal
<b><u>Bold and Underline</u></b>	Requires Planning Commission and/or City Council Approval
<i>Italics</i>	To be noted

Item	Required Code	Proposed	Meets Code	Comments
<b>Zoning and Use Requirements</b>				
<b>Master Plan</b> <i>(adopted July 26, 2017)</i>	Community Commercial	Sit-down restaurant (existing)	Yes	
<b>Area Study</b>	The site does not fall under any special category	NA	NA	
<b>Zoning</b> <i>(Effective January 8, 2015)</i>	B-1: Local Business	B-3 (General Business)		<i>Staff will compare the development potential of the highest intensity uses of each district.</i>
<b>Uses Permitted</b> (Sec. 3.1.12.B & C)	Principal Uses Permitted & Special Land Uses	Sit-down restaurant (existing)	Yes	
<b>Rezoning:</b>	See <a href="#">Site Plan Development Manual for full list of requirements</a>	Seeking straight rezoning to B-3	<b>TBD</b>	<b><u>Will require Planning Commission approval.</u></b>
<b>Rezoning Document Requirements (SPDM link: <a href="#">Site Plan &amp; Development Manual</a>)</b>				
<b>Written Statement</b> <i>(Site Development Manual)</i>	<ul style="list-style-type: none"> <li>Potential development under the proposed zoning and current zoning</li> <li>Identified benefits of the development</li> </ul>	Complies	Yes	<i>More information may be requested as necessary.</i>
<b>Survey</b>	Four copies of the engineering survey of the property to be rezoned	Included	Yes	
<b>Sign Location Plan</b> <i>(Page 23, SDM)</i>	Per requirements listed in Site Plan Manual, Page 23  Installed within 15 days prior to public hearing. Located along all road frontages.	Sign is installed	Yes	Signs should be installed within 15 days prior to the Public Hearing.
<b>Rezoning Traffic Impact Study</b>	A Rezoning Traffic Impact Study as required by the City	Not required	Yes	<i>Meets the conditions as listed in Chapter 5 of the</i>

Item	Required Code	Proposed	Meets Code	Comments
(SDM)	of Novi Site Plan and Development Manual. Refer to Chapter 5			<i>Site Plan &amp; Development Manual. <b>Waiver from Planning Commission Required.</b></i>
<b>Community Impact Statement</b> (Sec. 2.2)	- Over 30 acres for permitted non-residential projects - Over 10 acres in size for a special land use - All residential projects with more than 150 units A mixed-use development, staff shall determine	Not required	NA	
<b>Noise Impact Statement</b>	Provide a noise impact statement subject to standards of Section 5.14.10.B	Noise Impact Statement not required	NA	
<b>Height, bulk, density and area limitations (Sec 3.1.19)</b>				
<b>Frontage on a Public Street</b> (Sec. 5.12)	Frontage on a Public Street is required.	Frontage on Ten Mile Road	Yes	
<b>Access to Major Thoroughfare</b> (Sec. 5.13)	Vehicular access shall be provided only to an existing or planned major thoroughfare or freeway service drive OR access driveway on other street type is not across street from existing or planned single-family uses.	Access from Ten Mile Road	Yes	
<b>Minimum Zoning Lot Size</b> for each Unit in Ac (Sec 3.6.2.D)	Except where otherwise provided in this Ordinance, the minimum lot area and width, and the maximum percent of lot coverage shall be determined on the basis of off-street parking, loading, greenbelt screening, yard setback or usable open space	0.9 acres	NA	
<b>Minimum Zoning Lot Size</b> for each Unit: Width in Feet			NA	
<b>Open Space Area</b>	----	----	NA	----
<b>Maximum % of Lot Area Covered</b> (By All Buildings)	(Sec 3.6.2.D)	No new buildings proposed	NA	
<b>Building Height</b> (Sec. 3.1.11/12.D)	30 feet or 2 stories, whichever is less	No new buildings proposed	NA	
<b>Building Setbacks (Sec. 3.1.12.D)</b>				
Front (north)	30 feet	~57 feet (to ROW)	Yes	<b>Please show the future right-of-way line (if known).</b>
Rear (south)	20 feet	90.6 feet	Yes	
Side (east)	15 feet	19.8 feet	Yes	



Item	Required Code	Proposed	Meets Code	Comments
Side (west)	15 feet	78.7 feet	Yes	
<b>Parking Setback</b> (Sec. 3.1.12.D)				
Front (north)	20 feet	40 feet	Yes	<i>Existing conditions.</i>
Rear (south)	10 feet	0 feet	No	
Side (east)	10 feet	0 feet	No	
Side (west)	10 feet	0 feet	No	
<b>Note to District Standards</b> (Sec 3.6.2)				
<b>Exterior Side Yard Abutting a Street</b> (Sec 3.6.2.C)	All exterior side yards abutting a street shall be provided with a setback equal to front yard.	No side yard abutting street	NA	
<b>Residential Yard Setback</b> (Sec. 3.6.2.L)	Wherever property directly abuts or is adjacent to residentially zoned property, the minimum yard setback shall be twenty (20) feet.	0 feet	No	<i>20 foot setback from the rear property line is required, but it is an existing condition.</i>
<b>Wetland/Watercourse Setback</b> (Sec. 3.6.2.M)	A setback of 25 feet from wetlands and from high watermark course shall be maintained.	Does not apply	NA	
<b>Parking setback screening</b> (Sec 3.6.2.P)	Required parking setback area shall be landscaped per Sec 5.5.3. When abutting a residential district, a screening wall or berm/landscape planting screen shall be observed.	Screening wall	Yes	
<b>Modification of parking setback requirements</b> (Sec 3.6.2.Q)	The Planning Commission may modify parking setback requirements based on conditions listed in Sec 3.6.2.Q.	Not requested	NA	
<b>Parking and Loading Requirements</b>				
<b>Number of Parking Spaces</b> (Sec. 5.2.12.E)	<b>Sit-Down Restaurants:</b> 1 per 70 SF GLA OR 1 for each 2 employees and 1 for each 2 customers allowed under max capacity.  <b>54 spaces required</b>	56 existing spaces	Yes	
<b>Parking Space Dimensions and Maneuvering Lanes</b> (Sec. 5.3.2)	- 90° Parking: 9 ft. x 19 ft. - 24 ft. two way drives - 9 ft. x 17 ft. parking spaces allowed along 7 ft. wide interior sidewalks as long as detail indicates a 4" curb at these locations and along landscaping	9' x 19' and 9' x 17'	Yes	

Item	Required Code	Proposed	Meets Code	Comments
<b>Parking stall located adjacent to a parking lot entrance</b> (Sec. 5.3.13)	Shall not be located closer than twenty-five (25) feet from the street right-of-way (ROW) line, street easement or sidewalk, whichever is closer	None	Yes	
<b>End Islands</b> (Sec. 5.3.12)	<ul style="list-style-type: none"> <li>- End Islands with landscaping and raised curbs are required at the end of all parking bays that abut traffic circulation aisles.</li> <li>- The end islands shall generally be at least 8 feet wide, have an outside radius of 15 feet, and be constructed 3' shorter than the adjacent parking stall as illustrated in the Zoning Ordinance</li> </ul>	None	Yes	<i>Consider adding an end island in the west bay and in all bays without end islands.</i>
<b>Barrier Free Spaces</b> (Barrier Free Code)	3 spaces required, 2 standard and 1 van accessible	3 standard spaces	<b>No</b>	<i>One van accessible space is typically required.</i>
<b>Barrier Free Space Dimensions</b> (Barrier Free Code)	<ul style="list-style-type: none"> <li>- 8' wide with an 8' wide access aisle for van accessible spaces</li> <li>- 8' wide with a 5' wide access aisle for regular accessible spaces</li> </ul>	Complies for standard spaces	Yes	
<b>Barrier Free Signs</b> (Barrier Free Code)	One sign for each accessible parking space.	Complies	Yes	<b>Please show the barrier free sign locations on the survey if possible.</b>
<b>Minimum number of Bicycle Parking</b> (Sec. 5.16.1)	5% of required auto mobile spaces, minimum 2 spaces  3 spaces required	None	Yes	<i>Bicycle parking would be required if expansion over 10%.</i>
<b>Bicycle Parking General requirements</b> (Sec. 5.16)	<ul style="list-style-type: none"> <li>- No farther than 120 ft. from the entrance being served</li> <li>- When 4 or more spaces are required for a building with multiple entrances, the spaces shall be provided in multiple locations</li> <li>- Spaces to be paved and the bike rack shall be inverted "U" design</li> <li>- Shall be accessible via 6 ft. paved sidewalk</li> </ul>		NA	
<b>Bicycle Parking Lot layout</b> (Sec 5.16.6)	Parking space width: 6 ft. One tier width: 10 ft. Two tier width: 16 ft. Maneuvering lane width: 4 ft. Parking space depth: 2 ft.		NA	



Item	Required Code	Proposed	Meets Code	Comments
	single, 2 ½ ft. double			
<b>Loading Spaces</b> (Sec. 5.4.3)	Loading area in the rear yard, unless abutting residential or interior side yard if adjacent to I, EXPO or EXO district	No loading shown	NA	
<b>Accessory Structures (Sec. 4.19)</b>				
<b>Dumpster</b> (Sec 4.19.2.F)	<ul style="list-style-type: none"> <li>- Located in rear yard</li> <li>- Attached to the building or no closer than 10 ft. from building if not attached</li> <li>- Not located in parking setback</li> <li>- If no setback, then it cannot be any closer than 10 ft. from property line.</li> <li>- Away from Barrier free Spaces</li> </ul>	Closer than 10 feet to the property line	<b>No</b>	<i>Consider moving the dumpster enclosure.</i>
<b>Dumpster Enclosure</b> (Sec. 21-145. (c)	<ul style="list-style-type: none"> <li>- Screened from public view</li> <li>- A wall or fence 1 ft. higher than height of refuse bin</li> <li>- And no less than 5 ft. on three sides</li> <li>- Posts or bumpers to protect the screening</li> <li>- Hard surface pad</li> <li>- Screening Materials: Masonry, wood or evergreen shrubbery</li> </ul>	Complies	Yes	
<b>Roof top equipment and wall mounted utility equipment</b> (Sec. 4.19.2.E.ii)	All roof top equipment must be screened and all wall mounted utility equipment must be enclosed and integrated into the design and color of the building	None proposed	NA	
<b>Roof top appurtenances screening</b>	Roof top appurtenances shall be screened in accordance with applicable facade regulations, and shall not be visible from any street, road or adjacent property.	None proposed	NA	
<b>Transformer/ Generator</b>	Provide location of any proposed transformers/ generators etc.	One shown	Yes	
<b>B-2 &amp; B-3 District Required Conditions (Sec 3.10)</b>				
<b>Retail Requirements</b> (Sec. 3.10.1.A) (B-2 only)	All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises	Complies	Yes	

Item	Required Code	Proposed	Meets Code	Comments
	shall be sold at retail on premises.			
<b>Indoor Business</b> (Sec. 3.10.1.B) (B-2 only)	All business, servicing or processing, except for off-street parking, loading/unloading shall be conducted within completely enclosed buildings.	Complies	Yes	
<b>Maximum Height</b> (Sec. 3.10.2.A) (B-2 only)	The maximum height of buildings may be increased to 42 feet (up to 3 stories) for a development that does not abut a residential district.	Abuts residential.	NA	
<b>Business &amp; Sales</b> (Sec. 3.10.2.B) (B-2 only)	All business, servicing or processing, except for off-street parking, loading/unloading and those outdoor sales uses permitted and regulated in Section 3.1.11.C, shall be conducted within completely enclosed buildings.	Complies	Yes	
<b>Loading Area</b> (Sec. 3.10.3.A) (B-2 + B-3)	No truck well, loading dock, overhead door or other type of service bay door shall face a major thoroughfare, nor an abutting residential district. Pedestrian exits or emergency doors are permitted on such building facades.	No loading area	Yes	
<b>Sidewalks and Pathways</b>				
<b>ARTICLE XI. OFF-ROAD NON-MOTORIZED FACILITIES</b> Sec. 11-256. Requirement. (c) & Sub. Ord. Sec. 4.05,	<ul style="list-style-type: none"> <li>- In the case of new streets and roadways to be constructed as part of the project, a sidewalk shall be provided on both sides of the proposed street or roadway.</li> <li>- Sidewalks along arterials and collectors shall be 6 feet or 8 feet wide as designated by the "Bicycle and Pedestrian Plan," but not along industrial service streets per Subdivision Ordinance.</li> <li>- Whereas sidewalks along local streets and private roadways shall be five (5) feet wide.</li> </ul>	None	Yes	8 foot pathway shown on the Non-Motorized Plan along Ten Mile Road.
<b>Pedestrian Connectivity</b>	- Whether the traffic circulation features within the site and parking areas are designed to assure safety	Complies	Yes	

Item	Required Code	Proposed	Meets Code	Comments
	and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets - Building exits must be connected to sidewalk system or parking lot.			
<b>Lighting and Photometric Plan (Sec. 5.7)</b>				
<b>Intent (Sec. 5.7.1)</b>	Establish appropriate minimum levels, prevent unnecessary glare, reduce spillover onto adjacent properties & reduce unnecessary transmission of light into the night sky	No site lighting proposed	NA	
<b>Other Requirements</b>				
<b>Design and Construction Standards Manual</b>	Land description, Sidwell number (metes and bounds for acreage parcel, lot number(s), Liber, and page for subdivisions).	Provided	Yes	
<b>General layout and dimension of proposed physical improvements</b>	Location of all existing and proposed buildings, proposed building heights, building layouts, (floor area in square feet), location of proposed parking and parking layout, streets and drives, and indicate square footage of pavement area (indicate public or private).	Provided	Yes	
<p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1. This table is a working summary chart and not intended to substitute for any Ordinance or City of Novi requirements or standards.</li> <li>2. The section of the applicable ordinance or standard is indicated in parenthesis. Please refer to those sections in Article 3, 4, and 5 of the zoning ordinance for further details.</li> <li>3. Please include a written response to any points requiring clarification or for any corresponding site plan modifications to the City of Novi Planning Department with future submittals.</li> </ol>				



**ENGINEERING REVIEW**

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# PLAN REVIEW CENTER REPORT

September 21, 2022

## Engineering Review

JZ22-27 Moe's On Ten Rezoning

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### Applicant

Moe's On Ten

### Review Type

Pre-Application

### Property Characteristics

- Site Location: South side of 10 Mile Road, east of Haggerty Road
- Site Size: 0.88 acres (gross), 0.77 acres (net)
- Plan Date: 07/06/2022
- Design Engineer: Greentech Engineering, Inc

### Project Summary

- Rezoning application.
- No changes proposed to storm, water, or sanitary sewer.
- No changes proposed to storm water management plan.

### Comments:

#### General

1. A full engineering review was not performed due to the limited information provided in this submittal. Further information related to the utilities, easements, etc. will be required to provide a more detailed review.
2. The site plan shall be designed in accordance with the Design and Construction Standards (Chapter 11).
3. Add note that no changes are proposed to the existing utilities or hydrants.

#### Utilities

4. No changes to the existing utilities are proposed at this time.

#### Paving & Grading

5. No changes to the existing pavement or grading is proposed at this time.

**Storm Water Management Plan**

6. No changes to the existing storm water management system or impervious area are proposed at this time.

**Flood Plain**

7. This site is not located within the 100-year floodplain according to current FEMA maps.

**Off-Site Easements**

8. Off-site easements are not anticipated at this time.

Please contact Adam Chludzinski at 248-735-5643 with any questions.



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Adam Chludzinski  
Civil Engineer



**TRAFFIC REVIEW**

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AECOM  
27777 Franklin Road  
Southfield  
MI, 48034  
USA  
aecom.com

**Project name:**  
JZ22-27 – Moe’s On Ten Rezoning Traffic  
Review

**From:**  
AECOM

**Date:**  
November 22, 2022

**To:**  
Barbara McBeth, AICP  
City of Novi  
45175 10 Mile Road  
Novi, Michigan 48375

**CC:**  
Lindsay Bell, Christian Carroll, Humna Anjum, Ben  
Peacock

# Memo

**Subject:** JZ22-27 – Moe’s On Ten Rezoning Traffic Review

The rezoning site plan was reviewed to the level of detail provided and AECOM recommends **approval** for the applicant to move forward with the condition that the comments provided below are adequately addressed to the satisfaction of the City.

## GENERAL COMMENTS

1. The applicant, Moe’s On Ten, is proposing rezoning the parcel.
2. The development is located on the south side of 10 Mile Road, west of Haggerty Road. 10 Mile Road and Haggerty Road are under the jurisdiction of Oakland County.
3. The site is B-1 (Local Business). The applicant is proposing rezoning to B-3 (General Business).
4. There are no traffic related deviations indicated at this time.

## TRAFFIC IMPACTS

1. AECOM was unable to perform an initial trip generation based on the ITE Trip Generation Manual, 11<sup>th</sup> Edition, as there are no changes proposed to the site or building.
2. The City of Novi generally requires a traffic impact study/statement if the number of trips generated by the proposed development exceeds the City’s threshold of more than 750 trips per day or 100 trips per either the AM or PM peak hour, or if the project meets other specified criteria.

Trip Impact Study Recommendation	
Type of Study:	Justification
RTS	Rezoning is proposed. The applicant has requested a waiver for an RTS, based on the fact that the restaurant is existing and pre-dates the current zoning. AECOM would support this waiver if the rezoning is limited to the existing business.

## TRAFFIC REVIEW

The following table identifies the aspects of the plan that were reviewed. Items marked O are listed in the City's Code of Ordinances. Items marked with ZO are listed in the City's Zoning Ordinance. Items marked with ADA are listed in the Americans with Disabilities Act. Items marked with MMUTCD are listed in the Michigan Manual on Uniform Traffic Control Devices.

The values in the 'Compliance' column read as 'met' for plan provision meeting the standard it refers to, 'not met' stands for provision not meeting the standard and 'inconclusive' indicates applicant to provide data or information for review and 'NA' stands for not applicable for subject Project. The 'remarks' column covers any comments reviewer has and/or 'requested/required variance' and 'potential variance'. A potential variance indicates a variance that will be required if modifications are not made or further information provided to show compliance with the standards and ordinances. The applicant should put effort into complying with the standards; the variances should be the last resort after all avenues for complying have been exhausted. Indication of a potential variance does not imply support unless explicitly stated.

EXTERNAL SITE ACCESS AND OPERATIONS				
No.	Item	Proposed	Compliance	Remarks
1	Driveway Radii   O <a href="#">Figure IX.3</a>	-	N/A	No changes proposed
2	Driveway Width   O <a href="#">Figure IX.3</a>	-	N/A	No changes proposed
3	Driveway Taper   O <a href="#">Figure IX.11</a>	-	N/A	No changes proposed
3a	Taper length	-	N/A	No changes proposed
3b	Tangent	-	N/A	No changes proposed
4	Emergency Access   O <a href="#">11-194.a.19</a>	-	N/A	No changes proposed
5	Driveway sight distance   O <a href="#">Figure VIII-E</a>	-	N/A	No changes proposed
6	Driveway spacing			
6a	Same-side   O <a href="#">11.216.d.1.d</a>	-	N/A	No changes proposed
6b	Opposite side   O <a href="#">11.216.d.1.e</a>	-	N/A	No changes proposed
7	External coordination (Road agency)	-	N/A	No changes proposed
8	External Sidewalk   <a href="#">Master Plan &amp; EDM</a>	-	N/A	No changes proposed
9	Sidewalk Ramps   <a href="#">EDM 7.4 &amp; R-28-J</a>	-	N/A	No changes proposed
10	Any Other Comments:			

INTERNAL SITE OPERATIONS				
No.	Item	Proposed	Compliance	Remarks
11	Loading zone   <a href="#">ZO 5.4</a>	-	N/A	No changes proposed
12	Trash receptacle   <a href="#">ZO 5.4.4</a>	-	N/A	No changes proposed
13	Emergency Vehicle Access	-	N/A	No changes proposed
14	Maneuvering Lane   <a href="#">ZO 5.3.2</a>	-	N/A	No changes proposed
15	End islands   <a href="#">ZO 5.3.12</a>			
15a	Adjacent to a travel way	-	N/A	No changes proposed
15b	Internal to parking bays	-	N/A	No changes proposed
16	Parking spaces   <a href="#">ZO 5.2.12</a>			
17	Adjacent parking spaces   <a href="#">ZO 5.5.3.C.ii.i</a>	-	N/A	No changes proposed
18	Parking space length   <a href="#">ZO 5.3.2</a>	-	N/A	No changes proposed
19	Parking space Width   <a href="#">ZO 5.3.2</a>	-	N/A	No changes proposed



INTERNAL SITE OPERATIONS				
No.	Item	Proposed	Compliance	Remarks
20	Parking space front curb height   <a href="#">ZO 5.3.2</a>	-	N/A	No changes proposed
21	Accessible parking – number   <a href="#">ADA</a>	-	N/A	No changes proposed
22	Accessible parking – size   <a href="#">ADA</a>	-	N/A	No changes proposed
23	Number of Van-accessible space   <a href="#">ADA</a>	-	N/A	No changes proposed
24	Bicycle parking	-	N/A	No changes proposed
24a	Requirement   <a href="#">ZO 5.16.1</a>	-	N/A	No changes proposed
24b	Location   <a href="#">ZO 5.16.1</a>	-	N/A	No changes proposed
24c	Clear path from Street   <a href="#">ZO 5.16.1</a>	-	N/A	No changes proposed
24d	Height of rack   <a href="#">ZO 5.16.5.B</a>	-	N/A	No changes proposed
24e	Other (Covered / Layout)   <a href="#">ZO 5.16.1</a>	-	N/A	No changes proposed
25	Sidewalk – min 5' wide   <a href="#">Master Plan</a>	-	N/A	No changes proposed
26	Sidewalk ramps   <a href="#">EDM 7.4 &amp; R-28-J</a>	-	N/A	No changes proposed
27	Sidewalk – distance back of curb   <a href="#">EDM 7.4</a>	-	N/A	No changes proposed
28	Cul-De-Sac   O <a href="#">Figure VIII-F</a>	N/A	-	-
29	EyeBrow   O <a href="#">Figure VIII-G</a>	N/A	-	-
30	Turnaround   <a href="#">ZO 5.10</a>	N/A	-	-
31	Any Other Comments:			

SIGNING AND STRIPING				
No.	Item	Proposed	Compliance	Remarks
32	Signing: Sizes   <a href="#">MMUTCD</a>	-	N/A	No changes proposed
33	Signing table: quantities and sizes	-	N/A	No changes proposed
34	Signs 12" x 18" or smaller in size shall be mounted on a galvanized 2 lb. U-channel post   <a href="#">MMUTCD</a>	-	N/A	No changes proposed
35	Signs greater than 12" x 18" shall be mounted on a galvanized 3 lb. or greater U-channel post   <a href="#">MMUTCD</a>	-	N/A	No changes proposed
36	Sign bottom height of 7' from final grade   <a href="#">MMUTCD</a>	-	N/A	No changes proposed
37	Signing shall be placed 2' from the face of the curb or edge of the nearest sidewalk to the near edge of the sign   <a href="#">MMUTCD</a>	-	N/A	No changes proposed
38	FHWA Standard Alphabet series used for all sign language   <a href="#">MMUTCD</a>	-	N/A	No changes proposed
39	High-Intensity Prismatic (HIP) sheeting to meet FHWA retro-reflectivity   <a href="#">MMUTCD</a>	-	N/A	No changes proposed
40	Parking space striping notes	-	N/A	No changes proposed
41	The international symbol for accessibility pavement markings   <a href="#">ADA</a>	-	N/A	No changes proposed
42	Crosswalk pavement marking detail	-	N/A	No changes proposed
43	Any Other Comments:			

Memo

Note: Hyperlinks to the standards and Ordinances are for reference purposes only, the applicant and City of Novi to ensure referring to the latest standards and Ordinances in its entirety.

Should the City or applicant have questions regarding this review, they should contact AECOM for further clarification.

Sincerely,

**AECOM**



Patricia Thompson, PE  
Traffic Engineer



Paula K. Johnson, PE  
Senior Transportation Engineer



Saumil Shah, PMP  
Project Manager

## FIRE REVIEW

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November 14, 2022

TO: Barbara McBeth - City Planner  
Lindsay Bell - Plan Review Center  
Christian Carroll - Plan Review Center  
Ben Peacock – Planning Assistant

**CITY COUNCIL**

**Mayor**  
Bob Gatt

**Mayor Pro Tem**  
Dave Staudt

Laura Marie Casey

Hugh Crawford

Justin Fischer

Brian Smith

Ericka Thomas

**City Manager**  
Peter E. Auger

**Director of Public Safety**  
**Chief of Police**  
Erick W. Zinser

**Fire Chief**  
Jeffery R. Johnson

**Assistant Chief of Police**  
Scott R. Baetens

**Assistant Fire Chief**  
John B. Martin

RE: Moe's on Ten

**PRZ# 22-102**

**Project Description:**

Rezoning

**Comments:**

Meets Fire Departments Requirements

**Recommendation:**

Approved

Sincerely,

Kevin S. Pierce-Fire Marshal  
City of Novi – Fire Dept.

cc: file

**Novi Public Safety Administration**  
45125 Ten Mile Road  
Novi, Michigan 48375  
248.348.7100  
248.347.0590 fax

cityofnovi.org

**APPLICANT NARRATIVE**

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L A W   O F F I C E S  
**LANDRY, MAZZEO & DEMBINSKI, P.C.**

David B. Landry  
[dlandry@lmdlaw.com](mailto:dlandry@lmdlaw.com)

37000 GRAND RIVER AVENUE, SUITE 200  
FARMINGTON HILLS, MICHIGAN 48335  
[www.lmdlaw.com](http://www.lmdlaw.com)

TELEPHONE  
(248) 476-6900

FACSIMILE  
(248) 476-6564

November 4, 2022

Barbara McBeth  
Planning Director City of Novi  
45175 West Ten Mile Road  
Novi MI 48375

**HAND DELIVERED**

**RECEIVED**

**Re: JZ22-27 Application for rezoning  
Moe's on Ten - 39455 Ten Mile Road Novi MI**

**NOV 04 2022**

**CITY OF NOVI  
COMMUNITY DEVELOPMENT**

Dear Ms. McBeth:

Enclosed please find the Application For Rezoning which I am filing on behalf of Leon's of Novi which operates the restaurant Moe's on Ten. This office represents Leon's of Novi with respect to this application for rezoning of this parcel of property.

Please accept this letter as the Applicant's Narrative Statement regarding the development and use of the property under the existing and proposed rezoning.

The restaurant "Moe's on Ten" has operated at the current location since 1983. Prior to that time, it was also a restaurant. The current zoning of this parcel of property is B-1 Local Business District. Restaurants are not a permitted use in B-1 Zone District. This restaurant clearly has operated at this location prior to its current zoning. Accordingly, it is a legal non-conforming use. We are seeking a rezoning to B-3.

This rezoning request is made for the purpose of bringing the use to a conforming use given the length of the time it has existed and the intent to continue this use. Moe Leon has operated this restaurant for the past 39 years. You are undoubtedly familiar with the restaurant. It is a family-run business. Moe and his wife Debbie are constantly at this business operating the restaurant. Through the years all of their children have worked at this restaurant and currently, their son Michael is also employed at the restaurant. Through the years this restaurant has employed countless Novi residents in its kitchen and waitstaff. Moe' On Ten has participated in many City activities and anyone would be hard pressed to name another Novi Business who has been as active in the community as Moe's On Ten. The Leon Family has not only operated at this location for 39 years but desires to continue to operate at this location in the future. They have made significant investments in this restaurant. In 2002 Moe's on Ten received a Quota Liquor License from the City of Novi as part of the restaurant's significant upgrade. The Leon's have invested both time and significant amounts of money in this business establishment. They wish to continue to operate in the City of Novi as a conforming use.

LANDRY, MAZZEO & DEMBINSKI, P.C.

November 1, 2016

Page 2

I have enclosed herein a Rezoning Application For Site Plan and Land Use Approval form along with an engineering survey of the parcel. Please note, the applicant has no desire or intention of changing the physical layout of the property or the building. No additions to the building are intended. No changes to the impervious surface or the parking lot is intended. No changes to the landscaping is intended. No changes to the façade or signage is intended. Recently, the City of Novi granted a temporary special land use permit to allow Leon's to construct an awning over the outdoor dining area. No additional changes are anticipated. Thus, the building layout, parking, landscaping, ingress and egress, signage and all other aspects of the site are intended to remain as they exist now.

This request for rezoning is made to bring the restaurant, which has existed for 39 years and which the Leon Family intends to continue to operate, into a conforming use.

I have attached hereto the following:

- An Engineering Survey (4 copies 24" X 36")
- A sign Location plot Plan (4 copies 24" X 36")
- A signed a notarized Application For Site Plan and Land Use Approval.

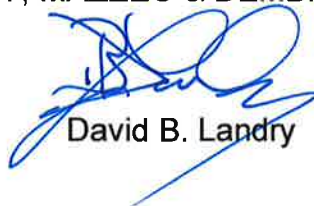
Please accept this letter as request that the city waive any requirement for a traffic study. The use of the property under the current zoning and the proposed zoning will not change. There will be no change in traffic volume, circulation or hours of operation.

We would request to be placed on the December 2022 Planning Commission meeting Agenda.

Please contact me if you require anything in addition. Thank you.

Very truly yours,

LANDRY, MAZZEO & DEMBINSKI, P.C.



David B. Landry

DBL/csw

Cc: Moe Leon



**EXCERPT FROM DECEMBER 7, 2022  
PLANNING COMMISSION MEETING MINUTES**

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1. **123.NET FIBER HUT JSP22-49**

Approval at the request of Moiseev/Gordon Associates, Inc., for Preliminary Site Plan approval for a new 200 square foot telecommunication shelter. The subject property is 5.98 acres and is located at 48735 Grand River Avenue in Section 17, south of Grand River Avenue and east of Wixom Road. The southern portion of the property is zoned I-1, Light Industrial and the northern portion is zoned B-3, General Business.

Motion made by Acting Chair Avdoulos and seconded by Member Becker.

**In the matter of 123.Net Fiber Hut, JSP22-49, motion to approve the Preliminary Site Plan based on and subject to the following:**

- a. **Zoning Board of Appeals Variance from Section 3.1.19.D for a front yard building setback of 30 feet (40 feet required) as recommended by staff because the building is minimal in size and is screened;**
- b. **Zoning Board of Appeals Variance from Section 4.19.1.B for the placement of an accessory building in the front yard as recommended by staff because the building will have a minimal impact on the overall design and intent of the site;**
- c. **Landscape Waiver for a placement of building foundation landscaping in a location other than around the base of the proposed building due to the site layout, which is hereby granted; and**
- d. **The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.**

**ROLL CALL VOTE TO APPROVE THE PRELIMINARY SITE PLAN FOR JSP22-49 123.NET FIBER HUT MADE BY ACTING CHAIR AVDOULOS AND SECONDED BY MEMBER BECKER.**

**Motion to approve the Preliminary Site Plan for JSP22-49 123.Net Fiber Hut. Motion carried 4-0.**

**PUBLIC HEARINGS**

1. **MOE'S ON TEN JZ22-27 WITH REZONING 18.738**

Public hearing at the request of David B. Landry for Planning Commission's recommendation to City Council for a Zoning Map amendment from Local Business (B-1) to General Business (B-3). The subject site is approximately 0.9 acres and is located on the south side of Ten Mile Road and west of Haggerty Road (Section 25). The applicant is not proposing any changes to the site and plans on continuing operating the site as a sit-down restaurant.

Planner Carroll said the 0.9-acre property is located west of Haggerty Road and on the south side of Ten Mile Road. It is currently zoned B-1 Local Business, and the applicant is proposing to rezone to B-3 General Business. The surrounding area is zoned R-4 to the south, B-1 to the east, B-3 to the north, and OS-1 to the west. The Future Land Use map indicates Community Commercial (which corresponds to the B-2/B-3 Zoning District) for the property and the surrounding Future Land Use consists of single family to the south, community commercial to the east and north, and community office to the west. The surrounding existing uses in the area consist of commercial and office uses. The subject property does not contain regulated wetlands or woodlands.

The applicant is proposing to rezone the site to bring it into compliance with current standards. No changes are proposed to the site, and it has been used as a sit-down restaurant for the past thirty-nine years.

When compared to the B-1 Zoning District, the B-3 Zoning District allows for more intense uses such as fueling stations, oil change establishments, and car sales showrooms. The B-3 zoning district would allow for an addition 5 feet in building height (from 25 feet to 30 feet) and has an additional 10 feet in building setback requirements for the front yard (20 foot minimum to 30 foot minimum). The B-1 Zoning District only allows for Restaurants (sit-down) and Restaurants (Fast Food Carryout), within a

Planning Commercial Center of at least 15,000 square feet of gross floor area. The rezoning to the B-3 Zoning District would allow for a sit-down restaurant.

The proposed rezoning from B-1 to B-3 meets the intent of the 2016 Master Plan for Land Use as the site is identified as Community Commercial on the future land use map, which is consistent with the B-2 and B-3 zoning districts.

The proposed rezoning would meet the Master Plan for Land Use objectives to support existing businesses and maintain quality design because it would allow an existing business to continue its use as a long-term, identifiable business in Novi.

The proposed rezoning would have no negative impact on public utilities.

The Planning Commission is asked to hold the public hearing and make a recommendation to City Council for approval or denial of the rezoning request. Representing the project is David Landry, the applicant's attorney. Staff is available to answer any questions.

David Landry, attorney representing Moe's on Ten, is requesting on behalf of the applicant to rezone the property from B-1 to B-3, not with the intent of making any changes to the premises, not inside nor outside, nor the use. The applicant would like to bring the site from legal non-conforming to conforming use. Moe's on Ten has operated at this site since 1983, for thirty-nine years. Prior to Moe's there was a sit-down restaurant on this site. Currently B-1 zoning does not allow for sit-down restaurants. Moe and Debbie Leon have proven their commitment to the city. They have employed Novi residents for generations, upgraded the facility, they personally both work on the site with their children, they have made a significant investment in the city and have been active in every possible way. They would like to be a conforming use, if for example the restaurant burned down and they are a non-conforming use, they would not be able to rebuild. Their lives are in this restaurant, and they want to pass the business down to their children. Again, no physical changes would be made. They are requesting a waiver of the rezoning traffic study, which is supported by the traffic consultant due to no changes to the site. A positive recommendation has been given by the Planning, Engineering, Fire and Traffic and it is consistent with the Master Plan. The applicant is asking for a positive recommendation from the Planning Commission. We would be happy to answer any questions.

Acting Chair Avdoulos invited members of the audience who wished to participate in the public hearing to approach the podium. As there were none, and seeing that there were no written responses for the Public Hearing, Acting Chair Avdoulos closed the Public Hearing and turned it over to the Planning Commission for consideration.

Member Becker disclosed that he is a frequent patron of Moe's on Ten and when he first moved to Village Oaks in 1976 patronized the previous restaurant on the site. Member Becker asked Planner Carroll for distinction between B-1 and B-3 for a restaurant. In reading the comparison page 4 of the planning review, it indicates in a B-3 zoned area as a Special Land Use what is permissible is a fast food carry out, drive-in, fast food drive thru, or a fast food sit-down restaurant. Member Becker inquired how B-3 will get Moe's on Ten to conforming. Planner Carroll said if you click at the actual land use description in Section 4, it describes sit-down restaurants, the labelling is a bit misleading.

Member Dismondy had no questions but indicated he is in support of the request.

Member Roney is in full support of bringing the site into conforming standards.

Acting Chair Avdoulos thanked Planner Carroll for the clarification of section 4 since on the comparison it wasn't indicated, but in looking at planning review chart it is there.

Motion made by Member Becker and seconded by Member Dismondy.

**In the matter of Moe's on Ten, JZ22-27, with Zoning Map Amendment 18.738 motion to recommend approval to City Council to rezone the subject property from Local Business (B-1) to General Business (B-3) 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 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.**

**ROLL CALL VOTE TO RECOMMEND APPROVAL OF REZONING 18.738 FOR JZ22-27 MOE'S ON TEN TO CITY COUNCIL MADE BY MEMBER BECKER AND SECONDED BY MEMBER DISMONDY.**

**Motion to recommend approval of Rezoning 18.738 for JZ22-27 Moe's on Ten to City Council. Motion carried 4-0.**

**2. ELM CREEK PRO JZ22-28 WITH REZONING 18.737**

Public hearing at the request of Toll Brothers, Inc. for initial submittal and eligibility discussion for a Zoning Map amendment from Office Service Technology (OST) and Low-Rise Multiple Family (RM-1) to Low-Rise Multiple Family (RM-1) with a Planned Rezoning Overlay. The subject site is approximately 23.7 acres of a larger 37-acre parcel and is located south of Twelve Mile Road, west of Meadowbrook Road (Section 14). The applicant is proposing to develop a 68-unit multiple-family residential development.

Senior Planner Bell said the applicant is proposing to rezone 23.7 acres south of Twelve Mile Road, on the west side of Meadowbrook Road, utilizing the Planned Rezoning Overlay option. The existing development to the north and east is largely office, with some vacant parcels. The Waltonwood senior living facility is to the west, along with Twelve Oaks Lake.

The current zoning of the property is mostly OST – Office Service Technology, and a portion on the west side is RM-1. The properties to the north, east and south are also zoned OST. The area to the west is RM-1 low rise multiple family.

The Future Land Use Map identifies this property and those around it in blue as Office, R&D and Technology, which is consistent with the current zoning. The area to the west is designated Planned Development 1, which allows for multi-family development.

The natural features map shows there are significant wetland and woodland areas on this property as well as to the north and south. The tree and wetland surveys provided by the applicant confirm these features.

The applicant is proposing to utilize the Planned Rezoning Overlay to rezone the property to RM-1 Low Density Multiple Family. The initial concept plan shows 68 attached townhome units clustered in the northern and eastern areas of the site. All units are two stories tall at average grade. The development is accessed by a private street network with one entrance off Meadowbrook Road.

Rezoning to the RM-1 category requested by the applicant would permit the use proposed. Some of the conditions proposed include:

1. Preservation of 8.75 acres of City regulated woodlands