



PLANNING COMMISSION MINUTES

CITY OF NOVI
Regular Meeting

August 28, 2024 7:00 PM

Council Chambers | Novi Civic Center
45175 Ten Mile Road, Novi, MI 48375 (248) 347-0475

CALL TO ORDER

The meeting was called to order at 7:00 PM.

ROLL CALL

Present: Member Avdoulos, Member Becker, Member Dismondy, Member Lynch, Chair Pehrson, Member Roney

Absent Excused: Member Verma

Staff: Barbara McBeth, City Planner; Beth Saarela, City Attorney; Lindsay Bell, Senior Planner; Humna Anjum, Plan Review Engineer

PLEDGE OF ALLEGIANCE

Member Becker led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion made by Member Lynch and seconded by Member Avdoulos to approve the August 28, 2024 Planning Commission Agenda.

VOICE VOTE ON MOTION TO APPROVE THE AUGUST 28, 2024 PLANNING COMMISSION AGENDA MOVED BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS. Motion carried 6-0.

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the first audience participation to come forward. Seeing no one, Chair Pehrson closed the first public audience participation.

CORRESPONDENCE

There was not any correspondence.

COMMITTEE REPORTS

There were no Committee reports.

CITY PLANNER REPORT

There was no City Planner Report.

CONSENT AGENDA - REMOVALS AND APPROVALS

There were no Consent Agenda Removals and Approvals.

PUBLIC HEARINGS

1. JSP24-14 GATSBY'S PATIO AND FAÇADE RENOVATION

Public hearing at the request of Tower Built LLC for Special Land Use and Preliminary Site Plan approval for the exterior renovation of the existing Gatsby's Restaurant. The subject property is approximately 1.09 acres and is located at 45701 Grand River Avenue.

Senior Planner Lindsay Bell stated the just over 1-acre site is located on the south side of Grand River Avenue, west of Taft Road, in Section 16 of the City. The site and the surrounding area is zoned I-1 Light Industrial, and to the north across Grand River Avenue is zoned CW - City West.

The Future Land Use map indicates Industrial, Research Development Technology for this property and those to the south, east and west, and City West to the north of Grand River. Staff has proposed this area where Gatsby's is located to be included in the City West district as well.

The subject property does not contain regulated natural features.

Gatsby's restaurant has been in this location since about 1986 according to the internet; the building was constructed around 1979. As indicated on the site plan, the applicant is proposing to renovate the exterior of the restaurant and add a patio space to the front.

The existing uncovered deck would be removed, and a portion of the new patio would be covered with a roof. The height and setbacks of the existing building would be within ordinance standards. The existing parking lot would be modified slightly to accommodate these changes.

The existing restaurant is a non-conforming use in the I-1 District. A recent amendment of the Zoning Ordinance allows for the expansion of a non-conforming use if the Planning Commission determines that the factors of Special Land Use, as well as the additional findings that are listed in the draft motion sheet are met. As this is an existing restaurant, many of the standards are not expected to change from what is there today, and these modifications would support this long-standing Novi establishment.

The Preliminary Site Plan proposal mostly complies with the requirements of the Zoning Ordinance. However, the applicant is requesting waivers related to façade and traffic requirements.

A Section 9 Façade Waiver is requested for an underage of brick, an overage of metal panels of various types, an overage of painted CMU, and the painting of existing brick at the base of the building. Our Façade Consultant recommends approval as the overall design is consistent with the intent and purpose of the Ordinance. The rendering and sample board indicate carefully coordinated colors and visual integration, and the proposed design represents a significant improvement to the overall aesthetic value of the building. Additionally, the color of the existing brick would likely not result in the intended color using stain and is relatively obscured at the base of the building.

A waiver to allow the continued use of painted islands in the parking lot is also requested. Staff supports this as it is an existing condition, and only minor work is being done on the parking lot.

All other items identified in the review letters are to be addressed with the final site plan if this were to be approved tonight by the Planning Commission.

The Planning Commission is asked tonight to hold the public hearing and approve or deny the Special Land Use Permit and Preliminary Site Plan. Representing the project team tonight is Nik Bauer with Stonefield Engineering. Staff and our consultants are available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Nik Bauer with Stonefield Engineering thanked the planning staff for their continued assistance throughout the project. This project is going to significantly improve the visual appeal of the building as well as provide landscaping where there is very little today. It will provide an outdoor seating area for customers to enjoy when weather permits. Gatsby's has been operating at this location for many years and looks forward to continuing to serve the community and hopes these improvements will be welcomed by the community.

Chair Pehrson opened the public hearing and invited member of the audience who wished to participate to approach the podium.

Joe Johnson, owner of Gatsby's, stated when his parents bought the restaurant in 1986, it was zoned B-1. In 1987 the zoning changed to I-1 Light Industrial thinking that the area would change. Mr. Johnson hopes that he can get the project done, it has been a long time coming.

Seeing no one else, Chair Pehrson closed the audience participation and turned the matter over to the Planning Commission.

Member Lynch stated it is a great upgrade, it will fit well into the proposed City West district if that gets approved. This project does not abut residential, it doesn't affect thoroughfares or cause any detrimental impact. It doesn't affect public services; it is already existing. It's consistent with the goals of the Master Plan. The upgrade makes sense. This meets the intent of the Special Land Use, so Member Lynch is in favor.

Member Becker inquired as to the reason this needs to come before the Planning Commission for Special Land Use if there is an existing patio. Senior Planner Bell responded that the ordinance specifically states it cannot be enlarged to cover a greater area. The roof areas are covering a greater area so that represents an expansion of the use.

Member Becker stated he echoes Member Lynch's thoughts on this and thinks it looks great. As is, Gatsby's looks like a homey, friendly bar, but with these improvements it will fit great into the forthcoming City West district. All the requests are minor and overall should be approved.

Member Dismondy was in agreement with the previous comments.

Member Roney stated he was really glad this project is here. It's probably been two years since the owner started talking about doing something and then discovered that he has a non-conforming use.

Member Roney complimented the planning department in finding a way to guide us to this point so that the owner can finally build what he wants. He is a frequent patron of Gatsby's, and his daughter pretty much lives there. The proposed renovations look beautiful. Member Roney is glad to see the project before the Planning Commission and looks forward to it being built.

Member Avdoulos stated that he echoes the previous comments made by fellow Planning Commissioners and has no issues. He appreciates that Gatsby's is enhancing their establishment and thinks it is going to fit in well with the upcoming possible projects that we may see in the area. He is always in favor of supporting local businesses, especially longstanding businesses.

Motion to approve the JSP24-14 Gatsby's Patio and Façade Special Land Use Permit made by Member Avdoulos and seconded by Member Lynch.

In the matter of JSP24-14 Gatsby's Patio and Façade motion to approve the Special Land Use Permit request, based on and subject to the following:

a. Relative to other feasible uses of the site:

- 1. The proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off street parking, off-street loading/unloading, travel times, and thoroughfare level of service (as the modifications to the existing business will not result in significant additional traffic).**
- 2. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal, and police and fire protection to serve existing and planned uses in the area (no impacts to utilities are anticipated).**
- 3. The proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses, and wildlife habitats (no impacts to existing natural features are proposed as the changes are made in previously paved areas).**

4. The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood (*there are no residents in close proximity, and the restaurant has been in this location for a long time*).
 5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan or Land Use (*as it fulfills the Master plan objective to sustain existing businesses in the City of Novi*).
 6. The proposed use will promote the use of land in a socially and economically desirable manner (*as it allows a long-standing business to invest in the City of Novi and will improve its appearance along Grand River*).
 7. The proposed use is listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance and is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located (*as it is the expansion of a non-conforming use in the I-1 District*).
- b. In addition, the following factors have been considered:
1. Any alteration or expansion of the use must meet the height, setback, parking, and other applicable requirements for the zoning district where the property is located, unless the Zoning Board of Appeals grants the necessary variances.
 2. Additional traffic anticipated by an expansion or alteration shall not pose an undue burden on the surrounding neighborhood and uses.
 3. The expansion or alteration shall not go beyond the limits of the parcel of property upon which such use existed at the time it became lawfully nonconforming.
 4. The lighting, noise, vibration, odor, and other possible impacts that may be generated shall not be increased beyond the levels that existed prior to the expansion and shall be in compliance with the performance standards of Section 5.14.
 5. Total added floor space shall not exceed fifty percent of the existing total floor area as measured in gross square feet. This percentage shall be based on the floor area originally in use when the use became lawfully nonconforming.
 6. The expansion or alteration shall not hinder the future development of surrounding properties in accordance with the Master Plan.
- c. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan submittal.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO APPROVE THE JSP24-14 GATSBY'S PATIO AND FAÇADE SPECIAL LAND USE PERMIT MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 6-0.

Motion to approve the JSP24-14 Gatsby's Patio and Façade Preliminary Site Plan made by Member Avdoulos and seconded by Member Lynch.

In the matter of JSP24-14 Gatsby's Patio and Facade, motion to approve the Preliminary Site Plan based on and subject to the following:

- a. A Section 9 façade waiver to allow for the underage of brick (10-20% proposed, 30% minimum required), an overage of metal panels of various types, an overage of CMU (to be painted) on the east and south facades (70% proposed, 15% permitted), and the painting of existing brick. This waiver is granted because the rendering and sample board indicate carefully coordinated colors and visual integration, and the proposed design represents a significant improvement to the overall aesthetic value of the building. Additionally, the red color of the existing brick would likely not result in the intended color using stain and is relatively obscured at the base of the building. The applicant shall submit manufacturer's literature indicating the coating is intended for the application on brick at the time of Final Site Plan.
- b. Traffic waiver (Section 5.3.12) to allow painted end islands rather than raised islands as

shown on the site plan, because this is an existing condition and only minor changes to the parking lot are proposed, which is hereby granted.

- c. 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.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

ROLL CALL VOTE ON MOTION TO APPROVE THE JSP24-14 GATSBY'S PATIO AND FAÇADE PRELIMINARY SITE PLAN MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 6-0.

2. JZ24-02 JAX KAR WASH PRO PLAN WITH REZONING 18.744

Public hearing at the request of Jax Kar Wash for Planning Commission's recommendation to City Council for a Zoning Map Amendment from Regional Center (RC) to General Business (B-3) with a Planned Rezoning Overlay. Conditional approval of the Preliminary Site Plan and Stormwater Management Plan is requested concurrently. The applicant is proposing to develop an enclosed car wash tunnel building with exterior vacuum spaces.

Senior Planner Bell stated this project came before the Planning Commission in April for the initial round of feedback. The applicant is proposing to rezone a 1.8-acre portion the larger Fountain Walk at Twelve Mile Crossing commercial center utilizing the Planned Rezoning Overlay option. The vacant site is located south of Twelve Mile Road, to the east of Cabaret Drive. The Liberty Park residential development is to the north, along with a bank. The Vibe Credit Union headquarters is to the west. On the east and south are parking lots for Fountain Walk.

The current zoning of the property is RC Regional Center. The adjacent parcels on the west are OST Office Service Technology. The Liberty Park area is zoned Residential Acreage but developed under a consent judgment as townhouses, with OS-1 Office Service zoning to the northeast.

The Future Land Use Map identifies this property as Regional Commercial with the rest of Fountain Walk. To the west is planned Office Research Development and Technology, and the north side of Twelve Mile is Multiple Family Residential, and Community Office.

There are no regulated natural features on the site, as it was cleared back when Fountain Walk was developed in the early 2000s.

The applicant is proposing to utilize the Planned Rezoning Overlay to rezone to B-3 General Business in order to develop a tunnel car wash, which is not permitted in the current RC district. The PRO plan shows a one-story 6,200 square foot building, with outdoor vacuum stations that are typically associated with this type of car wash. Access to the site would be from the existing Fountain Walk driveway off Cabaret Drive, so no new curb cuts are proposed for either public road frontage.

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, especially if it is to be split off from the larger parcel. There are also 55-foot and 60-foot-wide gas line easements that run north-south along both sides of the property. In the image shown, the gas easements are shown in yellow, and the green hatched area represents the approximate building area with 100-foot setbacks. Recently, our engineers have been in contact with Consumers Energy, the easement holder, and it appears that the eastern easement may not have infrastructure running through it, so that easement may be able to be removed – but it would have to go through a process and agreement by those private parties.

The request to rezone includes the condition to limit the use of the property to a car wash, which would prevent it from being redeveloped into another B-3 use such as a gas station or auto dealership, or any other possible use, unless the agreement is amended. Additional conditions proposed include limitations

on building height, exceeding the building setbacks of the B-3 District, and approximately doubling the minimum requirement for brick material on the elevations.

As a benefit to the public, the applicant offers to construct two covered seating areas along 12 Mile Road. The plan shows a concrete pedestrian node along the sidewalk fronting on 12 Mile Road, with the other stated location further to the east near Donelson Drive. The paved nodes would include concrete pads, benches and a metal pergola covering.

The applicant also offers 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 would be on these walls. The stone on the walls would match the existing wall located at the West Oaks and Donelson Drive entrance. The wall details show the wall to be approximately 30 inches high, and about 10 feet in length.

Staff and consultants have identified some issues with the proposed rezoning and PRO Plan. There is a question whether this would be considered a spot zoning, since no B-3 properties are in proximity. However, the surrounding retail center is also commercial, and the terms of the PRO Agreement could ensure that it stays compatible with the surrounding uses and reverts to Regional Center zoning if the car wash is no longer viable.

Engineering notes there is capacity for the water and sewer demands for the proposed use in the public utilities, and stormwater detention is to be treated on-site before being discharged into the existing storm water system. Traffic has also noted that there will not be more traffic generated compared to other uses that could be developed under the current RC zoning.

The proposed parking lot landscaping is deficient on the west side due to the gas easement. Other deviations include the lack of a loading zone, the distance of the dumpster enclosure from the building, and an overhead door facing a public road. The proposed parcel split will also likely cause variances to be required for the parking and building setbacks on the Fountain Walk parcel.

Façade review notes that the building will require Section 9 façade waivers for an overage of fiber cement horizontal siding and an overage of asphalt shingles on all facades. These waivers are supported as they are minor in nature and do not adversely affect the overall aesthetic quality. The amount of brick proposed significantly exceeds the required amount.

The applicant is requesting approval of the Preliminary Site Plan concurrently with the PRO Plan. Staff does not object if Planning Commission agrees to a conditional approval, as the plan is in general conformity with the requirements of the Zoning Ordinance and sufficient detail has been provided for a Preliminary Site Plan. The applicant has provided the justification for the landscaping waiver, and the noise impact statement to show compliance with Section 5.14.10.

Tonight, the Planning Commission is asked to hold the public hearing, and to make a recommendation to City Council on the PRO Plan and consider concurrent approval of the Preliminary Site Plan and Stormwater Management Plan. Following the Planning Commission public hearing, the project would then go to City Council for its determination of approval.

The applicant Todd Gesund from Jax Kar Wash, attorney David Landry, as well as other members of their team, are here representing the project tonight. Staff is also available to answer any questions.

Chair Pehrson invited the applicant to address the Planning Commission.

Attorney David Landry stated Jax Kar Wash is seeking the rezoning from RC Regional Commercial to B-3 with a Planned Rezoning Overlay limiting to a single use of B-3 car wash along with conditional approval of the Preliminary Site Plan and Stormwater Management Plan. The parcel is on the southeast corner of Twelve Mile Road and Cabaret Drive, the extreme northwest corner of Fountain Walk.

The parcel has been vacant for 22 years since Fountain Walk opened due to the unique characteristics

of it. Given its current zoning, the RC setbacks are a hundred feet, which means the only developable area on this parcel is a small postage stamp area. There are two 55-foot Consumers Energy easements which limit what structures can be placed on the parcel.

What can fit on the parcel that would be compatible with the area? A car wash. The PRO Ordinance section on intent states it is to accomplish development to achieve integration of the proposed development with the characteristics of the project area. In this case the Planning Commission has letters of support from the project area. The owner of Fountain Walk, Michael Zimmerman, states he believes that this is going to be an enhancement to the other businesses in Fountain Walk. Letters from Imagine Theater, Buddy 's Pizza, Full Throttle, and Putting Edge state the same. To Mr. Landry's knowledge there have been no negative comments from any landowner or anyone in the surrounding area.

With respect to PRO eligibility there are two requirements. First, there must be site specific conditions that are stricter than the regulations that would apply under the proposed ordinance, which would be B-3. Here the PRO will limit to a single use of a car wash. If the car wash ever doesn't exist, the zoning refers reverts to RC. The building height would be 24.5 feet instead of 30 feet. The setback instead of a mere 30 feet would be 68 feet. The facade ordinance only will allow 30 percent brick, here there is 49-50 percent brick. So those are limiting factors with this respect particular proposal.

Secondly, the PRO requires that a development would constitute an overall public benefit that outweighs any material detriment, or that could not be accomplished without a rezoning. The public benefit always seems to be the issue with anyone that comes for a PRO. The question is what's the public benefit. It's not specifically defined in the Ordinance. It is defined in relative terms. It is a public benefit that outweighs any material detriment. Before we can assess a public benefit that's sufficient, we have to first identify what are any material detriments. It's a sliding scale. If the detriments are high, then the public benefit has to be really high. If the detriments aren't very high, the public benefit doesn't have to be very high.

When considering any rezoning, we first look at any adjacency detriments. The businesses in Fountain Walk want this. There are no negative comments to Mr. Landry's knowledge from anybody in the surrounding area. There are no lighting issues. There are no noise issues, the vacuum motors are inside the building, not outside. The hours of operation are 7:00 AM to 6:00 PM Monday through Friday, 8:00 AM to 6:00 PM Saturday and Sunday, less than what the RC zoning would allow. There is no ingress or egress off 12 Mile Road or Cabaret Drive, it's all internal. Every department has recommended approval or conditional approval.

In terms of the public benefit, originally Jax Kar Wash proposed funding the teen area renovation at the Novi Library because many of the employees are teenagers. The Planning Commission had few negative comments on that public benefit. The City Council wasn't too keen on that, and indicated they would like to see a public benefit that is tied to the site and tied to overall Fountain Walk and 12 Mile Road. Jax Kar Wash is has now proposed four streetscapes. A covered, landscaped seating area that would match other seating areas at Fountain Walk are proposed on the car wash lot and another to the east, and then two decorative walls are proposed that with optional signage such as "Welcome to Fountain Walk".

Mr. Landry thinks the analysis really begins with this – it is a difficult parcel. For whatever reason it hasn't developed. This fits within the PRO Ordinance, and the public benefit outweighs any detriment. Mr. Landry asks the Planning Commission to make a positive recommendation to City Council, and also asks for conditional approval of the Preliminary Site Plan and Stormwater Management Plan, which is recommended by staff conditioned on, of course, City Council approving the PRO. The architect, engineer and representative of Jax Kar Wash are also present if there are any questions.

Chair Pehrson opened the Public Hearing and invited members of the audience who wished to participate to approach the podium. Seeing no one, Chair Pehrson asked Member Lynch to read correspondence. Member Lynch stated there was one response form from Michael Zimmerman in support. Chair Pehrson closed the Public Hearing and turned the matter over to the Planning Commission for consideration.

Chair Pehrson asked City Attorney Beth Saarela to clarify the difference between what has been referred

to as spot zoning in this case versus what the Planning Commission is being asked to look at relative to the PRO. City Attorney Saarela responded that spot zoning is sort of like taking one property in an area that has nothing similarly zoned in that area and asking to rezone it for just that one parcel. Sometimes that's done through a ZBA use variance. It's not something that should be done. The difference here is the rezoning request is for a similar use to the surrounding area and is tied to a specific plan with an agreement. Chair Pehrson added that as he has looked at the topic in Planner's reference guides, the overarching considerations relative to the anticipated public benefit are the consistency inside the community relative to the comprehensive plan that has been laid out, whether that's the Master Plan or in this case the surrounding area, and the consistency with what the applicant is looking for to the rest of the development.

Member Lynch stated that 22 years ago internet shopping was not as prevalent, and we didn't have COVID. One thing that is stunning when you look at the Fountain Walk development is the desert of asphalt. From a bigger, broader picture at the time it was developed, it probably made sense given the economy and technology. Just looking at the proposed project, it is an oasis in a desert of asphalt. The way it looks in the rendering is a benefit to the whole area. When Fountain Walk was developed, there is no way to have known how technology was going to progress, and we didn't have COVID.

Member Lynch likes the way the project is done, it has trees and greenery that break up the sea of asphalt. He recalls from the prior presentation the applicant mentioned people may want to get a car wash when frequenting other Fountain Walk businesses. It seems the other Fountain Walk tenants are okay with the proposal, it will not affect the traffic, and it will not have an affect on public services. Member Lynch thinks the car wash makes sense, he is in support, especially given the limitations of the site.

Member Becker stated this idea requires a zoning amendment to rezone a 1.8 eight-acre parcel within a huge regional center zone property, and that is virtually the definition of spot zoning that the American Planners Association strongly advises communities against doing. The RC zoning for the then Fountain Walk development was specific as to the types of businesses we wanted to have there. Businesses that would attract visitors from the region, not just local residents. A full-service tunnel car wash falls far short of this goal.

A proposed car wash business is not a unique addition to our community. Within the city, we already have three full-service tunnel car washes and another already in the planning stage. Surrounding the Novi City boundary there are six more full-service tunnel car washes as close as fifty yards and no more than two miles from our City limits.

The proposed building is in no way harmonious with the existing buildings within the RC Twelve Mile Crossing of Fountain Walk. The existing buildings were meant to look like a true regional destination, not a strip mall. None of the existing buildings have a number of brontosaurus-type of equipment outside them, and none of the existing buildings are drive through.

Part of the justification for the spot zoning request is that this small parcel has been difficult to develop due to its size, location and the underground utility easements. The original developer is the entity that created this difficult piece of property in their original planning of the property, the City of Novi did not create this hardship.

Granting the zoning amendment is a really bad idea for these reasons. When we talk about detriment, setting a detriment of spot zoning that can be used in the future is the one that is the biggest one for Member Becker.

Member Dismondy thinks it is a good use for a parcel that is challenging mainly due to the utilities. The current zoning looks like it allows for a bank with a drive through, so this is not much different, especially since the noise concern that most people would have when they hear about a car wash coming has been mitigated. It looks really nice too, and it looks like it's laid out very well. Regarding the public benefit, the economic impact to the city for such a challenging parcel, is benefit enough in Member Dismondy's opinion. He is in favor.

Member Roney stated he agrees that this is a challenging piece of property to develop, and it's been vacant for 22 years. What is really telling about the proposal is the support from the fellow businesses. They see benefit to themselves, and to their businesses, and we want to support them. As far as detriments go, Member Roney could not find any real detriments. How do you value the public benefit when you don't even know what the detriments are? He is in favor and thinks it'll be a good fit.

Member Avdoulos stated this is a difficult site because of what Mr. Landry had pointed out. If you look at the setbacks and the constraints that it has, it leads to an understanding of what you can do on that site.

Member Avdoulos thinks similar to Member Dismody in that if a bank can be allowed here, other similar type uses scale wise could work. This is kind of matching that scale. It's also acting as a kind of an anchor at the corner of this development and the design contributes positively to the existing Fountain Walk development. It fits well contextually on the site, and it is a business within an area of businesses. There is a sea of parking out there but that's another topic to take a look at and see what Fountain Walk can do. Member Avdoulos' biggest concern is how a business on this corner can contribute to that area and thinks the presentation tonight helps to address that.

Motion to recommend approval to City Council JZ24-02 Jax Kar Wash made by Member Avdoulos and seconded by Member Lynch.

Chair Pehrson stated he supports the applicant in this particular request. He asks that planning staff look at in another session how to better define public benefit.

In the matter of JZ24-02 Jax Kar Wash, with Zoning Map Amendment 18.744 motion to recommend approval to City Council to rezone the subject property from Regional Center (RC) to General Business (B-3) with a Planned Rezoning Overlay Concept Plan.

- A. The recommendation includes the following ordinance deviations for consideration by the City Council, for the reasons noted:**
- 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. If the City Council approves the rezoning, the Planning Commission recommends the following conditions be made part 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 curbed 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.

ROLL CALL VOTE TO RECOMMEND APPROVAL TO CITY COUNCIL JZ24-02 JAX KAR WASH MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 5-1 (Becker).

Motion to conditionally approve JZ24-02 Jax Kar Wash Preliminary Site Plan made by Member Avdoulos and seconded by Member Lynch.

In the matter of JZ24-02 Jax Kar Wash, motion to conditionally approve the Preliminary Site Plan subject to the City Council's determination regarding the proposed rezoning request with Planned Rezoning Overlay, based on and subject to the following:

- a. 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.
- b. The applicant has addressed the noise impact requirements.

This motion is conditioned on the applicant's PRO request being approved by City Council, and because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO CONDITIONALLY APPROVE JZ24-02 JAX KAR WASH PRELIMINARY SITE PLAN MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 5-1 (Becker).

Motion to conditionally approve JZ24-02 Jax Kar Wash Stormwater Management Plan made by Member Avdoulos and seconded by Member Lynch.

In the matter of JZ24-02 Jax Kar Wash motion to approve the Stormwater Management Plan,

subject to the findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is conditioned on the applicant's PRO request being approved by City Council, and because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance.

ROLL CALL VOTE TO CONDITIONALLY APPROVE JZ24-02 JAX KAR WASH STORMWATER MANAGEMENT PLAN MOVED BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH. Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. APPROVAL OF THE AUGUST 14, 2024 PLANNING COMMISSION MINUTES

Motion to approve the August 14, 2024 Planning Commission minutes made by Member Lynch and seconded by Member Avdoulos.

ROLL CALL VOTE ON MOTION TO APPROVE THE AUGUST 14, 2024 PLANNING COMMISSION MINUTES MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS. Motion carried 6-0.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no consent agenda items.

SUPPLEMENTAL ISSUES/TRAINING UPDATES

City Planner McBeth stated that the Michigan Association of Planning is holding the Planning Michigan Conference in Grand Rapids on September 25-27th.

Chair Pehrson stated relative to PRO implementation and discussion of the Jax Kar Wash PRO by the City Council, he would like to have the Planning Commission in the future better flesh out the definition of public benefit and perhaps put a little more emphasis on that in the Ordinance. He would still like to give a developer latitude to be creative but would like to see consistency in what the expectations are for the City.

AUDIENCE PARTICIPATION

Chair Pehrson invited members of the audience who wished to address the Planning Commission during the final audience participation to come forward. Seeing no one, Chair Pehrson closed the final audience participation.

ADJOURNMENT

Motion to adjourn the August 28, 2024 meeting made by Member Lynch and seconded by Member Becker.

VOICE VOTE ON MOTION TO ADJOURN THE AUGUST 28, 2024 PLANNING COMMISSION MEETING MADE BY MEMBER LYNCH AND SECONDED BY MEMBER BECKER. Motion carried 6-0.

Meeting adjourned at 7:52 PM.

*Actual language of the motion sheet subject to review.