



RAMAYAH AUTO, INC. SITE PLAN 09-09

RAMAYAH AUTO, INC., SITE PLAN 09-09

Public Hearing of the request of Thomas Abraham Properties for Special Land Use Permit and Preliminary Site Plan approval. The subject property is located in Section 26, on the north side of Nine Mile Road, east of Novi Road, in the I-1, Light Industrial District. The applicant appeared before the Zoning Board of Appeals on February 10th, 2009 and was granted a variance allowing the use in this location even though it does abut a residential district on the northern property line. The applicant has now applied for the necessary Special Land Use permit. The property address is 43000 Nine Mile Road.

Required Action

Approve or Deny Special Land Use Permit and Preliminary Site Plan

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval Recommended	05/15/09	<ul style="list-style-type: none"> - The applicant should confirm that all work will take place within the building, the doors will remain closed at all times and no vehicles will be stored outside pursuant to Section 1903.4.b and Section 1904.4.c of the Zoning Ordinance. - Recommended waiver of the required Noise Impact Statement provided the conditions noted above are met.

Approval- Special Land Use

In the matter of the request of Ramayah Auto, Inc. SP 09-09, motion to **approve** the Special Land Use permit, subject to the following:

- a. Planning Commission finding under Section 2516.2.c for the Special Land Use permit:
Whether, relative to other feasible uses of the site,
 - The proposed use will not cause any detrimental impact on existing thoroughfares (*due to the fact that the use of a 5400 square foot portion of the existing building for minor automobile repair would not generate a substantially different amount of traffic than other permitted uses on the site*).
 - 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 (*due to the location of the tenant space in relation to the property line; that the subject property is bordered by a parking garage used by the tenants of the apartments to the north, which partially screens the view of the subject property; the applicant has indicated that the use will comply with ordinance standards related to storage of vehicles; and the petitioner and tenant agree that all work will take place within the building and the doors will remain closed at all times.*)
 - The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
 - The proposed use will promote the use of land in a socially and economically desirable manner.
 - The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located (*as noted in the staff and consultant's review letters*);
- b. Planning Commission Waiver of the required Noise Impact Statement;
- c. That all work will take place within the building, the doors will remain closed at all times and no vehicles will be stored outside pursuant to Section 1903.4.b and Section 1904.4.c of the Zoning Ordinance.
- d. Compliance with all conditions and requirements listed in the staff and consultant review letters;
- e. (*Insert specific considerations here*)

For the following reasons... (*because the Zoning Board of Appeals approved a variance for the location abutting a residential district, subject to the Planning Commission's approval of the Special Land Use standards and it is otherwise in compliance with Article 19, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.*)

Denial- Special Land Use

In the matter of the request of Ramayah Auto, Inc., SP 09-09, motion to **deny** the Special Land Use permit, for the following reasons...(*because it does not meet the following standards of the ordinance for approval of a Special Land Use permit...*)

Approval – Preliminary Site Plan

In the matter of Ramayah Auto, Inc., SP 09-09, motion to **approve** the Preliminary Site Plan, subject to the following:

- a. The conditions and items listed in the staff and consultant review letters being addressed on the Stamping Set; and
- b. *(additional conditions here if any)*

for the following reasons... *(because the Zoning Board of Appeals approved a variance for the location abutting a residential district, subject to the Planning Commission's approval of the Special Land Use standards, and it is otherwise in compliance with Article 19, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.)*

Denial - Preliminary Site Plan

In the matter of Ramayah Auto, Inc., SP 09-09, motion to **deny** the Preliminary Site Plan, for the following reasons... *(because it is not in compliance with the following sections of the Zoning Ordinance....)*

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

May 15, 2009

Planning Review

Ramayah Auto, Inc.

FKA 43000 Nine Mile Road

SP 09-09

Petitioner

Thomas Abraham Properties

Review Type

Special Land Use Request

Property Characteristics

- Site Location: 43000 Nine Mile Road, North side of Nine Mile and east of Novi Road
- Site School District: Novi Community School District
- Site Zoning: I-1, Light Industrial
- Adjoining Zoning: North: RM-1 (Low Density, Low-Rise, Multiple-Family Residential); East and West: I-1; South (across Nine Mile Road): I-1 and R-1 (One-Family Residential)
- Site Use(s): Existing Ramayah Auto, Inc.
- Adjoining Uses: North: Saddle Creek Apartments; West and East: Various Industrial Uses; South (across Nine Mile Road): Various Industrial Uses and Saddle Creek Cemetery
- Site Size: 2.9 acres
- Application Date: 04/24/09

Project Summary

The applicant is currently leasing space to Ramayah Auto, Inc., an automobile repair shop specializing in minor vehicle repairs, minor mechanical and electrical repairs and replacement of small parts on vehicles. The existing auto repair shop does not perform any body work, automobile painting or window replacement. It has recently come to the City's attention that the aforementioned business has been occupying the space without the proper approvals. Section 1903.4 of the Zoning Ordinance lists automobile repair shops as a Special Land Use permitted in locations not abutting a residential district. The subject property does abut a residential district and the applicant appeared before the Zoning Board of Appeals on February 10th, 2009 where they were granted a variance allowing the use in this location even though it does abut a residential district on the northern property line. The applicant has now applied for the necessary Special Land Use permit.

Recommendation

Provided the applicant can confirm that all work will take place within the building, the doors will remain closed at all times and no vehicles will be stored outside pursuant to Section 1903.4.b and Section 1904.4.c of the Zoning Ordinance, approval of the ***Special Land Use Permit is recommended***. The applicant has been operating the business for two years and the northern edge of the subject property is bordered by a parking garage used by tenants of the apartments that screens the view of the subject property. In its recommendation the Planning Commission will need to consider the standards for Special Land Use consideration.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 19 (I-1, Light Industrial), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance. Items in **bold** below are noted for the applicant and Planning Commission. The applicant should respond to all of the comments below prior to the Planning Commission meeting.

1. Section 1903.4 of the Zoning Ordinance requires all parking on site to be limited to customers and employees only with vehicle storage lasting not longer than 24 hours. In addition, no wrecked or dismantled vehicles or vehicles without current license plates shall be stored on site. **The applicant should provide a letter stating that vehicles will not be stored for longer than 24 hours and that no wrecked or dismantled vehicles or vehicles without current license plates will be stored on site.**
2. Section 1903.4.d requires the submission of a Noise Impact Statement subject to the requirements of Section 2519.10(c). Staff could support the waiver of a Noise Impact Statement provided all work is completed inside and the doors of the facility remain closed at all times. **The applicant should submit the required Noise Impact Statement or request a waiver of this requirement from the Planning Commission agreeing to the conditions noted above if they find them satisfactory.**

Special Land Use Considerations

In the I-1 District, automobile repair shops fall under the Special Land Use requirements. Section 2516.2.c of the Zoning Ordinance outlines specific factors the Planning Commission shall consider in the review of the Special Land Use Permit request:

- Whether, relative to other feasible uses of the site, the proposed use will 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.
- Whether, relative to other feasible uses of the site, the proposed use will 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 service existing and planned uses in the area.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- Whether, relative to other feasible uses of the site, 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.
- Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
- Whether, relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Special Land Use Permit Review

Ramayah Auto, Inc.

SP 09-09

May 15, 2009

Page 3 of 3

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this review letter is requested **prior to the matter being reviewed by the Planning Commission.**

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.



Kristen Kapelanski, Planner

APPLICANT RESPONSE LETTER

LAW OFFICES
GABE, QUINN & SEYMOUR
1026 WEST ELEVEN MILE ROAD -- ROYAL OAK -- MICHIGAN 48067-2451

CHARLES H. GABE
MATTHEW C. QUINN
PHILIP H. SEYMOUR
KELLIA. ELDRED
SCOTT R. BAKER

TELEPHONE (248) 399-9703 -- FACSIMILE (248) 399-1711

EMAIL: quinn@gabequinnseymour.com

NOVI OFFICE
26200 TOWN CENTER DRIVE
SUITE 145
NOVI, MICHIGAN 48375
TELEPHONE (248) 349-8050

OF COUNSEL:
CHARLES Y. COOPER
ARNOLD J. SHIFMAN

REPLY TO ROYAL OAK OFFICE

June 1, 2009

Kristen Kapelanski
Planner, City of Novi
45175 W. Ten Mile Rd.
Novi, MI 48375

RE: #09-09 Petitioner: Thomas Abraham Properties

Ms. Kapelanski:

Thank you for providing me the Plan Review Center Report dated May 15, 2009 regarding the captioned Special Land Use.

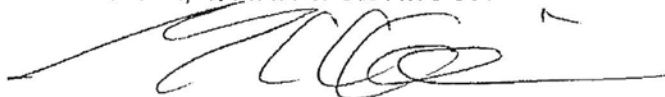
In accordance with your instructions, please be advised that my client and the tenant will comply with Section 1903.4 of the Zoning Ordinance in that there will not be any vehicle stored for longer than 24 hours and no wrecked or dismantled vehicles or vehicles without current license plates will be stored outdoors on the site.

Additionally, in accordance with Section 1903.4 (d) and Section 2519.10 (c), the Applicant is requesting a waiver of the Noise Impact Statement and the Petitioner and his tenant agree that all work will take place within the building and that the doors will remain closed at all times.

If you have any questions or concerns regarding this correspondence, please contact me immediately. I look forward to seeing you once again at the June 10th Planning Commission meeting.

Very truly yours,

GABE, QUINN & SEYMOUR



Matthew C. Quinn

MCQ/kw

**LETTER FROM APPLICANT
DESCRIBING USE**

**43000 NINE MILE ROAD
SPECIAL LAND USE APPLICATION NARRATIVE**

The undersigned, Matthew C. Quinn, attorney at law, represents the property owner, Thomas Abraham Properties and its tenant, Ramayah Auto, Inc. The subject property is located at 43000 Nine Mile Road, Novi, Michigan 48375. The tenant rents units 307 and 308 which represent approximately 5,400 square feet.

The tenant has been operating in this facility for over two years under the terms of its Lease. The tenant employs four full-time employees who are involved in minor vehicle repairs, minor mechanical repairs, electrical problems and replacement of small parts on vehicles. They have never been involved in any automobile painting, any body work nor window replacement.

It had been unknown to both the landlord and the tenant that the tenant had been operating in violation of Novi Ordinance. Section 1902 of the Zoning Ordinance states that when an I-1 District abuts a Residential District that you are not allowed to have automobile service establishment. However, Zoning Ordinance Section 1903 states that if the business is located in an I-1 Zoning District but does not abut a Residentially Zoned District, then an automobile service establishment is allowed. Section 1903 allows for public garages for vehicle repair and servicing, engine tune-ups, brake service, electrical repair, etc.

The property owner and the tenant have first filed with the City of Novi Zoning Board of Appeals, Case No. 09-002. On February 10, 2009 the ZBA granted relief from Section 1903 in accordance with the unanimous motion

attached as Exhibit A. In summary, the ZBA allowed the owner and tenant to proceed under Section 1903 as if the I-1 property did not abut a residentially zoned district for the reasons set forth in the motion.

Within Section 1903 a special use is required to have an automobile service establishment. That is the purpose of this submission.

When you refer to Exhibit B, you can visualize Novi Commons, 43000 Nine Mile Road, as the subject building. It is surrounded by industrial zoned buildings on the east and west as well as on the south side of Nine Mile Road. Unfortunately, there is, at the rear of the property, an abutment to multiple family zoned property. You will see from Exhibit B that the principal parking lot for our property is at the rear of the building and the parking lot abuts the multiple zoned property. The parking lot is 53 yards in length between the building and the edge of the pavement. There is then a ten foot rear-yard setback which is a greenbelt. On the multiple family side of the property, there is first a ten foot greenbelt and then you will see that the highlighted area outlines a parking structure which acts as a shield between the apartment buildings which lie further to the north and the subject building.

Within the building at issue, Exhibit C, you will note that the parking lot to the rear of the building abuts the residentially zoned property. Within the building itself, the most northerly bays have their overhead doors to the north end of the building. The tenant operates out of the next two units, 308 and 307. The tenant's bay doors face the I-1 Zoning District to the east. The west side of the two units are merely pedestrian entrances. The tenant, Ramayah Auto, Inc.,

does not have any signage whatsoever on any of its doors. Ramayah Auto obtains all of its work by word-of-mouth referrals. Mr. Mohan, the business manager, is of Indian decent and almost all of his clientele are Indian nationals.

Further, you are informed that the property owner states that this building is currently less than 50% occupied and it has been at that low occupancy level during all of 2007 and 2008. If he should lose a tenant currently paying rent on two units, he most certainly would have to consider returning the property to the lender.

I would also like to point out that there have not been any complaints by any adjacent property owner nor from any other user of the building that have been brought to the attention of the tenant or the owner. In fact, other tenants in the building occasionally use Ramayah Auto for their minor repair work. The ZBA was provided with three co-tenant approval letters.

In accordance with the Special Land Use requirements of Section 2516 (2) (c) (1-7) it can be stated that this Special Land Use request will not cause any detrimental impact on existing thoroughfares in terms of overall volume, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of site, ingress and egress, accel/decel lanes, off-street parking, off-street loading/unloading, travel times or thoroughfare level of service.

Further, relative to other feasible uses of the site, this proposed use will not cause any detrimental impact on public services including water service, sanitary sewer service, storm water disposal or police and fire protection.

Also, relative to other feasible uses of this site, this proposed use is compatible with the adjacent uses of land in terms of location, size, character and impact on adjacent property or the surrounding neighborhood as they are all industrial uses.

Further, this proposed use is consistent with the goals, and objectives and recommendations of the City's Master Plan for Land Use and there will not be any adverse impact on the socially and economically desirable uses of the property.

In conclusion, the Zoning Board of Appeals in their approval motion stated that the self-imposed restrictions of the Applicant would be applicable. We reiterate those proposed conditions that the tenant will be limited to using no more than the current units 307 and 308. There will be a prohibition against any vehicle painting, vehicle undercoating, there will be no collision work, no tire re-capping, no auto dismantling operations and there will be no overnight outside storage of vehicles. And, if any vehicles are outside during the day, they will be placed in the parking stalls closest to the building which will be the farthest away from the property line abutting the Multiple Family District.

On behalf of Thomas Abraham Properties, we respectfully request the granting of the requested special land use.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. C. Quinn', with a long horizontal line extending to the left.

Matthew C. Quinn
Attorney for Thomas Abraham Properties

EXHIBIT A



cityofnovi.org

ZONING BOARD OF APPEALS
45175 West Ten Mile Road
Novi, Michigan 48375-3024
(248) 347-0415

RECEIVED FEB 13 2009

February 11, 2009

Matthew Quinn
1026 West Eleven Mile Road
Royal Oak, MI 48067

RE: Zoning Board of Appeals Case No. 09-002 43000 Nine Mile Road

Variance Request: A variance is being requested for an exception from Section 1903.0 to allow an automotive service use adjacent to a residential district, to request consideration by the planning commission, in accordance with 1903.0 for a special land use. The property is zoned I-1 and is located at north of Nine Mile Road and east of Novi Road.

At the February 10, 2009 Regular Meeting of the Zoning Board of Appeals the following motion passed:

IN CASE 09-002 MOTION TO GRANT RELIEF FROM 1903.0 OF THE ZONING ORDINANCE RESTRICTING THE ABILITY TO PUT THIS PARTICULAR TYPE OF BUSINESS WITHIN THIS DISTRICT. ALLOWING PETITIONERS TO GO BEFORE THE PLANNING COMMISSION AND GET WHATEVER RELIEF THAT THEY NEED THERE. DUE TO THE UNNECESSARY HARDSHIPS EXPLAINED AND DEMONSTRATED BY THE PETITIONER ILLUSTRATING THAT THE PROPERTY CANNOT BE REASONABLY USED FOR THE PURPOSE PERMITTED IN THE ZONING DISTRICT. THE PLIGHT OF THE PROPERTY OWNER IS DUE TO UNIQUE CIRCUMSTANCES PECULIAR TO HIS OR HER PROPERTY AND NOT TO GENERAL NEIGHBORHOOD. THE VARIANCE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE AREA. THE PROBLEM IS NOT SELF CREATED. THIS WOULD BE SUBJECT TO THE SELF IMPOSED RESTRICTIONS THAT THEY HAVE AGREED TO FROM PAGE 2 OF THEIR SUBMISSION. THIS WOULD BE GOOD FOR THIS TENANT AND ALSO SUBJECT TO ANY REQUIREMENTS OF THE PLANNING COMMISSION. IT IS A GOOD LOCATION AND HAS SUPPORT FROM THE NEIGHBORS THAT IT WOULD BE REASONABLY FIT FOR THIS PURPOSE.

Motion Carried: 6-0
Motion Maker: Member Ghannam

Sincerely,

CITY OF NOVI
ZONING BOARD OF APPEALS

Charles Boulard
Building Official

Cc: Chairman Sanghvi
Mark Spencer

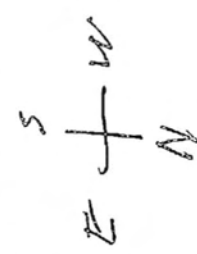
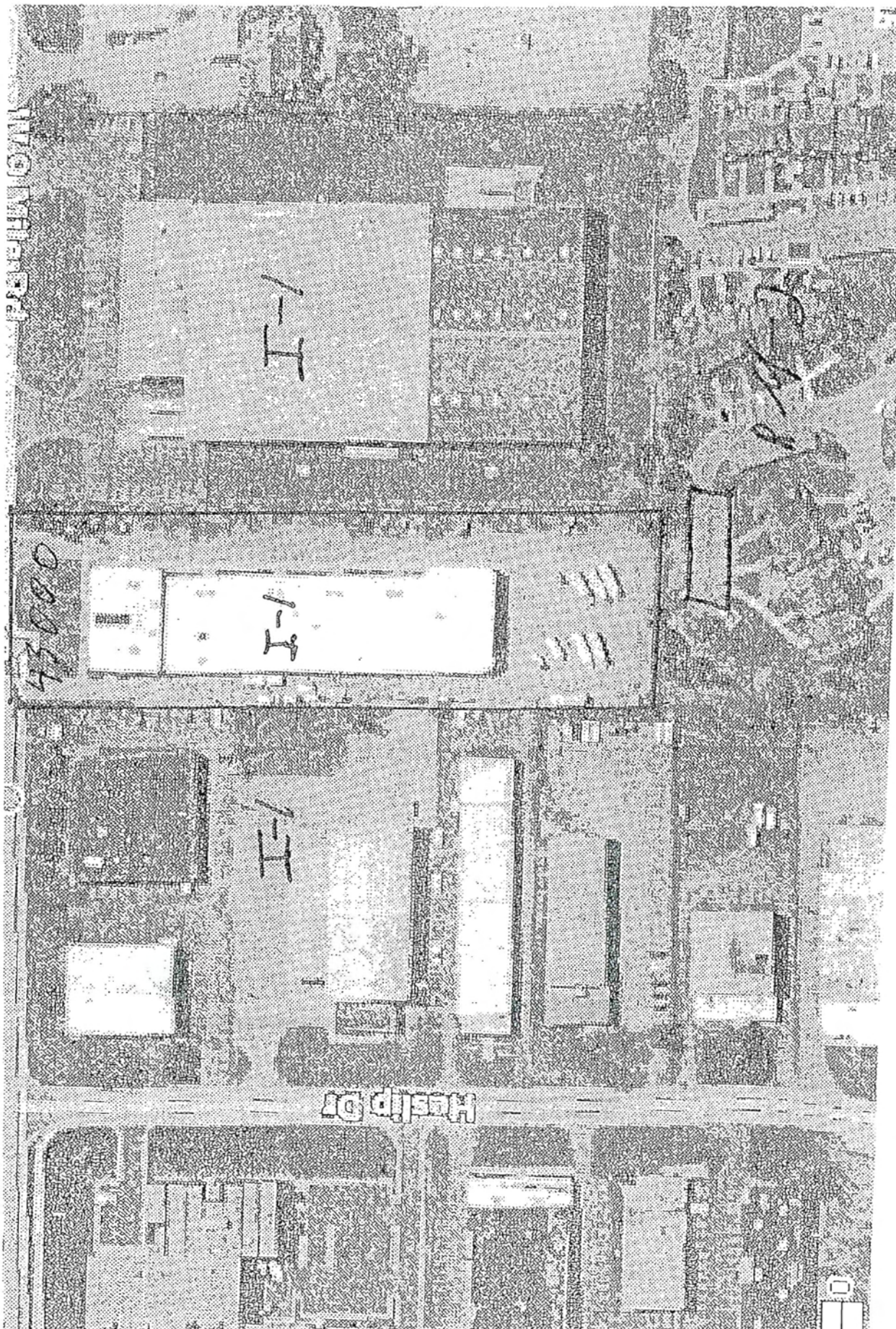


EXHIBIT "A"

