

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 7
August 13, 2012

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.256 to amend the City of Novi Zoning Ordinance at Article 16, "TC and TC-1 Town Center Districts" Section 1600, "Intent" and Section 1602, "Principal Uses Permitted Subject to Special Conditions" in order to permit drive-through restaurants in the TC-1 Town Center Zoning District. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Baus}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Community Development Department was recently approached regarding the possible rezoning of nine parcels on the south side of Grand River Avenue, west of Flint Street and east of the railroad tracks. The subject properties are currently zoned TC-1, Town Center. The property owner has expressed an interest in rezoning the parcels to B-3, General Business in order to permit the construction of drive-through restaurants. A separate request was made for the City to consider the possibility of adding a drive-through component to the existing Panera Bread restaurant in the City Center Plaza. As an alternative to the potential rezoning, and to address some of the issues related to adding drive-through facilities to an existing restaurant, staff prepared a memo which considers the practicality and ramifications of adding drive-through restaurants as a permitted use in the TC-1, Town Center District (see attached April 4, 2012 memo).

As originally conceived and currently envisioned in Novi's Master Plan and Zoning Ordinance language the TC and TC-1 areas prioritize pedestrian oriented mixed uses. Realistic observation of the market driven development in the intervening years requires practical evaluation of options and current needs. As accessory drive-through facilities are currently permitted in these districts for pharmacies and banks, consideration of appropriately designed and implemented restaurant drive-throughs may warrant consideration.

Ultimately pivotal to this discussion is the fundamental question of whether or not carefully conceived and realized high quality drive-through facilities can exist within and contribute to the value of development in the TC and TC-1 Zoning Districts. The 2010 Master Plan for Land Use describes the Town Center District as "... designed to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted." Section 1600, Intent: of the Zoning Ordinance further specifically notes that "... restaurants with drive through facilities have a disruptive effect on the intended pedestrian orientation of the districts."

The City Council considered this issue and referred the matter to the Planning Commission on April 23, 2012. Relevant meeting minutes are attached.

Planning Commission's Consideration

The Planning Commission set the public hearing for the proposed text amendment at the May 9th Planning Commission meeting. Relevant meeting minutes are attached. The Planning Commission asked that staff provide a comparison between the proposed standards for drive-through restaurants in the TC-1 District and the existing standards for drive-through restaurants in those districts where they are currently permitted. A chart illustrating that information is attached.

The Planning Commission first considered a text amendment to address the Council's concerns on June 13, 2012. At that meeting a public hearing was held and the Planning Commission expressed an interest in potential revisions to the proposed amendment and directed staff to revise the amendment, incorporating the comments made by the Planning Commission. Revisions included that a secondary access point be permitted on the arterial road for one-way access only with the collector road access functioning as the main access point. Relevant meeting minutes are attached.

The Planning Commission held the second public hearing and recommended adoption of the proposed amendment on July 11th. Relevant meeting minutes are attached.

City Council's Consideration for First Reading

The City Council first considered the proposed text amendment at the July 23, 2012 Council meeting where the First Reading was approved. At that meeting the City Council expressed an interest in revisions to the proposed amendment including further limiting the potential fast food drive-through restaurant locations and addressing the 'style' or 'type' of the fast food drive-through restaurants permitted.

Summary of Draft Ordinance for Second Reading (changes from First Reading Underlined)

Staff drafted a revised amendment addressing the concerns of the City Council that includes provisions to allow drive-through restaurants in the TC-1 District in limited instances and with features that maintain the intent and character of the TC-1 District. Items that are different from the previous version are underlined below. Provisions include but are not limited to the following:

- Drive-through lanes must be accessory to a larger indoor sit-down restaurant use with outdoor seating provided;
- Drive-through lanes must be screened from view by either the building or landscaping planted to achieve a minimum opacity of 90% during the summer and 80% during the winter;
- The site design must ensure safety and accessibility for pedestrians;
- Proposed drive-through restaurants must have 200 feet of frontage on an arterial road as well as frontage on a non-residential collector road. (Shopping centers in existence at the time the ordinance is adopted may have two-way access from both the arterial road and the non-residential collector.)
- Driveway access to a drive-through restaurant shall be provided from a non-residential collector road in the TC-1 District. If access is proposed from an arterial road (such as Grand River or Novi Road) additional analysis would be needed through the submittal of a Full Traffic Impact Statement, which will include an evaluation of trip generation, trip distribution, impact analysis, and off-site traffic impacts such as queuing requirements for nearby traffic intersections. Following review of the Full Traffic Impact Statement, and provided the need for additional

access has been demonstrated, the approving body would be authorized to approve or deny access to an arterial road, with no need for review by the Zoning Board of Appeals.

- No parcel with a drive-through restaurant shall be located closer than 150 feet from any other parcel with a drive-through restaurant. This restriction will help prevent a proliferation of drive-through restaurants in the area. As the parcels are currently described, up to three drive-through restaurants may be possible in the TC-1 zoning district. Please see the attached location map.
- In addition to the discretionary approval allowed per the special land use considerations listed in Section 2516.2(c), the Planning Commission would also be asked to make a finding that the proposed development would be compatible with the surrounding developments.

It is also important to note the Town Center District ordinance does require a number of features for all uses and sites to encourage a more pedestrian-centered area including the inclusion of low brick walls throughout the area, pedestrian plazas and amenities and general walkability. Staff has included a provision for at least eight seats to be provided in any outside dining area.

Planning staff considered adding a provision to the draft ordinance limiting the hours of operation of the drive-through restaurants to the hours between 6 a.m. till 10 p.m. This provision was considered in support of the idea that limiting the hours of operation would help distinguish between 'types' of fast food restaurants by eliminating those restaurants that are typically open 24 hours a day. This provision is **not** included in the final text amendment for consideration by the City Council for a Second Reading, as there was concern by a property owner's representative about this limitation.

Changes that were made to the previously proposed amendment (at the July 23, 2012 City Council meeting) are shown in red on the strike-through version of the revised text amendment.

The attached map highlights properties representative of the maximum number of fast food drive-through restaurants that would be permitted in the area.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.256 to amend the City of Novi Zoning Ordinance at Article 16, "TC and TC-1 Town Center Districts" Section 1600, "Intent" and Section 1602, "Principal Uses Permitted Subject to Special Conditions" in order to permit drive-through restaurants in the TC-1 Town Center Zoning District. **SECOND READING**

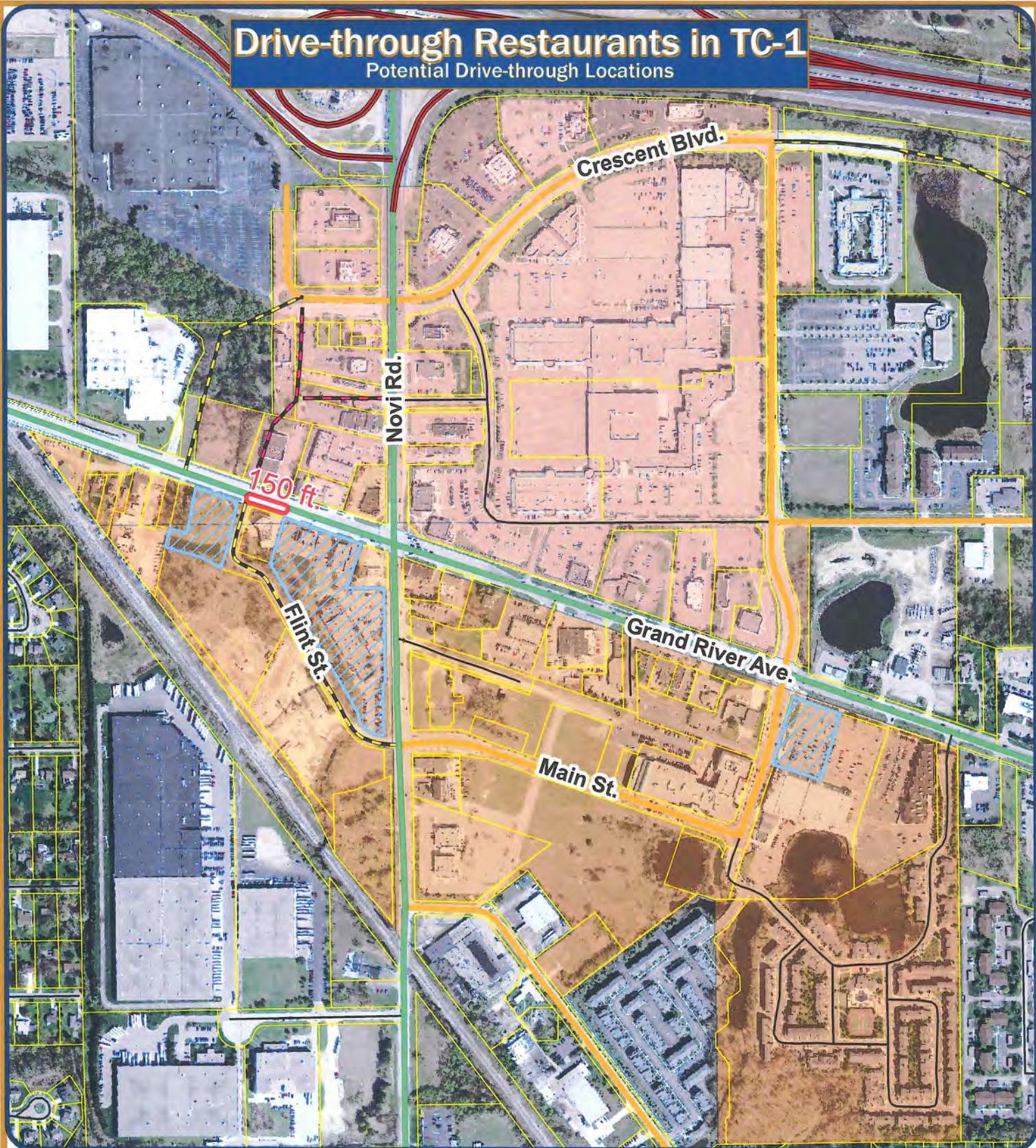
	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

MAPS
EXISTING DRIVE-THROUGH RESTAURANTS
TC AND TC-1 ZONED PROPERTIES
POTENTIAL DRIVE-THROUGH LOCATIONS IN TC-1

Drive-through Restaurants in TC-1

Potential Drive-through Locations



Map Author: Kristen Kapelanski
 Date: 04/23/12
 Project: Drive-through Rest. in TC-1
 Version #: 5.0

Amended By: Kristen Kapelanski
 Date: 07-31-12
 Department: Community Development

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 approximations 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.

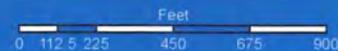
Map Legend

- | | | | |
|------------------------------------|---------------------------------------|--|--------------------------------|
| | Eligible for Drive-through Restaurant | | Minor Arterial |
| | TC: Town Center District | | Non-Residential Collector |
| | TC-1: Town Center -1 District | | Residential Collector |
| | Tax Parcels | | Local Street |
| Thoroughfare Classification | | | Proposed Residential Collector |
| | Freeway | | Proposed Collector |
| | Major Arterial | | Proposed Local Street |
| | Arterial | | Scenic Drive Road |



City of Novi

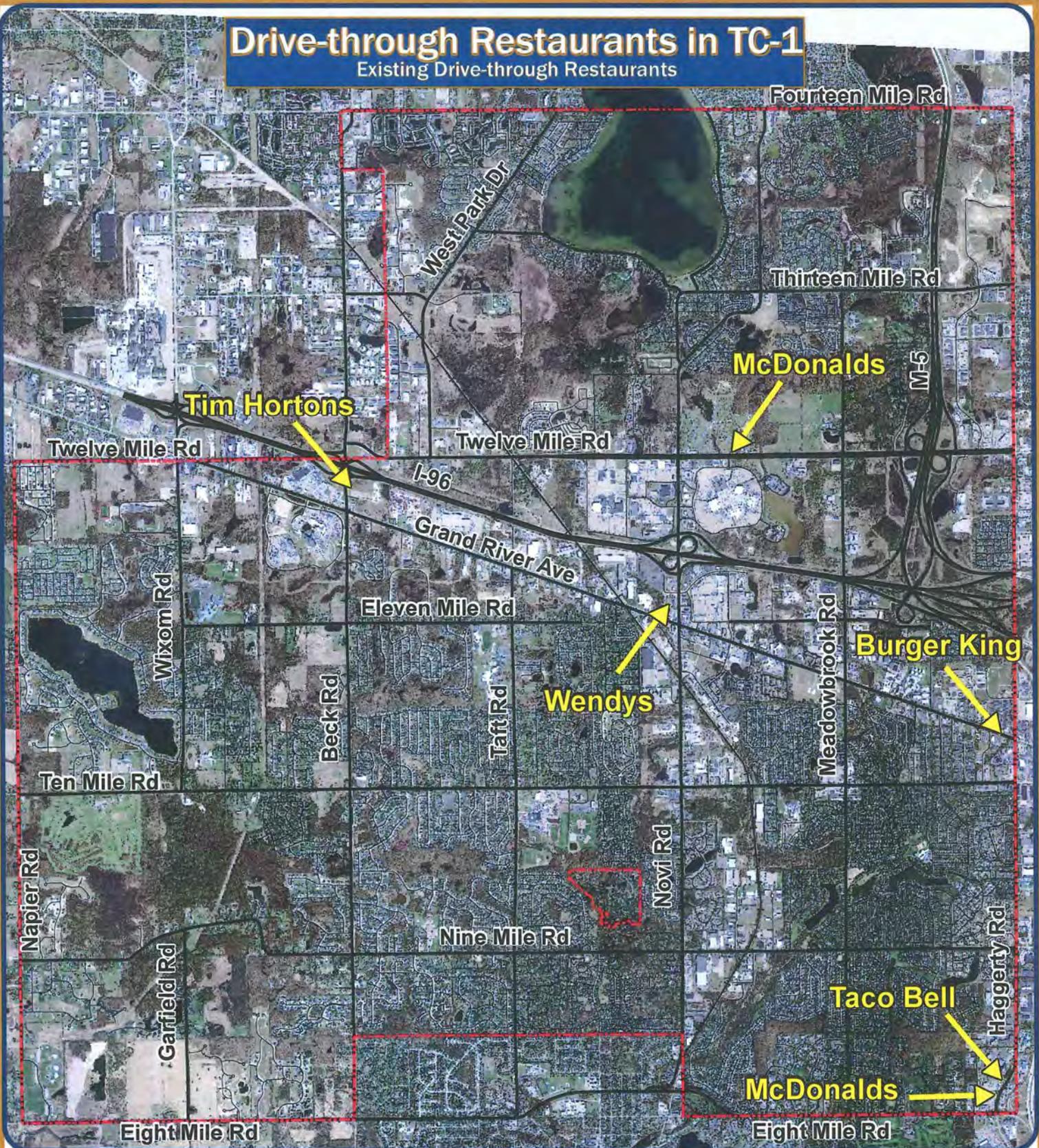
Planning Division
 Community Development
 45175 W Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org



1 inch = 553 feet

Drive-through Restaurants in TC-1

Existing Drive-through Restaurants



Map Author: Kristen Kapelanski
Date: 06/06/12
Project: Text Amendment 18.256
Version #: 1.0

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to assist in the interpretation of the information provided to the public 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 152 of 1970, as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



City of Novi

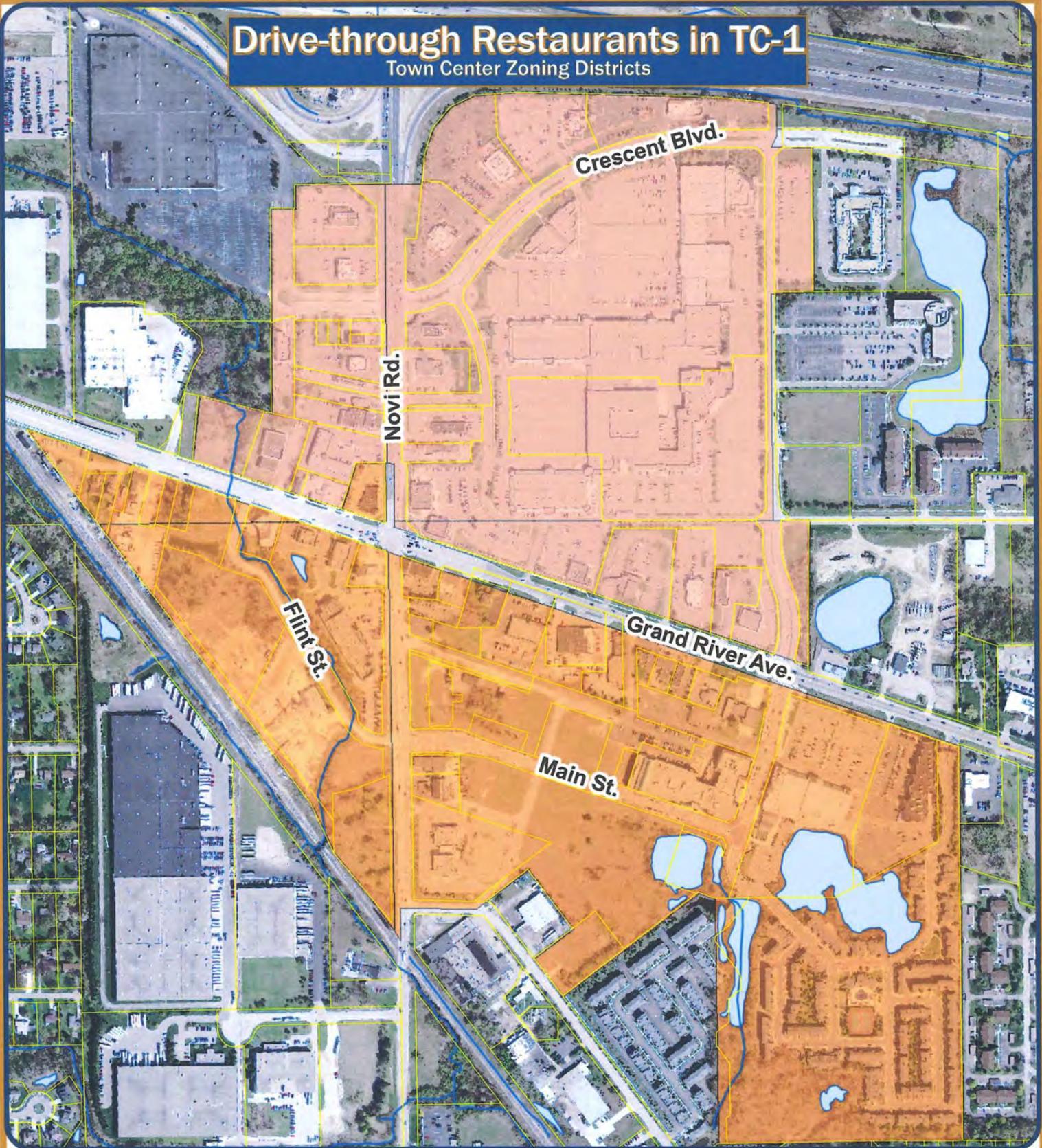
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Community Development
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org



1 inch = 4,200 feet

Drive-through Restaurants in TC-1

Town Center Zoning Districts



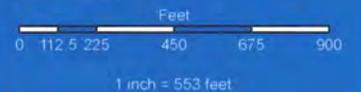
Map Author: Kristen Kapelanski
 Date: 04/03/12
 Project: Drive-through Rest. in TC-1
 Version #: 1.0

Map Legend	
	TC: Town Center District
	TC-1: Town Center -1 District



City of Novi
 Planning Division
 Community Development
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**EMAIL FROM
MATTHEW QUINN
REPRESENTING G & T MANAGEMENT
(CITY CENTER PLAZA AND OUTLOTS)**

McBeth, Barb

From: Kim Wolfe <kwolfe@gabequinnseymour.com> on behalf of Matthew Quinn <quinn@gabequinnseymour.com>
Sent: Thursday, August 09, 2012 11:43 AM
To: Cornelius, Maryanne
Cc: Gatt, Bob; McBeth, Barb; G & T Management Co.
Subject: Fast Food Restaurants in TC-1-Text Amendment

I have reviewed the latest draft of proposed Ordinance 12-18-256 and my client and I are satisfied with the final version of the language. We look forward to its adoption by the City Council at its Monday meeting.

We would like to thank the staff and the Council for working so hard to accomplish our goal.

Very truly yours,
Matthew C. Quinn
Gabe, Quinn & Seymour
1026 West Eleven Mile Road
Royal Oak, MI 48067
(248) 399-9703
(248) 399-1711 fax
quinn@gabequinnseymour.com

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**PROPOSED ORDINANCE AMENDMENTS
STRIKE-THROUGH**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12- 18 – 256

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 16, TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1600, INTENT AND SECTION 1602, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER PERMIT DRIVE-THROUGH RESTAURANTS.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

ARTICLE 16. TC AND TC-1 TOWN CENTER DISTRICTS

Section 1600. Intent.

The TC and TC-1 Town Center Districts are designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the Districts and shall not have an adverse impact upon adjacent street capacity and safety, utilities, and other City services.

The TC and TC-1 Town Center Districts are further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service stations, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and restaurants with drive-through facilities, havemay a disruptive effect on the intended pedestrian orientation of the districts.

The TC-1 District is especially designed to encourage developments of an urban "Main Street" with mixed land uses and shared parking. Flexible regulations regarding streetscape design, landscape design, provision of parking facilities, architectural and façade design, residential dwelling units, and setback standards are intended.

Section 1600A. Definitions. [unchanged.]

Section 1601. Principal Uses Permitted. [unchanged.]

Section 1602. Principal Uses Permitted Subject to Special Conditions.

The following uses shall be permitted by the City Council, following review and recommendation of the Planning Commission and subject to the conditions hereinafter imposed for each use, and further subject to the additional requirements of Section 2516.2(c) for special land uses. A public hearing shall be held by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance. Notwithstanding the restrictions for outdoor sales found in Section 1601.1.a and 1601.2.a(1), limited outdoor sales may be permitted as follows:

1. Open air business uses when developed in planned relationship to a shopping center in

the TC and TC-1 District as follows:

- a. [unchanged.]
2. Outdoor sale of produce and seasonal plant materials outdoors, provided that such use is incidental to a similar principal use indoors and adjacent to and adjoining the building of the principal use, subject to the following conditions:
 - a. [unchanged.]
3. Veterinary hospitals or clinics provided all activities are conducted within a totally enclosed building and provided further that all buildings are setback at least two hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).
4. Fast food drive-through restaurants subject to the following conditions:
 - a. Zoning of the parcel shall be TC-1.
 - b. The site shall have frontage on a non-residential collector and at least 200 feet of frontage on an arterial road. Two-way access shall be provided from the non-residential collector road only, unless a Traffic Impact Statement clearly demonstrates that limiting two-way access from the non-residential collector road does not provide reasonable access to the site, in which case, the approving body may allow one-way access from the arterial road, as permitted. Any shopping center in existence at the time this ordinance is adopted may have two-way access off of both the arterial road and non-residential collector road.
 - c. A minimum 1,800 square foot dining area with indoor seating for at least 40 people shall be provided.
 - d. The site plan shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic. Pedestrian connections to sidewalks and all adjacent uses shall be provided that ensure pedestrians are kept out of the travel path of vehicles visiting the site as much as possible. The drive-through lanes shall provide sufficient space so that motor vehicles will not impede the circulation of pedestrians, cyclists and motorists. Drive-through lanes shall be set back to the largest extent feasible from any designated pedestrian access (sidewalks, crosswalks, etc.). A low brick wall shall be provided wherever suitable to minimize potential conflicts between pedestrians and exiting drive-through traffic.
 - e. The drive-through shall be accessory to a full-service, indoor use on-site.
 - f. Drive-through lanes shall be screened from view from adjacent properties by the building, a decorative screen wall or landscaping planted to achieve a minimum opacity of 90% during the summer and 80% during the winter.
 - g. No parcel with a drive-through restaurant shall be located closer than one-hundred fifty (150) feet from any other parcel with a drive-through restaurant.
 - h. In addition to the special land use requirements noted in Section 2516.2(c), the Planning Commission shall make a finding that the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings.
 - i. An outdoor seating area comprising at least eight seats and in compliance with the provisions of Section 2524 of the Zoning Ordinance shall be provided.
 - j. A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual is required.
 - k. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1603. Schedule of Regulations/Required Conditions. [unchanged.]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PROPOSED ORDINANCE AMENDMENTS
CLEAN**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12- 18 – 256

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 16, TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1600, INTENT AND SECTION 1602, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER PERMIT DRIVE-THROUGH RESTAURANTS.

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The TC and TC-1 Town Center Districts are further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service stations, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and restaurants with drive-through facilities, may a disruptive effect on the intended pedestrian orientation of the districts.

The TC-1 District is especially designed to encourage developments of an urban "Main Street" with mixed land uses and shared parking. Flexible regulations regarding streetscape design, landscape design, provision of parking facilities, architectural and façade design, residential dwelling units, and setback standards are intended.

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1. Open air business uses when developed in planned relationship to a shopping center in

the TC and TC-1 District as follows:

- a. [unchanged.]
2. Outdoor sale of produce and seasonal plant materials outdoors, provided that such use is incidental to a similar principal use indoors and adjacent to and adjoining the building of the principal use, subject to the following conditions:
 - a. [unchanged.]
3. Veterinary hospitals or clinics provided all activities are conducted within a totally enclosed building and provided further that all buildings are setback at least two hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).
4. Fast food drive-through restaurants subject to the following conditions:
 - a. Zoning of the parcel shall be TC-1.
 - b. The site shall have frontage on a non-residential collector and at least 200 feet of frontage on an arterial road. Two-way access shall be provided from the non-residential collector road only, unless a Traffic Impact Statement clearly demonstrates that limiting two-way access from the non-residential collector road does not provide reasonable access to the site, in which case, the approving body may allow one-way access from the arterial road, as permitted. Any shopping center in existence at the time this ordinance is adopted may have two-way access off of both the arterial road and non-residential collector road.
 - c. A minimum 1,800 square foot dining area with indoor seating for at least 40 people shall be provided.
 - d. The site plan shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic. Pedestrian connections to sidewalks and all adjacent uses shall be provided that ensure pedestrians are kept out of the travel path of vehicles visiting the site as much as possible. The drive-through lanes shall provide sufficient space so that motor vehicles will not impede the circulation of pedestrians, cyclists and motorists. Drive-through lanes shall be set back to the largest extent feasible from any designated pedestrian access (sidewalks, crosswalks, etc.). A low brick wall shall be provided wherever suitable to minimize potential conflicts between pedestrians and exiting drive-through traffic.
 - e. The drive-through shall be accessory to a full-service, indoor use on-site.
 - f. Drive-through lanes shall be screened from view from adjacent properties by the building, a decorative screen wall or landscaping planted to achieve a minimum opacity of 90% during the summer and 80% during the winter.
 - g. No parcel with a drive-through restaurant shall be located closer than one-hundred fifty (150) feet from any other parcel with a drive-through restaurant.
 - h. In addition to the special land use requirements noted in Section 2516.2(c), the Planning Commission shall make a finding that the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings.
 - i. An outdoor seating area comprising at least eight seats and in compliance with the provisions of Section 2524 of the Zoning Ordinance shall be provided.
 - j. A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual is required.
 - k. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1603. Schedule of Regulations/Required Conditions. [unchanged.]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**CITY COUNCIL MEETING MINUTES
JULY 23, 2012 – EXCERPT**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 23, 2012 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney
Barb McBeth, Deputy Community Development Director

APPROVAL OF AGENDA:

CM-12-07-112 Moved by Fisher, seconded by Casey; CARRIED UNANIMOUSLY:

**To approve the Agenda with an addition of Presentations item 2.
Kathy Crawford, County Commissioner**

Roll call vote on CM-12-07-112 **Yeas: Staudt, Casey, Fischer, Margolis,
Mutch, Wrobel, Gatt**
Nays: None

AUDIENCE COMMENT:

Matthew Quinn, Attorney representing Town Center, asked to reserve the right to speak during item 7.

MATTERS FOR COUNCIL ACTION

7. Approval of Zoning Ordinance Text Amendment 18.256 to amend the City of Novi Zoning Ordinance at Article 16, "TC and TC-1 Town Center Districts" Section 1600, "Intent" and Section 1602, "Principal Uses Permitted Subject to Special Conditions" in order to permit drive-through restaurants in the TC-1 Town Center Zoning District. **First Reading**

Deputy Community Development Director McBeth said this was another discussion of the drive-through lanes. The Community Development Department was recently approached by the property owners in the TC-1 area, south of Grand River and both sides of Novi Road, regarding the possibility of adding drive-through restaurants. There was a discussion of rezoning some of properties currently zoned TC-1. There was a discussion about the Panera Bread, near Flint Street and Grand River, to add a drive-through lane. The staff presented a memo in April with the possibilities of adding drive-

through lanes to the TC-1 district. The draft ordinance and provisions were sent to the City Council for consideration. The criteria that were added were the drive-through lanes must be an accessory to a larger indoor sit down restaurant and provide outdoors seating. The drive-through lanes must be screened from view by the building or landscaping planted. A site design must ensure safety and accessibility for pedestrians. The staff thought it was important being the TC-1 district. The proposed drive-through restaurant must have a frontage of at least 200 feet on an arterial road as well as frontage on a non-residential collector road. The ordinance does state that shopping centers in existence at the time the ordinance is adopted may have two-way access. That would account for the Panera Bread property. Also, there are a number of provisions in the Town Center ordinance that would require features for all uses and sites to encourage a more pedestrian centered area. The Planning Commission considered the draft ordinance language and set a public hearing in May. The staff was asked to provide a comparison table of the existing drive through restaurant provisions compared to the provisions for the proposed TC-1 District. It was provided for the Public Hearing on June 13th. The Planning Commission directed staff to revise the amendment incorporating a number of comments from the Planning Commission regarding secondary access. Staff drafted a revised amendment to address the concerns and refined for City Council's review. The City's Traffic Engineering Consultant agreed with staff's interpretation in that it would be appropriate to limit the driveway access to a drive-through restaurant from a non-residential collector road in the TC-1 District. The access would be from Flint Street only. The Traffic Consultant suggested further clarifications to the City ordinance language regarding the need for additional analysis. If the applicant seeks for approval the secondary access then a traffic impact statement has to demonstrate the need that it is absolutely required for access and would be left to the discretion of the Planning Commission or City Council. The ordinance language presented includes that language and was recommended by the Planning Commission at their second public hearing.

CM-12-07-120 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

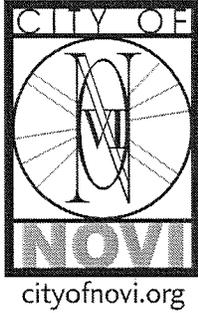
To approve the First Reading of the Zoning Ordinance Text Amendment 18.256 to amend the City of Novi Zoning Ordinance at Article 16, "TC and TC-1 Town Center Districts" Section 1600, "Intent" and Section 1602, "Principal Uses Permitted Subject to Special Conditions" in order to permit drive-through restaurants in the TC-1 Town Center Zoning District.

Roll call vote on CM-12-07-120

**Yeas: Fischer, Margolis, Mutch, Wrobel,
 Gatt, Staudt, Casey**

Nays: None

**PLANNING COMMISSION DRAFT MEETING MINUTES
JULY 11, 2012 – EXCERPT**



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

July 11, 2012 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Greco, Member Gutman, Member Lynch (arrived at 7:01), Chair Pehrson, Member Prince, Member Zuchlewski

Absent: Member Anthony (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Tom Schultz, City Attorney; Sarah Fleming, Planner; David Beschke, Landscape Architect; Adam Wayne, Staff Engineer.

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Greco:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO:

Motion to approve the July 11, 2012 Planning Commission Agenda. Motion carried 6-0.

PUBLIC HEARINGS

2. ZONING ORDINANCE TEXT AMENDMENT 18.256 FOR DRIVE-THROUGH RESTAURANTS TC-1

Public Hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 16, TC and TC-1 Town Center Districts, Section 1600, Intent and Section 1602, Principal Uses Permitted Subject to Special Conditions in order to permit drive-through restaurants in TC-1 Town Center Zoning District.

Planner Kapelanski said the City has recently received several requests to permit drive-through restaurants on properties currently developed as or zoned TC-1 and the City Council recently directed the Planning Commission to consider this issue. In response, staff drafted an amendment to permit restaurants with an accessory drive-through use in the TC-1 District in limited instances. The Planning Commission first held a public hearing and considered the proposed amendment at the June 13th Planning Commission meeting. At that meeting, the Commission heard comments from the major property owner of the affected properties and input from staff and suggested staff make some modifications to the proposed ordinance and bring the revisions back to the Commission.

Staff has now revised the ordinance based on those comments. Revisions include the following. The site must have 200 feet of frontage on an arterial road, 300 feet was previously proposed. One-way access may be provided from the arterial road with two-way access provided from the non-residential collector. Existing shopping centers may have two-way access off of both the arterial and non-residential collector. Drive-through restaurants must be a minimum of 1,800 square feet and drive-through lanes would need to be screened from adjacent properties with a screen wall or landscaping to achieve 90% opacity during the summer and 80% opacity during the winter. Existing parcels that would be permitted to have a drive-through restaurant based on the proposed standards are shown in green on the provided map. The Planning Commission is asked to hold the public hearing and forward a recommendation to the City Council.

Chair Pehrson opened the public hearing.

Mathew Quinn representing City Center Plaza provided comments on the draft ordinance and said reducing the frontage along the arterial from 300 feet to 200 feet is a good thing but it just happens to be that his client's parcel is 192 feet wide. Mr. Quinn proposed any variance from that 200 foot requirement be a City Council waiver instead of a Zoning Board of Appeals variance in order to save time in the process. Additionally, to limit an access for a major retailer on the arterial will have a significant impact on them choosing this site. On Grand River east into Farmington Hills between Halsted and M-5 there are several drive-through restaurants with access on Grand River so why would Novi limit their businesses to a one-way arterial access only? The remainder of the ordinance should work and Mr. Quinn hopes a recommendation is forwarded to Council at this meeting.

No one else from the audience wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Member Lynch asked if it would be possible, in terms or the legality, to have the Planning Commission or City Council waive the 200 feet of frontage requirement.

City Attorney Schultz said while that could be technically be done he would not recommend waivers or variances for dimensional standards be done by the City Council or Planning Commission as the ordinance currently leaves all dimensional variances to the Zoning Board of Appeals.

Member Lynch asked if the traffic study would be done at the time of site plan view.

Planner Kapelanski said that's correct.

Member Lynch said he would not want to have property specific zoning requirements and 200 feet is reasonable. Staff has accommodated all of the comments from both the Planning Commission and the public.

Moved by Member Lynch, seconded by Member Gutman:

Motion to recommend approval of Text Amendment 18.256 to permit drive-through restaurants in the TC-1 District.

Member Gutman asked for clarification on the entrance and exit ways of the drive-through restaurants.

Planner Kapelanski answered the intent was to have the arterial driveway, if one can be provided, as either enter only or exit only with the enter and exit two-way drive on the collector road. This is where the traffic study becomes important because if for some reason traffic counts or the way the driveways are spaced would make this unsafe then staff would suggest an alternative to the arterial driveway. Planner Kapelanski said the idea was to try to minimize the traffic impacts and the Planning Commission also expressed an interest in somehow creating the primary drive off of the collector with a secondary type function off the arterial.

Member Zuchlewski said the average fast food restaurant has a 200 foot frontage and this proposal was for 300 feet and it's been modified to 200 feet. Also, outdoor seating is mandatory and Member Zuchlewski wondered if there was enough space and reason to require outdoor seating.

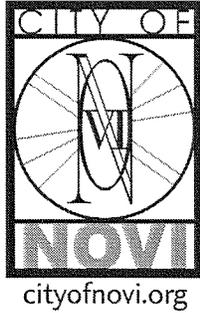
Planner Kapelanski answered the idea of requiring the outdoor seating area was to go with the idea of the Town Center, TC-1 District, as a downtown area and staff thought that would enhance the pedestrian activity in the area.

Moved by Member Lynch, seconded by Member Gutman:

**ROLL CALL VOTE ON MOTION RECOMMENDING APPROVAL TO THE CITY COUNCIL MADE BY MEMBER LYNCH
AND SECONDED BY MEMBER GUTMAN:**

**Motion to recommend approval of Text Amendment 18.256 to permit drive-through restaurants in the
TC-1 District. *Motion carried 6-0.***

**PLANNING COMMISSION MEETING MINUTES
JUNE 13, 2012 – EXCERPT**



PLANNING COMMISSION MINUTES

Amended and Approved

CITY OF NOVI

Regular Meeting

June 13, 2012 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Baratta, Member Gutman, Member Lynch, Chair Pehrson, Member Prince

Absent: Member Anthony (excused); Member Greco (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Beth Kudla-Saarela, City Attorney; Sarah Fleming, Planner

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Baratta:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to approve the June 13, 2012 Planning Commission Agenda. Motion carried 5-0.

PUBLIC HEARINGS

4. ZONING ORDINANCE TEXT AMENDMENT 18.256 FOR DRIVE-THROUGH RESTAURANTS IN TC-1

Public hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 16, TC and TC-1 Town Center Districts, Section 1600, intent and Section 1602, Principal Uses Permitted Subject to Special Conditions: in order to permit drive-through restaurants in the TC-1 Town Center Zoning District.

Planner Kapelanski said the City has received several requests to permit drive-through restaurants on properties currently developed or zoned TC-1. The City Council recently directed the Planning Commission to consider this issue. In response, staff has drafted an amendment to permit restaurants with an accessory drive-through use only in the TC-1 district in limited instances. The staff does have a concern regarding the compatibility of the intended pedestrian orientation of the TC-1 district with drive-through restaurants and has included provisions to limit conflicts where possible and allow for pedestrian accessible drive-through's as a special land use only. Provisions include drive-through properties must be screened and drive-through restaurants must have frontage on an arterial road and non-residential collector with access only provided from the non-residential collector. Staff has also included a conceptual sketch that meets the standards in the TC-1 district that are proposed to give the Planning Commission an idea of how the proposed text might translate to an actual plan. The Planning Commission is asked to hold a public hearing and make a recommendation to Council.

Chair Pehrson opened the public hearing

Mathew Quinn came forward on behalf of the owners of City Center Plaza, a major property owner in the area and said they were part of the discussions with the staff and the Mayor to get this process started. City Center was approached by Panera Bread whose lease is being considered for renewal and Panera noted that would like to have a drive-through or they would need to find a different location to accommodate that request. Panera Bread is the anchor of this center.

Mr. Quinn continue noting City Center owns most of the property from Flint Street all the way around the corner and the lot immediately west of Flint Street on Grand River Avenue. His client likes the ordinance

and the idea that drive-through's would be allowed in TC-1. The ordinance works fairly well with Panera. We don't have anything tied down with them yet, but their entrance would come off of Flint Street. Of course City Center has multiple entrances, one on Flint Street, one on Novi Road and one on Grand River Avenue. The other sites on the map, especially the site immediately west of Flint Street on the corner of Grand River Avenue would be an ideal spot for a drive-through restaurant.

Some of the restrictions proposed cause some concerns. The first problem is the fact that the ordinance requires 300 feet on the arterial road. Well that corner happens to have 192 feet on the arterial and another 175 feet on Flint Street, so it might be more appropriate to say 300 feet of frontage along both the arterial and non-residential collector combined. That 300 feet of frontage on the arterial really can't be met and a lot of the locations identified by staff. The other concern is the requirement that access only be provided from the non-residential collector. A national drive-through restaurant chain demands access to the arterial road. An access on Grand River Avenue and on Flint Street would allow for full circulation. The ordinance also mandates outdoor seating but Panera's plan is to remove their outdoor seating to construct the drive-through in that location. As long as there is no minimum number of seats required, Panera could comply with that provision.

Mr. Quinn stated the final two concerns are cost items. Why is the City requiring a Traffic Study? There is heavy Novi Road and Grand River Avenue traffic already so what's the sense of having a Traffic Impact Statement when you know you've already got substantial traffic on both roads? Lastly, why does the City require a Noise Impact Statement? There is no residential component around any of these locations. There is more background noise from Grand River Avenue and Novi Road traffic as well as train noise than would be generated by this site. Panera's lease is coming up, so the owners would like it to move forward for economic reasons. But these few changes can make it work.

No one else wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Chair Pehrson asked if the noise impact statement is a typical requirement.

Planner Kapelanski responded that it's required for most of the special land uses. The ordinance was amended a few years ago to remove that requirement for uses that would clearly not be generating any noise outside of the building but for all other drive-through uses, it's required.

Chair Pehrson said in regard to the Traffic Impact Statement he can understand Mr. Quinn's statements but could also understand why that study would be helpful. Making a left hand turn going west on Grand River Avenue and trying to cut across five lanes seems problematic and the traffic study would include analysis of those types of issues.

Planner Kapelanski said that's correct. The Site Plan Manual also lists thresholds for a traffic study and it's based on the number of trips generated in an hour or the number of trips added to a roadway. Generally, drive-through restaurants that have been proposed have all met the thresholds requiring to require a traffic study.

Chair Pehrson said relative item F, the drive-through lanes being screened. Relative to the screening, does this particular text amendment include more screening than would typically be proposed?

Planner Kapelanski responded that we would typically expect to see landscaping around the entire perimeter of the property but in this case staff just wanted to highlight that the drive-through lane especially should be buffered by landscaping.

Chair Pehrson replied back that if it's typical around the surrounding area of drive-through's, is the City hoping to have more detailed language that says this should go above and beyond typical requirements?

Planner Kapelanski said staff could add something to this ordinance dealing with opacity to make it a little more specific. Dave Beschke's concept plan did a good job of highlighting where that landscaping would be around the perimeter of the property.

Chair Pehrson said he liked what was done on the drawing because it provides a good look at the future of drive-through's and he likes the idea of opacity requirements to move the landscape requirements up a notch. Relative to the other comments, perhaps there is a way to ensure the collector road access is the primary access but a secondary access point could be provided on the arterial.

Member Baratta asked if any of the properties in the area meet the 300 foot requirement.

Planner Kapelanski answered that hasn't been confirmed. The idea is that parcels could potentially be combined. It's something that staff could look at and perhaps the ordinance could be amended to have a frontage requirement that's more representative of what the parcels currently are.

Member Baratta asked if the concept provided by staff shows more landscaping than what would usually be required.

Planner Kapelanski replied that there might be a little more landscaping. The landscape ordinance would require something similar. Some of the differences are the location of the access point, the additional pedestrian features and a specialty pavement for the crosswalks. So in terms of landscaping, it would probably be similar but it does include some of these other features that wouldn't necessarily be required for other Town Center properties.

Member Baratta said although he would like to see additional landscaping added, a business still needs to be seen from the roadway. If the frontage requirement were reduced, could an average size drive-through still fit on a smaller parcel?

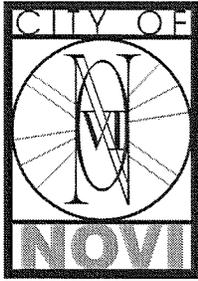
Planner Kapelanski answered in order to determine that, staff would have to get out some truck turning templates and see how that would fit. The biggest concern would be if a fire truck could get around this site.

Motion made by Member Baratta, seconded by Member Gutman:

ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT 18.256 MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GUTMAN:

Motion to direct staff to amend the proposed ordinance to address the items highlighted by the Planning Commission. Motion carried 5-0.

**PLANNING COMMISSION MEETING MINUTES
MAY 9, 2012 – EXCERPT**



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

May 9, 2012 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

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

ROLL CALL

Present: Member Baratta, Member Gutman, Member Lynch, Chair Pehrson

Absent: Member Anthony (excused), Member Greco (excused), Member Prince (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Sarah Fleming, Planner; Tim Wilhelm, City Attorney

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Lynch:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER LYNCH:

Motion to approve the May 9, 2012 Planning Commission Agenda. Motion carried 4-0.

MATTERS FOR CONSIDERATION

2. SET PUBLIC HEARING FOR JUNE 13, 2012 FOR TEXT AMENDMENT 18.256 – DRIVE-THROUGH RESTAURANTS IN TC-1

Planner Kapelanski stated that the City has recently received several requests to permit drive-through restaurants on properties currently developed as or zoned TC-1 and the City Council recently directed the Planning Commission to consider this issue. In response, staff has drafted an amendment to permit restaurants with an accessory drive-through use in the TC-1 District in limited instances. Staff does have a concern regarding the compatibility of the intended pedestrian orientation of the TC-1 District with drive-through restaurants and has included provisions to limit conflicts where possible and allow for a pedestrian-accessible drive-through restaurant as a special land use. Provisions include drive-through lanes must be screened and drive-through restaurants must have frontage on an arterial road and non-residential collector with access only provided from the non-residential collector.

Based on the ordinance provisions proposed, drive-through restaurants could potentially be located in the locations identified on the provided map. Staff has also included a conceptual sketch that meets the standards in the TC-1 District and the proposed drive-through standards to give the Planning Commission a visual idea of how the proposed text might translate to an actual plan. The Planning Commission is asked to schedule the public hearing for June 13th. Should the Planning Commission so choose this matter could be sent to the Implementation Committee for further review. The Planning Commission is asked to schedule the public hearing for June 13th. Should the Planning Commission so choose this matter could be sent to the Implementation Committee for further review.

Member Lynch stated it seemed there were not a large number of drive-through restaurants in Novi and was concerned the City may be setting a precedent of allowing drive-through restaurants in additional districts.

Member Baratta asked staff if they had any insight on what was originally intended when the TC-1 District was created.

Planner Kapelanski stated that when the TC and TC-1 Districts were created some 20 years ago, the idea was to develop an area that was pedestrian oriented, a downtown area of sorts particularly with the TC-1 District. The TC-1 District allows mixed use developments and encourages residential and commercial type developments similar to what Main Street is trying to become. Drive-through's weren't initially anticipated to be included because one typically does not think an automobile-centered drive-through use would mix well with a pedestrian centered downtown area.

There has been interest from property owners in the area in establishing some drive-through restaurants and this amendment is in response to that. It's a proposal by the staff is to show how it might work to have drive-through restaurants in this district. Staff would recommend that drive-through restaurants be allowed in very limited instances to try to maintain the original pedestrian oriented intent of the district.

Member Baratta stated that when he drives down Novi Road and sees what has developed there, there are not a lot of residential uses. It would seem that this area has become more of a traditional shopping area as opposed to what was originally envisioned.

Planner Kapelanski agreed and she thought that was what some of the potential applicants have been indicating.

Chair Pehrson asked Planner Kapelanski if in future packet materials for this amendment she could please summarize the standards for drive-through restaurants in other districts and compare to what is proposed for this amendment.

Motion made by Member Baratta and seconded by Member Lynch:

ROLL CALL VOTE ON THE MOTION TO SET A PUBLIC HEARING MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH:

Motion to set a public hearing for June 13, 2012 for Text Amendment 18.256 for drive-through restaurants in TC-1. *Motion carried 4-0.*

**CITY COUNCIL MEETING MINUTES
APRIL 23, 2012 – EXCERPT**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, APRIL 23, 2012 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney
Charles Boulard, Community Development Director

APPROVAL OF AGENDA

CM-12-04-058 Moved by Fischer, seconded by Wrobel; CARRIED UNANIMOUSLY:

**To approve the Agenda as presented with an added Presentation
4. Kathy Crawford, Oakland County Commissioner.**

Roll call vote on CM-12-04-058 **Yeas: Staudt, Casey, Fischer, Margolis
Mutch, Wrobel, Gatt**
Nays: None

MATTERS FOR COUNCIL ACTION

3. Referral to the Planning Commission for Public Hearing and recommendation back to the City Council of a Zoning Ordinance Text Amendment for modification of the standards in the TC-1, Town Center Zoning District to allow drive-through restaurant uses.

City Manager Pearson said they have had some requests from the property owner to look at the possibility of this in the TC south of Grand River area and deserves a look. With the nature of retail, having this option, not to make these types of uses not as a drive-through focus but as a similar accessory like we do allow with banks or drugstores, improves the viability and marketability of the properties without detriment. He thinks it is more important that we review how the property is used, how they look, and fit together and not to have outright prohibition as we do right now.

Member Mutch had some concerns about the scope of what can come back from the Planning Commission. The biggest concern he had was allowing fast food drive-through use in the TC-1 district. We have a number of zoning districts that permit the fast food drive-through uses. We only have two zoning districts that are intended to have pedestrian and auto access on an equal basis. Every other commercial district in the City is automobile-focused in its intent. When you look at the actual amount of acreage in the City that is given to the TC-1 district that has this focus of balancing of

auto and pedestrian use, it is pretty small. He is concerned about watering down or opening up that district to allow drive-through fast food restaurants which are primarily high intensity auto focused use. If the intent is to allow some accessory uses to an existing use, such as a bank or pharmacy, would be allowed in a TC-1 district and consider that on a site by site basis. One of the concerns was the potential locations in the TC-1 district and the map that was provided to us and he understood these were preliminary ideas. The idea that we could potentially end up with these uses on every significant corner of the TC-1 district, the way the TC-1 district is designed, in terms of the setbacks and some of the features, anything that is not an accessory and is a primary use doesn't fit into that. If we want it in that general area, we could look north of Grand River in the TC district or where it is permitted in other districts. If there are some accessory uses or accessory use with a drive-through that would accommodate that, it would be worth considering, but he wouldn't want to see a situation where we end up with a lot of these uses in the TC-1 districts and would not be compatible with the long term vision we have for that area.

Member Margolis had similar concerns about the scope and was asking the Planning Commission for ways to limit this use. It is acceptable to look at some limited use. She commented on the idea that this is our pedestrian friendly district. She thought that pre-dates many of members on Council. She didn't think this was a pedestrian friendly district, the Main street area, but the number of pedestrians is minuscule. It is another piece of recommendation, we need to look at revising this to be more realistic as to what this district has become and perhaps finding some way to find areas to try to promote pedestrian friendly areas that make sense.

Mayor Gatt agreed with Member Margolis in saying that the Town Center is not a pedestrian friendly district. Maybe when Main street is developed, there may be a possibility in the future, that area will be pedestrian friendly. He pointed out that the library area is pedestrian friendly and has a drive-through window. The two can be entwined and looked forward to what the Planning Commission will present.

CM-12-04-062 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve referral to the Planning Commission for Public Hearing and recommendation back to the City Council of a Zoning Ordinance Text Amendment for modification of the standards in the OST, Planned Office Service Technology District, Retail Service Overlay provisions, to expand the areas where the Retail Service Overlay is permitted.

Roll call vote on CM-12-04-062

**Yeas: Mutch, Wrobel, Gatt, Staudt,
Casey, Fischer, Margolis
Nays: None**

**COMPARISON CHART OF PROPOSED STANDARDS
AND EXISTING DRIVE-THROUGH STANDARDS**

Existing and Proposed Standards for Drive-through Restaurants

Item	Requirements in Districts Permitting Drive-through Restaurants			
	B-3, General Business	RC, Regional Center	FS, Freeway Service	TC-1, Town Center (proposed)
Use	Special Land Use	Permitted on properties utilizing the PD-2 option only	Principal Permitted Use	Special Land Use and drive-through must be accessory
Distance from Existing Restaurants	N/A	Must be 1,000' from any other restaurant on the same side of the street		N/A
Minimum Parcel Size	N/A	1.25 acres		N/A
Traffic Circulation	N/A	The site shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure safety and convenience of both vehicular and pedestrian traffic.	N/A	The site shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure safety and convenience of both vehicular and pedestrian traffic. A low brick wall shall be provided wherever suitable to minimize conflicts between pedestrians & drive-through lanes.
Building Height	Determined by the standards in the respective district. No requirements specific to drive-through restaurants exist or are proposed.			
Building Setbacks	Determined by the standards in the respective district. No requirements specific to drive-through restaurants exist or are proposed.			
Parking Setbacks				
Number of Parking Spaces, Parking Space Dimensions	1 for each employee plus 1 for each 2 customers allowed in the seating area			
Access Points	Must be located 60' from the intersection of any two streets		N/A	One-way access may be provided from arterial road and two-way access from non-residential collector road only.
Proximity to Residential Districts	Must be at least 60' from any residential district		N/A	

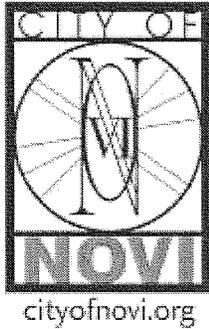
Item	Requirements in Districts Permitting Drive-through Restaurants			
	B-3, General Business	RC, Regional Center	FS, Freeway Service	TC-1, Town Center (proposed)
	and drive-through lanes must be located at least 150' from any residential district.			
Obscuring Wall	Required when abutting OS-1, OS-2, OSC, NCC, B-1, B-2 or B-3 properties. Must be 6' high.		N/A	
Noise Impact Statement	Required		N/A	Required
Road Frontage		N/A		Site must have frontage on a non-residential collector road and at least 200' of frontage on an arterial road.
Indoor Dining Area		N/A		Min. 1,800 sq. ft. with seating for at least 40 people.
Drive-through lane screening		N/A		Drive-through lanes must be screened by either the building or landscaping.
Outdoor Seating Area		N/A		Required
Traffic Impact Statement	Required if a proposal meets the thresholds established in the Site Plan Manual.			Required
Stacking Spaces for Drive-through	The distance between the order board and the pick-up window shall store 4 vehicles, and 4 vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).			
Drive-through Lane Delineated	Drive-through lanes shall be striped, marked, or otherwise delineated.			
Bypass Lane for Drive-through	Drive-through facilities shall provide 1 bypass lane. Such bypass lane shall be a minimum of 18' in width, unless otherwise determined by the Fire Marshal.			
Width and Centerline Radius of Drive-through Lanes	Drive-through lanes shall have a minimum 9' width and centerline radius of 25'.			

Item	Requirements in Districts Permitting Drive-through Restaurants			
	B-3, General Business	RC, Regional Center	FS, Freeway Service	TC-1, Town Center (proposed)
Drive-through Lanes Separation	Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, and egress from, the property.			
Loading Spaces	Determined by the standards in the respective district. No requirements specific to drive-through restaurants exist or are proposed.			
Loading Space Screening	View of loading and waiting areas must be shielded from rights of way and adjacent properties.			
Accessory Structure-Dumpster	Accessory structures should be setback a minimum of 10 feet from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear or interior side yard. Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.			
Facade	Determined by the standards in the respective façade region. No requirements specific to drive-through restaurants exist or are proposed.			
Landscaping	Determined by the standards specific to the site. No requirements specific to drive-through restaurants exist or are proposed.			
Site Amenities	Determined by the standards in the respective district. No requirements specific to drive-through restaurants exist or are proposed.			
Exterior Lighting	Must be shielded from residential uses.			
Sidewalks	Required in accordance with the Bicycle and Pedestrian Master Plan.			

Prepared by Kristen Kapelanski, (248) 347-0586 or kkapelanski@cityofnovi.org

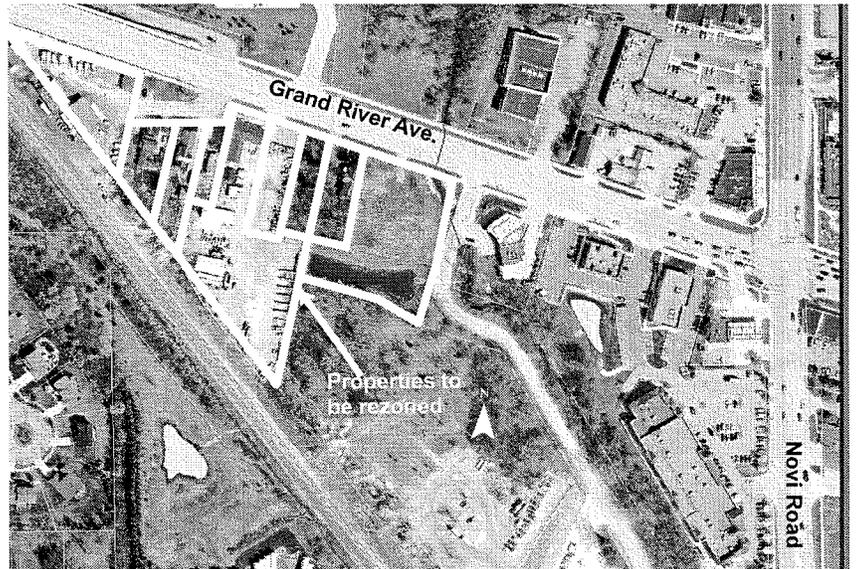
APRIL 4TH MEMO FROM STAFF

MEMORANDUM



TO: CLAY PEARSON, CITY MANAGER
THRU: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT
DEPUTY DIRECTOR
FROM: KRISTEN KAPELANSKI, AICP, PLANNER
SUBJECT: DRIVE-THROUGH RESTAURANTS IN TC-1
DATE: APRIL 4, 2012

The Community Development Department was recently approached regarding the possible rezoning of nine parcels on the south side of Grand River Avenue, west of Flint Street and east of the railroad tracks. The subject properties are currently zoned TC-1, Town Center and the property owners have expressed an interest in rezoning the parcels to B-3, General Business in order to permit the construction of drive-through restaurants. A separate request was made for the City to consider the possibility of adding a drive-through component to the existing Panera Bread restaurant in the City Center Plaza.



As an alternative to the potential rezoning, and to address some of the issues related to adding drive-through facilities to an existing restaurant, this memo considers the practicality and ramifications of adding drive-through restaurants as a permitted use in the TC-1, Town Center District.

No proposals for text amendments to the Zoning Ordinance, formal requests for rezoning, or site plan amendments to allow drive-through facilities have been received at this time. However, the property owners have had several concept meetings with City staff to discuss the possibility of adding drive-through restaurants in this area.

Intent of the TC and TC-1 Town Center Districts

The following is the stated intent of the TC and TC-1 Town Center Districts as provided in Section 1600 (emphasis added for the purposes of this memo):

The TC and TC-1 Town Center Districts are designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the Districts and shall not have

adverse impact upon adjacent street capacity and safety, utilities, and other City services.

The TC and TC-1 Town Center Districts are further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service stations, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and **restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the districts.**

The TC-1 District is especially designed to encourage developments of an urban "Main Street" with mixed land uses and shared parking. Flexible regulations regarding streetscape design, landscape design, provision of parking facilities, architectural and facade design, residential dwelling units, and setback standards are intended.

Current TC-1 Ordinance standards

As noted in Intent section, Section 1600, and the standards of the district, the TC-1 District currently does not allow drive-through restaurants (emphasis added).

Any principal use permitted in the B-2 District as follows:

- a. All retail business, service establishments or processing uses as follows:
 - (1) Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - (2) Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
 - (3) **Restaurants or other places serving food or beverage, except those having the character of a drive-in or having a drive-through facility.**
 - (4) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
 - (5) Business schools and colleges or private schools operated for profit.
- b. Private clubs, fraternal organizations, lodge halls and similar organizations.

Please note, sit-down restaurants without a drive-through window are permitted subject to the usual provisions of the Zoning Ordinance regarding setbacks, parking, landscaping, façade, etc.

The TC and TC-1 Districts allow banks and financial institutions to have drive-through windows, provided the ATM machine or teller window is not the principal use of the premises. This means that there must be a primary use as a bank or other financial institution in order to qualify for the drive-through lane as a permitted use.

Characteristics of Existing TC-1 Zoned land

TC-1 zoned land is located primarily south of Grand River Avenue, both to the east and west of Novi Road. Please see attached location map. The area encompasses approximately 108 acres, with 20.7 acres currently vacant undeveloped land. The largest single vacant area is the land east of Novi Road, and on both the north and south sides of

the east-west section of Main Street. The property owners have submitted a plan to "dissolve" the existing condominium that covers much of the vacant land in this area. The approved Main Street Development site plan, (August 1997), allowed the construction of several of the Main Street buildings that are now constructed, and had provided a concept of the future development of the land that remains vacant.

Other developments and buildings in this area include the Civic Center Plaza and out lot buildings west of Novi Road, south of Grand River. East of Novi Road and south of Grand River are the Main Street Development, Main Street Village, and numerous commercial uses along the south side of Grand River Avenue. Also included in the TC-1 District is the Fidelity financial services building on the northwest corner of Grand River and Novi Road.

Staff Review

Planning staff has several concerns regarding the addition of drive-through restaurants as a permitted use in the TC-1 District:

1. The TC-1 District is intended to "promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the Districts and shall not have an adverse impact upon adjacent street capacity and safety, utilities and other City services...Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles...and drive-in restaurants and restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the districts." The TC-1 District is meant to foster the development a pedestrian-oriented 'urban Main Street' and is not intended for those uses that are geared towards automobile traffic.
 - a. Recognizing the need for restaurants within a retail area, the TC-1 District does permit sit-down restaurants, including fast food sit-down restaurants. This provision allows for eating establishments within the district but keeps the orientation of the district pedestrian and in line with the stated intent of the district.
 - b. Drive-through restaurants are provided for in other districts where other automobile-centered uses, such as car washes and automobile repair facilities are also permitted.
 - c. The intent of the district specifically notes uses shall not have a negative impact on street capacity and safety. Drive-through restaurants generate more trips than any use currently allowed in the TC-1 District and could therefore adversely affect street capacity. Furthermore, the pedestrian orientation of the TC-1 District and typical operation of a drive-through restaurant could lead to conflicts between automobiles and pedestrians, potentially creating safety issues. Drive-through restaurants are specifically cited in the intent of the TC-1 District as having a disruptive effect on the pedestrian orientation of the district.
 - d. Modifying the district uses to allow drive-through restaurants may have the effect of changing the character of the TC-1 District by increasing automobile traffic within the district.
2. Drive-through fast food type restaurants are currently permitted only in the most intense commercial and automobile-oriented districts, the B-3, General Business District, the FS, Freeway Service District, in very limited instances in the RC District utilizing the PD-2 option and in the OSC District, subject to certain conditions. The intense automobile use of these establishments does not fit with the intent of the TC-1 District and should

continue to be restricted only to those commercial districts meant to provide for diversified retail and commercial services centered around automobile travel.

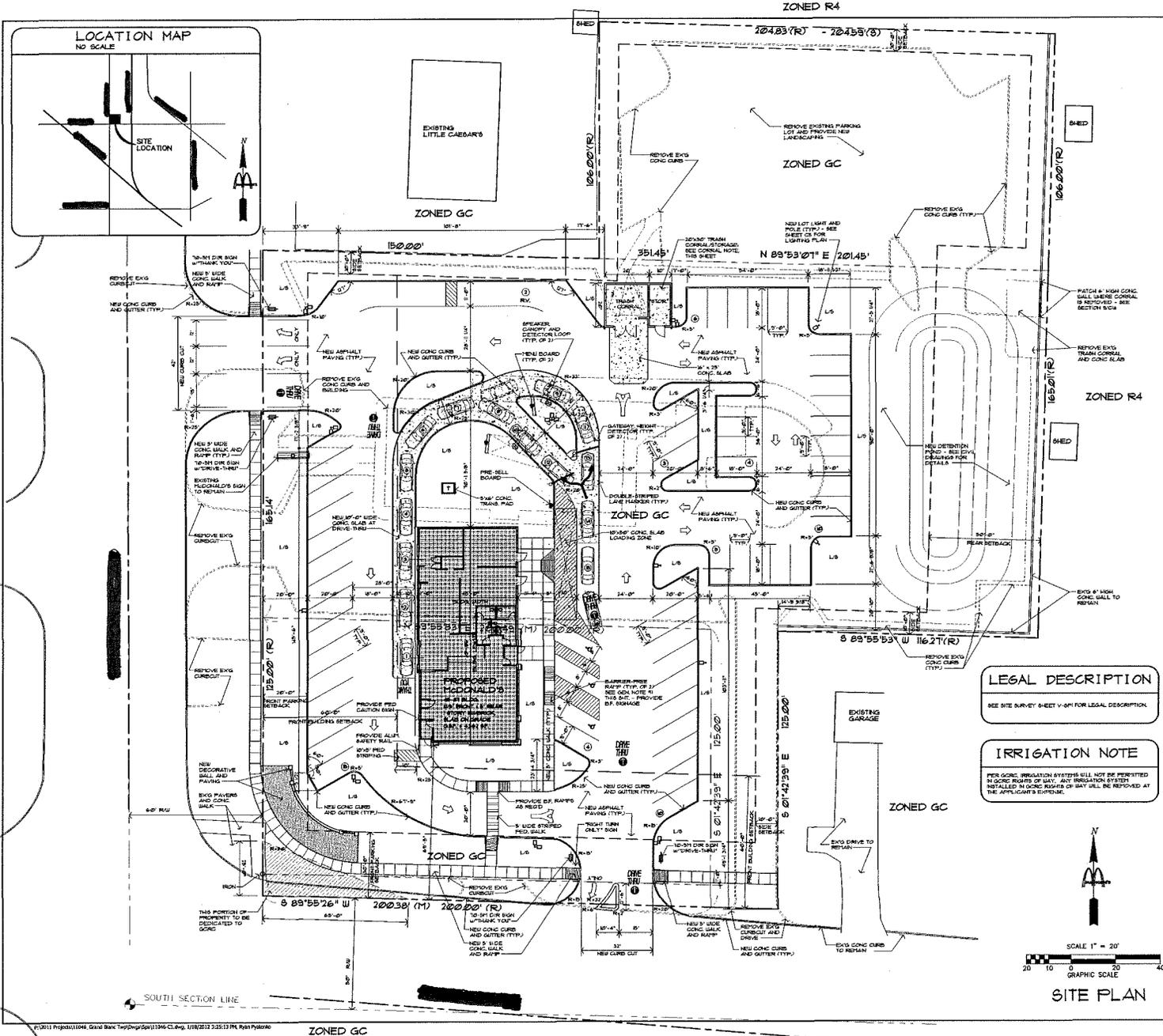
3. It is not clear how much demand there would be for drive-through restaurants within the TC-1 District. There are numerous sit-down fast food restaurants near the subject property in the Novi Town Center development and City Center Plaza along with drive-through restaurants located just north of the subject property on Novi Road and Twelve Mile Road.
4. Single family and multiple family uses, along with mixed use developments involving residential and non-residential uses are permitted in the TC and TC-1 Districts. Planning standards would suggest that it is best to buffer drive-through lanes from adjacent residential uses, for noise, restaurant odors, exhaust fumes, vehicle headlights and other potentially negative aspects of drive-through restaurants. Absent the submittal of a master development plan for the remaining vacant land in the TC-1 District, it is not clear how any proposed fast food drive-through restaurants could be located or buffered from potential future residential uses in the TC-1 District.

Additional Ordinance Provisions

If the City Council were inclined to consider an amendment to allow drive-through restaurants in the TC-1, Town Center District, the following additional standards are recommended:

1. Fast food restaurants should be listed as a Principal Permitted Use Subject to Special Conditions to allow careful review of any proposed drive-through facility on the surrounding properties.
2. A distinction would need to be made between the uses permitted in the TC-1 District and those uses permitted in the TC District. Currently the Zoning Ordinance includes a list of permitted uses that are allowed in both districts. Again, please note, TC Districts are north of Grand River Avenue and TC-1 Districts are primarily south of Grand River Avenue.
3. The intent of the TC-1 District would need to be revised to allow automobile-centered drive-through restaurants in limited instances.
4. Staff would suggest that all proposed drive-through restaurants in the TC-1 District would need to have frontage on two arterial roads, or an arterial road and a non-residential collector to provide better options for access and to mitigate and avoid pedestrian and vehicular conflicts to the extent possible. Please see attached map with these locations highlighted.
5. No drive-through restaurant should be located closer than 1,000 feet from any other drive-through restaurant in order to minimize impacts to the surrounding road network and pedestrian conflicts, and to avoid a possible proliferation of drive-through restaurants.
6. To better meet the intent of the TC-1 District, all drive-through restaurants should provide pedestrian connections to sidewalks and all adjacent uses that are kept outside of the travel path of vehicles visiting the site as much as possible.
7. Restrictions on the placement of speaker boxes and hours of operation of the drive-through lanes when properties abut existing residential uses should be made a part of any ordinance modifications.

**EXAMPLES OF DRIVE-THROUGH
RESTAURANTS IN AN URBAN, PEDESTRIAN-ORIENTED SETTING**



- ### GENERAL NOTES
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE DETAILS AND NOTES ON THIS SHEET. IF ANY CONFLICTS ARE FOUND, THE CONTRACTOR SHALL CONTACT THE ARCHITECT IMMEDIATELY.
 2. ALL NEW LOT LIGHTING FIXTURES, BASES, POLES, CONDUIT AND WIRING SHALL BE INSTALLED BY THE CONTRACTOR AND SHALL BE APPROVED BY THE CITY ENGINEER. SEE THE LIGHTING PLAN (L.P.).
 3. ALL LANDSCAPE AREAS SHALL BE GRADED TO 4" BELOW TOP OF ALL WALKS AND DRIVEWAYS. PROVIDE GENERAL LANDSCAPE AND IRRIGATION DETAILS AS SHOWN FOR THE DRIVEWAY. SEE THE LANDSCAPE PLAN (L.P.).
 4. GENERAL CONTRACTOR SHALL CONTACT "METS" (METRO-TELECOM) (72) HOURS BEFORE CONSTRUCTION TO ALLOW FOR ACCURATE LOCATION OF ALL UNDERGROUND UTILITIES.
 5. REFER TO THE ELECTRICAL AND MECHANICAL SCHEDULES FOR LIGHTING TYPE, HEIGHT, FINISHING AND LIGHTING LEVELS.
 6. REFER TO THE ELECTRICAL AND MECHANICAL SCHEDULES FOR LIGHTING TYPE, HEIGHT, FINISHING AND LIGHTING LEVELS.
 7. REFER TO THE ELECTRICAL AND MECHANICAL SCHEDULES FOR LIGHTING TYPE, HEIGHT, FINISHING AND LIGHTING LEVELS.
 8. REFER TO THE ELECTRICAL AND MECHANICAL SCHEDULES FOR LIGHTING TYPE, HEIGHT, FINISHING AND LIGHTING LEVELS.
 9. REFER TO THE ELECTRICAL AND MECHANICAL SCHEDULES FOR LIGHTING TYPE, HEIGHT, FINISHING AND LIGHTING LEVELS.
 10. ALL LIGHT NOT CALLED OUT ON SHEET (1) SHALL BE A MINIMUM OF 2'-0" ABOVE FINISH GRADE.
 11. ALL LIGHTING SHALL BE 5'-0" LONG WITH A MAXIMUM SPACING OF 15'-0" AND HAVE A 100-FOOT RADIUS OF CURVE.
 12. ALL LIGHTING SHALL BE 5'-0" LONG WITH A MAXIMUM SPACING OF 15'-0" AND HAVE A 100-FOOT RADIUS OF CURVE.
 13. ALL LIGHTING SHALL BE 5'-0" LONG WITH A MAXIMUM SPACING OF 15'-0" AND HAVE A 100-FOOT RADIUS OF CURVE.
 14. PROVIDE "NO ENTRY" SIGN PER MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES CODE BOOK. ALL SIGN SPACES ARE REQUIRED. AS SHOWN ON THE SITE PLAN. THE DRIVE SIDE OF THE NEW BUILDING CONSTRUCTION IS TO BE ORIENTED PARALLEL TO THE RIGHT PROPERTY LINE.

LAND/BUILDING/PARKING DATA AND NOTES

LAND AREA:	107,823 S.F. OR 2.48 ACRES
ZONING CLASSIFICATION:	GC GENERAL COMMERCIAL
ADJACENT ZONING:	R4 SINGLE-FAMILY RESIDENTIAL
GROSS BUILDING AREA:	4,382 S.F.
USABLE FLOOR AREA:	1,000 S.F.
LOT COVERAGE:	MAXIMUM PERMITS: 4.382 / 107,823 = 4%
MAXIMUM BUILDING COVERAGE PROVIDED:	MAXIMUM PERMITS: 4.382 / 107,823 = 4%
MAXIMUM IMPERVIOUS PROVIDED:	MAXIMUM PERMITS: 4.382 / 107,823 = 4%

PARKING INFORMATION

TOTAL SPACES:	59
20 SPACES:	6" x 20'-0" @ 60'
33 S.F. SPACES:	8' x 20'-0" @ 60'
28 SPACES:	9' x 18'-0" @ 90'
2 R.V. SPACES:	11' x 50'-0" @ 0'

LEGAL DESCRIPTION

SEE SITE SURVEY 64-BET V-011 FOR LEGAL DESCRIPTION.

IRRIGATION NOTE

PER CODE REQUIREMENTS, IRRIGATION SYSTEMS SHALL NOT BE PERMITTED IN GCOR RIGHTS OF WAY. ANY IRRIGATION SYSTEM INSTALLED IN GCOR RIGHTS OF WAY SHALL BE REMOVED AT THE APPLICANT'S EXPENSE.

ARCHITECT/PLANNER

ARCHITECT/PLANNER:	2940 Greenfield Rd, Suite 107 Saginaw, Michigan 48604 C430 657-1042 F430 657-1031 email: info@edwardmiller.com www.edwardmiller.com
SURVEYOR:	WILCOX PROFESSIONAL SERVICES 5839 SHERMAN ROAD SAGINAW, MICHIGAN 48604 (889) 752-6500 22973.00033.01
CIVIL ENGINEER:	WILCOX PROFESSIONAL SERVICES 5839 SHERMAN ROAD SAGINAW, MICHIGAN 48604 (889) 752-6500 22973.00033.01

SITE LOCATION

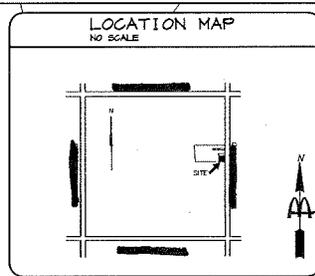
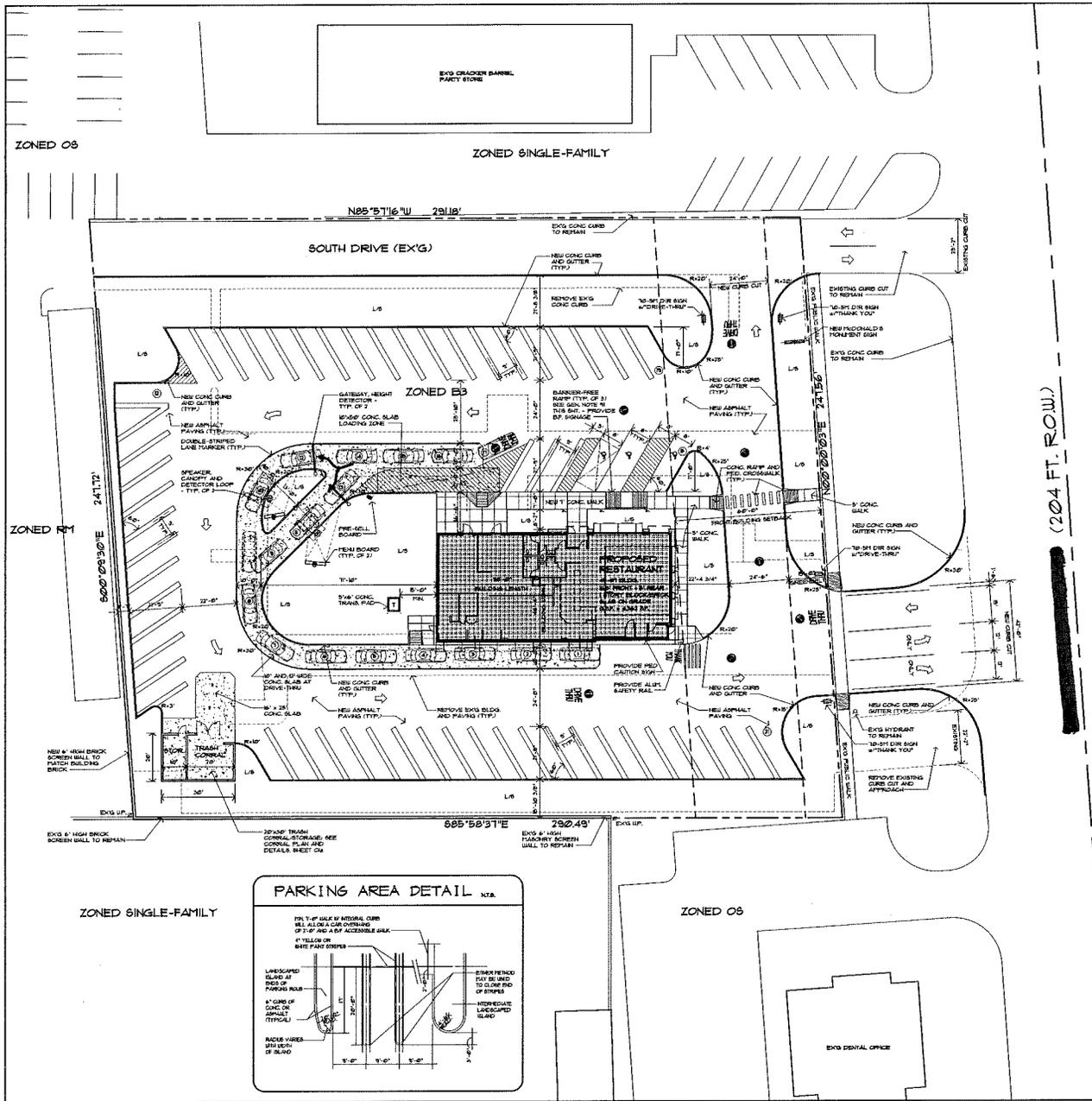
PROJECT STREET ADDRESS:	
CITY:	STATE: COUNTY:
REGIONAL DWG. NO.:	SITE LOCATION CODE NO.:
DET-00	021-0313

PLAN APPROVALS

DATE	BY
18 SEPT 10	DMA
18 SEPT 10	DMA
18 SEPT 10	DMA

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF MCDONALD'S CORPORATION. THEY ARE TO BE KEPT IN CONFIDENCE AND NOT REPRODUCED WITHOUT THEIR WRITTEN PERMISSION.

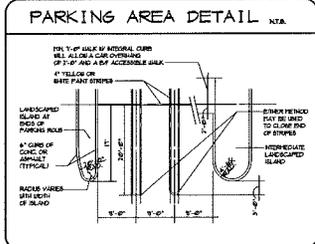
DATE	BY
18 SEPT 10	DMA
18 SEPT 10	DMA
18 SEPT 10	DMA



LEGAL DESCRIPTION

[REDACTED]

204 FT. ROW



REV	DATE	CITY REVIEWED	DESCRIPTION	BY	ISSUE REF
1	11-22-20	11/22/20	11/22/20		
2	11-22-20	11/22/20	11/22/20		
3	11-22-20	11/22/20	11/22/20		
4	11-22-20	11/22/20	11/22/20		

LAND/BUILDING/PARKING DATA AND NOTES	
LAND AREA	71,827 S.F. OR 1.64 ACRES
EXISTING ZONING CLASSIFICATION	O6 OFFICE SERVICE
PROPOSED ZONING CLASSIFICATION	O3 SPECIAL BUSINESS
ADJACENT ZONING	O6 OFFICE SERVICE RM MULTIPLE FAMILY SINGLE FAMILY
GROSS BUILDING AREA (SQ. FT. OF GROSS AREA)	4,362 S.F.
USABLE FLOOR AREA (SQ. FT. OF USABLE FLOOR AREA)	2,817 S.F.
BUILDING SETBACKS REQUIRED:	
FRONT YARD SETBACK	40 FEET
SIDE YARD SETBACK	0 FEET
REAR YARD SETBACK	15 FEET
BUILDING SETBACKS PROVIDED:	
FRONT YARD SETBACK	40 FEET
SIDE YARD SETBACK (EAST)	127 FEET, 10 INCHES
SIDE YARD SETBACK (EAST)	127 FEET, 8 INCHES
REAR YARD SETBACK	120 FEET, 11 INCHES
PARKING REQUIRED:	
1 SPACE / 60 S.F. USABLE FLOOR AREA	
TOTAL PARKING REQUIRED = 2,817/60 = 47 SPACES	47 SPACES
PARKING PROVIDED:	
SHOWING SPACES PROVIDED	54 SPACES
NUMBER OF H.C. SPACES PROVIDED	3 SPACES
TOTAL SPACES PROVIDED	57 SPACES
LOADING / UNLOADING AREA REQUIRED:	
(1) 8' X 10' X 40'	
TOTAL LOADING / UNLOADING AREA PROVIDED:	400 S.F.
LOADING / UNLOADING AREA PROVIDED:	
(1) 8' X 10' X 30'	
TOTAL LOADING / UNLOADING AREA PROVIDED:	400 S.F.
LANDSCAPE REQUIRED:	SEE LANDSCAPE PLAN AND SPECIFICATIONS
LANDSCAPE PROVIDED:	SEE LANDSCAPE PLAN AND SPECIFICATIONS

PARKING INFORMATION	
TOTAL SPACES	57
53 SPACES	8' X 21'-0" @ 60'
3 B.F.	SPACES 8' X 21'-0" @ 60'
1 SPACES	8' X 21'-0" @ 90'
- SPACES	8' X 21'-0" @ 90'
- SPACES	8' X 21'-0" @ 90'

ARCHITECT/PLANNER

DorchenMartin Associates, Inc.
 2895 Greenfield Rd., Suite 107
 Southfield, Michigan 48076
 (248) 557-1000
 Fax: (248) 557-1231
 e-mail: dorchen@dorchenmartin.com
 www.dorchenmartin.com

SURVEYOR	CIVIL ENGINEER

SITE LOCATION

PROJECT STREET ADDRESS
 [REDACTED]

CITY STATE COUNTY
 [REDACTED]

SITE LOCATION CODE NO. 021-1885

C1

