

ZONING BOARD OF APPEALS

CITY OF NOVI

Community Development Department (248) 347-0415

Case No. PZ13-0042 Tom's Bar & Grill

Location: 27200 Beck Road

Zoning District: OST, Office Service Technology District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow a reduction in the exterior side **y**ard setback to 35 ft. (50 ft. required) for an existing building proposed for redevelopment to a restaurant use. The property is located north of Grand River Ave. and east of Beck Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires front and exterior side yard setbacks of 50 feet minimum in the OST Zoning District,

City of Novi Staff Comments:

The petitioner is proposing to redevelop an existing building as a restaurant. The staff report and review documents from the Planning Commission meeting are attached for reference. Staff supports consideration of the request provided that substantial justice can be provided to the other property owners in the district.

Standards for Granting a Dimensional Varlance:

A variance may be granted if a practical difficulty exists due to all of the following:

 There are unique circumstances or physical conditions of the proper narrowness, shallowness, shape, water, topography or similar physic conditions and the need for the variance is not due to the application personal or economic difficulty because. The need is not self-created because. 	
g table - Harriston (Extraction & Harriston)	caĺ
 Strict compliance with regulations governing area, setback, frontage bulk, density or other dimensional requirements will unreasonably p property owner from using the property for a permitted purpose, or conformity with those regulations unnecessarily burdensome because 	revent the
 The requested variance is the minimum variance necessary to do s justice to the applicant as well as to other property owners in the d because 	
 The requested variance will not cause an adverse impact on surrou property, property values or the use and enjoyment of the property neighborhood or zoning district because 	



ZONING BOARD OF APPEALS

CITY OF NOVI

Community Development Department (248) 347-0415

For Official Use Only

ZBA Case No: P213 0042 ZBA Date: 9/10/13 Payment Received: \$ (Cash)
Check # Include payment with cash or check written to "City of Novi."
TO BE COMPLETED BY APPLICANT - PLEASE PRINT Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,
Applicant's Name Toma Palushaj Date July 11, 2013
Company (if applicable) Tom P. LLC #6 C/O Matthew C. Quinn Address* 28345 Beck Rd., Suite 401 City Wixom ST MI ZIP 48393 *Where all case correspondence is to be mailed.
Applicant's E-mail Address: mquinn@michlaw.biz
Phone Number (248) <u>869.0030</u> FAX Number (248) <u>869.0039</u>
Request is for: Residential Construction (New/ Existing) Vacant Property Commercial Signage
1. Address of subject ZBA case: 27200 Beck Road ZIP
2. Sidwell Number: <u>5022 -22 -16 - 176 - 033</u> may be obtained from Assessing Department (248) 347-0485
3. Is the property within a Homeowner's Association jurisdiction? Yes No X
4. Zoning: RATR-1 R-2 R-3 R-4 RT RM-1 RM-2 MH TOS-1 TOS-2 TOSC TOSTOTHER
5. Property Owner Name (if other than applicant)N/A
6. Does your appeal result from a Notice of Violation or Citation Issued? Yes X-No
7. Indicate ordinance section(s) and variances requested:
1. Section 2400 Variance requested 35' variance for exterior side yard building setback
2. Section
4. SectionVariance requested
8. Please submit an accurate, scaled drawing of the property showing:
a. All property lines and dimensions correlated with the legal description. b. The location and dimensions of all existing and proposed structures and uses on property. c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and selback. d. Dimensions necessary to show compliance with the regulations of this Ordinance.

State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):
Mr. Palushaj is expanding an existing structure to create the new restaurant. Whe he bought the existing structure City Gate Dr. to the north did not exist. Theref it is a practical difficulty which has been created not out of his own actions.
10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:
This is a unique property due to the fact that Mr. Palushaj is expanding an existing structure by adding additional square footage to the north side. With the creation of City Gate Dr. there is not sufficient space within the site to comply with the required 50' exterior side yard setback. We are therefore requesting a 35' waiver.
SIGN CASES ONLY:
Your signature on this application indicates that you agree to install a Mock-Up Sign ten (10) days before the scheduled ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is NOT to be the actual sign. Upon approval, the mock-up sign must be removed within five (5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five (5) days of the meeting.
Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision. There is a five (5) day hold period before work/action can be taken on variance approvals. All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.
PLEASE TAKE NOTICE:
The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made
Construct New Home/Building Addition to Existing Home/Building Accessory Building
UseSignageOther
Applicants Signature Toma Palushaj Date
Property Owners Signature Toma Palushaj Date
DECISION ON APPEAL
GrantedDenied Postponed by Request of ApplicantBoard The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:
Chairperson, Zoning Board of Appeals Date

r



PLAN REVIEW CENTER REPORT

June 14, 2013

Planning Review

Tom's Bar and Grill JSP13-45

Petitioner

Tom P LLC #6

Review Type

Preliminary Site Plan with Retail Service Overlay

Property Characteristics

• Site Location: 27200 Beck Road, southeast corner of Citygate Drive and Beck

Road (Section 16)

Site Zaning: OST, Planned Office Service Technology

Adjoining Zoning: North (across Citygate Drive); FS with PRO; East and South: OST;

West (across Beck Road): B-2

Current Site Use: Vacant building

Adjoining Uses: North (across Citygate Drive): USA 2 Go gas station and Tim

Horton's Restaurant; East: vacant; South; Chase Bank; West (across

Beck Road): Westmarket Square Shopping Center

School District: Novi Community School District

Site Size: 1.88 acres
 Plan Date: 05-13-13

Project Summary

The parcel in question is located on 27200 Beck Road on the southeast corner of Citygate Drive and Beck Road in Section 16 of the City of Novi. The property totals 1.88 acres. The current zoning of the property is OST, Planned Office Service Technology. The applicant has proposed a 5,700 sq. ft. sit-down restaurant (with associated parking, landscaping and stormwater facilities) utilizing the Retail Service Overlay Option.

The Retail Service Overlay Option is intended "...to provide a limited amount of retail and personal service establishments to serve the employees of and visitors to the nearby office use areas." The option allows additional uses not typically permitted in the OST District provided certain conditions are met and subject to the Special Land Use requirements outlined in Section 2516.2(c). A sit-down restaurant is a use permitted under this option.

Recommendation

Approval of the *Preliminary Site Plan Is recommended*. The applicant has met the standards of the Retail Service Overlay Option and there are only minor planning related items to be addressed on the Final Site Plan submittal.

Special Land Use Considerations

In the OST District any developments utilizing the Retail Service Overlay provisions are subject to the considerations for Special Land Uses outlined in the Zoning Ordinance. Section 2516.2(c) of

the Zoning Ordinance includes specific factors the Planning Commission shall consider in the review of the 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 odjacent 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.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 23A (Planned Office Service Technology District), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant.

- 1. <u>Retail Service Overlay:</u> The applicant is utilizing the Retail Service Overlay Option which allows an applicant to develop properties for uses not usually permitted in the OST District. The applicant has met the conditions that apply to properties using this option. Access has been provided from the adjacent planned collector road (Citygate Drive). A total of 36.7% of the site has been maintained as open space and the proposed façade has met the standards of the façade ordinance and will be complementary to the design of other buildings in the area. A public hearing to be held by the Planning Commission is required.
- 2. <u>Building Setbacks:</u> Buildings in the OST District must be setback 50 feet from all property lines. The plan indicates a 15 foot building setback in the northern yard. The applicant has indicated they will seek a variance from the Zoning Board of Appeals for this deficiency.
- 3. Required Parking Spaces: The number of parking spaces required for a sit-down restaurant use is based on the square tootage of the building or the established occupant load. The greater number from those two separate calculations is the number of required parking spaces. The applicant has not provided a floor plan at this time. As such, the number of required parking spaces (based on the established occupant load) cannot be calculated. The applicant should be aware that parking calculations could change based on the established occupant load and additional spaces may need to be added to the site at some point in the future. See the planning review chart for additional information.

- Parking Space Dimensions: A 7 foot sidewalk is required in areas adjacent to 17' parking spaces. The applicant should include a 7 foot sidewalk adjacent to the proposed barrier free spaces.
- 5. <u>Sidewalks:</u> The 5 foot sidewalk proposed along Cilygate Drive does not extend to the eastern property line. A sidewalk is required along this entire road frontage. Citygate Drive has not been extended to the subject property's eastern-most border at this time. The applicant should either extend the sidewalk to the eastern property line or provide funds in an escrow account for the extension of the sidewalk at a future date. See the traffic review letter for additional information.
- 6. Construction of Collector Road: The Novi Mile GR/Beck Planned Rezoning Overlay Agreement included provisions for the extension of Citygate Drive to the east eventually looping around to Grand River Avenue. This agreement contemplated the completion of the road when the next property in the area was developed. The applicant should consider completing the planned extension of Citygate Drive to better serve the proposed development from Grand River Avenue.
- 7. <u>Signage:</u> Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested to be submitted prior to the Planning Commission meeting and with the next set of plans addressing each of the comments listed above and in other review letters.

Chapter 26.5

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

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.

Planning Review Summary Chart Tom's Bar and Grill JSP13-45 Preliminary Site Plan Plan Dated: May 13, 2013

ltem	Required	Proposed	Meets Requirements?	Comments
Master Plan	Retail Overlay	Retail Overlay	Yes	
Zoning	OST	Retail Overlay	Yes	
Use (Sec. 2302A)	Uses permitted in the B-1 District and Restaurants uses	Sit-down restaurant	Yes	Public Hearing required.
Building Height (Sec. 2400)	3 stories or 46 feet	30'	Yes	
Retail Service Ov	erlay Provisions (Sec.	2302A.2)	d.	··
Access points	Access shall be provided from a public or private local street or collector road that loops between two arterials	Access provided from adjacent planned collector road	Yes	
Open Space	Min. 15% of site shall be maintained as open space	36.7%	Yes	
Max, % retail use	Retail uses shall not exceed 25% of the total floor space in any polygon identified for Retail Service Overlay in the Master Plan	Area is largely undeveloped at this time	Yes	
Façade	Architectural design and facade materials shall be compatible with and complementary to other developed buildings in the area			See façade revlew comments for additional information.
Bullding Setback				
Front (west)	50 feet	62 feet	Yes	
Exterior Side (north)	50 feet	15 feet	No	The applicant has Indicated they will seek a variance from the Zoning

ltem	Required	Proposed	Meets Requirements?	Comments
•				Board of Appeals.
Interior Side (south)	50 feet	50 feet	Yes	
Rear (east)	50 feet	269 feet	Yes	
Parking Setback				
Front (west)	20 feet	147 feet	Yes	
Exterior Side (north)	20 feet	20 feet	Yes	
Interior Side [south]	20 feet	20 feet	Yes	
Rear (east)	20 feet	20 feet	Yes	
Number of Parking Spaces (Sec. 2505)	One for each 70 sq. ft. GFA or one for each two employees plus one for each two customers allowed under max. capacity 5,700 sq. ft. / 70 = 81 spaces At least 81 spaces required	82 spaces proposed	Yes?	The applicant should be aware that parking calculations could change based on the occupant load calculations and the number of employees in the largest working shift. The Building Division will need to confirm the occupant load calculations as part of the Prellminary Site Plan submittal.
Parking Space Dimensions (Sec. 2506)	9' x 19' parking space dimensions and 24' wide drives for 90° parking layout. (9' x 17' if overhang on 7' wide interior sidewalk or landscaped area as long as detail indicates 4'' curb) 8' x 23' parking space dimensions and 13' drives for 0° parking layout	9' x 19' and 9'x 17' for 90° layout with 24' wide drives 8' x 23' for 0° layout	Yes	The applicant should include a 7' sidewalk adjacent to the proposed barrier free spaces. See the traffic review for additional Information.
Barrier Free Spaces (Barrier Free	3 standard barrier free space	4 barrier free (2 van accessible)	Yes	

Item	Required	Proposed	Meets Requirements?	Comments
Code)	1 van accessible barrier free space			
Barrier Free Space Dimensions (Barrier Free Code)	8' wide with a 5' wide access aisle (8' wide access aisle for van accessible)	8' wide with a 5' wide access aisle 8' wide access aisle for van accessible	Yes	
Barrier Free Signs (Barrier Free Design Graphics Manual)	One barrier free sign is required per space.	Barrier free signs shown	Yes	
Loading Space Screening	View of loading and waiting areas must be shielded from rights of way and adjacent properties.	Loading space screened with landscape.	Yes	
Accessory Structure Setback- Dumpster (Sec. 2503)	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.	Dumpster enclosure setback adequately and located in the interior side yard of a double-fronted lot.	Yes	
Dumpster (Chap. 21, Sec. 21-145)	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.	Dumpster screening to meet ordinance requirements provided.	Yes	

Item	Required	Proposed	Meets Requirements?	Comments
Exterior Signs	Exterior Signage is not regulated by the Planning Division or Planning Commission.			Please contact Jeannie Niland (248.347.0438).
Exterior Lighting (Sec. 2511)	Photometric plan and exterior lighting details needed at final site plan.	Photometric plan not provided.		Photometric plan required at time of Final Site Plan submittal.
Sidewalks (City Code Sec. 11- 276(b))	Building exits must be connected to sidewalk system or parking lot. A 5' sidewalk is required along the proposed collector road.	Connection proposed. Sidewalk does not extend to the property line.	No	Applicant should extend the sidewalk to the east property line or provide funds in an escrow account so that the sidewalk can be extended at a future date.

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



