



cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 2
February 22, 2010

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.238, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 15, B-3, General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions, at Article 25, General Provisions, Section 2505, Off-street Parking Requirements, and at Section 2506, Off-street Stacking Space, Layout Standards, Construction and Maintenance in order to include drive-through uses in the B-3 District and clarify the requirements for fast food parking standards and stacking space requirements. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The proposed ordinance amendments provide standards under which fast food drive-through restaurants would be permitted in the General Business (B-3) District, and amend the parking and stacking space standards for fast food restaurants. The amendment is proposed because staff has received a number of requests for fast food drive-through restaurants over the last few years. Staff notes that there are limited opportunities in Novi for fast food drive-through restaurant locations in comparison to other area communities.

Attached are three memos addressing standards for fast food drive-through restaurants in other communities in the area. These memos demonstrate that the proposed ordinance amendment would make Novi's standards regarding fast food drive-through restaurants comparable to the standards outlined in the ordinances of peer cities and townships. Also attached is a chart indicating the five types of restaurants defined in the Zoning Ordinance and the districts where each type of restaurant is currently considered a principal permitted use or a special land use.

The amendment proposes fast food drive-through restaurants as a special land use in the B-3 District and lists a number of conditions requisite to their approval. Presently, drive-through fast food restaurants are only permitted in the Regional Center (RC) District when a PD-2 option is utilized or in the Freeway Service (FS) District. In recent research of other area ordinances, staff noted that many surrounding communities do permit fast food drive-through restaurants in their most intense commercial districts. This use is being proposed as a Special Land Use in the B-3 district, subject to a number of conditions, including the requirement that the restaurant shall not directly abut a residential district, but provide a minimum distance of 60 feet from any residential district. The location of access drives and a requirement for screen walls when abutting certain office and business districts are also specified in the proposed standards.

The amendment also addresses the off-street parking requirements for all fast food restaurants. Section 2505 currently provides different parking requirement standards for fast food restaurants and drive-through restaurants, resulting in some confusion as to which applies in a given situation. In order to clarify and simplify this standard, staff is suggesting combining the two uses for the purposes of off-street parking and having a single standard for all fast food restaurants. Staff is also suggesting some minor modifications to the current standard to bring it more in line with other area ordinances.

Lastly, the amendment addresses the stacking requirements for all restaurants with a drive-through lane. Section 2506 currently provides different standards for stacking requirements for standard fast food restaurants and restaurants that operate with a drive-through only (with no customer

seating). The Planning Commission brought up this consideration during its review. Staff is suggesting consolidating the standards for these two types of drive-through restaurants.

This matter was first brought before the Planning Commission and a public hearing was held on August 12th, 2009. At that meeting, the Commission expressed some reservations regarding expanding the districts where fast food drive-through restaurants would be permitted and chose to send the proposed amendment to the Implementation Committee for further consideration. The Implementation Committee met on August 25th, 2009 and carefully reviewed the proposed amendment, as well as additional recommendations provided at the suggestion of Commissioner Baratta regarding stacking space requirements. No additional concerns were identified.

The Planning Commission held a second public hearing on October 28th, 2009 due to the additional provision being added regarding stacking space requirements, and recommended approval of the proposed amendment.

The first reading was approved by the City Council on February 8, 2010. Relevant meeting minutes are attached.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.238, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 15, B-3, General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions, at Article 25, General Provisions, Section 2505, Off-street Parking Requirements, and at Section 2506, Off-street Stacking Space, Layout Standards, Construction and Maintenance in order to include drive-through uses in the B-3 District and clarify the requirements for fast food parking standards and stacking space requirements. **SECOND READING**

	1	2	Y	N
Mayor Landry				
Mayor Pro-Tem Gatt				
Council Member Crawford				
Council Member Fischer				

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

PROPOSED ORDINANCE AMENDMENTS – STRIKE VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.238

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 15, B-3, GENERAL BUSINESS DISTRICT, SECTION 1502, PRINCIPAL PERMITTED USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2505, OFF-STREET PARKING REQUIREMENTS, AND AT SECTION 2506, OFF-STREET STACKING SPACE, LAYOUT STANDARDS, CONSTRUCTION AND MAINTENANCE IN ORDER TO INCLUDE DRIVE-THROUGH USES IN THE B-3 DISTRICT AND CLARIFY THE REQUIREMENTS FOR FAST FOOD PARKING STANDARDS AND STACKING SPACE REQUIREMENTS.

THE CITY OF NOVI ORDAINS:

Part I. That Article 15, B-3 General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions is hereby amended to read as follows:

Article 15, B-3 General Business District

Sec. 1502. Principal Permitted Uses Permitted Subject to Special Conditions.

1. – 8. [unchanged]
9. Restaurant in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit down, subject to the following conditions:
 - a. Access points shall be located at least sixty (60) feet from the intersections of any two (2) streets.
 - b. Such uses shall not be permitted on a parcel less than sixty (60) feet from any residential zoning district.
 - c. All drive-through lanes shall be located at least one-hundred fifty (150) feet from any residential zoning district.
 - d. All lighting shall be shielded from residential uses.
 - e. All drive-through restaurants shall meet the stacking space requirements listed in Section 2506.12.
 - f. A six (6) foot high obscuring wall shall be provided when abutting or adjacent districts are zoned for OS-1, OS-2, OSC, NCC, B-1, B-2 or B-3 Districts, and where such abutting or adjacent districts are not separated from the proposed restaurant by a road, highway or freeway. The height of the wall shall be measured from the

surface of the ground. Any proposed wall shall further meet the requirements of Article 24, General Provisions.

- g. A noise impact statement is required subject to the standards of Section 2519.10(c).

Part II. That Article 25, General Provisions, Section 2505, Off-Street Parking Requirements is hereby amended to read as follows:

Article 25, General Provisions

Sec. 2505. Off-Street Parking Requirements.

1. – 13. [unchanged]

11. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

- a. [unchanged]
- b. [unchanged]
- c. Business and Commercial

(1) – (6) [unchanged]

(7) Restaurants and other establishments for sale and consumption on the premises of beverages, food or refreshments

(a) Sit Down [unchanged]

(b) Fast Food One (1) for each sixty (60) square feet gross floor area (16.7 spaces per one thousand (1,000) square feet), or One (1) for every two (2) employees, plus (1) for every two (2) customers allowed under maximum capacity (including waiting areas) whichever is greater plus compliance with the requirements for stacking spaces outlined in Section 2506.12.

(8) Drive-in restaurants [unchanged]

~~(8A) Drive-through restaurants~~ One (1) for each employee plus one (1) for every two (2) persons allowed in seating areas.

(9) – (27) [unchanged]

d. [unchanged]

15. – 16. [unchanged]

Part III. That Article 25, General Provisions, Section 2506, Off-Street Stacking Space, Layout Standards, Construction and Maintenance is hereby amended to read as follows:

Article 25, General Provisions

Sec. 2506. Off-Street Stacking Space, Layout Standards, Construction and Maintenance.

1. – 11. [unchanged]

12. Any lane, route, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (hereinafter referred to as a drive-through lane) shall comply with the following requirements:

a. – h. [unchanged]

i. Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

<i>Use Served by Drive-through Lane</i>	<i>Minimum Stacking Requirements (per lane)</i>
Restaurant (standard fast food)	The distance between the order board and the pick-up window shall store four (4) vehicles, and four (4) vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).
Restaurant (fast food drive-through only)	The distance between the order board and the pick-up window shall store four (4) vehicles, and fifteen (15) vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).
Financial Institution	[unchanged]
Car Wash (coin-	[unchanged]

operated)	
Car Wash (Fixed location/automatic, when accessory to a gas station)	[unchanged]
Car Wash (tunnel wash)	[unchanged]
Child Care Centers	[unchanged]
Dry Cleaners	[unchanged]
Convenience Market, including Drug Stores and Pharmacies	[unchanged]
Other Uses	[unchanged]

13. – 14. [unchanged]

PART IV.

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 V.

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 VI.

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 VII.

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 _____, 2010.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

PROPOSED ORDINANCE AMENDMENTS – CLEAN VERSION

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18.238

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 15, B-3, GENERAL BUSINESS DISTRICT, SECTION 1502, PRINCIPAL PERMITTED USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2505, OFF-STREET PARKING REQUIREMENTS, AND AT SECTION 2506, OFF-STREET STACKING SPACE, LAYOUT STANDARDS, CONSTRUCTION AND MAINTENANCE IN ORDER TO INCLUDE DRIVE-THROUGH USES IN THE B-3 DISTRICT AND CLARIFY THE REQUIREMENTS FOR FAST FOOD PARKING STANDARDS AND STACKING SPACE REQUIREMENTS.

THE CITY OF NOVI ORDAINS:

Part I. That Article 15, B-3 General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions is hereby amended to read as follows:

Article 15, B-3 General Business District

Sec. 1502. Principal Permitted Uses Permitted Subject to Special Conditions.

1. – 8. [unchanged]
9. Restaurant in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit down, subject to the following conditions:
 - a. Access points shall be located at least sixty (60) feet from the intersections of any two (2) streets.
 - b. Such uses shall not be permitted on a parcel less than sixty (60) feet from any residential zoning district.
 - c. All drive-through lanes shall be located at least one-hundred fifty (150) feet from any residential zoning district.
 - d. All lighting shall be shielded from residential uses.
 - e. All drive-through restaurants shall meet the stacking space requirements listed in Section 2506.12.
 - f. A six (6) foot high obscuring wall shall be provided when abutting or adjacent districts are zoned for OS-1, OS-2, OSC, NCC, B-1, B-2 or B-3 Districts, and where such abutting or adjacent districts are not separated from the proposed restaurant by a road, highway or freeway. The height of the wall shall be measured from the

surface of the ground. Any proposed wall shall further meet the requirements of Article 24, General Provisions.

- g. A noise impact statement is required subject to the standards of Section 2519.10(c).

Part II. That Article 25, General Provisions, Section 2505, Off-Street Parking Requirements is hereby amended to read as follows:

Article 25, General Provisions

Sec. 2505. Off-Street Parking Requirements.

1. – 13. [unchanged]

11. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

- a. [unchanged]
- b. [unchanged]
- c. Business and Commercial

(1) – (6) [unchanged]

(7) Restaurants and other establishments for sale and consumption on the premises of beverages, food or refreshments

(a) Sit Down

[unchanged]

(b) Fast Food

One (1) for every two (2) employees, plus (1) for every two (2) customers allowed under maximum capacity (including waiting areas) plus compliance with the requirements for stacking spaces outlined in Section 2506.12.

(8) Drive-in restaurants

[unchanged]

(9) – (27) [unchanged]

- d. [unchanged]

15. – 16. [unchanged]

Part III. That Article 25, General Provisions, Section 2506, Off-Street Stacking Space, Layout Standards, Construction and Maintenance is hereby amended to read as follows:

Article 25, General Provisions

Sec. 2506. Off-Street Stacking Space, Layout Standards, Construction and Maintenance.

- 1. – 11. [unchanged]
- 12. Any lane, route, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (hereinafter referred to as a drive-through lane) shall comply with the following requirements:
 - a. – h. [unchanged]
 - i. Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

<i>Use Served by Drive-through Lane</i>	<i>Minimum Stacking Requirements (per lane)</i>
Restaurant (fast food)	The distance between the order board and the pick-up window shall store four (4) vehicles, and four (4) vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).
Financial Institution	[unchanged]
Car Wash (coin-operated)	[unchanged]
Car Wash (Fixed location/automatic, when accessory to a gas station)	[unchanged]
Car Wash (tunnel wash)	[unchanged]
Child Care Centers	[unchanged]
Dry Cleaners	[unchanged]
Convenience Market, including Drug Stores and Pharmacies	[unchanged]
Other Uses	[unchanged]

13. – 14. [unchanged]

PART IV.

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 V.

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 VI.

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 VII.

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 _____, 2010.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nayes:

Abstentions:
Absent:

**CITY COUNCIL MINUTES EXCERPT
FEBRUARY 8, 2010**

DRAFT EXCERPT FROM

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 8, 2010 AT 7:00 P.M.
COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD**

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Crawford, Fischer, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Tom Schultz, City Attorney

6. **Consideration of Zoning Ordinance Text Amendment 18.238, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 15, B-3, General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions, at Article 25, General Provisions, Section 2505, Off-street Parking Requirements, and at Section 2506, Off-street Stacking Space, Layout Standards, Construction and Maintenance in order to include drive-through uses in the B-3 District and clarify the requirements for fast food parking standards and stacking space requirements. First Reading**

Member Mutch stated he looked at this ordinance amendment change in two parts. He said one was the housekeeping portion of the amendment, which dealt with standards for parking, etc. He said he didn't have a problem with that as they had been updated to make them consistent. The problem he had was the amendment to the B-3 District, which increased the number of locations throughout the City where those were permitted. He said currently they were limited to the Freeway Service District, RC District and some applications. He stated he was concerned with a proliferation of additional fast food restaurants and he didn't see a compelling need for those in the locations that were currently in B-3 zoning. In addition, putting those in locations where they could potentially go would create problems with traffic and adjoining land uses. He said he didn't see a need to amend the B-3 Ordinance. He thought they could take care of the housekeeping side of this without expanding into additional areas where it would cause conflict. He stated he would be willing to support the second half of the Ordinance changes but would not support the addition of the B-3 District for additional fast food restaurants.

Member Margolis said she would support the First Reading and thought they had received extensive information from staff about locations where this would apply. She thought it wasn't a huge proliferation of locations. Member Margolis said the bottom line was they were becoming a society that liked this kind of convenience and she didn't see these creating more traffic but would really expedite the traffic that was in the area. She said it would add to a small number of areas and the areas identified were not areas

that she would see as impacted negatively by this type of change. She thought this was an idea whose time had come.

CM-10-02-020 Moved by Margolis, seconded by Gatt; **MOTION CARRIED:**
To approve Zoning Ordinance Text Amendment 18.238, to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance, at Article 15, B-3, General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions, at Article 25, General Provisions, Section 2505, Off-street Parking Requirements, and at Section 2506, Off-street Stacking Space, Layout Standards, Construction and Maintenance in order to include drive-through uses in the B-3 District and clarify the requirements for fast food parking standards and stacking space requirements. First Reading

Roll call vote on CM-10-02-020 Yeas: Gatt, Crawford, Fischer, Margolis,
Landry Nays: Mutch, Staudt

EMAIL FROM COMMISSIONER BARATTA

Kapelanski, Kriston

From: Kapelanski, Kristen
Sent: Tuesday, August 18, 2009 12:58 PM
To: Kapelanski, Kristen
Subject: FW: Planning Commission Action Summary

From: David Baralta [mailto:david.baralta@la-z-boy.com]
Sent: Thursday, August 13, 2009 4:21 PM
To: McBoth, Barb
Subject: RE: Planning Commission Action Summary

Barb,

The issue on the zoning text amendment was that the description of the amendment was to consolidate definitions. The material that described the expansion of the area was not very explicit. It was hard to read and understand. It would have been more effective to describe the areas and the type of business around the properties where the expansion of drive through's were to occur. We would have had a more effective discussion of the issues. It was obvious that the commission was concerned about the expansion of fast food businesses. However, a drive through and a pick up area is becoming more necessary to the business models of restaurants and coffee houses. Starbucks for example generally does not approve free standing units with out a drive through window. I foresee other restaurants in the future requiring drive through or pick up areas. In a recent conversation with a Wendy's franchisee (150 units) he indicated that over 30% of his business comes via the drive through. He went as far to say that without the drive through his business would not be profitable. Applebee and On the Border require pick up areas currently and I suspect that have researched the drive through window feature.

The business model for these restaurants is changing. They need to increase their sales to offset the increasing costs of doing business. One way of doing this is a drive through. This allows them to keep the bricks and mortar portion of their business at a minimum and increase sales. McDonalds has recently expanded their menu's to include gourmet coffees. This item expanded sales and profits recently and uses their drive through feature to better advantage. While I have not see their figures for coffee sales through the drive through I suspect that it is a significant contributor to their recent performance.

The second issue that was not discussed was that in section 2506 a fast food restaurant requires 4 car lengths staging before the order board and 4 car lengths between the order board and the drive through window. It doesn't require any car lengths past the window for customers waiting for their order. I think that we should consider a couple of car lengths for waiting cars. A drive through on the other hand requires 15 car lengths before the order board and 4 car lengths between order board and window. We do not require a waiting area. I think that we should consider a couple of car lengths in this area also assuming we keep both classifications. What is the optimal amount of car spaces necessary for the drive through feature? Is it 8 (fast food), 19 (drive through), or some other number? We still need to make sure that we have sufficient parking required on the property for the business and future businesses if the use changes. Otherwise we could be looking at small vacant under sized properties. I was unable to determine the parking ratio's based on the calculations in the ordinance.

I am not in favor of pulling fast food restaurants adjacent to residential areas, unless appropriate measures are considered. I believe that there are places where we can look at to expand the drive through feature where appropriate in the city. I am in favor of simplifying the requirements of the drive through features as long as we take into account the necessary amount of space required.

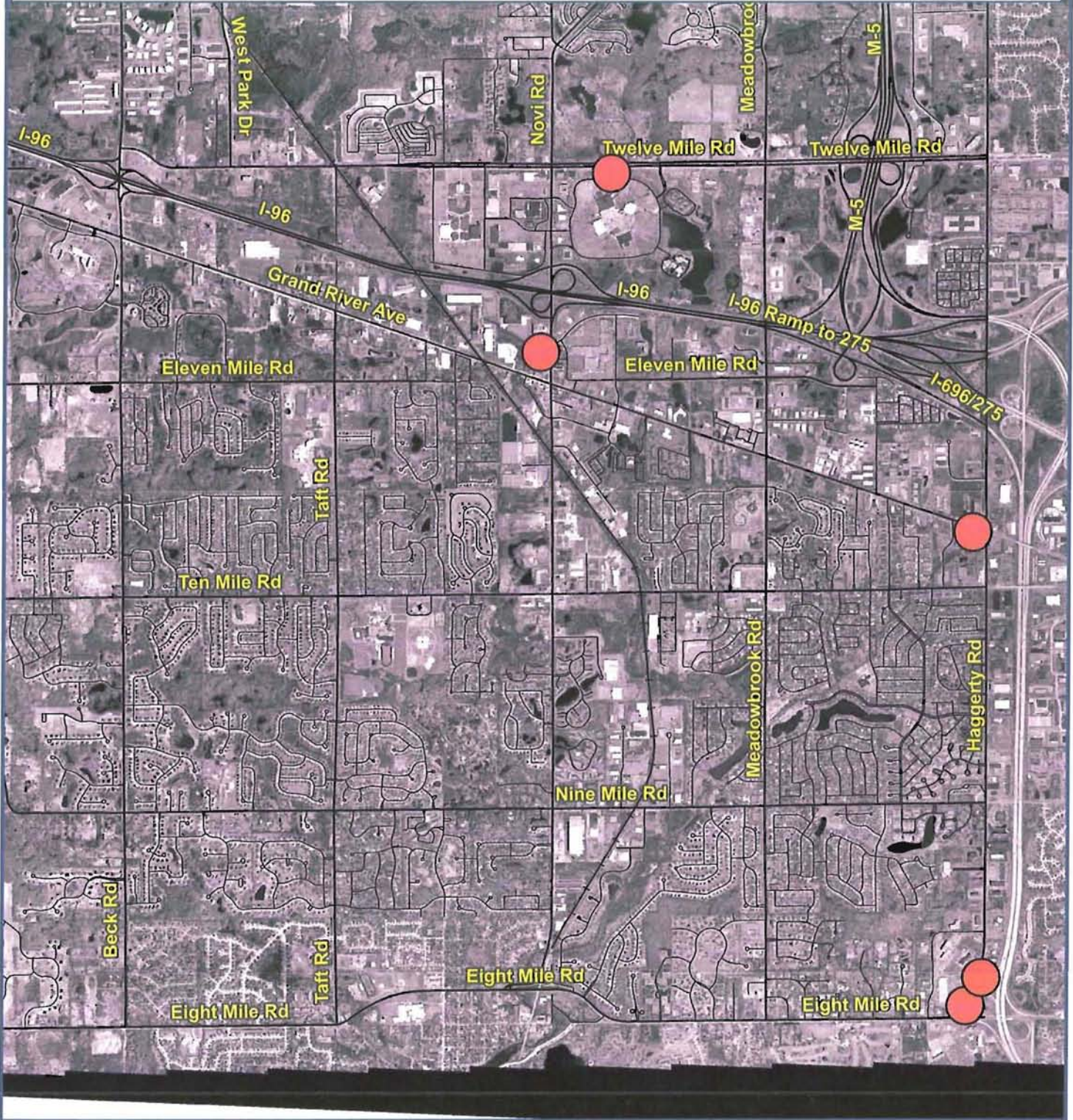
Dave Baralta
8/12/09

08/18/2009

**MAP OF EXISTING
FAST FOOD DRIVE-THROUGH USES
IN NOVI**

Existing Fast Food Drive-Through Uses

Text Amendment 18.238



Map Author: Kristen Kapelanski
 Date: August 4, 2009
 Project: B-3 Properties Permitting
 Fast Food Drive-Throughs
 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 meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend



Existing Fast Food Drive-Throughs

- McDonald's (Twelve Mile Road)
- Wendy's (Novi Road)
- Burger King (Grand River Avenue)
- Taco Bell (Eight Mile Road)
- McDonald's (Eight Mile Road)



City of Novi
 Department Division
 Department Name
 45175 W Ten Mile Rd
 Novi, MI 48375
 cityofnovi.org



**MEMO ADDRESSING USE
STANDARDS IN NEARBY COMMUNITIES**

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT
FROM: KRISTEN KAPELANSKI, PLANNER *Kristen*
SUBJECT: FAST FOOD USE REQUIREMENTS IN NEARBY COMMUNITIES
DATE: JULY 22, 2009

Following is a brief summary of the use requirements and any special conditions imposed on fast food/drive-thru restaurants in a handful of nearby communities. In all, the zoning ordinances of seven communities were examined. The following chart identifies the districts where drive-thru fast food uses are permitted and any special conditions that may have to meet.

	Principal Permitted Use	Special Land Use	Additional Requirements
Canton	N/A	C-2 (Community Commercial) C-3 (Regional Commercial) C-4 (Interchange Service)	<ul style="list-style-type: none"> • Minimum lot frontage of 125'. • Must be on road with at least 2 lanes in either direction. • Use must be secondary and attached to the primary use (applies to C-4 only).
Farmington	N/A	C-2 (Community Commercial) C-3 (General Commercial)	
Farmington Hills	B-3 (General Business)	B-2 (Community Business) B-4 (Planned General Business)	<ul style="list-style-type: none"> • Must be accessory to a principal permitted use (applies to B-2 & B-4 only).
Plymouth	N/A	B-3 (General Business) ARC (Ann Arbor Road Corridor)	<ul style="list-style-type: none"> • Must be 60' from future ROW (applies to ARC only).
South Lyon	N/A	B-1 (Community Business) B-3 (General Business)	<ul style="list-style-type: none"> • Must be 60' from future ROW. • Access points must be 60' from any intersection. • A 6' screen wall is required when parcel is adjacent to R,

	Principal Permitted Use	Special Land Use	Additional Requirements
			OS-1, B-1, B-2 or B-3.
Troy	B-3 (General Business) HS (Highway Service)	B-2 (Community Business)	<ul style="list-style-type: none"> • Parcel must be a minimum of 1 acre. • Must be located on major thoroughfare with 150' of frontage.
Ypsilanti	B-4 (General Business) CI (Commercial Industrial)	B-2 (Community Business)	<ul style="list-style-type: none"> • Must be located 60' from any intersection. • Must have access to a major thoroughfare. • Must be located 50' from any residential district.

Overall, most municipalities/townships surveyed permit fast food drive-thru restaurants either as Principal Permitted Uses or Special Land Uses in their general business districts at a minimum. Therefore, it seems logical that if the Planning Commission and City Council would like to add additional districts that permit fast food restaurants, to add them as a Special Land Use in the B-3 District and subject to additional conditions in order to bring the City in Novi in line with communities in the area.

**MEMO ADDRESSING PARKING REQUIREMENTS
IN NEARBY COMMUNITIES**

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT
FROM: KRISTEN KAPELANSKI, PLANNER *Kristen*
SUBJECT: FAST FOOD PARKING REQUIREMENTS IN NEARBY COMMUNITIES
DATE: JULY 22, 2009

Following is a brief summary of the parking requirements for fast food/drive-thru restaurants in a handful of nearby communities. In all, the zoning ordinances of nine communities were examined. The following chart shows the number of spaces required for fast food restaurants in these neighboring communities. As a way of evaluating how these other standards apply to the standards within Novi, the rebuild of the existing McDonald's was used as a "test site plan." Required spaces were calculated based on each ordinance.

	Identified Use	Number of Spaces Required	Spaces Required for McDonald's
Brighton	Restaurant or Tavern*	<ul style="list-style-type: none"> 1 space per 100 sq. ft. GFA 1 space per 200 sq. ft. GFA (if not on-site consumption) 	5,364 sq. ft./100 = 56 spaces required
Bloomfield Hills	Establishments for sale and consumption, on the premises of beverages, food or refreshments	<ul style="list-style-type: none"> 2 spaces per 100 sq. ft. floor area 	5,364 sq. ft./100 = 53.64 x 2 = 107 spaces required
Canton	Restaurant, carryout	<ul style="list-style-type: none"> 10 spaces per 1 service or counter station plus 1 space for each employee 	N/A
	Restaurant, fast food, drive-in, drive-thru	<ul style="list-style-type: none"> 1 space per 50 sq. ft. of eating area plus 1 space for each employee 	2,227.5 sq. ft./ 50 = 44 spaces +12 employee spaces = 56 spaces required
Farmington	Drive-thru and fast food restaurants	<ul style="list-style-type: none"> 15 spaces per 1,000 sq. ft. of UFA 	2,227.5 sq. ft. /1,000 = 2.227 x

	Identified Use	Number of Spaces Required	Spaces Required for McDonald's
			15 = 33 spaces required
Farmington Hills	Drive-in or fast food carryout restaurants	<ul style="list-style-type: none"> 1 space per 25 sq. ft. of UFA 	2,227.5 sq. ft. /25 = 89 spaces required
Plymouth	Drive-in restaurant	<ul style="list-style-type: none"> 1 space for each employee plus 1 space per 25 sq. ft. of UFA 	2,227.5 sq. ft. /25 = 89 spaces required + 12 employee spaces = 101 spaces required
	Drive-thru restaurant	<ul style="list-style-type: none"> 1 space for each employee (plus required stacking spaces) 	12 spaces required
South Lyon	Drive-in restaurant	<ul style="list-style-type: none"> 1 space for each employee plus 1 space per 25 sq. ft. of UFA 	2,227.5 sq. ft. /25 = 89 spaces required + 12 employee spaces = 101 spaces required
	Drive-thru restaurant	<ul style="list-style-type: none"> 1 space for each employee (plus required stacking spaces) 	12 spaces required
Troy	Restaurants	<ul style="list-style-type: none"> 1 space for each two persons within the seating capacity of the establishment plus 1 employee parking space for each 10 seats within the seating capacity or 1 space for each 35 sq. ft. of dining area, whichever is greater (plus stacking spaces) 	Floor plans did not indicate the number of seats so required parking could not be determined.
Ypsilanti	Fast food, drive-in or drive-thru	<ul style="list-style-type: none"> 1 space per 50 sq. ft. of customer waiting and eating area plus 1 space for each employee in the largest shift (plus stacking spaces) 	2,227.5 sq. ft. /50 = 45 spaces required + 12 employee spaces = 57 spaces required

	Identified Use	Number of Spaces Required	Spaces Required for McDonald's
Novi	Fast Food	<ul style="list-style-type: none"> 1 space per 60 sq. ft. GFA or 1 space for each 2 employees, plus 1 space for each 2 customers allowed under maximum capacity, whichever is greater 	$5,364 \text{ sq. ft.} / 60 = 89 \text{ spaces required}$ 100 max. capacity / 2 = 50 spaces + 12/2 = 6 spaces = 56 spaces required
	Drive-through restaurant	<ul style="list-style-type: none"> 1 space for each employee plus 1 space for every two persons allowed in the seating area 	Floor plans did not indicate the number of seats so required parking could not be determined.
Average Number of Spaces Required (including Novi requirements and excluding Troy)			74 spaces

* No specific standard for fast food or drive-thru restaurants.

GFA = Gross Floor Area

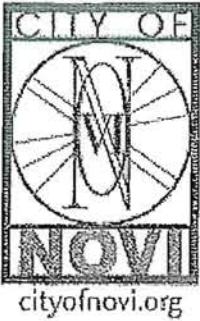
UFA = Usable Floor Area

UFA for McDonald's = 2,227.5 sq. ft.

Overall, parking requirements for fast food restaurants in other municipalities appear to require slightly less parking than the City of Novi's Zoning Ordinance requires. At a minimum it seems logical to eliminate either fast food or drive-through restaurant from the parking requirements of the zoning ordinance as this creates confusion for applicants regarding which standard applies.

**MEMO ADDRESSING STACKING SPACE REQUIREMENTS
IN NEARBY COMMUNITIES**

MEMORANDUM



TO: MEMBERS OF THE IMPLEMENTATION COMMITTEE
THRU: BARBARA MCBETH, COMMUNITY DEVELOPMENT
FROM: KRISTEN KAPELANSKI, PLANNER *Kristen*
SUBJECT: FAST FOOD USE STACKING REQUIREMENTS IN NEARBY COMMUNITIES
DATE: AUGUST 19, 2009

Following is a brief summary of the stacking requirements for fast food/drive-through restaurants in a handful of nearby communities. In all, the zoning ordinances of five communities were examined. The following chart identifies the number of stacking spaces required for fast food uses with drive-throughs. No ordinance made a distinction between the number of spaces required for standard fast food drive-through restaurants and exclusively drive-through restaurants.

		Number of Stacking Spaces Required
Farmington		10 (from where orders are placed)
Plymouth		5
South Lyon		5
Troy		9
Ypsilanti		8
Novi	Standard Fast Food	4 vehicles in advance of the drive-through window and 4 vehicles in advance of the menu board
	Fast Food Drive-Through Only	4 vehicles in advance of the drive-through window and 15 vehicles in advance of the menu board

All nearby municipalities/townships surveyed require 10 stacking spaces or less for all drive-through restaurants. As shown above, the City of Novi zoning ordinance distinguishes between standard fast food drive-through restaurants and exclusively drive-through restaurants. Staff would recommend that a single category for all fast food drive-through restaurants be used for stacking requirements and that required stacking spaces be comparable with the number required by nearby communities. Recommendations are included in the proposed text amendment.

* (ADDITIONAL INFORMATION ON
WHERE FAST FOOD USES WOULD
BE PERMITTED) *



Below please find the definitions of the various restaurant uses as identified in Section 201 of the Zoning Ordinance and a chart illustrating the various districts within the Zoning Ordinance that permit restaurant uses. Please note that there are conditions attached to many of the restaurant uses depending on the district and these are not demonstrated below.

Restaurant (Sit-Down): A business establishment in which a patron purchases food or beverages, which is then prepared after the patrons order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

Restaurant (Fast Food Sit-Down): A business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and which the patron consumes while seated in the restaurant.

Restaurant (Fast Food Carryout): A business establishment wherein food is prepared or cooked on the premises to be sold in disposable containers or wrappers to patrons and which is not intended to be consumed on the premises or within a motor vehicle parked or standing on the premises.

Restaurant (Fast Food Drive-through): A business establishment in which a patron purchases food or beverages, that (1) are served in disposable containers or wrappers, (2) may have been previously prepared, and (3) are principally ordered and received from a motor vehicle and consumed off premises.

Restaurant (Drive-in): A business establishment designed to provide a motor vehicle driveway approach, standing space, or parking space where patrons receive food and beverages while in motor vehicles for consumption in motor vehicles while on the premises.

	NCC	GE	EXPO	EXO	C	OS-2	OSC	OST	I-1	I-2	FS	B-2	B-3	TC/TC-1	RC	RC w/ PD-2
Sit-Down Restaurant	PPU*	PPU*	PPU*	PPU*	SLU*	SLU*	SLU*	SLU*	SLU	SLU	PPU	PPU	PPU	PPU	PPU (in shopping center) SLU (free standing)	SLU
Fast Food Sit Down Restaurant		PPU*					SLU*		SLU	SLU	PPU	PPU	PPU	PPU	PPU (in shopping center) SLU (free standing)	SLU
Fast Food Carryout Restaurant		PPU*					SLU*		SLU	SLU	PPU	PPU	PPU	PPU	PPU (in shopping center) SLU (free standing)	SLU
Fast Food Drive-Through Restaurant							SLU*				PPU					SLU
Drive-in Restaurant																

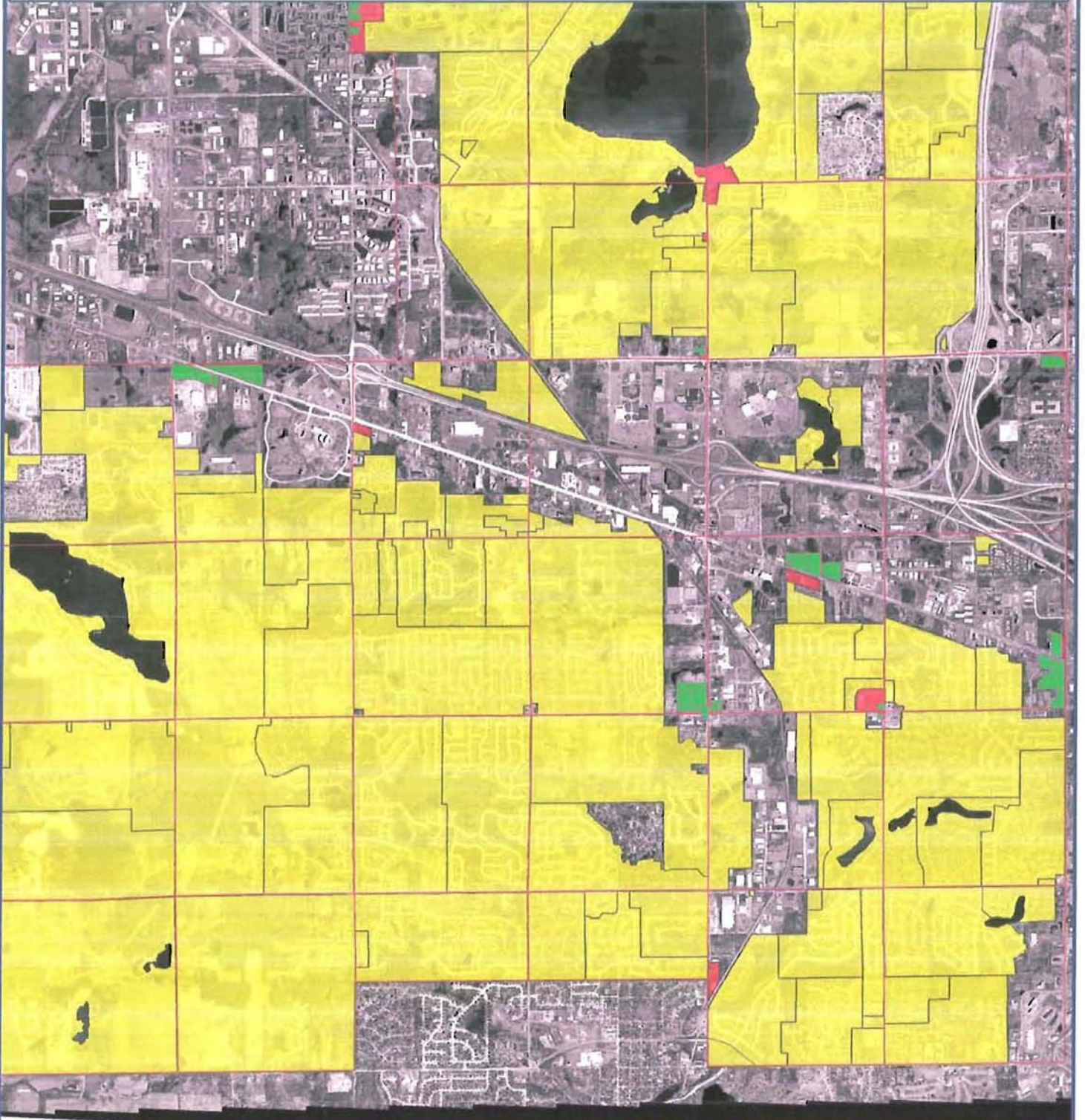
PPU = Principal Permitted Use

SLU = Special Land Use

* Subject to conditions as listed in the ordinance.

B-3 Properties where Fast Food Drive-Through Uses Permitted

Text Amendment 18.238



Map Author: Kristen Kapelanski
Date: August 4, 2009
Project: B-3 Properties Permitting
Fast Food Drive-Throughs
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 meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Map Legend

- B-3 Parcels Permitting Fast Food Drive-Through
- B-3 Parcels Not Permitting Fast Food Drive-Through
- Single-Family and Multiple-Family Residential Zoning



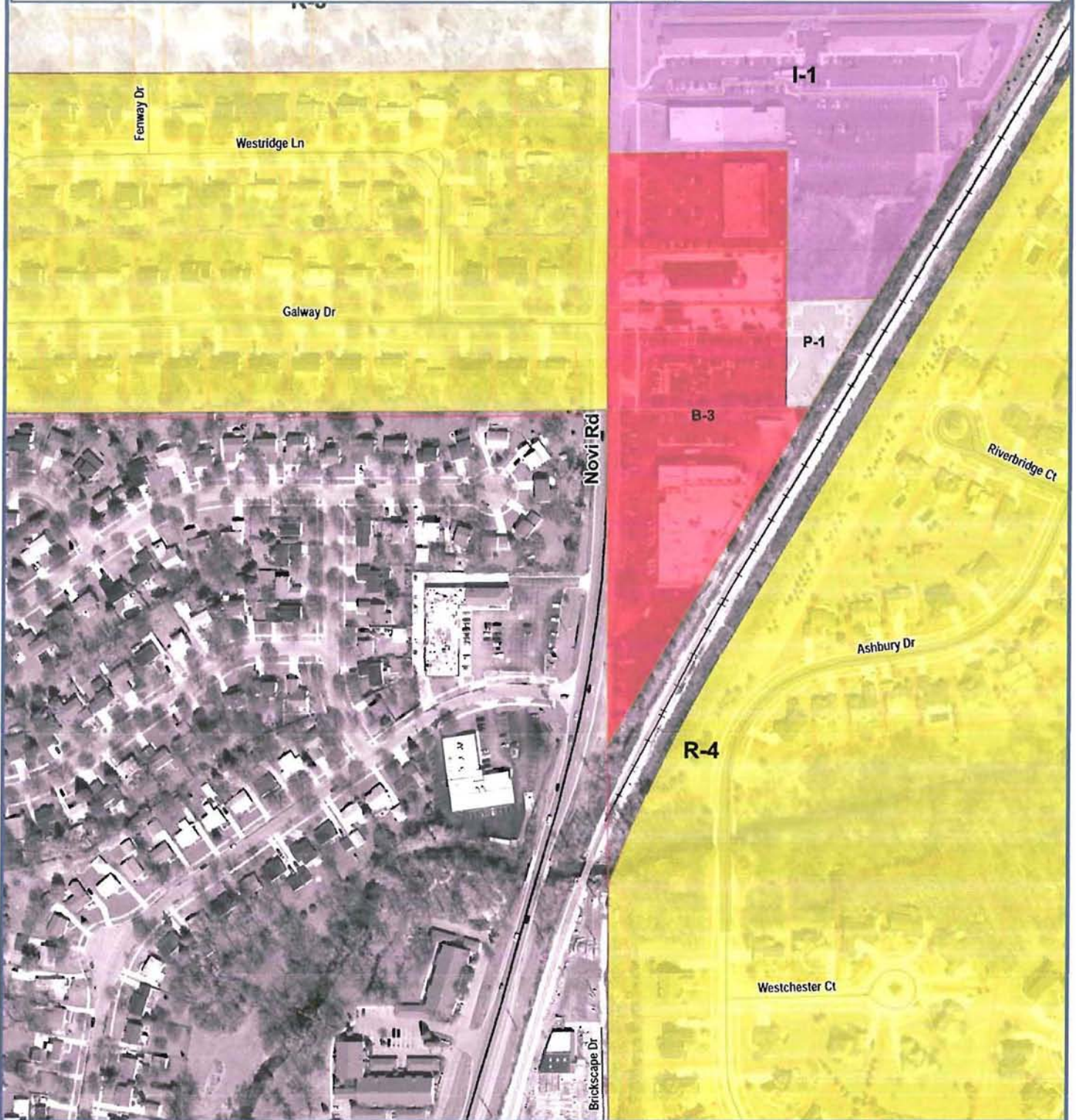
City of Novi
Department Division
Department Name
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org



1 inch = 4,082 feet

B-3 Properties where Fast Food Drive-Through Uses Permitted

Text Amendment 18.238 - Novi Road and Eight Mile Road



Map Author: Kristen Kapelanski
 Date: August 18, 2009
 Project: B-3 Properties Permitting
 Fast Food Drive-Throughs
 Version #: 1.0

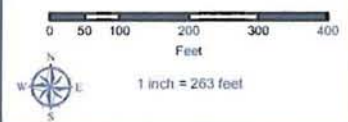
Map Legend

 B-3 Parcels Permitting Fast Food Drive-Through

MAP INTERPRETATION NOTICE

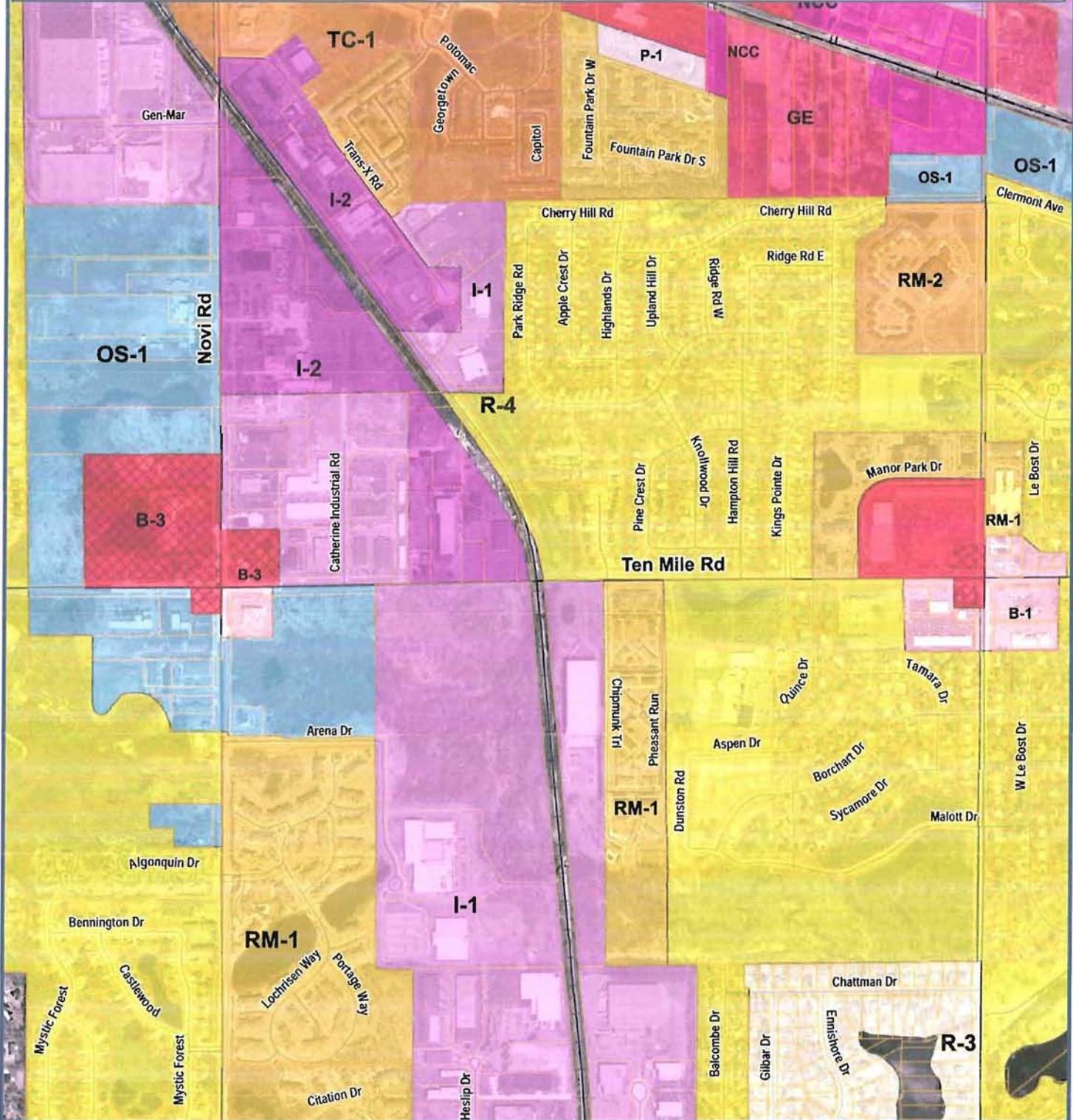
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B-3 Properties where Fast Food Drive-Through Uses Permitted

Text Amendment 18.238 - Ten Mile Road



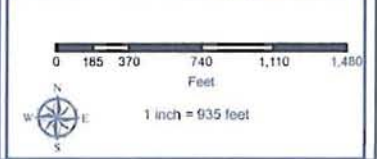
Map Author: Kristen Kapelanski
 Date: August 18, 2009
 Project: B-3 Properties Permitting
 Fast Food Drive-Throughs
 Version #: 1.0

Map Legend

 B-3 Parcels Permitting Fast Food Drive-Through

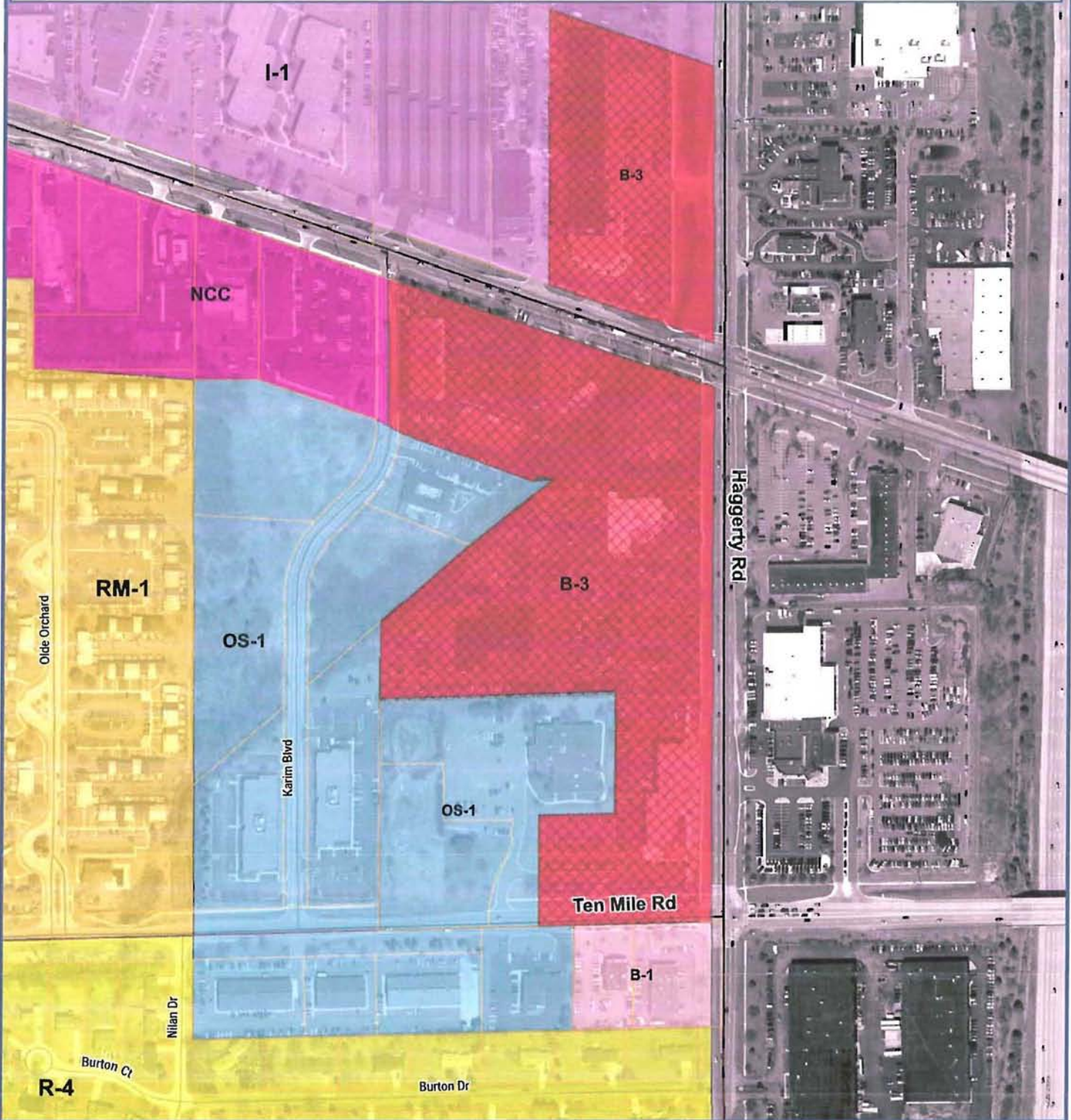
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B-3 Properties where Fast Food Drive-Through Uses Permitted

Text Amendment 18.238 - Grand River Avenue and Haggerty Road



Map Author: Kristen Kapelanski
 Date: August 18, 2009
 Project: B-3 Properties Permitting
 Fast Food Drive-Throughs
 Version #: 1.0

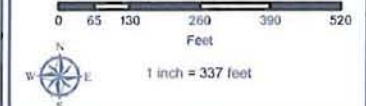
Map Legend

 B-3 Parcels Permitting Fast Food Drive-Through

MAP INTERPRETATION NOTICE

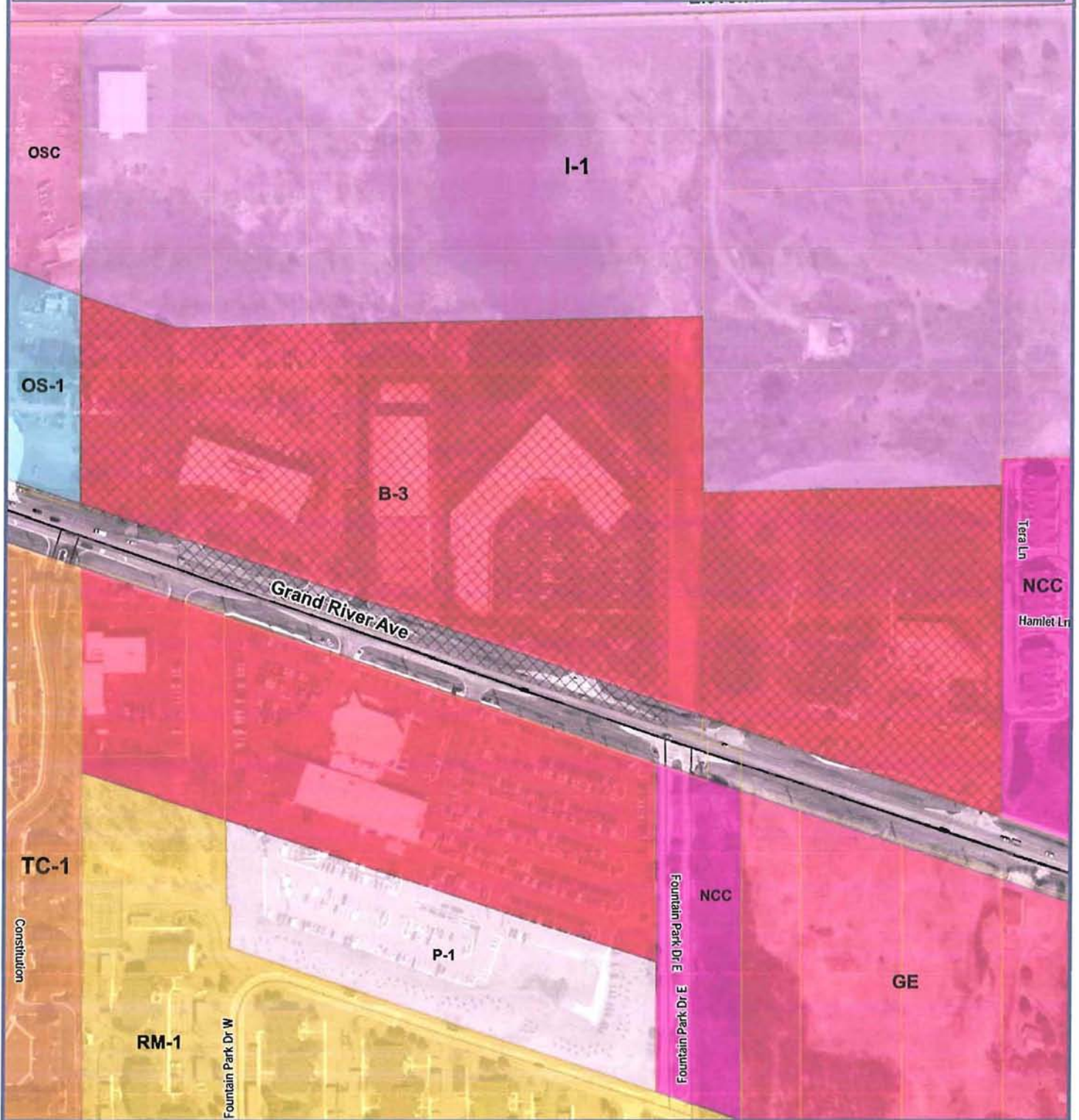
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B-3 Properties where Fast Food Drive-Through Uses Permitted

Text Amendment 18.238 - Grand River Avenue




Map Author: Kristen Kapelanski
 Date: August 18, 2009
 Project: B-3 Properties Permitting
 Fast Food Drive-Throughs
 Version #: 1.0


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Map Legend


B-3 Parcels Permitting Fast Food Drive-Through

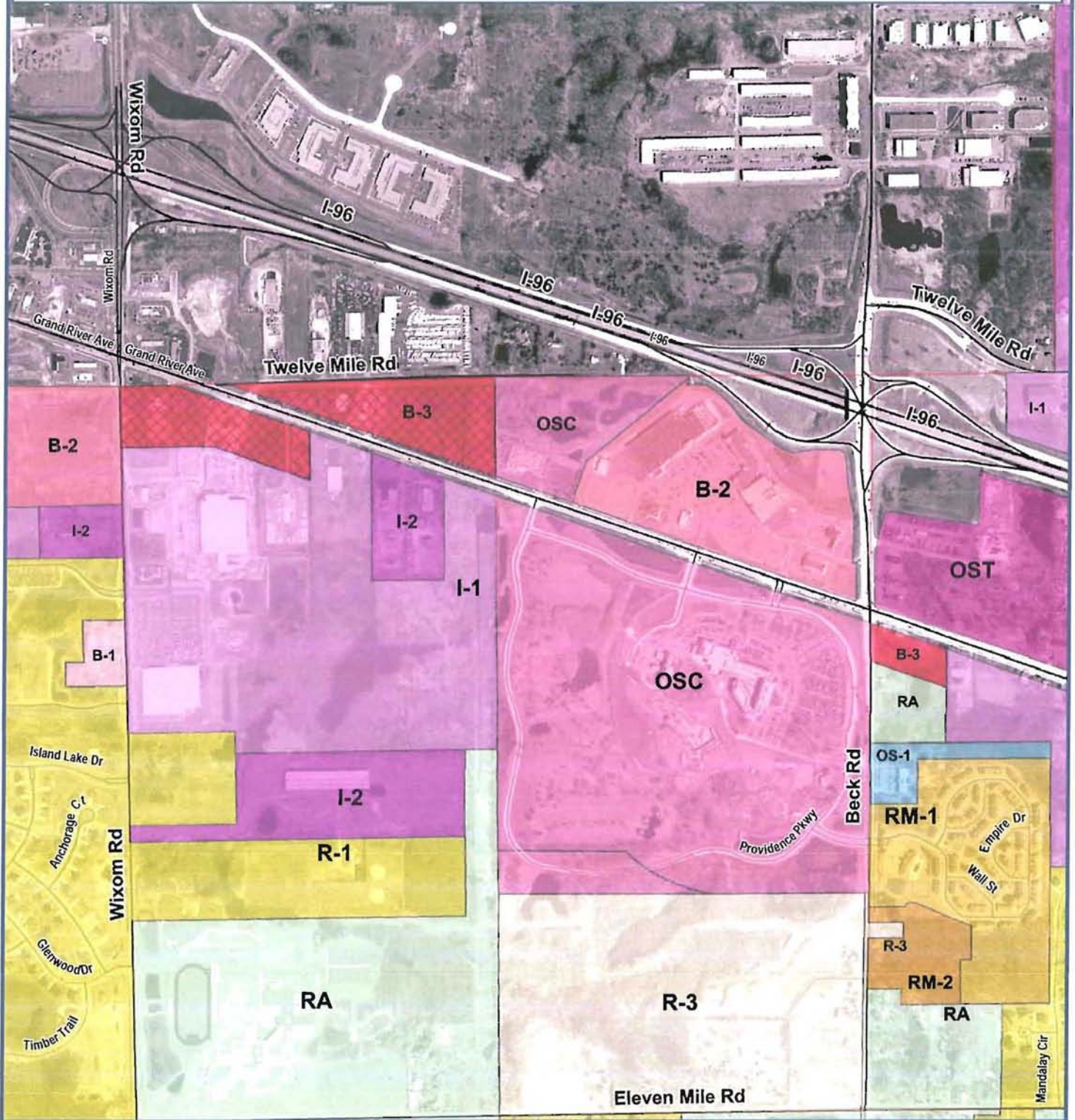
City of Novi
 Department Division
 Department Name
 45175 W Ten Mile Rd
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 1 inch = 237 feet



B-3 Properties where Fast Food Drive-Through Uses Permitted

Text Amendment 18.238 - Twelve Mile Road and Grand River Avenue



Map Author: Kristen Kapelanski
 Date: August 18, 2009
 Project: B-3 Properties Permitting
 Fast Food Drive-Throughs
 Version #: 1.0

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Map Legend

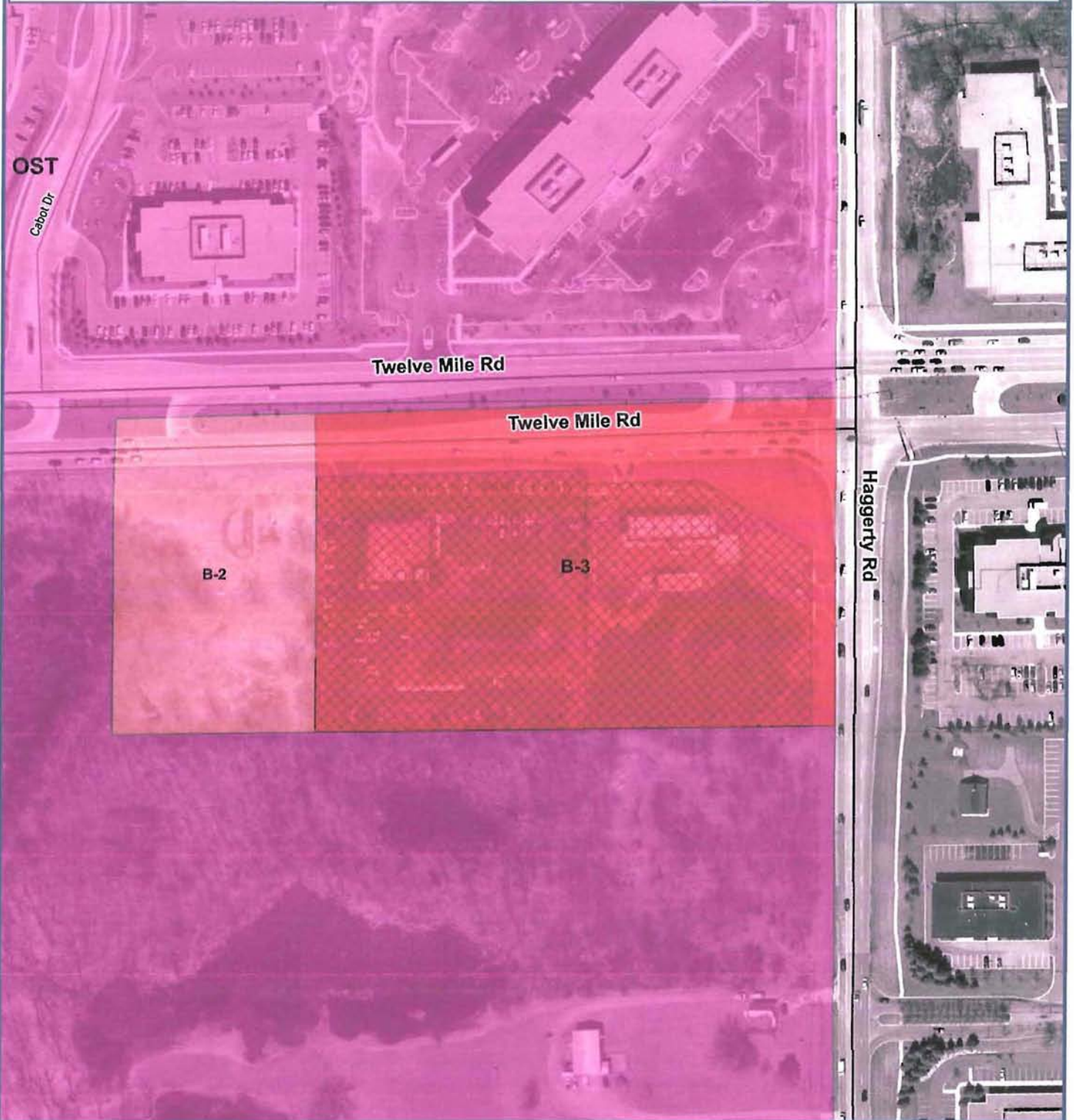
 B-3 Parcels Permitting Fast Food Drive-Through

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B-3 Properties where Fast Food Drive-Through Uses Permitted

Text Amendment 18.238 - Twelve Mile Road and Haggerty Road



Map Author: Kristen Kapelanski
 Date: August 18, 2009
 Project: B-3 Properties Permitting
 Fast Food Drive-Throughs
 Version #: 1.0

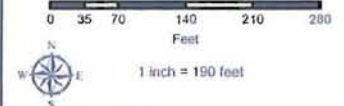
Map Legend

 B-3 Parcels Permitting Fast Food Drive-Through

MAP INTERPRETATION NOTICE

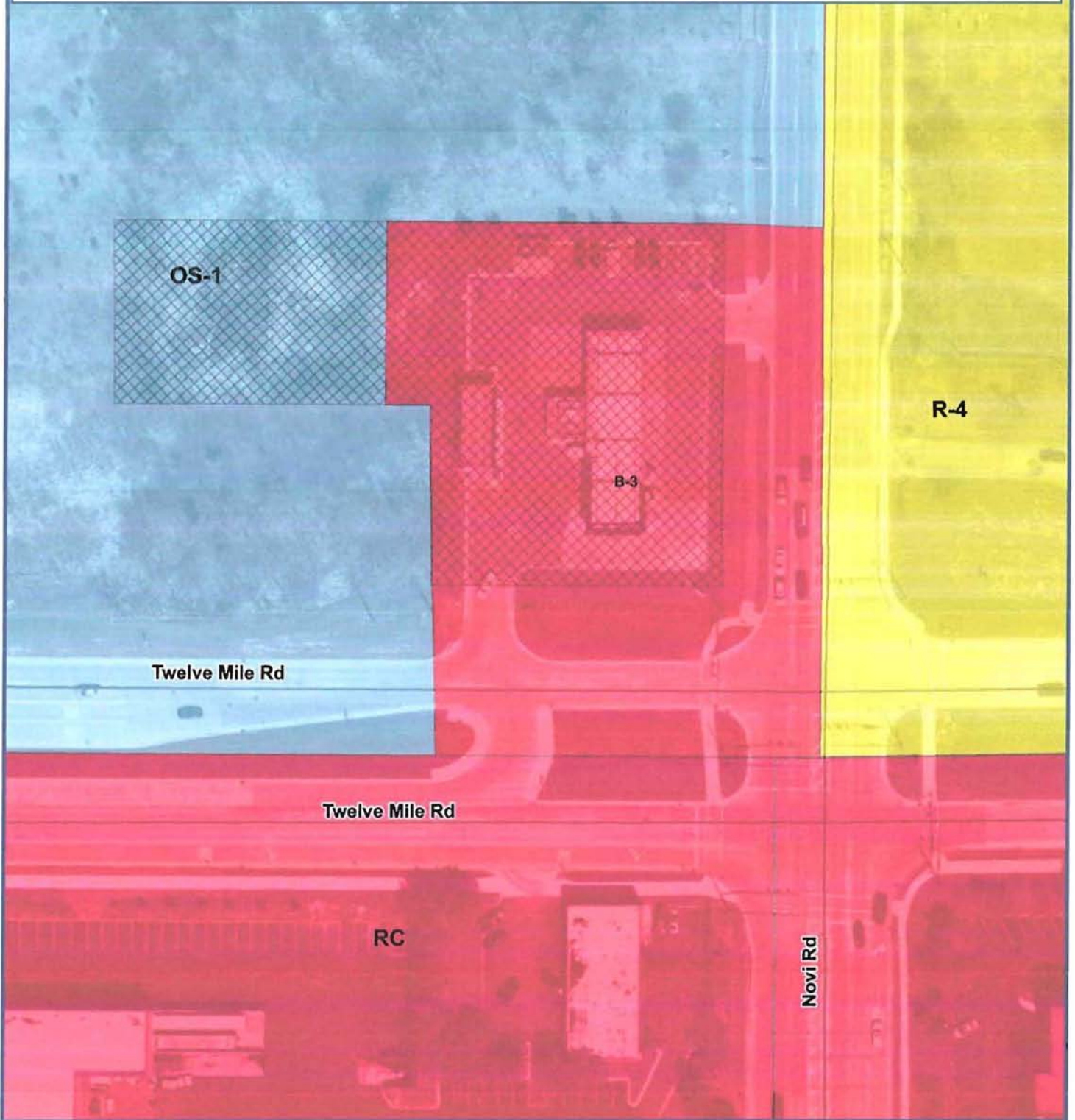
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B-3 Properties where Fast Food Drive-Through Uses Permitted

Text Amendment 18.238 - Twelve Mile Road and Novi Road



Map Author: Kristen Kapelanski
Date: August 18, 2009
Project: B-3 Properties Permitting
Fast Food Drive-Throughs
Version #: 1.0

MAP INTERPRETATION NOTICE

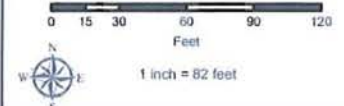
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Map Legend



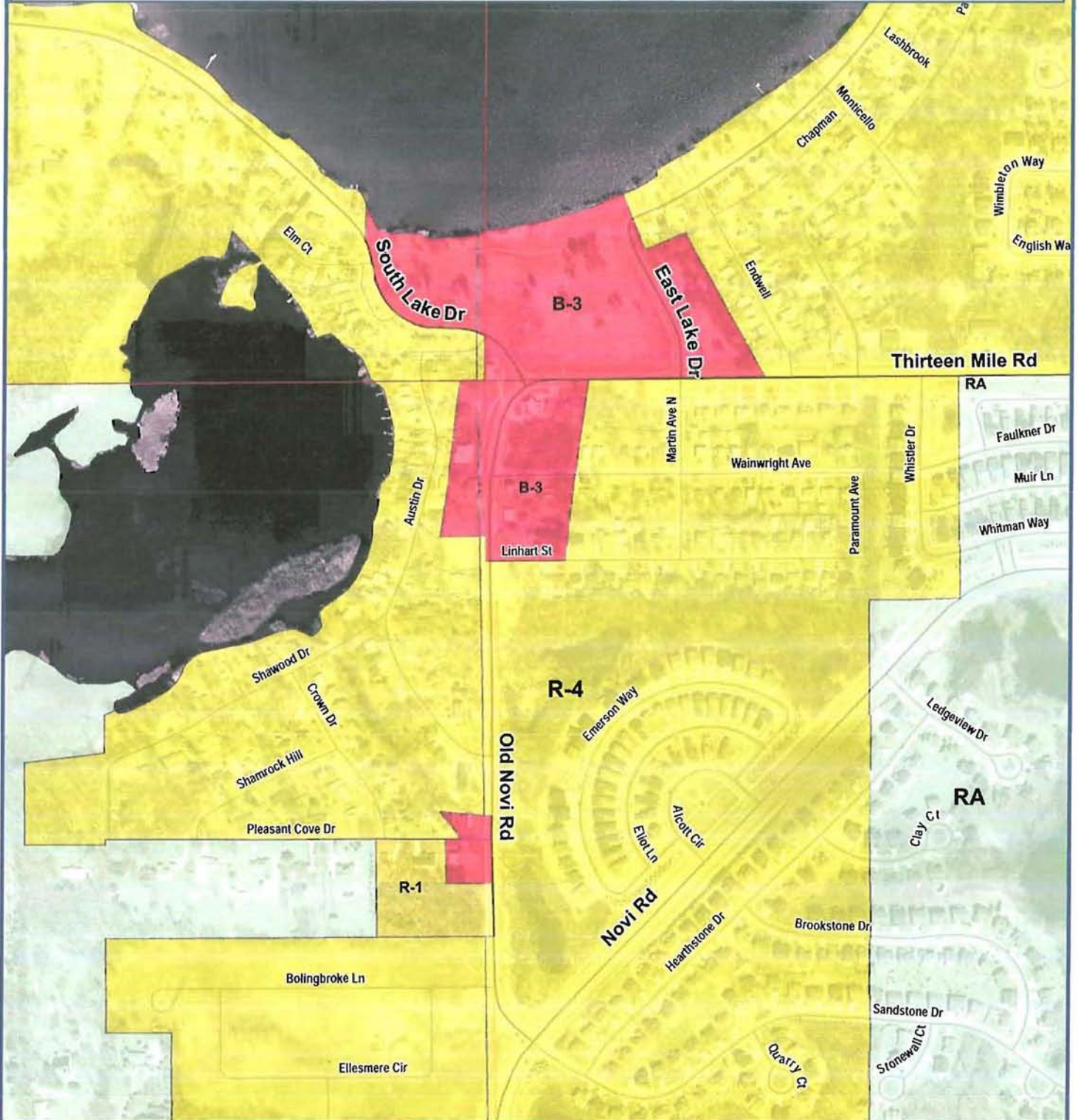
B-3 Parcels Permitting Fast Food Drive-Through

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B-3 Properties where Fast Food Drive-Through Uses Permitted


Text Amendment 18.238 - Thirteen Mile Road and Old Novi Road



Map Author: Kristen Kapelanski
 Date: August 18, 2009
 Project: B-3 Properties Permitting Fast Food Drive-Throughs
 Version #: 1.0


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Map Legend

 B-3 Parcels Permitting Fast Food Drive-Through

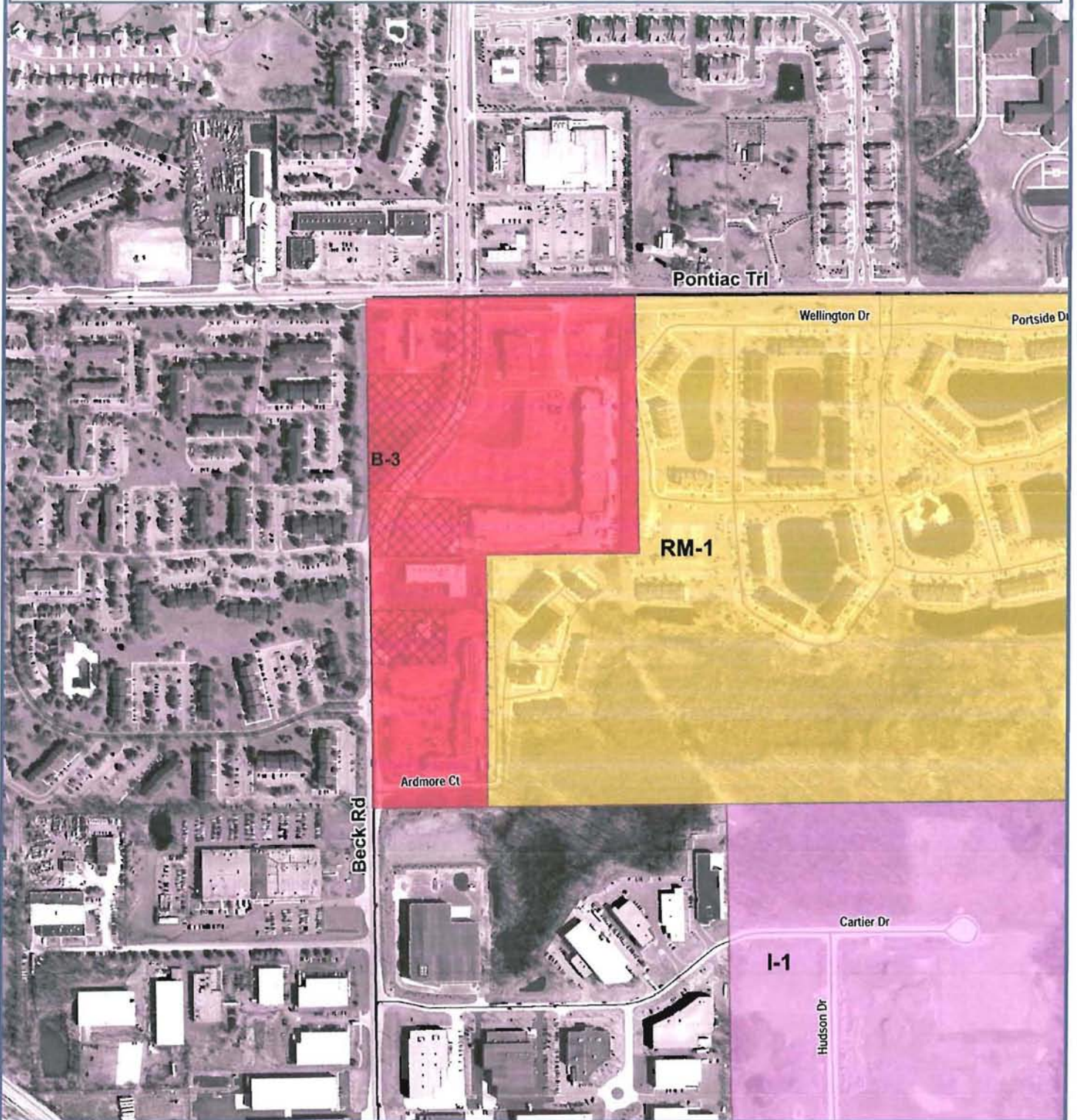
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0 95 190 380 570 760
 Feet
 1 inch = 470 feet



B-3 Properties where Fast Food Drive-Through Uses Permitted

Text Amendment 18.238 - Pontiac Trail and Beck Road




Map Author: Kristen Kapelanski
 Date: August 18, 2009
 Project: B-3 Properties Permitting
 Fast Food Drive-Throughs
 Version #: 1.0

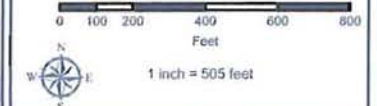
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Map Legend

 B-3 Parcels Permitting Fast Food Drive-Through

City of Novi
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 45175 W Ten Mile Rd
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**MEMO FROM COMMUNITY DEVELOPMENT
TO CITY MANAGER**

MEMORANDUM



TO: CLAY PEARSON, CITY MANAGER
FROM: BARBARA MCBETH, A/CIP, DEPUTY DIRECTOR
SUBJECT: ZONING ORDINANCE TEXT AMENDMENT FAST FOOD RESTAURANTS IN THE B-3 DISTRICT AND PARKING AND STACKING SPACE REQUIREMENTS FOR DRIVE-THROUGH RESTAURANTS
DATE: JANUARY 14, 2010

1/14/10
To: Mayor/City Council/Commission
Barbara McBeth

The attached proposed ordinance amendments provide standards under which fast food drive-through restaurants would be permitted in the B-3 District, and amend the parking and stacking space standards for fast food restaurants. The amendment is proposed because staff has received a number of requests for fast food drive-through restaurants over the last few years, and staff has noted that there are limited opportunities in Novi for fast food drive-through restaurant locations in comparison to other area communities.

The amendment proposes fast food drive-through restaurants as a special land use in the B-3 District and lists a number of conditions requisite to their approval. Presently, drive-through fast food restaurants are only permitted in the Regional Center (RC) District when a PD-2 option is utilized or in the Freeway Service (FS) District. In recent research of other area ordinances, staff noted that many surrounding communities do permit fast food drive-through restaurants in their most intense commercial districts. This use is being proposed as a Special Land Use in the B-3 district, subject to a number of conditions, including the requirement that the restaurant may not directly abut a residential district, but provide a minimum distance of 60 feet from any residential district. The location of access drives and a requirement for screen walls when abutting certain office and business districts, are also specified in the proposed standards.

The amendment also addresses the off-street parking requirements for all fast food restaurants. Section 2505 currently provides different parking requirement standards for fast food restaurants and drive-through restaurants, resulting in some confusion as to which applies in a given situation. In order to clarify and simplify this standard, staff is suggesting combining the two uses for the purposes of off-street parking and having a single standard for all fast food restaurants. Staff is also suggesting some minor modifications to the current standard to bring it more in line with other area ordinances.

Lastly, the amendment addresses the stacking requirements for all restaurants with a drive-through lane. Section 2506 currently provides different standards for stacking requirements for standard fast food restaurants and restaurants that operate with a drive-through only (with no customer seating). The Planning Commission brought up this consideration during its review. Staff is suggesting consolidating the standards for these two types of drive-through restaurants.

This matter was first brought before the Planning Commission and a public hearing was held on August 12th, 2009. At that meeting, the Commission expressed some reservations regarding expanding the districts where fast food drive-through restaurants would be permitted and chose to send the proposed amendment to the Implementation Committee for further consideration. The Implementation Committee met on August 25th, 2009 and carefully reviewed the proposed amendment, as well as additional recommendations provided at the suggestion of Commission Baratta regarding stacking space requirements. No additional concerns were identified.

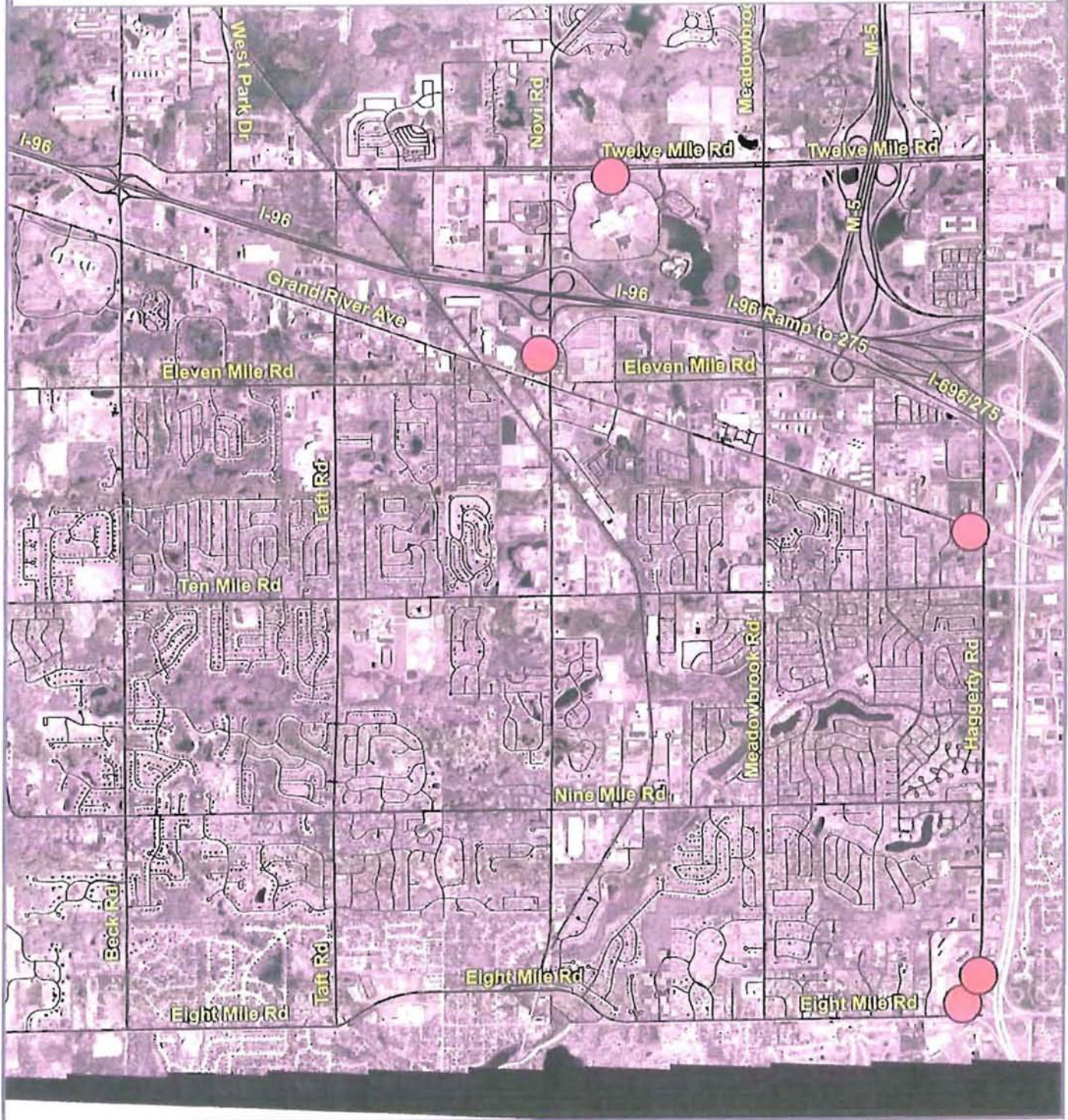
The Planning Commission held a second public hearing on October 28th, 2009 due to the additional provision being added regarding stacking space requirements, and recommended approval of the proposed amendment.

Attached is a map of all of the fast food drive-through restaurants currently located in Novi.

Staff will request that this matter be placed on an upcoming City Council agenda for consideration. Questions can be directed to Kristen Kapelanski, in the Community Development Department at (248) 347-0586 or kkapelanski@cityofnovi.org.

Existing Fast Food Drive-Through Uses

Text Amendment 18.238



Map Author: Kristen Kujawa
 Date: August 4, 2019
 Project: B-3 Properties Rezoning
 Fast Food Drive-Throughs
 Version #: 1.0

MAP INFORMATION/NOTES

*Map information is provided for informational purposes only. It is not intended to be used as a legal document. The City of Novi is not responsible for any errors or omissions in this map. The City of Novi is not responsible for any damages or liabilities resulting from the use of this map. The City of Novi is not responsible for any damages or liabilities resulting from the use of this map. The City of Novi is not responsible for any damages or liabilities resulting from the use of this map.

Map Legend

- Existing Fast Food Drive-Throughs
- McDonald's (Twelve Mile Road)
- Wendy's (Novi Road)
- Burger King (Grand River Avenue)
- Taco Bell (Eight Mile Road)
- McDonald's (Eight Mile Road)

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Scale = 1:2000 feet

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 09- 18 - 238

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AT ARTICLE 15, B-3, GENERAL BUSINESS DISTRICT, SECTION 1502, PRINCIPAL PERMITTED USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2505, OFF-STREET PARKING REQUIREMENTS, AND AT SECTION 2506, OFF-STREET STACKING SPACE, LAYOUT STANDARDS, CONSTRUCTION AND MAINTENANCE IN ORDER TO INCLUDE DRIVE-THROUGH USES IN THE B-3 DISTRICT AND CLARIFY THE REQUIREMENTS FOR FAST FOOD PARKING STANDARDS AND STACKING SPACE REQUIREMENTS.

THE CITY OF NOVI ORDAINS:

Part I. That Article 15, B-3 General Business District, Section 1502, Principal Permitted Uses Permitted Subject to Special Conditions is hereby amended to read as follows:

Article 15, B-3 General Business District

Sec. 1502. Principal Permitted Uses Permitted Subject to Special Conditions.

1. – 8. [unchanged]
9. Restaurant in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit down, subject to the following conditions:
 - a. Access points shall be located at least sixty (60) feet from the intersections of any two (2) streets.
 - b. Such uses shall not be permitted on a parcel less than sixty (60) feet from any residential zoning district.
 - c. All drive-through lanes shall be located at least one-hundred fifty (150) feet from any residential zoning district.
 - d. All lighting shall be shielded from residential uses.
 - e. All drive-through restaurants shall meet the stacking space requirements listed in Section 2506.12.
 - f. A six (6) foot high obscuring wall shall be provided when abutting or adjacent districts are zoned for OS-1, OS-2, OSC, NCC, B-1, B-2 or B-3 Districts, and where such abutting or adjacent districts are not separated from the proposed restaurant by a road, highway or freeway. The height of the wall shall be measured from the

surface of the ground. Any proposed wall shall further meet the requirements of Article 24, General Provisions.

- g. A noise impact statement is required subject to the standards of Section 2519.10(c).

Part II. That Article 25, General Provisions, Section 2505, Off-Street Parking Requirements is hereby amended to read as follows:

Article 25, General Provisions

Sec. 2505. Off-Street Parking Requirements.

1. – 13. [unchanged]

11. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

- a. [unchanged]
- b. [unchanged]
- c. Business and Commercial

(1) – (6) [unchanged]

(7) Restaurants and other establishments for sale and consumption on the premises of beverages, food or refreshments

- (a) Sit Down
- (b) Fast Food

[unchanged]

~~One (1) for each sixty (60) square feet gross floor area (16.7 spaces per one thousand (1,000) square feet), or One (1) for every two (2) employees, plus (1) for every two (2) customers allowed under maximum capacity (including waiting areas) whichever is greater plus compliance with the requirements for stacking spaces outlined in Section 2506.12.~~

(8) Drive-in restaurants

[unchanged]

~~(8A) Drive-through restaurants~~

~~One (1) for each employee plus one (1) for every two (2) persons allowed in seating areas.~~

(9) -- (27) [unchanged]

d. [unchanged]

15. -- 16. [unchanged]

Part III. That Article 25, General Provisions, Section 2506, Off-Street Stacking Space, Layout Standards, Construction and Maintenance is hereby amended to read as follows:

Article 25, General Provisions

Sec. 2506. Off-Street Stacking Space, Layout Standards, Construction and Maintenance.

1. 11. [unchanged]

12. Any lane, route, or path in which vehicles are directed expressly for the purposes of receiving or dispensing persons, goods, or services without the driver leaving the vehicle (hereinafter referred to as a drive-through lane) shall comply with the following requirements:

a. -- h. [unchanged]

i. Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

<i>Use Served by Drive-through Lane</i>	<i>Minimum Stacking Requirements (per lane)</i>
Restaurant (standard fast food)	The distance between the order board and the pick-up window shall store four (4) vehicles, and four (4) vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).
Restaurant -- (fast food drive-through only)	The distance between the order board and the pick-up window shall store four (4) vehicles, and fifteen (15) vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).
Financial Institution	[unchanged]
Car Wash (coin-	[unchanged]

operated)	
Car Wash (Fixed location/automatic, when accessory to a gas station)	[unchanged]
Car Wash (tunnel wash)	[unchanged]
Child Care Centers	[unchanged]
Dry Cleaners	[unchanged]
Convenience Market, including Drug Stores and Pharmacies	[unchanged]
Other Uses	[unchanged]

13. -- 14. [unchanged]

PART IV.

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 V.

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 VI.

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 VII.

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 _____, 2009.

DAVID LANDRY, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PLANNING COMMISSION MINUTES
OCTOBER 28, 2009**

EXCERPT FROM
PLANNING COMMISSION
CITY OF NOVI
Regular Meeting
Wednesday, October 28, 2009 | 7 PM
Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

Present: Member Greco, Member Gutman (arrived at 7:03 PM.), Member Larson, Member Lynch, Member Meyer, Chair Pehrson, Member Prince

Absent: Member Baratta (excused), Member Cassis (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Jana Pritchard, Planner; Kristin Kolb, City Attorney

PUBLIC HEARINGS

1. Zoning Ordinance Text Amendment 18.238

Public Hearing for a recommendation to City Council for Zoning Ordinance Text Amendment 18.238 an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance: (A) Article 15, B-3, General Business Districts, Section 1502, Principal Uses Permitted Subject to Special Conditions in order to include drive-through uses, (B) Article 25, General Provisions, Section 2505, Off-street Parking Requirements in order to clarify parking requirements for fast food restaurants, and (C) Section 2506, Off-Street Stacking Space, Layout Standards, Construction and Maintenance in order to clarify stacking requirements for fast food restaurants.

Deputy Director McBeth stated to the Chair that there was a corrected version of the Agenda on the internet and it was a more complete title and it pertained to the following three items: 1) The addition of fast food restaurants clearly identified as a Special Land Use in the B-3 District; 2) Parking standards for fast food restaurants; and 3) Stacking space requirements for fast food restaurants.

Planner Kapelanski explained the Text Amendment before the Commission concerns off-street parking requirements for fast food restaurants and also addresses fast food restaurant uses in the B-3 District and stacking requirements for drive-through restaurant uses. Staff is suggesting modifications to Section 2505 to clarify the parking requirements for all types of fast food restaurants. The Amendment also proposes including drive-through fast food restaurants as a Special Land Use in the B-3 District and modifies the stacking space standards so that there would be one standard for all fast food drive-throughs, regardless of whether they have indoor seating. You will recall that a public hearing regarding the proposed text amendment was held on August 12th. At that meeting, the Planning Commission requested that the amendment be sent back to the Implementation Committee for further study. As you can see on the provided map, B-3 properties that would permit drive-throughs are shown in green, and those that are not, are shown in red. The yellow represents all residentially zoned land in the city.

Also included in the packets are blow-up versions of the map showing all areas with properties zoned B-3. It also shows the surrounding zoning and indicating whether or not drive-throughs

would be permitted at the aforementioned properties. This amendment was taken before the Implementation Committee on August 25th. The Committee reviewed the proposed amendment, which included the revisions to the stacking space standards, and carefully reviewed the proposed provisions regarding drive-throughs and residential zoning and the revised maps. The Committee had no additional revisions. The Planning Commission is asked this evening to forward a recommendation to the City Council for the proposed text amendment.

Chair Pehrson opened the public hearing for audience comment and noting that no one wished to speak, Chair Pehrson closed the public hearing and asked if there was any correspondence.

Member Greco read the correspondence into the record.

John Kuenzel, Echo Valley Subdivision Board of Directors: Stated the board has concerns regarding the proposed 60 foot setback, the drive-through lanes and the lack of obscuring walls near residential areas. In addition, the board has the following additional concerns: (1) Were restrictions on the hours of operation for fast food drive-throughs considered; (2) Is the amendment in the best interest of the City; (3) Fast food drive-through restaurants could potentially steal customers from nearby independent restaurants in the City; (4) The proposed amendment is being promulgated outside of the Master Plan review currently underway; (5) Residents have continually expressed their concerns with developers' recent proposals to rezone residential land to office and commercial zoning and will residents also now have the additional grievance of fast food drive-throughs to contend with; and (6) The parcel of land at Beck Road and Pontiac Trail is now being considered for a fast food drive-through and is directly across from residentially zoned land in Wixom and he would like to point out the ordinance applies to neighboring cities as well as our own and wonders if anyone has contacted the City of Wixom regarding this proposal. Mr. Kuenzel's comments concludes noting the 60 foot proposed setback is ridiculously small and he would like the City to take the proper time to consider the amendment instead of rushing it through the process.

Chair Pehrson stated that there was no other Correspondence, so he will turn it over to the Planning Commission for their consideration.

Member Lynch stated that he remembers going through this in quite some detail and virtually all these concerns that we just heard, while valid, were discussed, debated, and addressed. Member Lynch is willing to support the proposed amendment.

Member Greco stated that in looking through the materials and following up on previous discussions of the Planning Commission, he will be able to support the amendment as well. Member Greco stated he understands that it is consistent with other neighboring communities to include fast food drive-throughs in the B-3 district. Member Greco stated that as a practical matter, we are talking about a very small portion of Novi, but wondered if there was any other reason other than that the use is allowed in nearby communities that we are considering it.

Planner Kapelanski stated the amendment would bring Novi in line with peer communities. Staff has not had any specific requests from developers for this type of amendment and instead simply noticed the standards of other communities in a review of their ordinances.

Member Gutman stated that he was at the heart of pushing the issue to the Implementation Committee and he felt the Committee did a good job of reviewing it and the Commission got some good insight from Member Baratta as well. Member Gutman indicated he is confident the amendment has not been rushed and has been thoroughly reviewed.

Moved by Member Gutman, seconded by Member Prince:

In the matter of Text Amendment 18.238, a motion to recommend approval to the City Council.

Member Meyer stated that he also felt the Implementation Committee did a thorough job of looking at Zoning Ordinance Text Amendment 18.238 as well as discussing it with Planner Kapelanski and he supported the motion.

ROLL CALL VOTE ON A MOTION TO RECOMMEND APPROVAL OF ZONING ORDINANCE TEXT AMENDMENT 18.238

In the matter of Text Amendment 18.238, a motion to recommend approval to the City Council. *Motion carried 7-0.*

**PLANNING COMMISSION MEETING MINUTES – EXCERPT
SEPTEMBER 30, 2009**



PLANNING COMMISSION MINUTES

Draft Copy

CITY OF NOVI

Regular Meeting

Wednesday, September 30, 2009 | 7 PM

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

CALL TO ORDER

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

ROLL CALL

Present: Members David Baratta, Victor Cassis, David Greco, Brian Larson, Michael Lynch (arrived at 7:15 PM.), Michael Meyer, Chairperson Mark Pehrson, Leland Prince (arrived at 7:19 PM.)

Absent: Member Andy Gutman (excused)

Also Present: Charles Boulard, Community Development Director; Mark Spencer, Planner; Kristen Kapelanski, Planner; Jana Pritchard, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, City Engineer; Rod Arroyo, Traffic Consultant; John Freeland, ECT; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Cassis, seconded by Member Baratta

VOICE VOTE ON THE AGENDA APPROVAL MOTION:

Motion to approve the September 30, 2009 Agenda. Motion carried 6-0.

MATTERS FOR CONSIDERATION

1. SET A PUBLIC HEARING FOR ZONING ORDINANCE TEXT AMENDMENT 18.238 REGARDING FAST FOOD RESTAURANTS IN THE B-3, GENERAL BUSINESS DISTRICT

Planner Kapelanski stated that the Text Amendment concerns off-street parking requirements for fast food restaurants and also addresses fast food restaurant uses in the B-3 Districts as well as stacking requirements for drive-through restaurant uses. Staff is suggesting modifications to Section 2505 to clarify the parking requirements for all types of fast-food restaurants. The Amendment also proposes including drive-through restaurants as a Special Land Use in the B-3 District and modifies the stacking space standards so that there would be one standard for all fast-food drive-throughs regardless if they have indoor seating. A public hearing regarding the proposed text amendment was held on August 12, 2009 and at that meeting, the Planning Commission expressed concerns about expanding the districts allowing drive-through restaurants and requested that the proposed amendment be sent back to the Implementation Committee for further study.

Following the Planning Commission meeting, Member Baratta sent via email his thoughts on the proposed ordinance and that email has been included in the packet. He also noted that it might be appropriate to address and clarify stacking space requirements as part of this amendment and staff agreed. Staff has proposed eliminating the provisions for stacking spaces for drive-through fast food only, similar to what we are doing with the off-street parking standards.

To address problems with the interpretation of the previously provided map, the overall map of the city has been altered to show B-3 properties that would permit drive-throughs in green and those that would not in red. That map is included in the packet as well and is shown on the overhead. Also included in your packet are blow-up versions of the map showing all areas with properties zoned B-3. The surrounding zoning of those properties has been included on the aforementioned maps as well as an indication of whether or not drive-throughs would be permitted.

This amendment was taken before the Implementation Committee on August 25, 2009. The committee reviewed the proposed amendment which included the revisions to the stacking space standards and carefully reviewed the proposed provisions regarding drive-throughs near residential zoning and the revised maps. The Committee proposed no additional revisions and forwarded the amendment to the Planning Commission. This evening you are asked to set a public hearing for the proposed amendment to be held on October 28, 2009.

Member Cassis stated he did send a letter addressed to the Commission expressing his concerns regarding the proposed amendments and stated he is now satisfied with the amendment and feels comfortable with the changes and thanked staff for their continued work.

Member Baratta complimented Ms. Kapelanski for adding the language with regard to the stacking lengths as it will help the ordinance and thought staff did a very good job.

Member Greco said before he made the motion he would like to comment on Member Cassis's letter, the discussion at the previous Planning Commission meeting, Member Baratta's email and the work between the Planning Commission, the Implementation Committee and the staff. Member Greco thinks this is another example on how we like to do things in this city and work together for the betterment of the community and try to come up with standards that everyone can live with and that accommodate the needs of the community.

Moved by Member Greco, seconded by Member Lynch:

VOICE VOTE TO SET A PUBLIC HEARING FOR ZONING ORDINANCE TEXT AMENDMENT 18.238 REGARDING FAST FOOD RESTAURANTS IN THE B-3, GENERAL BUSINESS DISTRICT.

In the matter of Text Amendment 18.238, a motion to set a public hearing for October 28, 2009. Motion carries 8-0.

**IMPLEMENTATION COMMITTEE MEETING
MINUTES – EXCERPT
AUGUST 25, 2009**

EXCERPT FROM DRAFT MINUTES



IMPLEMENTATION COMMITTEE
City of Novi Planning Commission
AUGUST 25, 2009 at 6:00 p.m.
Novi Civic Center – Activities Room
45175 W. Ten Mile, Novi, MI 48375
(248) 347-0475

Roll Call

Attending: Victor Cassis, Michael Meyer, Mark Pehrson and Leland Prince

Staff Support: Kristen Kapelanski

Also Attending: Barbara McBeth

Discussion Items

Discussion of Proposed Ordinance Addressing Off-street Parking Standards and Required Stacking Spaces for Fast Food Restaurants as well as consideration of locations and new standards for Fast Food Drive – Through Restaurants as a Special land Use in the B-3 District
Discussion of off-street parking standards and stacking space requirements for fast food restaurants and for provisions to include drive-through restaurants as a special land use in the B-3 District.

Ms. Kapelanski stated that this was before the Planning Commission at our previous meeting. The ordinance addresses parking standards for fast food drive-through restaurants and also adding drive-through restaurants as a special land use in the B-3 District. It was previously before the Planning Commission where the Commission expressed reservations about expanding the districts permitting drive-through uses, particularly as they relate to residential properties and it seemed like that was the main concern. To address problems with the interpretation of the previously provided map, Ms. Kapelanski altered the map that was included so now the properties that are in green are the areas where fast food drive-through would be permitted. The smaller maps that were provided show the B-3 zoning areas and as well as the surrounding zoning. Those areas that would permit fast food drive-through had hatch marks over them. There are small blow-ups of each area that has B-3 zoning, and that indicates where fast-food drive-through restaurants would be permitted.

Chair Meyer asked if it was just the green areas where it would be permitted.

Ms. Kapelanski stated that yes, the larger map would show the green properties and that is where drive-through would be permitted with the new ordinance. And if you are looking at the smaller maps, you are looking for the hatch marks.

Chair Meyer asked about the hatch marks and Ms. Kapelanski showed where the hatch marks were on the first map and then showed how on the second map of the area of Thirteen Mile and Old Novi Rd., drive-through restaurants would not be permitted there because it is a solid red. If you look at Twelve Mile and Novi Rd., you will see there are some hatch marks in the middle of the map, so drive-through restaurants would be permitted there. Ms. Kapelanski said she would be happy to go through any specific areas if you have any questions. Following the Planning Commission meeting, Commissioner Baratta also sent us an email detailing his thoughts on the proposed ordinance and that is included in your packet and shared with you this evening.

Ms. Kapelanski also said Commission Baratta noted that it might also be appropriate to address and clarify stacking space requirements at the same time and we have included the provisions to do so. Previously the stacking spaces were listed separately for fast food uses and fast food uses with a drive-through only, meaning that they have no indoor seating. We've looked at other ordinances in other area communities and those are highlighted in the memo in the packet and we are proposing on eliminating the stacking requirements that are listed for fast food drive-through only. You would have one single stacking space requirement for all fast food drive-through uses regardless of whether or not they had indoor seating. Lastly, we are just looking for feedback regarding the proposed changes. Mainly three separate areas: 1) The parking, which the Commission was generally in favor of clarifying; 2) The Special Land Use considerations in the B-3 District; and 3) The stacking space requirements. The Commission could decide to split those up into separate ordinance amendments and forward just the stacking to Council or forward just the parking or all three together; however they would so choose to do. So, we are looking for feedback regarding those three separate suggestions and if we did include the stacking space provisions, we would have to re-notice for this so there would be another public hearing.

Mr. Pehrson asked about the areas in green and what would be considered a fast food noting that something like a Starbucks would be a drive-through fast food. Mr. Pehrson liked the way these were segregated again, because my suggestion was to be, before I understood your color code, there was to somehow segregate the districts even further either by space or distance, so we would have further separation from the residential which this does. There is nothing even close to residential now in these areas and those areas in green are really relative to what exists today and I wouldn't have a problem if a Starbucks went in with a drive-through lane. I know the B-3 was the issue, so I agree with that and I like the idea of having the single stacking element for all uses. Mr. Pehrson asked if that would require them to re-notice. Ms. Kapelanski stated that the stacking space would require them to re-notice.

Mr. Cassis asked about the stacking situation and what was meant by that. Ms. Kapelanski answered that currently if a regular fast food restaurant with indoor seating and a drive-through comes in, they are required to have one space at the drive-through window, four behind that, and one at the menu board, and four behind that. So when we are talking about stacking, we are talking about the row of cars between the drive-through window and past the menu board. Mr. Cassis said he would go along with that and I am glad that we did re-consider the situation about how close it would be to residential.

Mr. Meyer stated that it was one of the key issues.

Mr. Cassis stated that Mr. Baratta, our colleague wrote a nice dissertation here and he did bring out some good points.

Ms. McBeth stated that it was a good suggestion that these maps become one part of this group and maybe the Planning Commission as a whole could see the actual land uses we are talking about.

Chair Meyer wanted to bring up the Zoning Board of Appeals and stated he was on it for four years and the point given, is that this city has really made an effort so we do not have unattractive fast food restaurants and have signs all over the place. I am very much taken by the real effort that has been made by this city to make it an aesthetically beautiful city.

Chair Meyer stated that there were three pieces to this ordinance, so if you could please take us through each one.

Ms. Kapelanski stated that the first would be the parking requirements which the Planning Commission did not seem to have a big issue with. Second would be the B-3, Special Land Use provisions to allow drive-through fast foods and we are limiting it in B-3 by making it a Special Land Use and also we had some provisions in there so that it is at least 60 feet from any residential zoning district and the drive-through lane has to be 150 feet from any residential zoning district so we have some additional regulations in there to.

Chair Meyer asked if we were comfortable with this.

Ms. McBeth stated that it would also remain a permitted use in the Freeway Service District and at the Twelve Oaks Mall, McDonalds in the RC (Regional Center) with a PD-2 Option.

The third was about addressing all stacking space requirements that Commissioner Baralta asked us to look at.

Mr. Cassis said that the Special Land Use is good because we allow the public to come in and it has a heavier consideration.

Ms. McBeth said it is a discretionary decision on the part of the Planning Commission. If there is something about it you do not like, and if you say this is a problem based on this factor and this factor, you have more authority.

Chair Meyer stated that is what our job is, that discretionary use, is not whether or not we like it, we are deciding the future of the city.

Chair Meyer asked Ms. Kapelanski if there was anything else they should be bringing up at this implementation meeting. I would think the next one could be after that Fall for Novi, and we could get together three days later or a week later, and take a look at what the people say about it. I would also like it to not only be about wind, but about solar. We could just ask the people what their thoughts are on that.

Ms. McBeth stated that they could put something like a survey on the web page and people could answer our surveys.

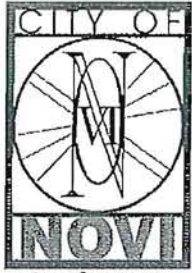
Ms. Kapelanski asked that to understand the committee's thoughts then, the B-3 fast food parking, stacking ordinance, everyone I think would be comfortable in sending this ordinance to the Planning Commission and then we'll add some additional public input on the web on the wind and solar.

Chair Meyer asked for a motion to adjourn.

Mr. Prince made a motion to adjourn and seconded by Mr. Cassis.

Voice vote
All in favor

**PLANNING COMMISSION MEETING
MINUTES – EXCERPT
AUGUST 12, 2009**



cityofnovi.org

PLANNING COMMISSION MINUTES

Draft Copy

CITY OF NOVI

Regular Meeting

Wednesday, August 12, 2009 | 7 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 7:00PM.

ROLL CALL

Present: Members David Baratta, David Greco, Andy Gutman, Brian Larson, Michael Lynch, Michael Meyer, Mark Pehrson, Leland Prince

Absent: Member Victor Cassis (excused)

Also Present: Barbara McBeth, Deputy Director Community Development; Kristen Kapelanski, Planner; Jana Pritchard, Planner; Kristin Kolb, City Attorney; Doug Necci, Facade Consultant

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Baratta.

VOICE VOTE ON THE AGENDA APPROVAL, MOTION MADE BY MEMBER GUTMAN, SECONDED BY MEMBER BARATTA.

A motion to approve the August 12, 2009 Planning Commission Agenda. *Motion carried 8-0.*

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.238

Public Hearing for Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, in order to clarify standards and parking requirements for fast food restaurants in the B-3, General Business District.

Planner Kapelanski stated that the Text Amendment concerns off-street parking requirements for fast food restaurants, and also addresses fast food drive-thru restaurant uses in the B-3 District. Staff is suggesting modifications to Section 2505, which are the off-street parking requirements, to clarify the parking requirements for all types of fast food restaurants. The Ordinance currently lists separate parking requirements for fast food restaurants and drive-thru restaurants which leads to some confusion as to which applies. Staff is suggesting combining these two uses for parking purposes in order to have one single standard for all fast food restaurants along with some minor modifications to bring the parking standard more in line with other ordinances.

The Amendment also proposes including drive-thru fast food restaurants as a Special Land Use in the B-3 District. As indicated by the chart that is included in the Commission's packets, drive-thru restaurants are currently only permitted in the RC District when a PD-2 Option is utilized, or in the FS, Freeway Service District. In researching area ordinances, staff noted that most permit drive-thru fast food restaurants in their more intense commercial districts. Therefore, the amendment has been included if the Planning Commission and City Council wish to permit that use in the B-3 District, subject to the standards indicated.

There has been one provision added to the Amendment since it was set for a Public Hearing at the previous Planning Commission meeting. The Amendment now requires fast food drive-thru lanes to be located a minimum of 150 feet from any adjacent residential zoning. The displayed map illustrates the locations of the five existing fast food restaurants and fast food drive-thru restaurants currently in the city.

Chair Pehrson opened the floor for public comment:

- Mr. John Kuenzel, resident at 23819 Heartwood in Novi, said he represents the Echo Valley Board of Directors which represents 105 families that reside in the Echo Valley Subdivision.

Mr. Kuenzel said he heard Commissioner Cassis address the issue of the proposed Text Amendment at the recent Master Plan and Zoning Committee meeting. Mr. Kuenzel stated that at his quarterly Echo Valley Civic Association Board of Directors meeting on Tuesday, August 11, 2009, the board voted in opposition to the following sections of the proposed amendments:

- 9. B. Such uses shall not be permitted on a parcel less than 60 feet from any residential zoning district.
- 9. C. All drive-thru lanes shall be located at least 150 feet from any residential zoning district.
- 9. F. A 6-foot high obscuring wall shall be provided when abutting or adjacent districts are zoned for OS-1, OS-2, OSC, NCC, B-1, B-2 or B-3 Districts and so forth.

Mr. Kuenzel stated that the Agenda item makes the issues appear to be about parking. In the above sections, a McDonald's or a Burger King would be allowed next door to a citizen's residence. Furthermore, Section 9. F is worded to require a 6-foot privacy wall separating the fast food restaurant from office and business zoning, but not residential zoning.

Mr. Kuenzel stated that if the Planning Commission and City Council adopt such measures, they would be establishing these rights for fast food restaurants anywhere in any B-3 District currently established or which might be established in the future. In doing so, they would be taking away the rights of current residential property owners to the peaceable possession of their property. Mr. Kuenzel indicated that the agenda item was confusing as to its intent; however, if you look at the Public Hearing notice that was in the Novi News on July 23, 2009, it is even more confusing as the intent of this hearing. And perhaps that is because, the decision to hold this hearing occurred after July 23rd according to the memorandum supplied by staff on the website.

Mr. Kuenzel indicated this hearing on July 29, 2009 seems improper or perhaps an illegal way of operating for a legally constituted body. You publish a hearing notice and then make the decision afterwards that you're going to have the public hearing. If you change your mind, the hearing does not occur, and people have already received notice to come to the public hearing. Mr. Kuenzel heard Mr. Cassis's statements to his fellow commissioners at the previous meeting regarding this proposal and if the Planning Commission is going to support this, their reasons for supporting it should be clearly stated. When discussing this issue in our group, we could find little that would support allowing fast food restaurants next to residential areas.

No one else wished to speak, so Chair Pehrson closed the Public Hearing.

Member Greco questioned the reason for adding this type of fast food restaurant in a B-3 District and wondered if it was because it would be consistent with ordinances in other neighboring areas.

Planner Kapelanski answered that he was correct. Staff investigated the parking standards in other area ordinances for the purposes of clarifying Novi's standards, and also found that most of the other area ordinances permit drive-thru fast food restaurants in their most intense commercial districts.

Member Greco stated that Member Cassis's and Mr. Kuenzel's concerns are essentially the same, with regard to the adding of the B-3 District as a permissible area for these types of restaurants, and questioned if we would run into more problems with respect to coming close to residential.

Planner Kapelanski answered that in the Planning Commission packets, a map highlights properties in orange, where, under this ordinance modification, fast food, drive-thru restaurants would be permitted as a Special Land Use. The properties shown in red are too close to residential to permit that use. The proposed ordinance does not permit drive-thru fast food uses adjacent to residential. If someone proposes a fast food drive-through use on a B-3 parcel, that B-3 parcel cannot be adjacent to residential and must be at least 60 feet away from any residential use or zoning, with a minimum of one parcel between the B-3 parcel and the residential parcel.

Member Greco stated that with respect to the other changes that were made, his understanding from reviewing the amendment is essentially consolidating the definitions to make sure we are all talking about the same thing.

Planner Kapelanski answered that he was correct and also stated that we've had some conflicts where there has been a question of how we classify something. Do we classify it as a fast food restaurant or do we classify it as a

drive-thru restaurant for parking purposes. We want to make it clear to us as well as the applicants what standard will be used to determine parking requirements and to take out that point of conflict.

Member Meyer asked if he was correct in understanding that it was just the orange area on the map that was being looked at for approval.

Planner Kapelanski answered that he was correct and if the amendment were approved as suggested, this would be where the drive-thru fast food restaurants would be permitted. The parcels shown are currently zoned B-3 and meet the standards set forth in the proposed ordinance.

Member Meyer asked about parking and referred to Section 2505.14.C.7.b where it says one parking space is required for every two employees, plus one for every two customers allowed under maximum capacity. Member Meyer asked who determines the maximum capacity and is it based on the square footage of the restaurant.

Planner Kapelanski stated that we defer to the Building Division to determine maximum capacity under the building codes, and it is based on the occupancy standards of the Building Code.

Member Meyer said he wanted to be clear on how they came up with one parking space for every two customers and was there something in a previous ordinance.

Planner Kapelanski answered that this was previously in and already in our ordinance. Planner Kapelanski stated that we currently have the option of one parking space for each 60 square feet of gross floor area, or the one parking space for every two employees, plus one for every two under maximum capacity. Staff is proposing to eliminate the 60 square feet standard, but keep the standard for drive-thru restaurants: one space for each employee, plus one for every two persons. So, the drive-thru standard essentially is staying the same; we are only proposing to alter the fast food standard.

Member Meyer confirmed with Ms. Kapelanski that staff is trying to bring both standards together. Member Meyer wondered why this is being reviewed at this time.

Planner Kapelanski answered that it was because we've had a few fast food restaurants come in for consideration this past year. There has been confusion over which parking standard would be utilized and whether our ordinances are in line with other communities.

Member Meyer thanked Planner Kapelanski for clarifying why it was before them tonight and the purpose of it.

Member Lynch questioned allowing fast food restaurants on Wixom Road and Grand River Avenue, as well as Beck Road and Grand River Avenue, where there are already a lot of them located.

Chair Pehrson asked that the map be displayed and described again.

Ms. Kapelanski stated that there might be some confusion with the colors on the map. The area displayed near Walled Lake is shown in red. That area would not permit fast food drive-thru restaurants because it is adjacent to residential zoning. Wherever there is the red on the map or we have a B-3 parcel adjacent to residential zoning, fast food drive-thru restaurants would not be permitted.

Planner Kapelanski showed a cluster of parcels where fast food drive through restaurants would potentially be allowed: Wixom and Grand River, Meadowbrook and Ten Mile, and certain parcels on the north side of Grand River. The south side of Grand River would not allow this use because the B-3 zoning is within 60 feet of residential zoning. Also, near Grand River and Haggerty a few parcels would allow this use. Planner Kapelanski confirmed for the Commission that all of the parcels identified are zoned B-3.

Member Lynch said that he was not comfortable with fast food restaurants in general. They are not in character with the city. There are plenty fast food restaurants in Novi and Wixom and he expects that South Lyon will be putting some in on Ten Mile Road. Member Lynch indicated that if a favorable vote on this text amendment is going to allow additional fast food restaurants, he will be voting no. Although, there are other parts Member Lynch agrees with, like

consolidating the parking standards and making it easier to understand.

Chair Pehrson asked if the B-3 zoning displayed on the map was a new zoning, or was it consistent with what we've had. Chair Pehrson questioned if someone were to come forward with a request for a Special Land Use permit for a fast food drive through restaurant, could they now go into B-3.

Planner Kapelanski answered no, the ordinance does not clearly state that. The ordinance does allow fast food drive-through restaurants in the Freeway Service District, which consists of a total of 5 parcels at Haggerty and Eight Mile Road. There is a Taco Bell and McDonald's located there now. Fast food drive-through restaurants are also allowed in the RC District utilizing the PD-2 Option, which consists of about half of the parcels around Twelve Oaks Mall.

Chair Pehrson clarified that the map that is shown on the screen is demonstrating where fast food restaurants would be permitted if the Text Amendment passes as proposed. Chair Pehrson noted that those areas highlighted match where some of the fast food drive through restaurants are currently located, such as McDonalds and Taco Bell. The City of Wixom has its share of fast food along the Grand River corridor near Wixom Road.

Chair Pehrson asked if the proposed amendment along with the proposed regulation limiting fast food drive-thru within 60 feet of residential match up with what other communities have done or have suggested.

Planner Kapelanski answered that is correct.

Chair Pehrson asked what the difference is between Section 1502.9.b and Section 1502.9.c, where the amendment states that access points shall be located at least 60 feet from the intersection of any two streets. Chair Pehrson asked if it was just that the restaurant had to be 60 feet from residential intersections or all intersections and would all drive lanes need to be located at least 150 feet from residential.

Planner Kapelanski stated that subsection b is saying that if someone is proposing a drive-thru use on a B-3 parcel, there cannot be residential adjacent to it. A drive-through fast food restaurant is would not be permitted adjacent to residential. Any residentially zoned parcel must be at least 60 feet away from the edge of the drive-thru parcel. In short, a minimum 60 foot wide parcel would be needed between the restaurant and the residential district.

And then subsection c was added, to ensure that when we have a fast food restaurant come in, the drive-thru lane does not wrap around the entire restaurant and adversely affect the residential property. A drive-thru lane is usually around two sides of a fast food restaurant and we wanted to prohibit the drive-thru lane from being closer than 150 feet to any residential parcel.

Chair Pehrson asked about the obscuring wall that is listed for the various districts and if staff is making the assumption that the residential was not there because of the 60 foot space required.

Planner Kapelanski answered that is correct, because the restaurant would not be adjacent to the parcel in question, and because there is that 60 foot gap.

Chair Pehrson asked what is the closest instance between a B-3 parcel and a residential district.

Planner Kapelanski answered that the closest one would be along Grand River. Viewing the map provided, it shows orange on the north side of Grand River and red on the south side. That would be the closest distance judging from the parcels that staff highlighted.

Chair Pehrson asked if it was more than 60 feet and Planner Kapelanski answered that was correct.

Chair Pehrson stated that while we would be adding permitted uses in B-3, we are not making any accommodations for these uses to be adjacent to residential and are putting in safeguards which would require those minimum distances.

Deputy Director McBeth stated that another safeguard is that we are proposing fast food drive through uses as a Special Land Use in the B-3 district and that is a discretionary decision on the part of the Planning Commission.

Chair Pehrson asked Ms. McBeth relative to Mr. Kuenzel's comments about the Novi News and the timing of that, and if she could explain it.

Ms. McBeth stated that the Planning Commission has taken on the practice in the last several years of reviewing the text amendments prior to the actual public hearing. We bring the text amendments forward typically for the Planning Commission to review before the public hearing and if there are no comments, our staff will put the public hearing notice in the paper. There have been a couple of instances where we have put the notice in the paper in advance and for some reason, the public hearing was not ready. In that case, at the beginning of the meeting, we make an announcement that the public hearing will not be held that evening. A new notice will go out when the matter is set.

Chair Pehrson asked whether our process is still common and still in line with what we typically do and confirmed that we haven't stepped outside or deviated from usual practice.

Ms. McBeth answered that is correct.

City Attorney Kristin Kolb added that under the Zoning and Enabling Act, there is no requirement for the Planning Commission to take formal action to set a Public Hearing. Ms. Kolb stated that the only requirement is that a Public Notice goes out 15 days before the date of the hearing. The actions are in compliance with the law and past practices. Ms. Kolb stated, if as Ms. McBeth said, for some reason the Planning Commission opted not to hold the Public Hearing on that night as advertised, the city runs the risk of losing the expense of already having published the notice, but it certainly complies with the state law.

Chair Pehrson asked Planner Kapelanski if the prescribed distance from residential zoning were to be greater than 60 feet, if it were 150 feet for example, does that further preclude the number of B-3 instances where a fast food drive-thru could be utilized.

Planner Kapelanski said that she didn't believe that any B-3 properties that are currently highlighted in orange would change to red. Planner Kapelanski believes they are all greater than 150 feet away. If the Planning Commission should want to change the 60 foot distance to 150 feet, they could certainly suggest that as part of their motion to City Council.

Member Greco stated that he agreed with the changes to consolidate the definitions so an applicant who is proposing a fast-food drive-thru restaurant is clear on what the parking requirements are. The issue for me, do we want to create an additional district where fast-food restaurants can come in? Member Greco felt the buffering and the actual locations where they would come in are fine, but, do we really need more fast food restaurants. Member Greco asked that if a fast food restaurant is built at Wixom and Grand River Avenue, are we going to infringe on anyone or ruin a neighborhood. Since he is not aware of any requests at this time, he does have a problem with expanding the uses permitted in a district to allow fast food restaurants.

Member Greco also stated that he knows we also have drive-thru issues with banks and pharmacies, and wondered if we need another permitted use in this district that uses drive-throughs. Member Greco stated he did not have a problem with the Ordinance as it is written, other than the fact that it creates another permitted use in the B-3 district that may not be necessary for us at this time. With regard to consolidating and making the definitions clear, Member Greco is in favor of that. But with the way it is written, Member Greco indicated that he will have to vote no.

Member Gutman stated that he was not ready to make a motion, but is questioning the reason behind this text amendment update. Member Gutman wondered if a developer or property owner requested this amendment, or is the City simply trying to update and improve on what we already have.

Planner Kapelanski explained that we are trying to tie up loose ends in the Ordinance as well as improve on what we have and to fix any inconsistencies that we see in the ordinance.

Member Gutman said that from what he is hearing, the modifications are to improve the language already in there. However, he is still uncomfortable with certain aspects that have been included.

Member Gutman asked Ms. McBeth if she could help and maybe send this to one of our committees to go over some of the issues and provide some clarification to the Commission. Then when it comes back, it might meet the intention of what was brought before us tonight.

Ms. McBeth stated that if the Planning Commission chooses, we will forward this to the Implementation Committee for further study. Ms. McBeth stated that she thought what we're hearing is that the Planning Commission is not comfortable with adding the drive-thru fast-food restaurants to the B-3 District, even as a Special Land Use, or with the additional provisions put in the Ordinance. Ms. McBeth stated that the Commission could make a recommendation tonight on a portion of the ordinance, such as the parking standards, for example, and indicate that there is not support the other section that adds drive-thru restaurants as a Special Land Use in the B-3 District. We could then forward that recommendation on to City Council. Otherwise we can send it to the Implementation Committee, and have further discussion at the Committee level.

Member Gutman said he is not ready to make a recommendation to City Council on any aspect of the request. If any Commissioner would like to forward a portion of the amendments to the City Council, he would step aside, but if he were to make a motion, it would be to send the ordinance amendment back to the Implementation Committee to review and provide further comments.

Member Lynch stated that he was reluctant to approve anything that permits more fast food drive-thru restaurants, but he would be in favor of consolidating the parking standards. He could not support additional fast food restaurants at this time.

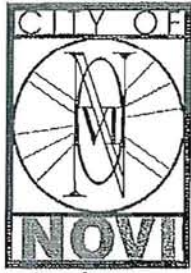
Member Greco stated that he appreciates the effort, but agrees with Member Gutman that the Commission should send this back to the Implementation Committee and wait for comments.

Moved by Member Gutman, seconded by Member Larson:

ROLL CALL VOTE ON MOTION TO SEND TEXT AMENDMENT 18.238 BACK TO THE IMPLEMENTATION COMMITTEE:

In the matter of Zoning Ordinance Text Amendment 18.238, a motion to send the proposed amendment back to the Implementation Committee for further study and consideration. *Motion carried 8-0.*

**PLANNING COMMISSION MEETING
MINUTES – EXCERPT
JULY 29, 2009**



cityofnovi.org

PLANNING COMMISSION AGENDA

DRAFT COPY

CITY OF NOVI

Regular Meeting

Wednesday, July 29, 2009 | 7 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: Members Victor Cassis, David Greco, Brian Larson, Michael Meyer, Chairperson Pehrson, Leland Prince

Absent: Members David Baratta (excused), Andy Gutman (excused), Michael Lynch (excused),

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Jana Pritchard, Planner; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Greco and seconded by Member Larson:

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

A motion to approve the July 29, 2009 Planning Commission Agenda. *Motion carried 6-0.*

MATTERS FOR CONSIDERATION

1. SET A PUBLIC HEARING FOR AUGUST 12, 2009 FOR ZONING ORDINANCE TEXT AMENDMENT 18.238 IN ORDER TO CLARIFY PARKING REQUIREMENTS FOR FAST FOOD RESTAURANTS AND STANDARDS FOR FAST FOOD RESTAURANTS IN THE B-3, GENERAL BUSINESS DISTRICT

Moved by Member Greco and seconded by Member Larson:

VOICE VOTE ON SETTING A PUBLIC HEARING FOR AUGUST 12, 2009 FOR ZONING ORDINANCE TEXT AMENDMENT 18.238, MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER LARSON:

A motion to set a public hearing for August 12, 2009 for Zoning Ordinance Text Amendment 18,238 to clarify parking requirements for fast food restaurants and the standards for fast food restaurants in the B-3, General Business District. *Motion carried 6-0.*