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CITY of NOVI CITY COUNCIL

Agenda Item 6
July 23, 2012

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.255 to amend the City of Novi Zoning Ordinance at Article 23A, "OST Planned Office Service Technology District" Section 2302A, "Retail Service Overlay Uses Permitted Subject to Special Conditions" in order to expand the areas where the Retail Service Overlay is permitted to the area east of M-5 and north of Twelve Mile Road. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning *Baubs*

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The City Council recently approved the creation of the Retail Service Overlay ordinance language which permits a limited amount of retail and personal service uses for the areas near Grand River Avenue and Beck Road. The area identified for additional uses had been identified as Office, Research, Development and Technology with Retail Service Overlay, on the City's Future Land Use Map. Uses permitted (subject to approval of a Special Land Use Permit by the Planning Commission) include generally recognized retail businesses and personal service establishments permitted in the B-1, Local Business District, and restaurants (excluding drive-in and drive-through restaurants).

As a part of the approval of the new Retail Service Overlay ordinance language, the City Council expressed an interest in expanding the areas within the OST District where an applicant may utilize these new provisions and referred the matter to the Planning Commission on April 23, 2012. Relevant meeting minutes are attached.

The Planning Commission first considered a text amendment to address the Council's concerns on June 13, 2012. At that meeting a public hearing was held where the major property owner in the area noted several concerns he had regarding the proposal. The Planning Commission also expressed an interest in potential revisions to the proposed amendment and directed staff to work with the major property owner to revise the amendment, incorporating the comments made by the Planning Commission. Relevant meeting minutes are attached.

Planning staff explored various options and offers the attached text amendment. The proposed amendment would maintain the provisions of the Retail Service Overlay allowing the uses listed in Section 2302A.1 on properties designated Office, Research, Development and Technology with Retail Service Overlay on the Future Land Use Map but would also allow applicants to apply the Retail Service Overlay to properties that meet the following criteria:

- The zoning of the property is OST, Planned Office Service Technology District;
- The property is located north of Twelve Mile Road and east of M-5; and

- The property is located at the intersection of an arterial or major arterial road and a non-residential collector street, and at least 500 feet from a residential zoned district.
- The Planning Commission would also be asked to make a finding that the application of the Retail Service Overlay would be in keeping with the stated intent of the Retail Service Overlay and the OST District and compatible with the surrounding developments

Changes that were made to the previously proposed amendment (at the June 13, 2012 Planning Commission meeting) are shown in red on the strike-through version of the revised text amendment.

Size limitations for any proposed retail, service or restaurant uses are suggested in the ordinance to help insure that the character of the district is maintained for the proposed additional areas. Pedestrian and vehicular access is also proposed to be included in the ordinance to encourage the use of the retail, service and restaurant uses from the adjacent office park. Outside plaza and landscaping features are encouraged to provide an attractive place for outside dining associated with restaurant uses.

In addition, for those properties not designated as Office, Research, Development and Technology with Retail Service Overlay on the Future Land Use Map, the revised text amendment includes fast food drive-through restaurants as a permitted use subject to the following conditions:

- Any restaurant use must include pedestrian amenities (i.e., landscaped plazas, etc.) and must include an outdoor dining space.
- For fast food drive-through restaurants access must be from the non-residential collector road only.
- A drive-through must be accessory to a larger restaurant with indoor seating also provided.
- All drive-through lanes must be screened from view by the building or landscaping.
- The façade ordinance includes a provision that all building designs must be compatible with the existing buildings in the area in terms of materials used and overall quality. A provision reiterating that statement has been included for fast food drive-through restaurants.

The attached map highlights those properties that would be eligible for application of the Retail Service Overlay under the proposed text amendment.

If the amendment is approved, staff anticipates including this area as part of the Retail Service Overlay in the next Master Plan for Land Use update.

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

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.255 to amend the City of Novi Zoning Ordinance at Article 23A, "OST Planned Office Service Technology District" Section 2302A, "Retail Service Overlay Uses Permitted Subject to Special Conditions" in order to expand the areas where the Retail Service Overlay is permitted to the area east of M-5 and north of Twelve Mile Road. **FIRST READING**

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

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

**PROPOSED ORDINANCE AMENDMENTS
STRIKE-THROUGH**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12- 18 – 255

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 23A, OST, PLANNED OFFICE SERVICE TECHNOLOGY DISTRICT, SECTION 2302A, RETAIL SERVICE OVERLAY USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO EXPAND THE AREAS WHERE THE RETAIL SERVICE OVERLAY IS PERMITTED.

THE CITY OF NOVI ORDAINS:

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

ARTICLE 23A. OST PLANNED OFFICE SERVICE TECHNOLOGY DISTRICT

Section 2300A. Intent. [unchanged]

Section 2301A. Principal Uses Permitted. [unchanged.]

Section 2302A. Retail Service Overlay Uses Permitted Subject to Special Conditions

In order to provide a limited amount of retail and personal service establishments to serve the employees of and visitors to the nearby office use areas, the following additional uses shall be permitted by the Planning Commission on a limited number of properties located in the OST, Planned Office Service Technology District ~~only when located within the areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's 2010 Master Plan for Land Use.~~ Approval shall be subject to the conditions hereinafter imposed for each use and in accordance with the additional requirements of Section 2516.2(c) for a Principal Use Permitted Subject to Special Conditions. There shall be a public hearing by the Planning Commission in accordance with the requirements set forth and as regulated in Section 3006 of this Ordinance:

1. Retail uses, service uses and restaurant uses, as follows:
 - a. Generally recognized retail businesses and personal service establishments, as permitted in the B-1, Local Business District, Section 1301.1 and 1301.2, and other uses similar to the identified uses, subject to the limitations of subsection ~~23.e.~~ and 3g. below;
 - b. Restaurants, including sit down, banquet facilities or other places serving food or beverage, except those having the character of a drive-in or having a drive-through window, subject to the limitations of subsection 3.g., below.
 - ~~b.c.~~ Fast food drive-through restaurants shall be permitted only on properties meeting the requirements of subsection 2.b., below and subject to the limitations of subsection 3.g., below.
2. The above listed uses shall only be permitted on properties:
 - a. Located within the areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's 2010 Master Plan for Land Use.; or
 - b. Designated OST, Planned Office Service Technology on the City of Novi

Zoning Map for that area north of Twelve Mile Road and east of M-5, and only for those properties located ~~at the intersection of two major thoroughfares or at the intersection of an major thoroughfarearterial road or major arterial road~~ and a non-residential collector street, at least 500 feet from land zoned for residential purposes, and subject to a finding by the Planning Commission that the proposed plan is consistent with all of the following standards:

- i. Is in keeping with the stated intent of the Retail Service Overlay to provide a limited amount of retail and personal service establishments to serve the employees and visitors to nearby office use areas;
- ii. Is in keeping with the stated intent of the OST, Planned Office Service Technology District to encourage and allow development of high tech, multi-use office/ laboratory/ production uses; and
- iii. That the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings.

3. Required conditions for Retail Service Overlay uses:

- a. For those properties located within the areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's 2010 Master Plan for Land Use access shall be provided from a public or private local street or collector road that loops between two arterial streets. The general location of such streets shall be as depicted in the City of Novi Master Plan for Land Use. To the extent possible, direct access from streets designated major arterial, arterial or minor arterial in the Master Plan for Land Use shall be prohibited.
- b. Access drives or roads, access easements and non-motorized transportation facilities and easements shall be extended to the property line of neighboring properties in such a manner as determined by the City to provide for future service to the neighboring properties.
- c. A minimum of 15% of any development site, excluding any required detention or retention facilities, shall be provided as landscaped open space.
- d. Outdoor sales shall be prohibited except that outdoor seating and dining as an accessory use to existing or proposed restaurants is permitted subject to the requirements of Section 2524.
- e. Generally recognized retail and personal service uses shall not exceed 25% of the total floor space as developed in any one of the specific polygon areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's adopted Master Plan for Land Use. The Planning Commission shall be authorized to grant deviations from the 25% maximum retail and personal service floor space requirement provided that the Planning Commission finds that the proposed deviation is in keeping with the intent of this Section to provide for a limited amount of retail and personal services to serve the employees of and visitors to the nearby office use areas and not to create a community or regional serving retail area, is in the best interest of the City, the need for the requested deviation is due to unique circumstances or physical conditions of the property involved, and the proposed deviation will not alter the essential character of the neighborhood.
- f. Architectural design and façade materials of building shall be designed to be compatible with and complementary to other developed buildings in the area. Building facades that are visible from a public or private road shall be composed of the same architectural building façade materials and design as

provided on the building's front façade.

- g. For retail, service and restaurant uses as permitted in subsection 2.b., above, the following standards shall apply:
- i. Any such retail, service or restaurant use shall not exceed twenty (20%) of the total floor area of any building or structure it is intended to serve, and must be attached to the principal building it is intended to serve, except that when physically designed and oriented to serve more than one building in a complex of buildings, the retail, service or restaurant use may be permitted in a separate building, provided the separate building does not exceed 10,000 square feet and is a minimum of 1,800 square feet.
 - ii. Any such retail, service or restaurant use shall be accessible from the adjacent office park development by means of connected access driveways to non-residential collector streets and/or adjacent developments and by means of sidewalks to insure that the retail, service and restaurant uses are accessible to workers in the adjacent office park development without being required to travel on the main roads.
 - iii. Any such restaurant use shall include pedestrian plazas, landscaping and amenities, such as seating and trash receptacles, ~~that encourage opportunities for outside dining.~~ An outside dining area shall be provided in accordance with the ~~All being subject to the standards of Section 2524.~~
 - iv. Any such fast food drive-through restaurant use shall meet the standards of Section 2506.12 and the following standards:
 - (a). Access shall be provided from the non-residential collector road only.
 - (b) The drive-through shall be accessory to a full-service, indoor use on-site.
 - (c) Drive-through lanes shall be screened from view from adjacent properties by the building, a decorative brick wall or landscaping planted to achieve a minimum opacity of 90% during the summer and 80% during the winter.
 - (d) Proposed buildings shall be designed in accordance with Section 2520.13 requiring designs compatible to existing buildings in the area with respect to the materials used and overall aesthetic quality.
 - (e) A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual is required.
 - (f) A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 2303A Required Conditions. [unchanged.]

Part II

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

PART III.

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

PART IV.

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

PART V.

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

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

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PROPOSED ORDINANCE AMENDMENTS
CLEAN**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12- 18 – 255

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 23A, OST, PLANNED OFFICE SERVICE TECHNOLOGY DISTRICT, SECTION 2302A, RETAIL SERVICE OVERLAY USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO EXPAND THE AREAS WHERE THE RETAIL SERVICE OVERLAY IS PERMITTED.

THE CITY OF NOVI ORDAINS:

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

ARTICLE 23A. OST PLANNED OFFICE SERVICE TECHNOLOGY DISTRICT

Section 2300A. Intent. [unchanged]

Section 2301A. Principal Uses Permitted. [unchanged.]

Section 2302A. Retail Service Overlay Uses Permitted Subject to Special Conditions

In order to provide a limited amount of retail and personal service establishments to serve the employees of and visitors to the nearby office use areas, the following additional uses shall be permitted by the Planning Commission on a limited number of properties located in the OST, Planned Office Service Technology District. Approval shall be subject to the conditions hereinafter imposed for each use and in accordance with the additional requirements of Section 2516.2(c) for a Principal Use Permitted Subject to Special Conditions. There shall be a public hearing by the Planning Commission in accordance with the requirements set forth and as regulated in Section 3006 of this Ordinance:

1. Retail uses, service uses and restaurant uses, as follows:
 - a. Generally recognized retail businesses and personal service establishments, as permitted in the B-1, Local Business District, Section 1301.1 and 1301.2, and other uses similar to the identified uses, subject to the limitations of subsection 23.e., and 3g., below;
 - b. Restaurants, including sit down, banquet facilities or other places serving food or beverage, except those having the character of a drive-in or having a drive-through window, subject to the limitations of subsection 3.g., below.
 - c. Fast food drive-through restaurants shall be permitted only on properties meeting the requirements of subsection 2.b., below and subject to the limitations of subsection 3.g., below.
2. The above listed uses shall only be permitted on properties:
 - a. Located within the areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's 2010 Master Plan for Land Use.; or
 - b. Designated OST, Planned Office Service Technology on the City of Novi Zoning Map for that area north of Twelve Mile Road and east of M-5, and only for those properties located at the intersection of an arterial road or major

arterial road and a non-residential collector street, at least 500 feet from land zoned for residential purposes, and subject to a finding by the Planning Commission that the proposed plan is consistent with all of the following standards:

- i. Is in keeping with the stated intent of the Retail Service Overlay to provide a limited amount of retail and personal service establishments to serve the employees and visitors to nearby office use areas;
 - ii. Is in keeping with the stated intent of the OST, Planned Office Service Technology District to encourage and allow development of high tech, multi-use office/ laboratory/ production uses; and
 - iii. That the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings.
3. Required conditions for Retail Service Overlay uses:
- a. For those properties located within the areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's 2010 Master Plan for Land Use access shall be provided from a public or private local street or collector road that loops between two arterial streets. The general location of such streets shall be as depicted in the City of Novi Master Plan for Land Use. To the extent possible, direct access from streets designated major arterial, arterial or minor arterial in the Master Plan for Land Use shall be prohibited.
 - b. Access drives or roads, access easements and non-motorized transportation facilities and easements shall be extended to the property line of neighboring properties in such a manner as determined by the City to provide for future service to the neighboring properties.
 - c. A minimum of 15% of any development site, excluding any required detention or retention facilities, shall be provided as landscaped open space.
 - d. Outdoor sales shall be prohibited except that outdoor seating and dining as an accessory use to existing or proposed restaurants is permitted subject to the requirements of Section 2524.
 - e. Generally recognized retail and personal service uses shall not exceed 25% of the total floor space as developed in any one of the specific polygon areas designated "Office, Research, Development & Technology with Retail Service Overlay" on the Future Land Use Map in the City of Novi's adopted Master Plan for Land Use. The Planning Commission shall be authorized to grant deviations from the 25% maximum retail and personal service floor space requirement provided that the Planning Commission finds that the proposed deviation is in keeping with the intent of this Section to provide for a limited amount of retail and personal services to serve the employees of and visitors to the nearby office use areas and not to create a community or regional serving retail area, is in the best interest of the City, the need for the requested deviation is due to unique circumstances or physical conditions of the property involved, and the proposed deviation will not alter the essential character of the neighborhood.
 - f. Architectural design and façade materials of building shall be designed to be compatible with and complementary to other developed buildings in the area. Building facades that are visible from a public or private road shall be composed of the same architectural building façade materials and design as provided on the building's front façade.
 - g. For retail, service and restaurant uses as permitted in subsection 2.b., above,

the following standards shall apply:

- i. Any such retail, service or restaurant use shall not exceed twenty (20%) of the total floor area of any building or structure it is intended to serve, and must be attached to the principal building it is intended to serve, except that when physically designed and oriented to serve more than one building in a complex of buildings, the retail, service or restaurant use may be permitted in a separate building, provided the separate building does not exceed 10,000 square feet and is a minimum of 1,800 square feet.
- ii. Any such retail, service or restaurant use shall be accessible from the adjacent office park development by means of connected access driveways to non-residential collector streets and/or adjacent developments and by means of sidewalks to insure that the retail, service and restaurant uses are accessible to workers in the adjacent office park development without being required to travel on the main roads.
- iii. Any such restaurant use shall include pedestrian plazas, landscaping and amenities, such as seating and trash receptacles. An outside dining area shall be provided in accordance with the standards of Section 2524.
- iv. Any such fast food drive-through restaurant use shall meet the standards of Section 2506.12 and the following standards:
 - (a). Access shall be provided from the non-residential collector road only.
 - (b) The drive-through shall be accessory to a full-service, indoor use on-site.
 - (c) Drive-through lanes shall be screened from view from adjacent properties by the building, a decorative brick wall or landscaping planted to achieve a minimum opacity of 90% during the summer and 80% during the winter.
 - (d) Proposed buildings shall be designed in accordance with Section 2520.13 requiring designs compatible to existing buildings in the area with respect to the materials used and overall aesthetic quality.
 - (e) A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual is required.
 - (f) A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 2303A Required Conditions. [unchanged.]

Part II

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

PART III.

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

PART IV.

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

PART V.

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

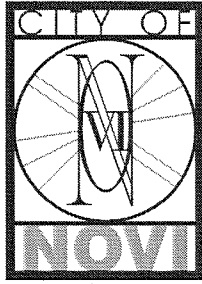
MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

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



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

July 11, 2012 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

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

Absent: Member Anthony (excused)

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Greco:

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

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

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.255 FOR RETAIL SERVICE OVERLAY EXPANSION

Public Hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 23A, OST, Planned Office Service Technology District, Section 2302A, Retail Service Overlay uses permitted subject to special conditions; in order to expand the areas where the retail service overlay is permitted to the area east of M-5 and north of 12 Mile Road.

Planner Kapelanski said the City Council has expressed an interest in expanding the recently created Retail Service Overlay District to include areas north of 12 Mile Road and east of M-5 and staff drafted a proposed text amendment in response to that request. The Retail Service Overlay District concept, which allows for a limited amount of restaurant, retail and personal service uses excluding drive-in and drive-through restaurants, was recently approved as part of the 2010 Master Plan update. The district is currently centered on areas near the intersection of Grand River Avenue and Beck Road. The proposed amendment would expand that area to include OST zoned properties north of 12 Mile Road and east of M-5.

The Planning Commission first held a public hearing and considered the proposed amendment at the June 13th Planning Commission meeting. At that meeting, the Commission heard comments from Northern Equities, the major property owner of the affected properties and input from staff and suggested staff make some modifications to the proposed ordinance and bring the revisions back to the Commission. Staff has now revised the ordinance based on those comments to limit the properties where these new provisions could be applied to the intersection of an arterial road or major arterial road and non-residential collector, provide a minimum building square footage requirement of 1,800 square feet and require outside dining areas for all restaurants.

Planner Kapelanski stated fast food drive-through restaurants have been included as a permitted use in this area only. Standards that apply specifically to drive-through restaurants include access can be provided from the non-residential collector road only, drive-through lanes must be screened from view, the proposed façade must be compatible with and complementary to the surrounding buildings and both a traffic impact statement and noise impact statement would be required. If the amendment is approved, staff anticipates identifying this area as eligible for the Retail Service Overlay as part of the next master plan update. The Planning Commission is asked to hold the public hearing and forward a recommendation to the City Council.

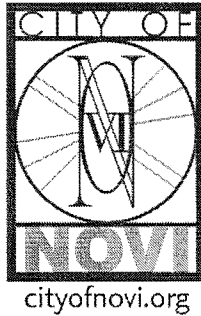
No one from the audience wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Moved by Member Lynch, seconded by Member Prince:

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

Motion to recommend approval of Text Amendment 18.255 for expansion of the retail service overlay. Motion carried 6-0.

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



PLANNING COMMISSION MINUTES

Amended and Approved

CITY OF NOVI

Regular Meeting

June 13, 2012 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

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

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

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

PLEDGE OF ALLEGIANCE

Member Prince 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 AND SECONDED BY MEMBER BARATTA:

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

PUBLIC HEARINGS

2. ZONING ORDINANCE TEXT AMENDMENT 18.255 FOR RETAIL SERVICE OVERLAY EXPANSION

Public hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 23A, OST, Planned Office Service Technology District, Section 2302A, Retail Service Overlay uses permitted subject to special conditions; in order to expand the areas where the retail service overlay is permitted to the area east of M-5 and north of 12 Mile Road.

Planner Kapelanski said the City Council has expressed an interest in expanding the recently created retail service overlay district to include areas north of 12 Mile Road and east of M-5. Staff has drafted a proposed amendment in response to that request. The retail service overlay district concept, which allows for a limited amount of restaurant, retail and personal service uses (excluding drive-in and drive-through restaurants) was recently approved as part of the 2010 Master Plan Update. The district is currently centered on areas near the intersection of Grand River Avenue and Beck Road. The proposed amendment would expand that area to include OST zoned properties north of 12 Mile Road and east of M-5 and would only be permitted on properties at the intersection of two major thoroughfares or a major thoroughfare and a non-residential collector that is at least 500 feet from residentially zoned properties. There are provisions in the proposed ordinance to ensure the use would be in keeping with the intent and maintain the character of the OST District. Drive-through restaurants have not been included as a permitted use in the proposed amendment. If the City Council requested more intense uses such as drive-thru restaurants and gas stations be removed from the retail service overlay when it was originally approved. The Planning Commission is asked to hold the public hearing and make a recommendation to Council.

Chair Pehrson opened the public hearing.

Mathew Sosin of Northern Equities Group, the primary property owner in the area said he recently had a

meeting with three separate tenants in the park and they all expressed a desire to have drive-through restaurants or cafés in the park. He expressed that most of the problems people seem to have with drive-throughs are the traffic and neighborhood protection issues said there would be none of those issues in this area. With the 500 foot barrier there won't be any noise issues for the neighbors, and any potential sites would comply with the lighting and façade ordinances for this district. There's a way to craft the ordinance to prevent some of the concerns that most people have with drive-throughs. The office park has reached a level of mass where people expect amenities. The passage of this ordinance re-write would be great but it needs to include the drive-through component to attract more people to the office park. In the paper today there was something about restaurants and drive-throughs and it stated that 70% of their revenues come from the drive-through. Occupants of the park have engaged in a letter writing campaign to show they would like to see drive-through restaurants. Northern Equities does not plan to have multiple fast food restaurants on the premises because that's not what the tenants want.

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

Member Lynch asked if this ordinance text amendment was ~~geared only towards~~ **generated for this area** or if it applied to the whole City. *(Corrected by KNK on 06/28/12)*

Planner Kapelanski answered the amendment would only allow the retail service overlay provisions to be expanded to the area north of 12 Mile Road and east of M-5. The amendment that staff has prepared does not include provisions for a drive-through restaurant; it includes provisions for a sit-down restaurant.

Member Lynch stated that as long as drive-through restaurants are proposed, he doesn't see a problem with it. How would the Planning Commission go about recommending the inclusion of drive-through restaurants?

Planner Kapelanski noted the Planning Commission could recommend approval of the amendment as presented with the addition of drive-through restaurants and perhaps suggest staff craft some ordinance provisions to either come back to the Planning Commission or send forward to the City Council that include drive-through restaurants. If the City Council were to approve the amendment as is and an applicant wanted to amend it after the fact, they would propose a text amendment that included the provisions they would want to add to the ordinance and it would go through the process of the Planning Commission, the City Council and so on.

Member Lynch said the amendment should state that ~~nice~~ restaurants or cafes should be allowed to have a drive-through. He doesn't want to send this amendment **forward without the suggested modifications** ~~as is because he doesn't want the applicant to have to come back to the Planning Commission.~~ *(Corrected by KNK on 06/28/12)*

Chair Pehrson said the majority of office and industrial parks do not usually have a drive-through restaurant near the entrance and he would like to send this amendment back and ask the staff to re-craft the ordinance to narrow the scope so that if the Planning Commission has a desire to look at a drive-through, language be included to ensure it is a more enhanced and upscale version of a typical drive-through with amenities that wouldn't usually be included. Consideration could also be given to keeping additional traffic off of the arterial road possibly by requiring the drive-through be located interior to the office park. If the Planning Division could add some of these ideas to the amendment, the Planning Commission could have a more complete version to pass along to the City Council.

Member Baratta stated as businesses evolve with their business models, the City has to evolve with our ordinances. Would there be objections from the major property owner if the amendment states the

restaurant could not have access to the arterial road?

Mathew Sosin answered that the main entrance to the park is off of Cabot Drive which is the non-residential collector rather than 12 Mile Road, the arterial. It would not be a major constraint if access had to be off of the collector road.

Member Baratta said it seems the drive-through is not intended to serve the drive by traffic per say, but the customers in the park instead.

Mathew Sosin said although the drive by traffic on 12 Mile Road is a consideration, realistically a restaurant wouldn't even need to worry about the traffic counts because there are 27 buildings in the park at 96% occupancy. The new kind of style of drive-throughs does limit a lot of the negative externalities, like the speaker technology and the light in the menu.

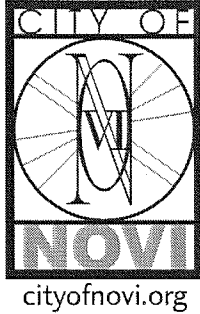
ROLL CALL VOTE ON ZONING ORDINANCE TEXT AMENDMENT 18.255 MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER BARATTA:

Motion made by Member Lynch, seconded by Member Baratta:

Motion to direct staff to amend the ordinance provisions to permit drive-through restaurants in limited instances. Motion carried 5-0.

Deputy Director McBeth said we could take these comments into consideration and make some modifications to the text and bring those modifications back to the Planning Commission in a month or so.

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



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

May 9, 2012 7:00 PM

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

CALL TO ORDER

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

ROLL CALL

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

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

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Lynch:

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

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

MATTERS FOR CONSIDERATION

1. SET PUBLIC HEARING FOR JUNE 13, 2012 FOR TEXT AMENDMENT 18.255 – EXPANSION OF THE RETAIL SERVICE OVERLAY AMENDMENT IN THE OST DISTRICT

Planner Kapelanski stated the City Council has expressed an interest in expanding the recently created Retail Service Overlay District to include areas north of 12 Mile Road and east of M-5 and staff has drafted a proposed text amendment in response to that request. The Retail Service Overlay District concept, which allows for a limited amount of restaurant, retail and personal service uses (excluding drive-in and drive-through restaurants), was recently approved as part of the 2010 Master Plan update. The district is currently centered on areas near the intersection of Grand River Avenue and Beck Road.

The proposed amendment would expand that area to include OST zoned properties north of 12 Mile Road and east of M-5 and would only be permitted on properties at the intersection of two major thoroughfares or a major thoroughfare and a non-residential collector and at least 500 feet from residentially zoned property. There are other provisions in the proposed ordinance to ensure the use would be in keeping with the intent and maintain the character of the OST District. Also provided was a map identifying properties that would meet the standards of the proposed ordinances. The Planning Commission is asked to schedule the public hearing for June 13th. Should the Planning Commission so choose this matter could be sent to the Implementation Committee for further review.

Motion made by member Baratta and seconded by Member Lynch:

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

Motion to set a public hearing for June 13, 2012 for Text Amendment 18.255 for expansion of the retail service overlay in the OST District. Motion carried 4-0.

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

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

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

PLEDGE OF ALLEGIANCE

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

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

APPROVAL OF AGENDA

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

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

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

MATTERS FOR COUNCIL ACTION

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

City Manager Pearson explained that a suggestion came from Council. Some of the work was done by Staff, but the next step in the process would be for Council to add any comments, parameters and, or suggestions. We will ask the Planning Commission to review, also. They will conduct a formal public hearing, make the recommendation, and then it will come back to Council and will have something to act upon towards this.

CM-12-04-061 Moved by Mutch, seconded by Margolis; CARRIED UNANIMOUSLY:

**To approve referral to the Planning Commission for Public Hearing
and recommendation back to the City Council of a Zoning
Ordinance Text Amendment for modification of the standards in the
OST, Planned Office Service Technology District, Retail Service**

Overlay provisions, to expand the areas where the Retail Service Overlay is permitted.

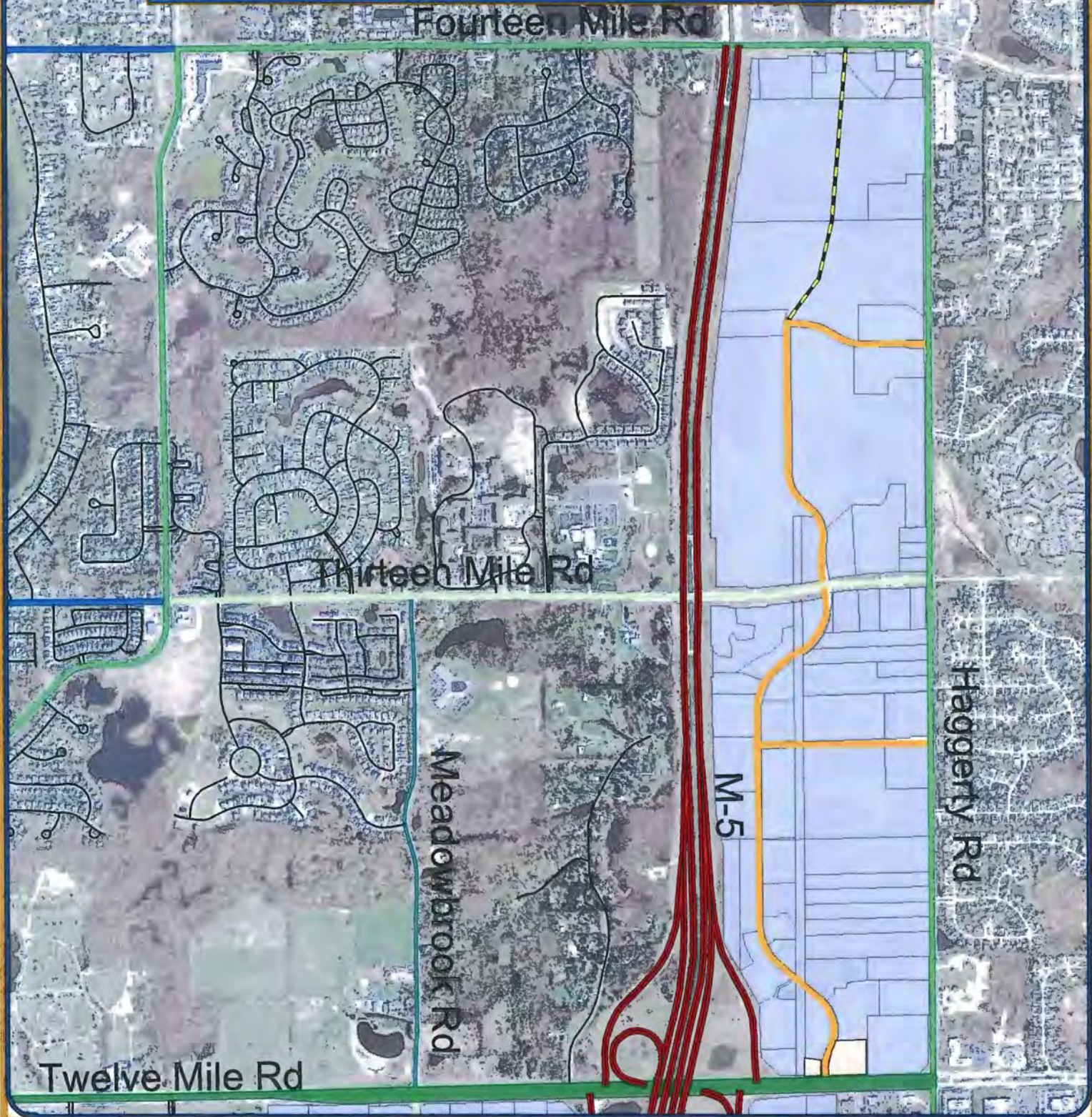
Roll call vote on CM-12-04-061

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

MAPS
POTENTIAL RETAIL SERVICE OVERLAY PROPERTIES

Potential Retail Service Overlay Properties

Text Amendment 18.255



Map Author: Kristen Kapelanski
 Date: 03/28/12
 Project: Text Amendment 18.255
 Version #: V3.0



Amended By: Kristen Kapelanski
 Date: 07/02/12
 Department: Community Development

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was prepared in accordance with National Map Accuracy Standards and 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 for additional source and accuracy information related to this map.

Map Legend			
	Potential for Retail Service Overlay		Residential Collector
	Other OST Properties		Local Street
	Freeway		Proposed Residential Collector
	Major Arterial		Proposed Collector
	Minor Arterial		Proposed Local Street
	Non-Residential Collector		Scenic Drive Road



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

