



BUSCH'S SEASONAL OUTDOOR SALES ZCM 09-12

BUSCH'S SEASONAL OUTDOOR SALES, ZCM 09-12

Public Hearing of the request of Busch's for Special Land Use Permit and Preliminary Site Plan approval. The subject property is located in Section 23, at the northwest corner of Ten Mile Road and Meadowbrook Road, in the B-3, General Business District. The applicant is proposing to occupy a space in front of the existing Busch's grocery store at 41600 Ten Mile Road, for approval of outdoor sales of plant materials and produce.

Required Action

Approve or Deny Special Land Use Permit and Preliminary Site Plan

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval Recommended	05/15/09	- Minor items to address at the time of Stamping Set submittal
Fire	Approval Recommended	05/08/09	- Combustible materials shall not be stored under the canopy

Approval – Special Land Use Permit

In the matter of the request of Busch's Seasonal Outdoor Sales ZCM 09-12, motion to **approve** the Special Land Use permit, subject to the following:

- a. Planning Commission finding under Section 2516.2.c for the Special Land Use permit :
Whether, relative to other feasible uses of the site,
 - The proposed use will not cause any detrimental impact on existing thoroughfares *(due to the relatively minor expansion of an existing business to allow outside sales or plants and produce, which are already available for sale at the Busch's Market).*
 - The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood *(due to the location of the outdoor sales which are proposed to be on the existing sidewalk directly adjacent to the retail store, and is shown to meet the standards of the ordinance for access and hours of operation).*
 - The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
 - The proposed use will promote the use of land in a socially and economically desirable manner *(as it is a enhancement to an existing business).*
 - The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located *(as noted in the staff and consultant's review letters);*
- b. Combustible materials shall not be stored under the canopy;
- c. Compliance with all conditions and requirements listed in the staff and consultant review letters;
- d. *(Insert specific considerations here)*

For the following reasons... *(because it is otherwise in compliance with Article 15, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.)*

Denial – Special Land Use Permit

In the matter of the request of Busch's Seasonal Outdoor Sales ZCM 09-12, motion to **deny** the Special Land Use permit, for the following reasons...*(because it does not meet the following standards of the ordinance for approval of a Special Land Use permit...)*

Approval – Preliminary Site Plan

In the matter of Busch's Seasonal Outdoor Sales, ZCM 09-12, motion to **approve** the Preliminary Site Plan, subject to the following:

- a. Applicant should maintain a minimum pathway width of 6 feet along the sidewalk;
- b. Applicant should limit outdoor sales to produce and plant material only;
- c. Combustible materials shall not be stored under the canopy;
- d. The conditions and items listed in the staff and consultant review letters being addressed on the Stamping Set; and
- e. *(additional conditions here, if any)...*

for the following reasons... *(because it is otherwise in compliance with Article 15, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.)*

Denial - Preliminary Site Plan

In the matter of Busch's Seasonal Outdoor Sales, ZCM 09-12, motion to **deny** the Preliminary Site Plan, for the following reasons... *(because it is not in compliance with the following sections of the Zoning Ordinance...)*

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

May 15, 2009

Planning Review

Busch's Seasonal Outdoor Sales

ZCM #09-12

Petitioner

Busch's

Review Type

Special Land Use Request and Administrative Site Plan Review

Property Characteristics

- Site Location: 41600 Ten Mile Road, North of Ten Mile and west of Meadowbrook
- Site School District: Novi Community School District
- Site Zoning: B-3, General Business
- Adjoining Zoning: North and West: RM-1; South: B-3, B-1 and R-4; East: RM-1 and B-1
- Site Use(s): Existing Novi-Ten Shopping Center
- Adjoining Uses: North and West: Tree-top Meadows Residential Development; South: Novi Methodist Church, Novi Plaza, Sunoco Gas Station; East: Novi Manor Senior Living, Retail/Restaurant Uses
- Site Size: 11 acres
- Size of Outdoor Sales Space: Approx. 150 square feet
- Plan Date: 04/21/09

Project Summary

The applicant is proposing to occupy a space in front of the existing Busch's grocery store at the Novi-Ten Shopping Center for outdoor sales of plant materials and produce. The Zoning Ordinance was recently amended to make these types of outdoor sales a special land use in the B-3, General Business District. The applicant is proposing to occupy an approximately 150 square foot space divided almost evenly on either side of the entrance doors. The applicant is not proposing any additional exterior changes to the site or building. Busch's Market has had limited outside sales for the past two summer seasons under a temporary land use permit. The City has not received any complaints and Busch's would now like to make seasonal outdoor sales a permanent component of the market with Special Land Use approval from the Planning Commission.

Recommendation

Approval of the ***Special Land Use Permit and site plan is recommended.*** In its recommendation the Planning Commission will need to consider the standards for Special Land Use consideration.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 15 (B-3, General Business), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance. Section 1502.8 lists specific requirements that

Special Land Use Permit Review

Busch's Seasonal Outdoor Sales

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May 15, 2009

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seasonal outdoor sales areas of produce and plants in the B-3 District must meet. These are as follows.

1. Outdoor sales areas shall comply with all applicable building and fire codes and shall be reviewed and approved by the Building Division. *The applicant should contact the Building Division to obtain the appropriate permits. Please see the fire review letter recommending approval of the project. Combustible materials shall be not stored under the canopy.*
2. Outdoor sales areas shall be located in a manner to maintain a minimum pathway width of six feet along the sidewalk so as not to interfere with pedestrian traffic. *The applicant has maintained a minimum pathway of six feet along the sidewalk.*
3. The hours of operation of the outdoor sales area shall be consistent with the hours of operation of the principal use. *The applicant has indicated the hours of operation will be consistent with the hours of operation of the grocery store.*
4. Outdoor sales areas shall not occupy required parking spaces or drive aisles and/or required landscaping areas and shall be located on a paved surface. *The proposed sales area is located adjacent to the building on an existing sidewalk.*

Special Land Use Considerations

In the B-3 District, seasonal outdoor sales falls under the Special Land Use requirements (Section 402.4.b). Section 2516.2.c of the Zoning Ordinance outlines specific factors the Planning Commission shall consider in the review of the Special Land Use Permit request:

- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.
- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
- Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
- Whether, relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Response Letter

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

Stamping Set Approval

Stamping sets are still required for this project. After having received approval from the Planning Commission the applicant should submit **4 size 24" x 36" copies with original signature and original seals,** to the Community Development Department for final Stamping Set approval.

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



Kristen Kapelanski, Planner

FIRE REVIEW



CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

Brian Burke

City Manager
Clay J. Pearson

Assistant City Manager
Pam Antil

Fire Chief
Frank Smith

Deputy Fire Chief
Jeffrey Johnson

May 8, 2009

TO: Barbara McBeth, Deputy Director
Community Development, City of Novi

RE: Busch's Seasonal Outdoor Sales, ZCM09-0012
41840 W. Ten Mile Rd.
Final/Special Land Use Review

Dear Ms. McBeth,

The above plan has been reviewed and is **Recommended for Approval** with the following condition being met:

1. Since this building is required to be protected with a fire sprinkler system throughout, the front canopy area falls under this requirement if combustible materials are stored under it. This plan submittal calls for produce and potted plants to be on display which are not considered to be combustible materials.

This conditional approval is dependant on no combustible products being stored under this unprotected canopy.

Sincerely,

Michael W. Evans
Fire Marshal

cc: file

APPLICANT RESPONSE LETTER



City of Novi
Plan Review Center
Novi, Mi

June 2, 2009

Dear Kristen Kapelanski :

We have prepared this letter to acknowledge receipt of the Plan Review Center Report dated May 15, 2009 regarding our request for Special Land Use permit for outdoor sales at our Busch's store located at 41840 West Ten Mile Rd. We have reviewed the report and we will adhere to all conditions and specific requirements set forth in this report and we will not stray from these conditions at any time. We thank you for consideration of this request.

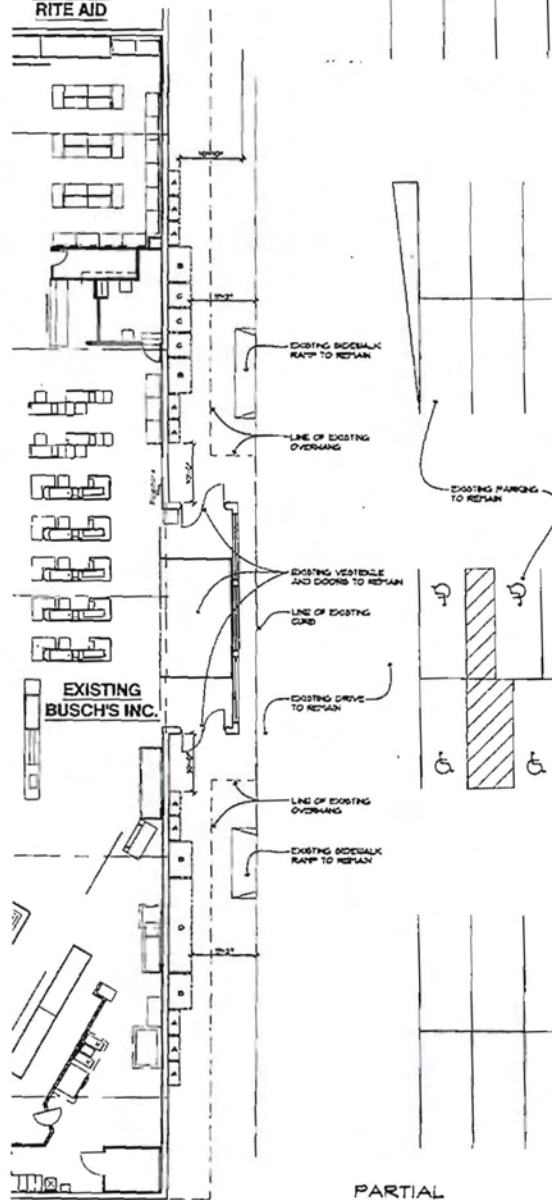
Sincerely,

A handwritten signature in black ink, appearing to read "Tony Babich", written over a horizontal line.

Tony Babich
Busch's, Inc.
V.P. of Facilities

REDUCED SITE PLAN

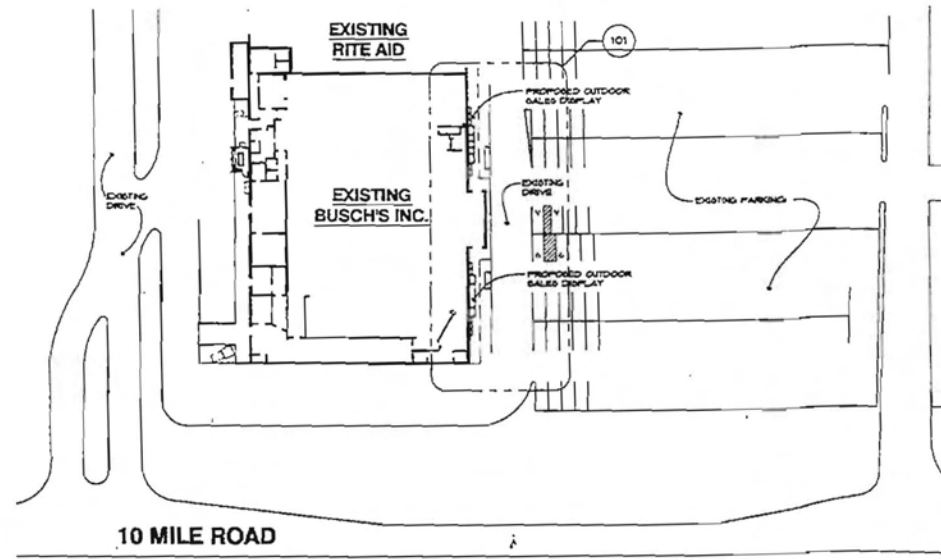
EXISTING
RITE AID



KEY

- A. 4'-0" WIDE X 2'-0" DEEP PADDLE BIN
- B. POTTED PLANT CLUSTERS APPROX. 8'-0" WIDE X 4'-0" DEEP
- C. POTTING SOIL PALLETS 4'-0" WIDE X 4'-0" DEEP
- D. HANDING BASKET APPROX. 8'-0" WIDE X 4'-0" DEEP

HOURS OF OPERATION: 7AM - 11PM



SIEGAL/TUOMALA
ASSOCIATES
ARCHITECTS &
PLANNERS INC.

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Southfield, MI 48034
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www.sta-arch.com

Project name:
BUSCH'S INC. @
TEN MILE RD. &
MEADOWBROOK
Project location:
NOVI, MICHIGAN

date/revision:
04.21.2000 PAKK

Sheet title:
EXISTING SITE
PLAN -
PROPOSED
PERMANENT
OUTDOOR
SALES
LOCATIONS

Project number:

2158

Sheet number:

C-1

copyright 07.2007

MAPS

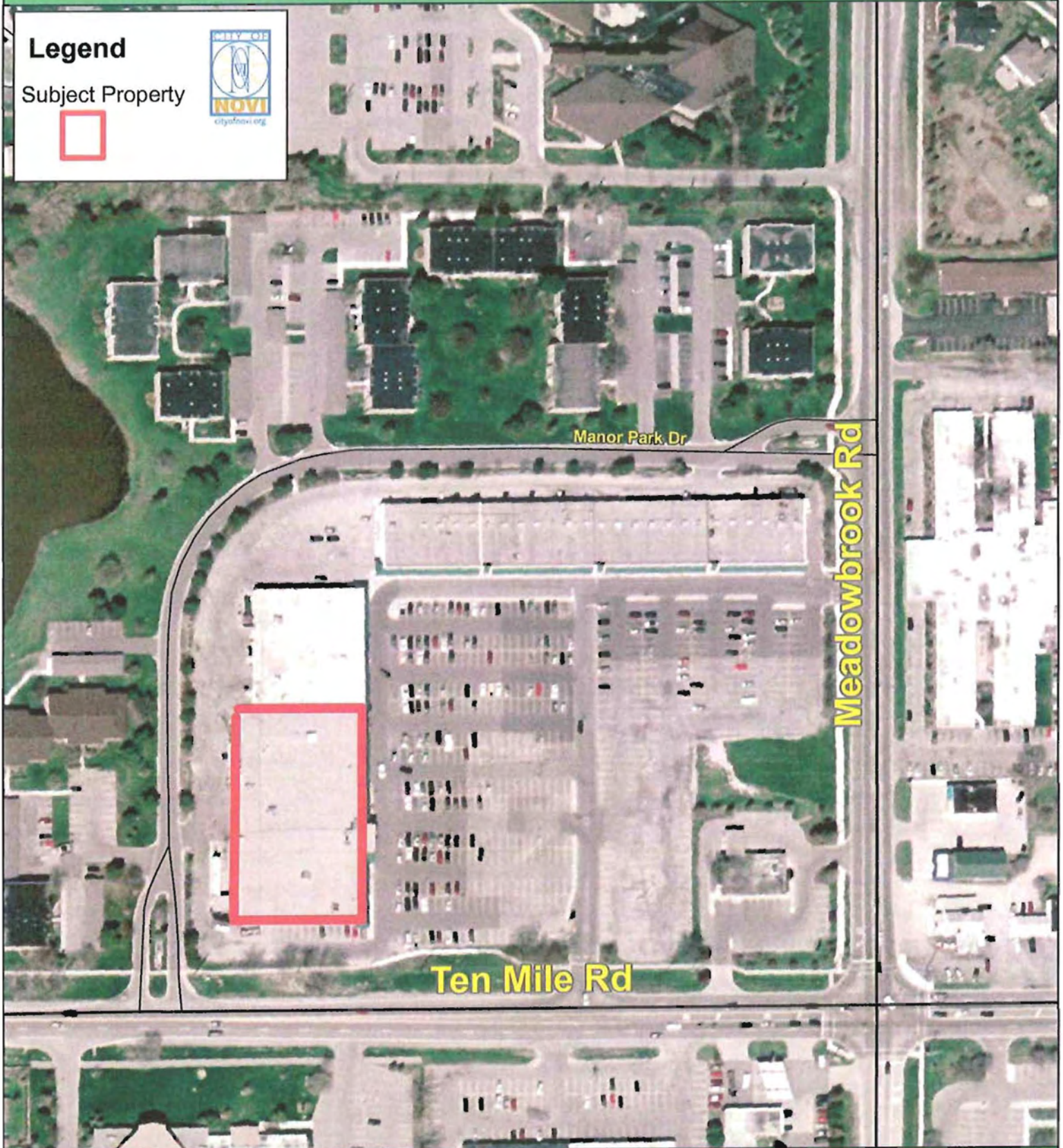
**Location/Air Photo
Zoning**

Busch's Seasonal Outdoor Sales ZCM 09-12

Location

Legend

Subject Property



CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Kristen Kapelanski, Planner



0 60 120 240 360

FEET

1 INCH = 164 FEET

MAP PRINT DATE: date





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.


Busch's Seasonal Outdoor Sales ZCM 09-12

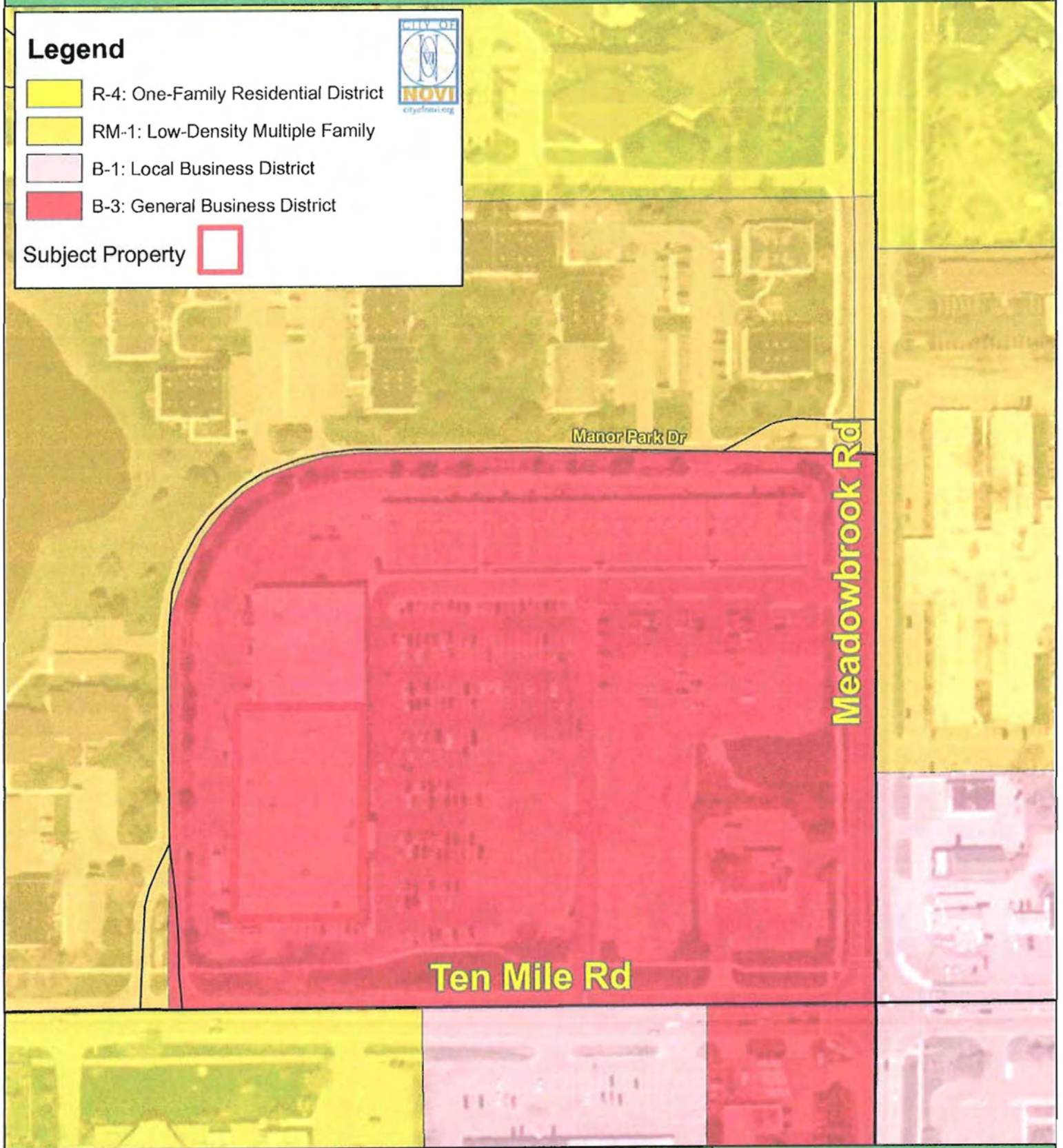
Zoning

Legend

-  R-4: One-Family Residential District
-  RM-1: Low-Density Multiple Family
-  B-1: Local Business District
-  B-3: General Business District



Subject Property 



Manor Park Dr

Meadowbrook Rd

Ten Mile Rd

CITY OF NOVI

DEPARTMENT OF COMMUNITY DEVELOPMENT

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NOVI, MI 48375-3024
(248) 347-0415

MAP AUTHOR: Kristen Kapelanski, Planner



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Plans available for viewing at the
Community Development Department.

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