



## HOME DEPOT SEASONAL OUTDOOR SALES ZCM 10-11

### HOME DEPOT SEASONAL OUTDOOR SALES, ZCM 10-11

Public Hearing of the request of Home Depot for Special Land Use Permit and Preliminary Site Plan approval. The subject property is located in Section 17, at the north of Grand River Avenue and west of Beck Road, in the B-2, Community Business District. The applicant is proposing to occupy a space in front of the existing Home Depot store at 47950 Grand River Avenue, 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	03/19/10	Minor items to address at the time of Stamping Set submittal

### **Approval – Special Land Use Permit**

In the matter of the request of Home Depot Seasonal Outdoor Sales ZCM 10-11, 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 Home Depot).*
  - 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 are 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 an 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 review letter);*
- b. Compliance with all conditions and requirements listed in the staff and consultant review letters;
- c. *(Insert specific considerations here)*

For the following reasons... *(because it is otherwise in compliance with Article 14, 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 Home Depot Seasonal Outdoor Sales ZCM 10-11, 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 Home Depot Seasonal Outdoor Sales, ZCM 10-11, motion to **approve** the Preliminary Site Plan, subject to the following:

- a. Applicant shall limit outdoor sales to produce and plant material only;
- b. Applicant shall maintain a minimum pathway width of six feet along the sidewalk;
- c. The hours of operation shall be consistent with the hours of operation of the Home Depot;
- d. Applicant shall indicate dates for expected outdoor sales and all facilities and materials shall be brought inside at the end of the season;
- e. The conditions and items listed in the staff and consultant review letters being addressed on the Stamping Set; and
- f. *(additional conditions here, if any)...*

for the following reasons... *(because it is otherwise in compliance with Article 14, 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 Home Depot Seasonal Outdoor Sales, ZCM 10-11, 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

March 19, 2010

### Planning Review

Home Depot Seasonal Outdoor Sales

ZCM #10-11

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#### Petitioner

Home Depot

#### Review Type

Special Land Use Request and Site Plan Review

#### Property Characteristics

- Site Location: 47950 Grand River, North of Grand River and west of Beck Road
- Site School District: Novi Community School District
- Site Zoning: B-2, Community Business
- Adjoining Zoning: North: MDOT ROW; West and South (across Beck): OSC; East: B-2
- Site Use(s): Existing West Market Square
- Adjoining Uses: North and West: Vacant; South: Providence Hospital Campus; East: West Market Square
- Site Size: 3.3 acres (Home Depot Parcel)
- Size of Outdoor Sales Space: Approx. 1,350 square feet
- Plan Date: 03-02-10

#### Project Summary

The applicant is proposing to occupy a space in front of the existing Home Depot at the West Market Square Shopping Center for outdoor sales of plant materials. The Zoning Ordinance was recently amended to make these types of outdoor sales a special land use in the B-2, Community Business District. The applicant is proposing to occupy an approximately 1,350 square foot space with the majority of the space near the enclosed plant sales area and the remainder near the main entrance of the store. The applicant is not proposing any additional exterior changes to the site or building. Home Depot has had limited outside sales in the past under a temporary land use permit. The City has not received any complaints and Home Depot would now like to make seasonal outdoor sales a permanent component of the store 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 14 (B-2, Community Business), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance. Section 1402.2 lists specific requirements that

seasonal outdoor sales areas of produce and plants in the B-2 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.*
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 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-2 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 review letters is requested **prior to the matter being reviewed by the Planning Commission.**

**Special Land Use Permit Review**  
Home Depot Seasonal Outdoor Sales  
ZCM#10-11

March 19, 2010  
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**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](mailto:kkapelanski@cityofnovi.org).

  
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Kristen Kapelanski, Planner

**MAPS**

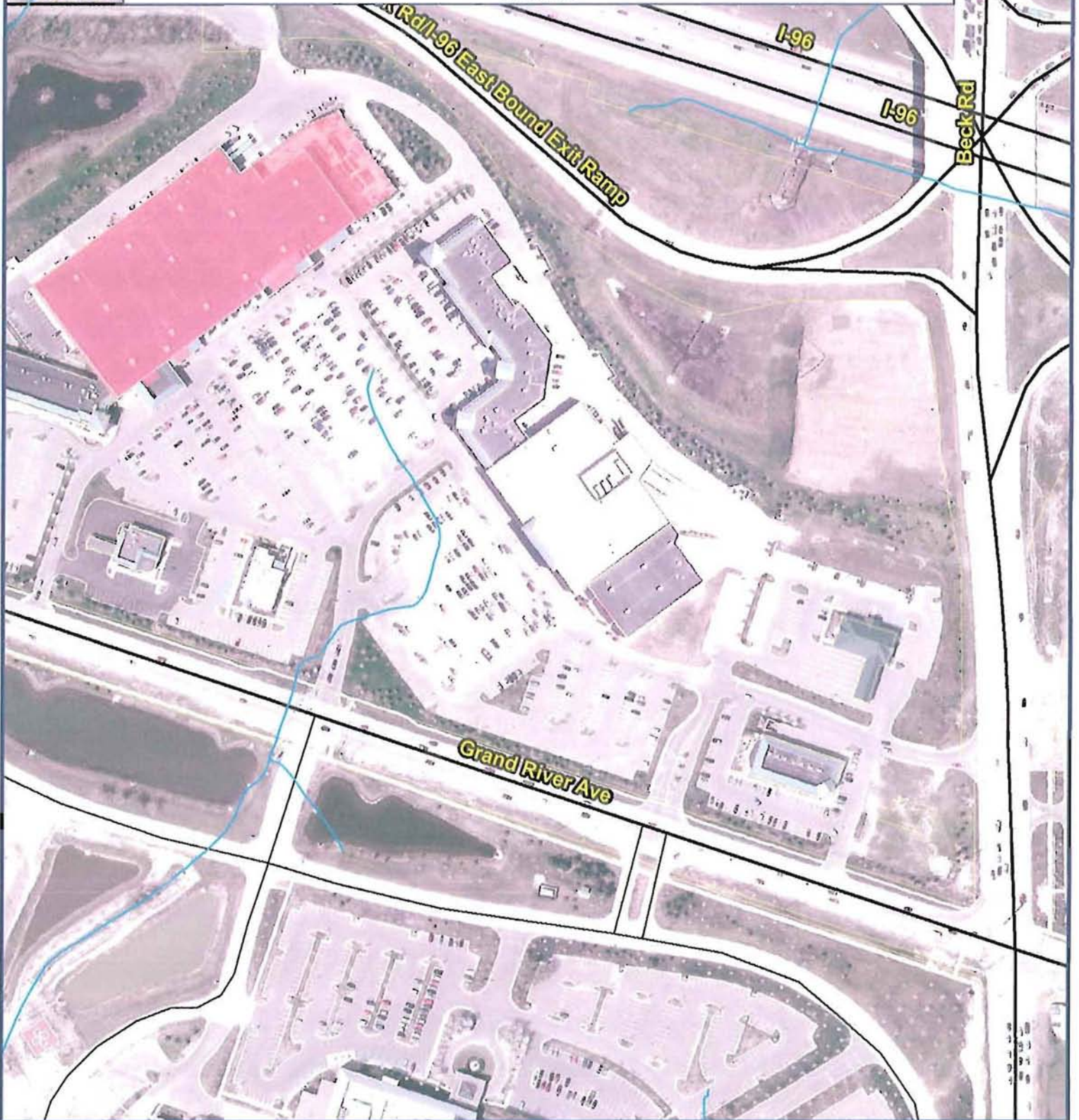
**Location/Air Photo  
Zoning**



# ZCM 10-11 Home Depot Seasonal Outdoor Sales


Twelve M

Location



Map Author: Kristen Kapelanski  
Date: 04-15-10  
Project: ZCM10-11 Home Depot Outdoor Sales  
Version #: 1.0

## Map Legend

 Subject Property

### 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.



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

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Feet



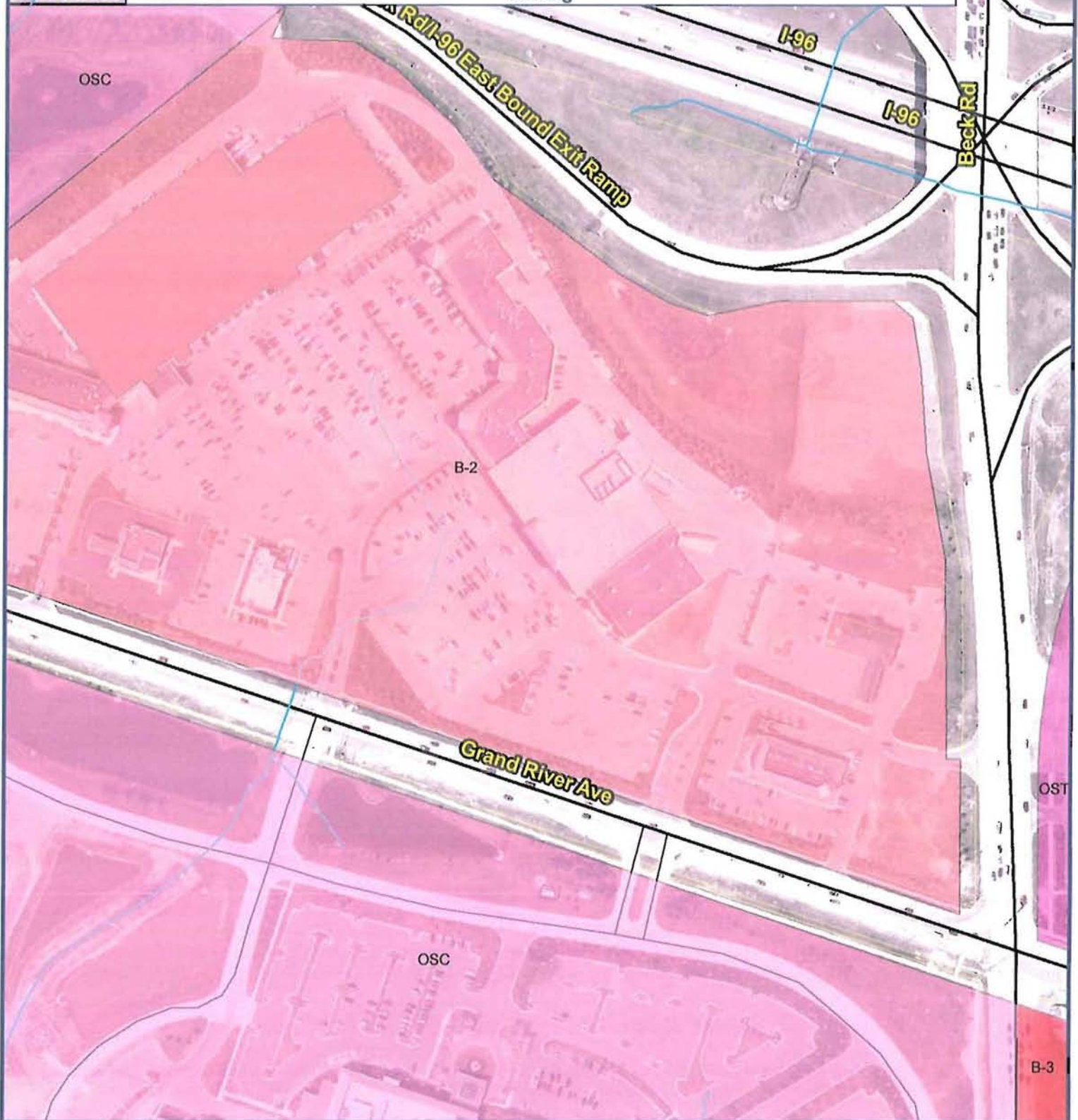
1 inch = 241 feet



# ZCM 10-11 Home Depot Seasonal Outdoor Sales

Twelve M

Zoning



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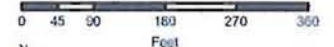
- Subject Property
- B-2: Community Business District
- B-3: General Business District
- OSC: Office Service Commercial
- OST: Office Service Technology

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1 inch = 241 feet

**APPLICANT RESPONSE LETTER**



47950 Grand River • Novi, MI 48374  
(248)347-6746 • Fax: (248)735-6936

Dear City of Novi Planning Commission,

We have received the Plan Review Center Report and are proceeding to follow through with the building of plant tables for the outside front of our garden dept. The plant tables will be up for plant sales beginning in April through Oct each year. In the winter months, mid Nov. - Dec., the plant tables will be removed and the area will used for Christmas tree displays (no Christmas tree product) and wreaths.

Thank you,

Eric Fuller  
Asst. Store Manager  
The Home Depot 2737  
Novi, MI

