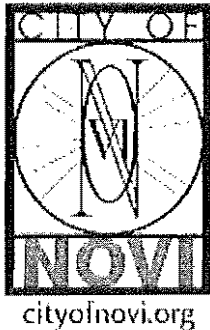


# MEMORANDUM



**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KRISTEN KAPELANSKI, AICP, PLANNER *Kaplan*  
**THRU:** BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT  
DEPUTY DIRECTOR  
**SUBJECT:** TEXT AMENDMENT 18,255 – EXPANSION OF THE RETAIL  
SERVICE OVERLAY  
**DATE:** APRIL 26, 2012

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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.

Planning staff and the City Attorney's office explored various options and offer the attached proposed 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 two major thoroughfares, or at the intersection of a major thoroughfare and a non-residential collector street, and at least 500 feet from a residential zoned district. (A major thoroughfare is defined in the Zoning Ordinance as "an arterial street which is designated in the City of Novi Master Plan Thoroughfare Plan as a major arterial, arterial or minor arterial.")

In addition, for those properties not designated as Office, Research, Development and Technology with Retail Service Overlay on the Future Land Use Map, the draft ordinance indicates the Planning Commission would 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.

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.

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

Also attached is a letter commenting on the proposed amendment from the major property owner in the area considered for potential expansion of the Retail Service Overlay.

The Planning Commission is asked to set a Public Hearing for June 13<sup>th</sup> on the proposed ordinance amendment. At that time, the Commission will hold the public hearing and forward a recommendation to the City Council, for reading and adoption.

If any Commissioner has any questions related to this request, do not hesitate to contact Kristen Kapelanski, in the Community Development Department at (248) 347-0586 or [kkapelanski@cityofnovi.org](mailto:kkapelanski@cityofnovi.org).

**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.
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 a major thoroughfare and a non-residential collector

street, as defined in Section 201 of the Zoning Ordinance, 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.

2.3. 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. 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.
  - 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. All being subject to the standards of Section 2524.

**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.

\_\_\_\_\_  
BOB GATT, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

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





**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**

**LETTER FROM MAJOR  
PROPERTY OWNER IN THE AREA**



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NORTHERN  
EQUITIES  
GROUP

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39000 COUNTRY CLUB DRIVE  
FARMINGTON HILLS, MI 48331  
(248) 848-6400 FAX (248) 848-6700  
www.noreq.com

May 2, 2012

Ms. Barb McBeth  
Deputy Community Development Director  
City of Novi  
45175 W. Ten Mile Road  
Novi, MI 48375

Re: Retail Service Overlay District - OST

Dear Barb,

As you know, we have been discussing adding a retail service overlay district to allow restaurants in the OST Zoning Ordinance. While the current OST Ordinance allows restaurants, the restriction that it be connected to or in a building of a certain size has been problematic. Our suburban Class A buildings are not large enough to support a restaurant within the rentable space and restaurants connected to smaller buildings do not work economically. We have been working together for a few years and I am to see that we are getting closer to a final resolution.

During our last few reviews of the current proposed language, we have suggested changes, many of which you have adopted. However, the most crucial change has been left out of the proposed language. The proposed ordinance does not provide for any drive-throughs. That omission, at least in the case of the most pressing need in the Haggerty Corridor Corporate Park, a Starbucks-type coffee shop, effectively reduces the utility of the proposed Ordinance to zero.

From our perspective, the overlay district would be better titled "Stand Alone Food Service Overlay." From the beginning, our sole intention was to provide our tenant's a close, quick and quality food/coffee location within the Park. The 100 letters asking for such an outlet attests to the demand for something like a Starbucks, Bigby or other café within the park. Under no circumstances do we want a strip center or fast food restaurant. Our ideal is for an 1,800 to 5,000 square foot, coffee shop or stand-alone upscale restaurant. Coffee shops or cafes within a strip center do not need a drive-through for survival. In our case, for a stand-alone location meant to service the occupants of the Haggerty Corridor Corporate Park, a drive-through is a necessary condition to achieve success. Most of the trips with originate and conclude within the Park and given 12 Mile Road's ability to carry traffic, there is no risk of any new externalities or impact on traffic flow.

Our demand from our shared constituents is for a coffee shop. Unfortunately, there is not one national/quality coffee provider that would entertain any site that could not accommodate a drive-through. Furthermore, our tenant's would be less likely to use any establishment that did not have a drive-through. The demand for coffee in the morning, on the way to work, would be met best and most efficiently with a drive-through. In addition, while we have walking paths to encourage

pedestrian trips to the 12 Mile/Cabot site, the fact is that most of the occupants would drive, especially in the winter.


We have spoken with multiple real estate brokers who specialize in retail. All of them say, without a doubt, without the possibility of a drive-through, we have no hope of attracting a coffee or café user. They are the experts and talk to the entire spectrum of retail users. In addition, we received the specifications from Starbucks for any new location and a drive through is required. So, while there may be older locations without a drive through, our location must receive approval for a drive through.

I am confident that we can provide the Planning Commission with a great site plan which meets all the requirements of the existing OST ordinance which tastefully and creatively incorporates a drive-through. The ability to have a drive-through in our case is critical.

A Starbucks or Bigby location would simply add to the cache that the Haggerty Corridor Corporate Park already has earned. Food amenities within the Park is the number one request we hear from our tenant's and a reason why certain deals have decided to stay in Southfield or Livonia.

Novi is a great place to live and work. Northern Equities Group is proud of our contribution to Novi's great reputation.

Sincerely,



Matthew S. Sosin  
President

MAPS  
POTENTIAL RETAIL SERVICE OVERLAY PROPERTIES

# Potential Retail Service Overlay Properties

Text Amendment 18.255

Fourteen Mile Rd

Thirteen Mile Rd

Meadowbrook Rd

M-5

Haggerty Rd

Twelve Mile Rd

Map Author: Kristen Kapelanski  
Date: 03/28/12  
Project: Text Amendment 18.255  
Version #: V2.1

Amended By: Mark Spencer  
Date: 04/04/12  
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 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 1975 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



**Map Legend**

**East OST Parcels**

Other OST Properties

**RSO**

- built potential Retail Service overlay
- vacant potential Retail Service
- Freeway
- Major Arterial
- Arterial

- Minor Arterial
- Non-Residential Collector
- Residential Collector
- Local Street
- Proposed Residential Collector
- Proposed Collector
- Proposed Local Street
- Scenic Drive Road



**City of Novi**

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



1 inch = 1,456 feet