

# MEMORANDUM



**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** BARBARA MCBETH, AICP, CITY PLANNER  
**SUBJECT:** TEXT AMENDMENT 18.277 – DRIVE-THROUGHS IN TC  
**DATE:** JUNE 1, 2016

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The Community Development Department received an application for a proposed Zoning Ordinance Text Amendment to allow drive-through restaurants in the TC, Town Center Zoning District. The Planning Commission may remember a similar request in 2012 for the TC-1 Zoning District, which is primarily located on both sides of Novi Road, south of Grand River Avenue (see attached Zoning District map). The text amendment for TC-1 was ultimately approved, and Panera Bread was granted site plan approval for a drive through window under that revised ordinance language.

At this time, representatives of the Novi Town Center would like to extend the opportunity for fast food drive-through restaurants in the TC District, which is primarily located on both sides of Novi Road north of Grand River Avenue. The attached application indicates an amendment to allow a new Subsection 4.40.3 to add the TC District, and add Subsection 4.40.4 to include the restrictions for the TC District:

- A. In the TC District only, a fast food drive-through restaurant shall apply to a retail use that primarily sells beverages and bakery goods.
- B. A minimum 1100 square foot area with indoor seating for at least 20 people shall be provided.
- C. An outdoor seating area comprising at least 4 seats and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.
- D. All of the other provisions of Section 3.A through 3.I shall apply except those as specifically modified herein.

The proposed TC District standards would mirror the standards for the TC-1 District, with these differences:

- The proposed TC District standards would have a narrower description of a fast food drive-through restaurant to apply to only retail uses that primarily sell beverages and bakery goods. The existing TC-1 District standards apply to all fast food restaurants.
- The proposed TC District would allow a smaller restaurant of 1100 square feet (seating for 20), while the existing TC-1 District requires a minimum square foot area of the restaurant being 1800 square feet (seating for 40).

- The proposed TC District requires Outdoor seating area for at least 4 people, while the existing TC District requires minimum outdoor seating area with 8 seats.

The applicant has indicated that only one fast food drive-through restaurant is proposed in the Town Center Development. Staff and the applicant have reviewed the proposed location, and are in discussion regarding the ordinance language for possible additional modifications to the ordinance language to fully address the applicant's intent.

#### Ordinance modifications proposed for the TC-1 District in 2012

The addition of drive through restaurants in the TC-1 District in 2012 included extensive discussion of the intent of the TC and TC-1 Districts:

*As originally conceived and currently envisioned in Novi's Master Plan and Zoning Ordinance language the TC and TC-1 areas prioritize pedestrian oriented mixed uses. Realistic observation of the market driven development in the intervening years requires practical evaluation of options and current needs. As accessory drive-through facilities are currently permitted in these districts for pharmacies and banks, consideration of appropriately designed and implemented restaurant drive-throughs may warrant consideration.*

*Ultimately pivotal to this discussion is the fundamental question of whether or not carefully conceived and realized high quality drive-through facilities can exist within and contribute to the value of development in the TC and TC-1 Zoning Districts. The 2010 Master Plan for Land Use describes the Town Center District as " ... designed to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted." Section 1600, Intent: of the Zoning Ordinance further specifically notes that " ... restaurants with drive through facilities have a disruptive effect on the intended pedestrian orientation of the districts."*

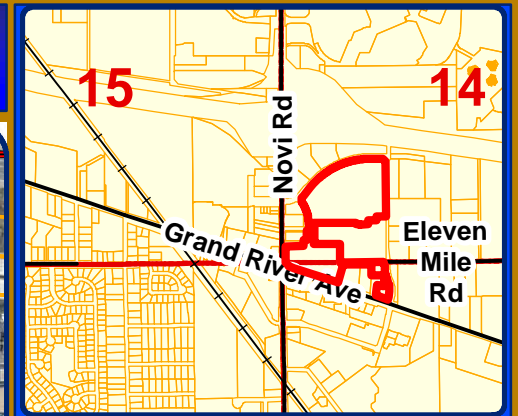
At that time, staff drafted an amendment that included provisions to allow drive-through restaurants in the TC-1 District in limited instances and with features that maintain the intent and character of the TC-1 District. These include but are not limited to the following: Drive-through lanes must be accessory to a larger indoor sit-down restaurant use with outdoor seating provided; Drive-through lanes must be screened; Proposed drive-through restaurants must have frontage on both an arterial road and non-residential collector with access provided only from the non-residential collector; and The site design must ensure safety and accessibility for pedestrians. Please see attached summary of fast food drive-through restaurant Zoning Ordinance provisions.

#### Current request

The applicant is in the process of reviewing the ordinance standards as presented in this packet. Additional modifications may be made prior to the public hearing by the applicant, staff and the City Attorney's office. At this time, the Planning Commission is asked to review the proposed changes, and if generally acceptable, set the matter for further consideration at an upcoming public hearing.

# 18.277 Town Center Drive-Thru Text Amendment

## Location



### Legend

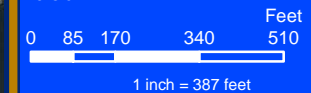
 Sections



### City of Novi

Dept. of Community Development  
City Hall / Civic Center  
45175 W Ten Mile Rd  
Novi, MI 48375  
cityofnovi.org

Map Author: Sri Komaragiri  
Date: 06/03/16  
Project: 18-277 Town Center Drive-Thru Text Amendment  
Version #: 1

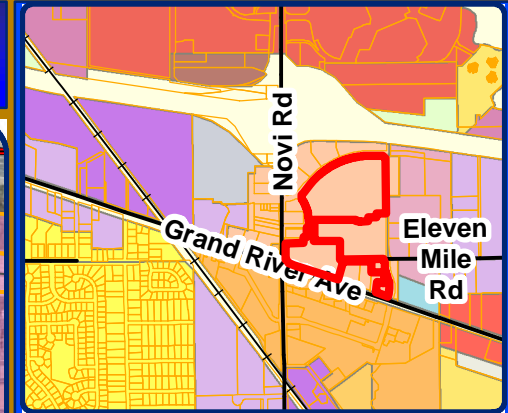
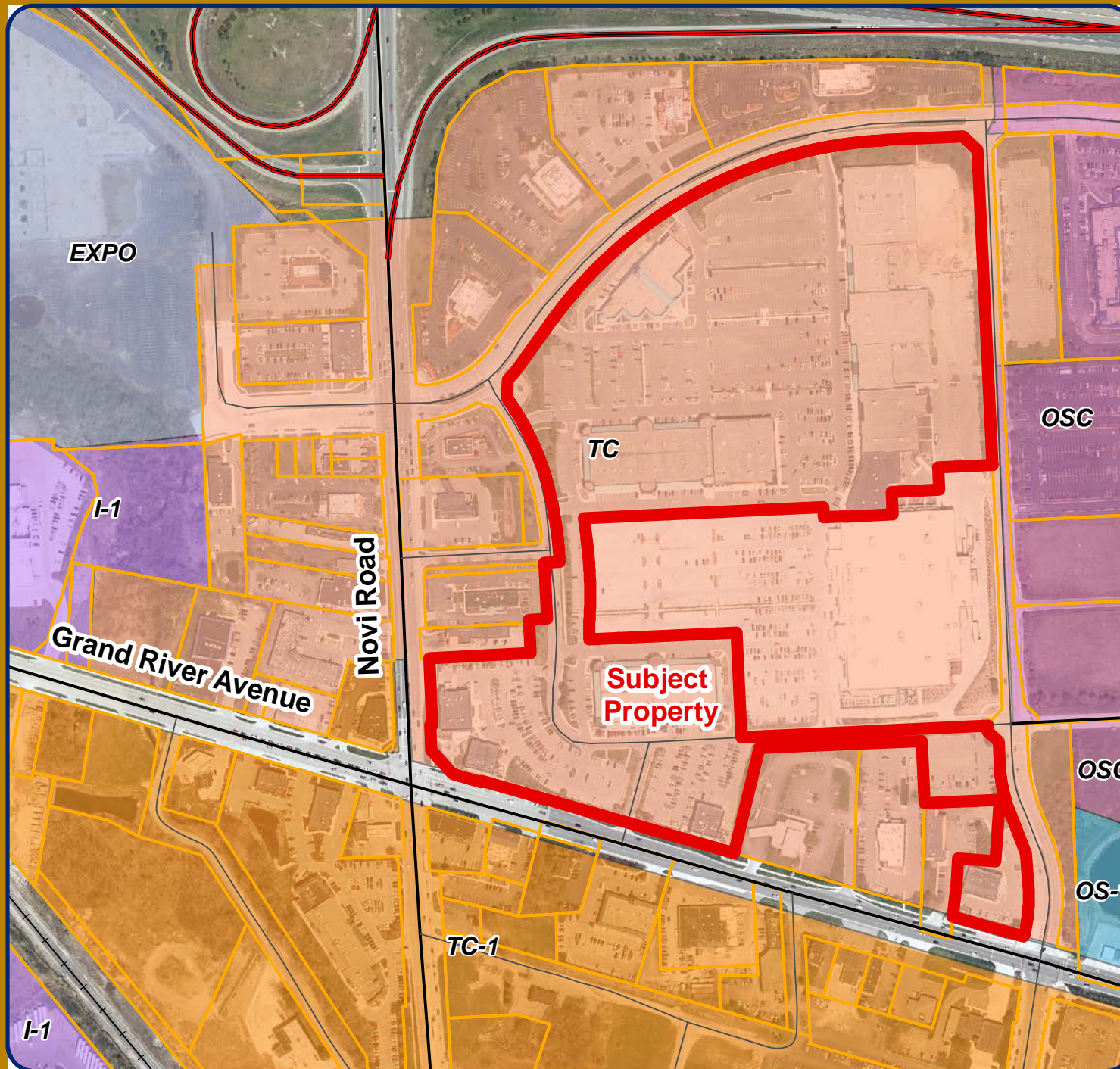


### MAP INTERPRETATION NOTICE

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.

# 18.277 Town Center Drive-Thru Text Amendment

## Zoning




Legend

	R-A: Residential Acreage
	R-4: One-Family Residential District
	RM-1: Low-Density Multiple Family
	RM-2: High-Density Multiple Family
	B-3: General Business District
	C: Conference District
	EXPO: EXPO District
	I-1: Light Industrial District
	I-2: General Industrial District
	OS-1: Office Service District
	OSC: Office Service Commercial
	OST: Office Service Technology
	RC: Regional Center District
	P-1: Vehicular Parking District
	TC: Town Center District
	TC-1: Town Center -1 District

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0 85 170 340 510 Feet  
1 inch = 387 feet

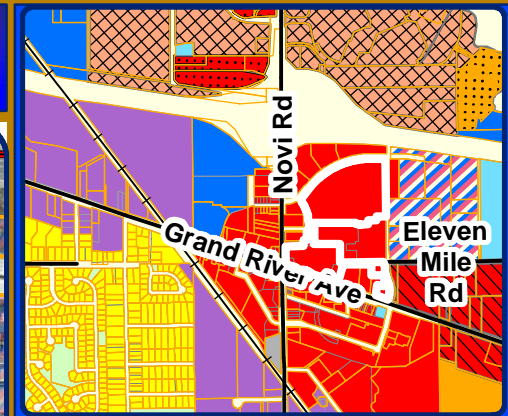
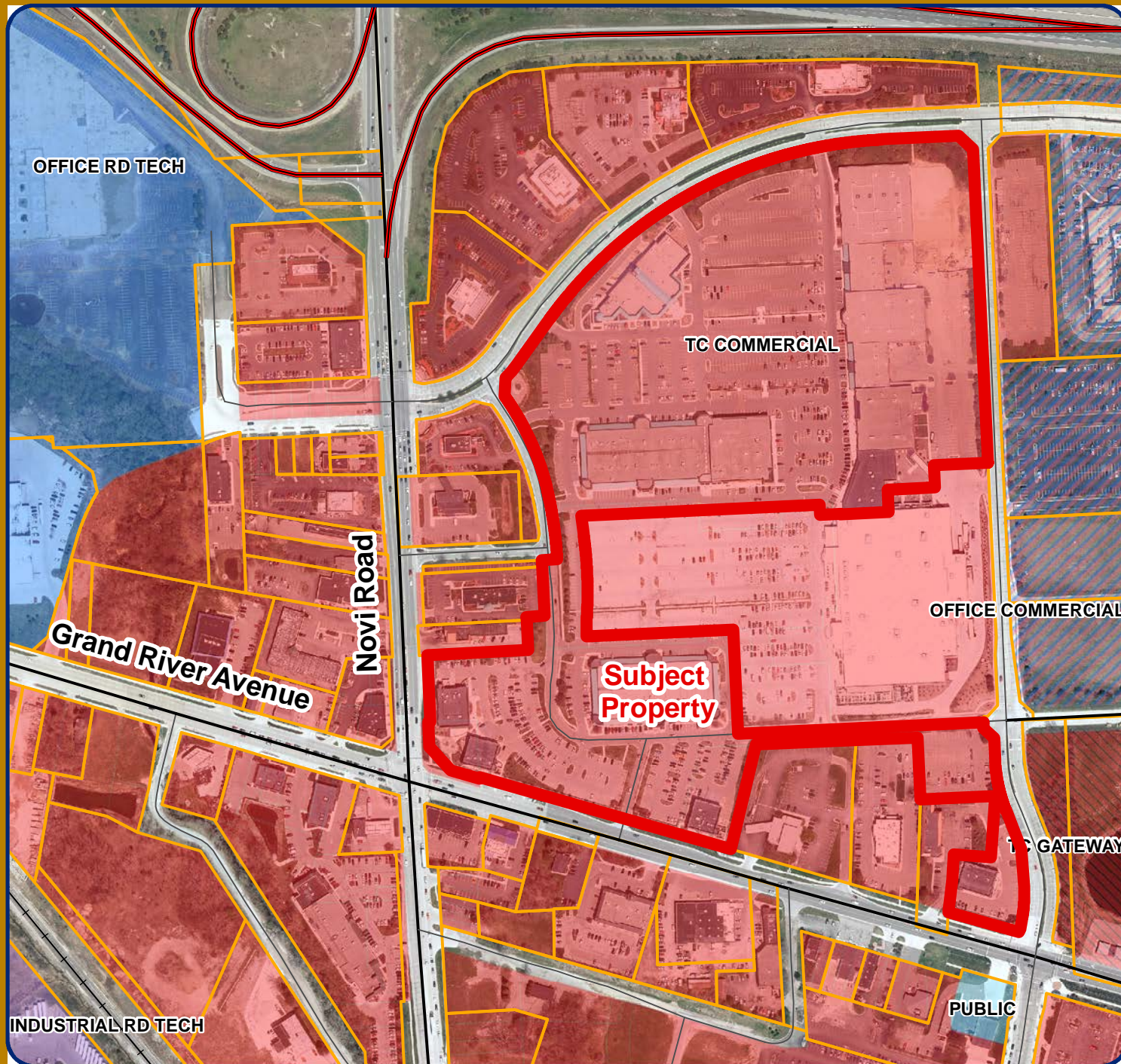


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# 18.277 Town Center Drive-Thru Text Amendment

Future Landuse



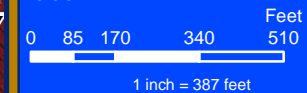
- SINGLE FAMILY
- MULTIPLE FAMILY
- PD1
- OFFICE RES DEV TECH
- OFFICE COMMERCIAL
- INDUSTRIAL RES DEV TECH
- REGIONAL COMMERCIAL
- TC COMMERCIAL
- TC GATEWAY
- PD2
- PUBLIC
- PRIVATE PARK
- CEMETERY



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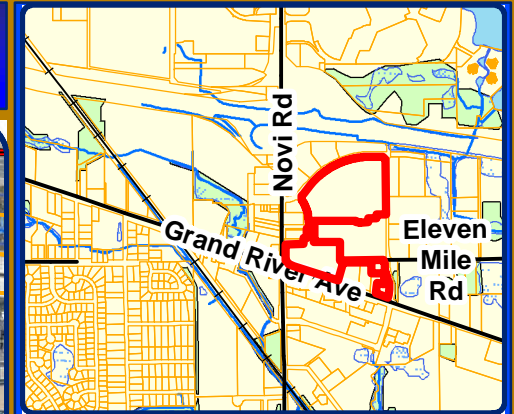
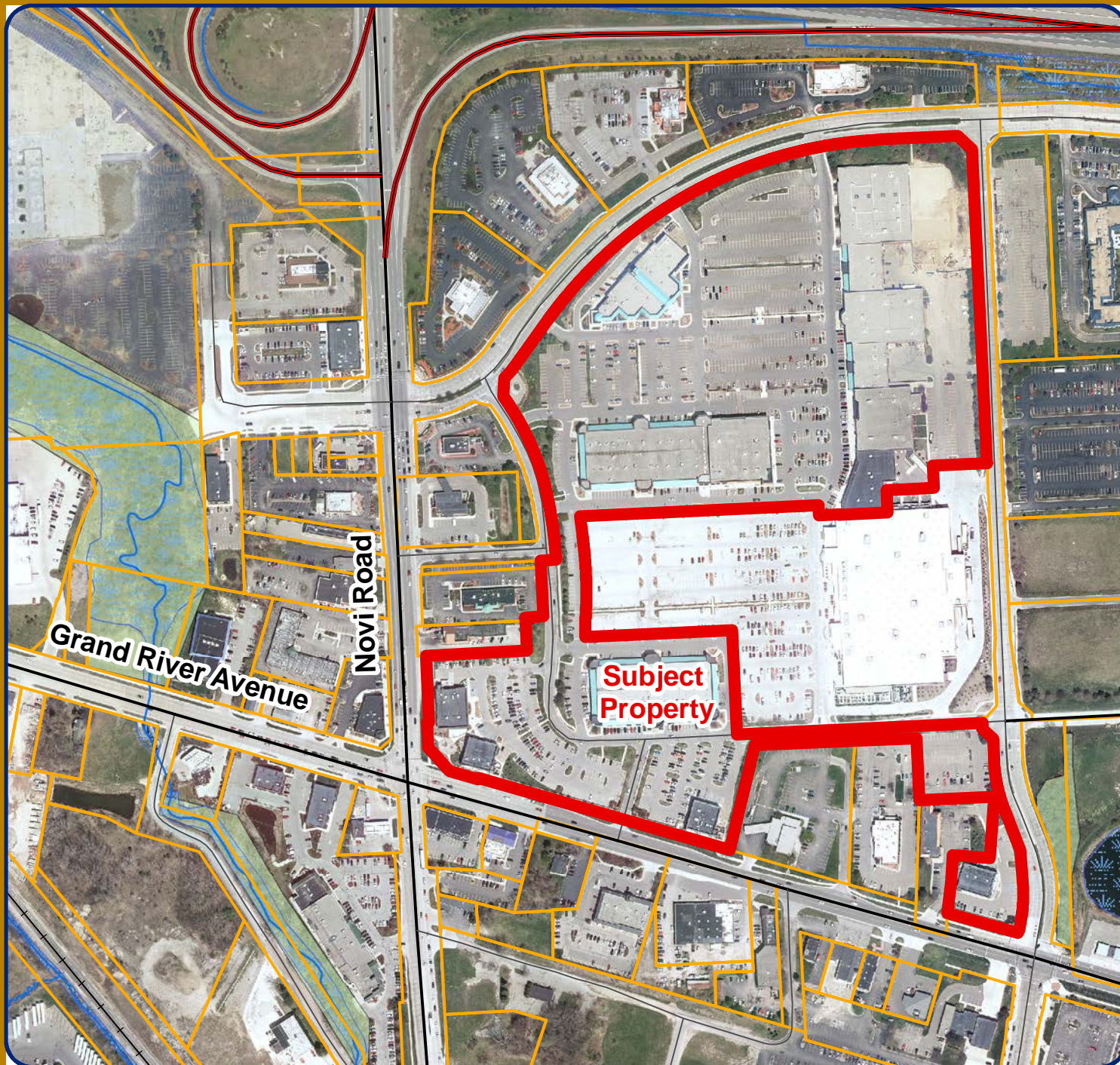


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# 18.277 Town Center Drive-Thru Text Amendment

## Natural Features



### Legend

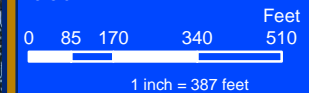
-  Wetlands
-  Woodlands



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STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF NOVI  
ORDINANCE NO. 16- 18 – 277

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 3, ZONING DISTRICTS, SECTION 3.1.25, TOWN CENTER DISTRICT, SPECIAL LAND USES, AND ARTICLE 4, USE STANDARDS, SECTION 4.40, RESTAURANTS IN THE CHARACTER OF A FAST FOOD CARRYOUT, DRIVE-IN, FAST FOOD DRIVE-THROUGH, OR FAST FOOD SIT-DOWN, SPECIFICALLY FOR THE TC AND TC-1 TOWN CENTER DISTRICTS; IN ORDER TO PERMIT DRIVE-THROUGH RESTAURANTS IN THE TC TOWN CENTER DISTRICT.

THE CITY OF NOVI ORDAINS:

**Part I.** That the City of Novi Zoning Ordinance, as amended, Article 3, Zoning Districts, Section 3.1.25 and Article 4, Use Standards, Section 4.40, hereby amended to read as follows:

**ARTICLE 3.1.25. TC TOWN CENTER DISTRICT**

**ARTICLE 3.1.25.A. INTENT** [unchanged.]

**ARTICLE 3.1.25.B. PRINCIPAL USES PERMITTED** [unchanged.]

**ARTICLE 3.1.25.C. SPECIAL LAND USES**

The following uses shall be permitted by the City Council, following review and recommendation of the Planning Commission.

- i. Open air business uses §4.80.1
- ii. Sale of produce and seasonal plant materials outdoors §4.30
- iii. Veterinary hospitals or clinics §4.31
- iv. Microbreweries §4.35
- v. Brewpubs §4.35
- vi. Fast food drive-through restaurants §4.40

**ARTICLE 4.40 RESTAURANTS IN THE CHARACTER OF A FAST FOOD CARRYOUT, DRIVE-IN, FAST FOOD DRIVE-THROUGH, OR FAST FOOD SIT-DOWN**

**ARTICLE 4.40.1 - 2** [unchanged.]

**ARTICLE 4.40.3**

- 3. In the TC-1 and TC districts, fast food drive-through restaurants are permitted as a special land use subject to the following conditions:
  - A. The site shall have frontage on a nonresidential collector and at least two hundred (200) feet of frontage on an arterial road. Two-way access shall be

provided from the non-residential collector road only, unless a Traffic Impact Statement clearly demonstrates that limiting two-way access from the nonresidential collector road does not provide reasonable access to the site, in which case, the approving body may allow one way access from the arterial road, as permitted. Any shopping center in existence at the time this ordinance is adopted may have two-way access off of both the arterial road and non-residential collector road.

- B. A minimum one-thousand eight-hundred (1,800) square foot dining area with indoor seating for at least forty (40) people shall be provided.
- C. The site plan shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic. Pedestrian connections to sidewalks and all adjacent uses shall be provided that ensure pedestrians are kept out of the travel path of vehicles visiting the site as much as possible. The drive through lanes shall provide sufficient space so that motor vehicles will not impede the circulation of pedestrians, cyclists and motorists. Drive-through lanes shall be set back to the largest extent feasible from any designated pedestrian access (sidewalks, crosswalks, etc.). A low brick wall shall be provided wherever suitable to minimize potential conflicts between pedestrians and exiting drive through traffic.
- D. The drive-through shall be accessory to a full-service, indoor use on-site.
- E. Drive-through lanes shall be screened from view from adjacent properties by the building, a decorative screen wall or landscaping planted to achieve a minimum opacity of ninety (90) percent during the summer and eighty (80) percent during the winter.
- F. No parcel with a drive-through restaurant shall be located closer than one-hundred fifty (150) feet from any other parcel with a drive-through restaurant.
- G. In addition to the special land use requirements noted in [Section 6.1.2.C](#), the Planning Commission shall make a finding 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.
- H. An outdoor seating area comprising at least eight (8) seats and in compliance with the provisions of [Section 4.84](#) of the Zoning Ordinance shall be provided.
- I. A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual.

#### **ARTICLE 4.40.4**

- ~~A. In the TC District only, a fast food drive-through restaurant shall apply to a retail use that primarily sells beverages and bakery goods.~~
- ~~B. A minimum one-thousand, one-hundred (1,100) square foot dining area with indoor seating for at least twenty (20) people shall be provided.~~
- ~~C. An outdoor seating area comprising at least four (4) seats and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.~~
- ~~D. All of the other provisions of Section 3.A through 3.I shall apply except those as specifically modified herein.~~



**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 \_\_\_\_\_, 2016.

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

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

Ayes:  
Nays:  
Abstentions:  
Absent:

Item	Requirements in Districts Permitting Drive-through Restaurants				
	B-3, General Business	RC, Regional Center	FS, Freeway Service	TC-1, Town Center (approved 2012)	TC, Town Center (proposed)
Use	Special Land Use	Permitted on properties utilizing the PD-2 option only	Principal Permitted Use	Special Land Use and drive-through must be accessory	Special Land Use, drive-through must be accessory, and limited to a retail use that primarily sells beverages and bakery goods.
Distance from Existing Restaurants	N/A	Must be 1,000 ft. from any other restaurant on the same side of the street	N/A	150 ft. minimum separation from other drive-through restaurants	
Minimum Parcel Size	N/A	1.25 acres	N/A		
Traffic Circulation	N/A	The site shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure safety and convenience of both vehicular and pedestrian traffic.	N/A	The site shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure safety and convenience of both vehicular and pedestrian traffic. A low brick wall shall be provided wherever suitable to minimize conflicts between pedestrians & drive-through lanes.	
Building Height	Determined by the standards in the respective district. No requirements specific to drive-through restaurants exist or are proposed.				
Building Setbacks	Determined by the standards in the respective district. No requirements specific to drive-through restaurants exist or are proposed.				
Parking Setbacks					
Number of Parking Spaces	1 for every 2 employees, plus 1 for every 2 customers allowed under maximum capacity (including waiting areas) plus compliance with the requirements for stacking spaces.				
Access Points	Must be located 60 ft. from the intersection of any two streets	N/A		One-way access may be provided from arterial road and two-way access from non-residential collector road only.	

Item	Requirements in Districts Permitting Drive-through Restaurants				
	B-3, General Business	RC, Regional Center	FS, Freeway Service	TC-1, Town Center (approved 2012)	TC, Town Center (proposed)
Proximity to Residential Districts	Must be at least 60 ft. from any residential district and drive-through lanes must be located at least 150 ft. from any residential district.	N/A			
Obscuring Wall	Required when abutting OS-1, OSC, NCC, B-1, B-2 or B-3 districts. Must be 6 ft. high.	N/A			
Noise Impact Statement	Required	N/A		Required	
Road Frontage	N/A			Site must have frontage on a non-residential collector road and at least 200 ft. of frontage on an arterial road.	
Indoor Dining Area	N/A			Min. 1,800 sq. ft. with seating for at least 40 people.	Min. 1,100 sq. ft. with seating for at least 20 people.
Drive-through lane screening	N/A			Drive-through lanes must be screened by either the building or landscaping.	
Outdoor Seating Area	N/A			Minimum of 8 seats.	Minimum of 4 seats.
Traffic Impact Statement	Required if a proposal meets the thresholds established in the Site Plan and Development Manual.			Required	
Stacking Spaces for Drive-through	The distance between the order board and the pick-up window shall store 4 vehicles, and 4 vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board).				
Drive-through Lane Delineated	Drive-through lanes shall be striped, marked, or otherwise delineated.				

Item	Requirements in Districts Permitting Drive-through Restaurants				
	B-3, General Business	RC, Regional Center	FS, Freeway Service	TC-1, Town Center (approved 2012)	TC, Town Center (proposed)
Bypass Lane for Drive-through	Drive-through facilities shall provide 1 bypass lane. Such bypass lane shall be a minimum of 18 ft. in width, unless otherwise determined by the Fire Marshal.				
Width, Length, and Centerline Radius of Drive-through Lanes	Drive-through lanes shall have a minimum 9 ft. width, minimum length of 19 ft., and centerline radius of 25 ft.				
Drive-through Lanes Separation	Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, and egress from, the property.				
Loading Spaces		Determined by the standards in the respective district. No requirements specific to drive-through restaurants exist or are proposed.			
Loading Space Screening		View of loading and waiting areas must be shielded from rights of way and adjacent properties.			
Accessory Structure-Dumpster		Accessory structures should be setback a minimum of 10 ft. from any building unless structurally attached to the building and setback the same as parking from all property lines; in addition, the structure must be in the rear or interior side yard. Screening of not less than 5 ft. on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.			
Facade		Determined by the standards in the respective façade region. No requirements specific to drive-through restaurants exist or are proposed.			
Landscaping		Determined by the standards specific to the site. No requirements specific to drive-through restaurants exist or are proposed.			
Site Amenities		Determined by the standards in the respective district. No requirements specific to drive-through restaurants exist or are proposed.			
Exterior Lighting		Must be shielded from residential uses.			
Sidewalks		Required in accordance with the Bicycle and Pedestrian Master Plan.			

Prepared by Kirsten Mellem, Planner



**APPLICATION FOR TEXT AMENDMENT**  
 Community Development Department  
 45175 W. Ten Mile, Novi, MI 48375  
 248-347-0475; 248-735-5633 fax

Zoning Ordinance Text Amendment  
 Topic for Consideration

*Use Tab function to navigate form. Point and click cursor to check boxes.*

APPLICANT	Novi Town Center Investors, LLC Company		James Clear Matthew G. Quinn Primary Contact		P24116 Professional License Number, if applicable	
	43259 Crescent Blvd. 28345 Beck Road Street Address		401 Suite	Novi Wixom City	MI MI State	48375 48393 Zip
	(248) 347-3830 (248) 869-0030 Phone Number		(248) 347-3833 (248) 869-0039 Fax Number		jclear@simon.com mquinn@michlaw.biz E-mail address	

SUBMITTAL REQUIREMENTS

**Submittal Requirements:**

- Document describing the change the Applicant is proposing. Information should include the section of the Ordinance requiring the change, suggested new language, and any samples of this language from other municipalities where its use has already been adopted.
- Original signed copy of this application.
- Check made payable to the City of Novi in the amount of \$690.00, which is used to cover the cost of the Public Hearing process.

I do hereby attest that all statements, signatures, descriptions, and exhibits submitted with this application are true and accurate to the best of my knowledge.

     3.29.16  
 Signature of Applicant      Date

James Clear  
 Printed Name of Applicant

PTA 16-001

## PROPOSED ZONING ORDINANCE TEXT AMENDMENT

The additional language, as set forth below, is proposed to be added to

Article IV. Use Standards, Section 4.40.3 as follows:

"3.0 In the TC-1 and TC District, fast food drive-through restaurants are permitted as a special land use subject to the following conditions:

The only other change is to add a new subsection 4 to read as follows:

"4.0 In the TC District

A. In the TC District only, a fast food drive-through restaurant shall apply to a retail use that primarily sells beverages and bakery goods.

B. A minimum 1,100 square foot area with indoor seating for at least 20 people shall be provided.

C. An outdoor seating area comprising at least 4 seats and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.

d. All of the other provisions of Section 3.A through 3.I shall apply except those as specifically modified herein."