



cityofnovi.org

ZONING BOARD OF APPEALS
CITY OF NOVI
Community Development Department
(248) 347-0415

Case No. PZ13-0015 21050 Haggerty Road (Mc Donald's)

Location: 21050 Haggerty Road

Zoning District: FS, Freeway Service District

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2503 to allow a side yard dumpster enclosure and Section 2507 to allow a front yard loading area. The property is located east of Haggerty Road and north of 8 Mile Road.

Ordinance Sections:

CITY OF NOVI, CODE OF ORDINANCES, Section 2503 requires accessory structures be located in the rear yard and be setback 10 feet minimum from any building and Section 2507 requires that Loading Spaces be located in the rear yard or interior side yard of a lot with double frontage in the FS Zoning District.

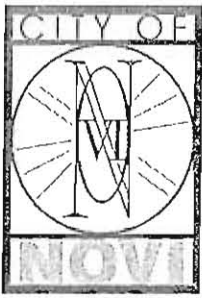
City of Novi Staff Comments:

Please see the attached Plan Review Center Report from the Site Plan review process for the redevelopment.

Standards for Granting Dimensional Variances:

A variance may be granted if a practical difficulty exists due to all of the following:

- There are unique circumstances or physical conditions of the property such as narrowness, shallowness, shape, water, topography or similar physical conditions and the need for the variance is not due to the applicant's personal or economic difficulty because _____.
- The need is not self-created because _____.
- Strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome because _____.
- The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district because _____.
- The requested variance will not cause an adverse impact on surrounding property, property values or the use and enjoyment of the property in the neighborhood or zoning district because _____.



PLAN REVIEW CENTER REPORT

February 25, 2013

Planning Review
McDonald's Rebuild
JSP13-01

Petitioner

Dorchen/Martin Associates, Inc.

Review Type

Preliminary Site Plan

Property Characteristics

- Site Location: 21050 Haggerty Rd., north of Eight Mile Rd. and east of Haggerty Rd. (Section 36)
- Site Zoning: FS, Freeway Service
- Adjoining Zoning: North and South: FS; West: OSC, Office Service Commercial; East: I-275 right-of-way
- Current Site Use: Existing McDonald's restaurant
- Adjoining Uses: North: Marathon Gas Station; South: Big Boy Restaurant; East: I-275 right-of-way; West: High Point Shopping Center (across Haggerty Road)
- School District: Novi Community District
- Site Size: 1.25 acres
- Plan Date: 01-23-13

Project Summary

The applicant is proposing to demolish and rebuild the existing McDonald's restaurant site located at 21050 Haggerty Rd. near the intersection of Eight Mile Rd. and Haggerty Rd. The new restaurant is proposed to be 4,273 sq. ft. and include a drive-through lane and associated parking and landscaping.

Recommendation

Provided the applicant receives the required variances from the Zoning Board of Appeals (or revises the plans accordingly), **Planning staff recommends approval of the Preliminary Site Plan.** There are only minor planning related items to be addressed on the Final Site Plan submittal. Planning Commission approval of the Preliminary Site Plan and Stormwater Management Plan is required.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 18 (FS, Freeway Service District), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in bold below must be addressed by the applicant.

1. Parking Space Dimensions: Parking spaces utilizing the 90° parking layout appear to be 9'x18', 1' short of the required 19'. **The applicant should increase the length of the spaces or indicate a 4" curb with a 2' overhang on the plans.** Additionally, the applicant may want to consider reducing the amount of paved area by meeting only the minimum parking space and drive aisle dimension standards.
2. Loading Zone: The plans currently show the loading zone at the entrance to the drive-through lane in the front yard of the site. The loading zone must be located in an area that will not be blocked by regular site traffic and in the rear of the site. **The applicant should relocate the loading zone accordingly or seek a variance from the Zoning Board of Appeals.**
3. Dumpster: The dumpster is currently shown in the side yard. Per the Zoning Ordinance, dumpsters must be located in the rear yard. **The applicant should relocate the dumpster to the rear yard of the site or seek a variance from the Zoning Board of Appeals.**

4. Photometric Plan: There are several items missing or deficient on the photometric plan. The applicant should revise the photometric plan to comply with the requirements noted in the lighting review chart.
5. Signage: Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

Site Addressing

The applicant should contact the Building Division for an address prior to applying for a building permit. Building permit applications cannot be processed without a correct address. The address application can be found on the Internet at www.cityofnovi.org under the forms page of the Community Development Department.

Please contact Jeannie Niland [248.347.0438] in the Community Development Department with any specific questions regarding addressing of sites.

Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

Chapter 26.5

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this and other review letters is required prior to consideration by the Planning Commission and with the next plan submittal.

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, AICP, Planner
Attachments: planning review chart
lighting review chart



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ZONING BOARD OF APPEALS
CITY OF NOVI
 Community Development Department
 (248) 347-0415

For Official Use Only

ZBA Case No: P2130015 ZBA Date: 9/7/07 Payment Received: \$ 300 (Cash)

Check # _____ Include payment with cash or check written to "City of Novi."

TO BE COMPLETED BY APPLICANT - PLEASE PRINT

Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal,

Applicant's Name Frank Martin Date _____

Company (if applicable) Dorchen/Martin Associates, Inc.

Address* 29895 Greenfield Road City Southfield ST MI ZIP 48076

*Where all case correspondence is to be mailed.

Applicant's E-mail Address: fmartin@dorchenmartin.com

Phone Number (248) 557-1062 FAX Number () _____

Request is for:

Residential Construction (New/ Existing) Vacant Property Commercial Signage

1. Address of subject ZBA case: 21050 Haggerty Road, Novi, MI ZIP 48375

2. Sidwell Number: 5022 - 36-476-008 may be obtained from Assessing Department (248) 347-0485

3. Is the property within a Homeowner's Association jurisdiction? Yes No

4. Zoning: RA R-1 R-2 R-3 R-4 RT RM-1 RM-2 MH OS-1 OS-2 JSC OST FS OTHER

5. Property Owner Name (if other than applicant) McDonald's USA, LLC

6. Does your appeal result from a Notice of Violation or Citation Issued? Yes No

7. Indicate ordinance section(s) and variances requested:

1. Section 2503 Variance requested Not in rear yard but in side yard

2. Section 2507 Variance requested Not in rear or side yard, but in front yard

3. Section 2302A.1 Variance requested Shielding from right of way

4. Section _____ Variance requested _____

8. Please submit an accurate, scaled drawing of the property showing:

- a. All property lines and dimensions correlated with the legal description.
- b. The location and dimensions of all existing and proposed structures and uses on property.
- c. Any roads, easements, drains, or waterways which traverse or abut the property and the lot area and setback.
- d. Dimensions necessary to show compliance with the regulations of this Ordinance.

**ZONING BOARD OF APPEALS
CITY OF NOVI**

Project: McDonald's Restaurant
21050 Haggerty Road
Novi, MI 48375

Variance Requests:

SECTION 2503 (Accessory Structure Setback – Dumpster):

The section specifies that accessory structures should be in the rear yard and setback a minimum of 10 feet from any building.

Requested Variance – The trash corral is located 73 feet from the main building in the side yard as far back to the rear of the site as possible as the result of a 40 foot wide MDOT storm sewer easement that runs along the entire length of the rear property line. Because of this easement, it prevents the trash corral from being constructed and located within the rear yard – if you relate the position to the main building, we are behind the building. We believe that being positioned 116 feet from the Haggerty Road property line will provide ample distance so it will not be an obtrusive element within the development or to the community. The trash corral materials are identical to the building materials and the design is consistent with ordinance requirements.

SECTION 2507 (Loading Spaces):

This section specifies that all loading shall be in the rear yard or interior side yard if double fronted lot.

Requested Variance – McDonald's has owned and operated the existing restaurant since 1984 – nearly 30 years – and McDonald's is anxious to redevelop the site with the newest version McDonald's design building, side/side drive-thru and complete reconstruction of the site. Unfortunately, the new McDonald's building and contiguous side/side drive-thru design standards does not allow that the building sit perpendicular to Haggerty Road as is the case with the current McDonald's. In order to achieve this redevelopment of a 30 year old site, the McDonald's building is positioned parallel to Haggerty to best utilize the site, access Haggerty with one curbcut and provide adequate access and stacking for the S/S drive-through.

The latest version McDonald's building has the main loading and freezer/cooler loading doors on the non-drive-through side of the building. In our case, due to the nature of the site shape, the loading zone does not fall in the rear or side yard. In order to place the structure, design the drive-thru and comply with appropriate spacing and radii to allow for proper functioning, the loading zone falls on the Haggerty Road side of the site. Also, the "side by side" design allows for loading and unloading to occur simultaneously with

McDonald's Restaurant
21050 Haggerty Road
Novi, MI 48375

drive thru business as the outside lane of the drive-thru continues to function even for the few hours that the deliveries are scheduled.

Unlike many industrial or other retail facilities, McDonald's product deliveries are unique:

1. Deliveries arrive on one carrier,
2. Deliveries schedules have flexibility for "off peak" delivery time requests,
3. Deliveries are made approximately 3-times per week and remain on the site for 45 minutes per deliver.

Consequently, the impact of the deliveries being made as proposed is minimal to the customers and to the Haggerty Road travelers.

SECTION 2302 A.1 (Loading Space Screening):

This section specifies that in the FS district, view of the loading and waiting areas must be shielded from the rights of way.

Requested Variance – Landscaping elements will provide shielding of the loading and waiting areas from the right of way, while enhancing the overall aesthetic quality of the site.

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