

MEMORANDUM



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

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.

Previous Meetings History

On June 8, 2016, the Planning Commission was asked to consider setting a date for Public hearings for two different text amendments, the amendment noted above proposed by the applicant, as well as the staff-initiated text amendment to TC and TC-1 requirements based on recommendations from Town Center Area Study. Instead of setting the public hearing, the Planning Commission requested a study session to consider the proposed changes. A study session was held on July 13, 2016. Based on the Commission's direction Staff determined that further research is required for the Town Center Drive-Through Amendment based on the additional information to be provided by the applicant.

The Planning Commission held another study session to review the additional information provided by the applicant on October 26, 2016 and set a public hearing for December 7, 2016. The applicant and his attorney were also present at the study session and are in agreement with the changes proposed by staff.

Original Application

Earlier this year, representatives of the Novi Town Center proposed 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 application and supplemental materials are attached (Exhibit F).

The original 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 (Exhibit E), 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.

Applicant's modifications to the request

The applicant has submitted a few revisions to the proposed text amendment based on comments from the Planning Commission during the study session. The revisions propose modifications listed below. A copy of the updated draft is attached (Exhibit A).

The revised 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 8 seats (previously 4 seats) and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.
- D. The site shall have a frontage on a private collector and at least 100' of frontage on an arterial road. Two-way access shall be provided from the private road only. (This item is added with the revised draft)
- E. All of the other provisions of Section 3.A through 3.I shall apply except those as specifically modified herein.

The applicant has indicated that only one fast food drive-through restaurant is proposed in the Town Center Development. The applicant has also submitted a conceptual layout of the proposed drive-thru within Town Center development at the former site of the Biggby's Restaurant (Exhibit B attached).

Staff's Review and Recommended Modifications prior to 10-26-2016 Study Session

Staff has prepared the attached map (Exhibit C) which identifies the Town Center district boundaries and Thoroughfare classifications. It indicates the properties that would be eligible for a drive-through Restaurant based on the amendments proposed by the applicant. Staff has revised the language and proposes the following changes to limit a possible proliferation of drive-through restaurants in the future and to further clarify the limitations. The suggestions provided by the staff would limit the drive-through restaurants essentially to the subject property near the northeast corner of Grand River and Novi Road. Staff recommends amending and reorganizing Section 4.40.3 to instead of creating a new section 4.40.4 as suggested by the applicant to clarify the different and common limitations for drive-through restaurants within TC and TC-1 districts. A copy of strike-through version is attached to the packet (Exhibit D). The following conditions apply to TC district only.

- i. In the TC District only, a fast food drive-through restaurant shall apply to a retail use that primarily sells beverages and bakery goods.
- ii. A minimum 1100 square foot area with indoor seating for at least 20 people shall be provided.
- iii. An outdoor seating area comprising at least 8 seats and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.
- iv. The site shall have a frontage on a ~~private collector~~ Local Street (staff change) and at least 100 feet of frontage on an arterial road.
- v. The building shall be located within 300 feet of an intersection of two Arterial roads, but provide two-way access only from a Local Street, as identified on the City of Novi Thoroughfare Classification Plan. (staff change)
- vi. No more than one fast food drive-through restaurant shall be located per intersection. (staff addition)

The following conditions would apply for both TC and TC-1 districts:

- i. 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.
- ii. The drive-through shall be accessory to a full-service, indoor use on-site.
- iii. 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.
- iv. 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.
- v. 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.
- vi. An outdoor seating area comprising at least eight seats and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.
- vii. A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual.

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 (Exhibit G).

Current request

At this time, the Planning Commission is asked to review the proposed changes, hold the required public hearing, and if generally acceptable, make a recommendation to City Council to amend the ordinance as suggested, or with any revisions the Planning Commission deems appropriate. The request will then be forwarded to the City Council for review and consideration.

EXHIBIT A

Revisions to proposed Text Amendment by the Applicant
July 20, 2016

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:

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

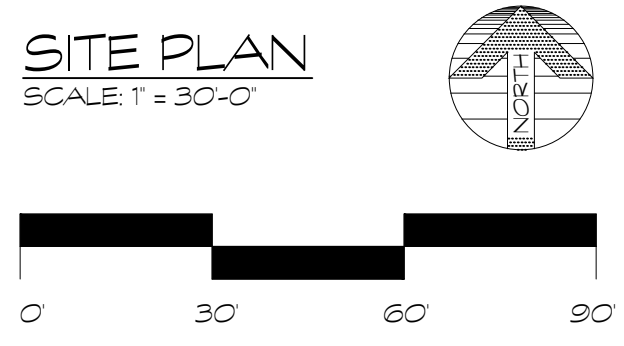
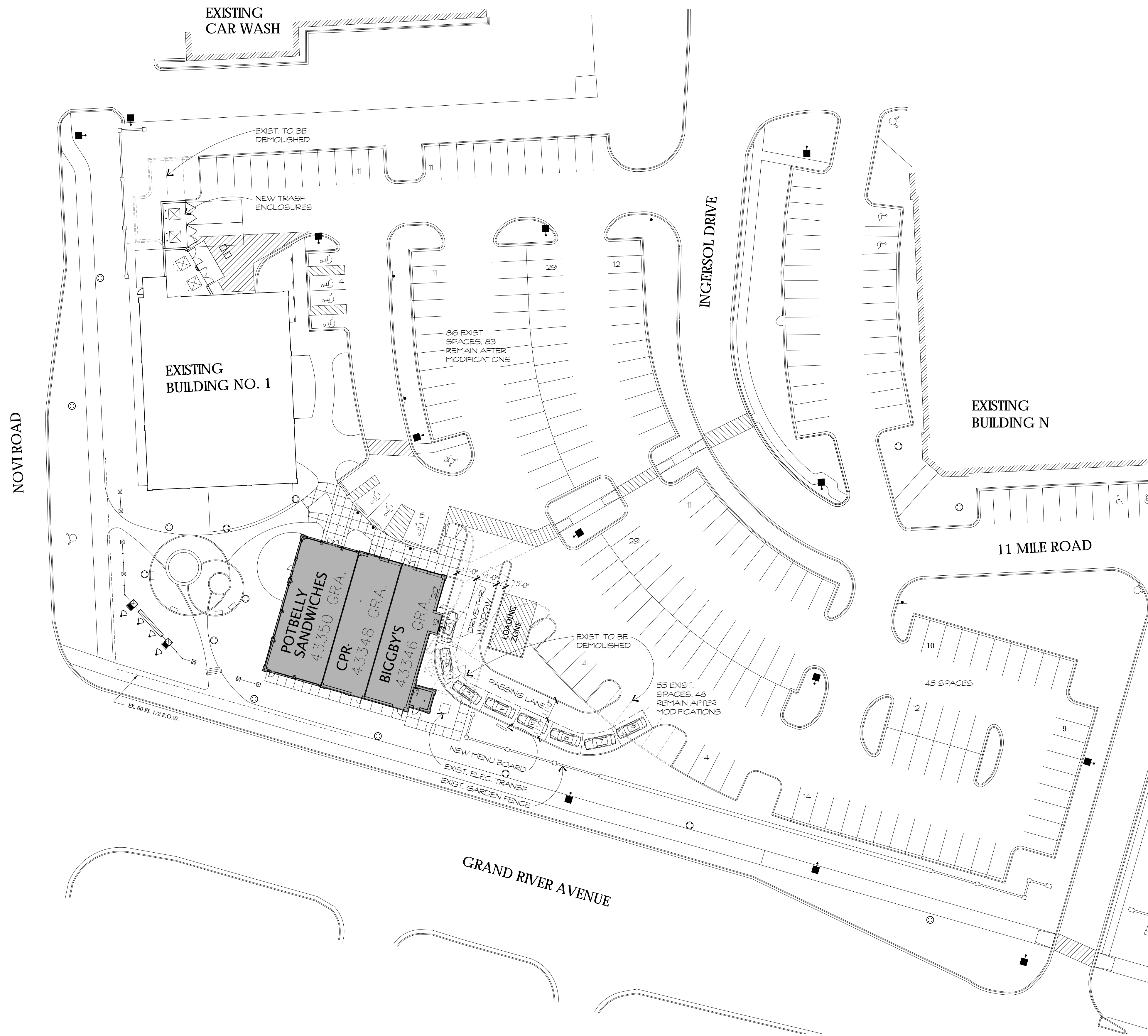
C. An outdoor seating area comprising at least 8 seats and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.

d. The site shall have a frontage on a private collector and at least 100' of frontage on an arterial road. Two-way access shall be provided from the private road only.

e. All of the other provisions of Section 4.40.3 shall apply except those specifically modified herein.”

EXHIBIT B

Conceptual layout of Drive-Thru in Town Center Development



BUILDING 2 DRIVE-THRU STUDY

NOVI, MICHIGAN

43259 Crescent Blvd.
Novi, Michigan 48375
248/347-3830 Fax 248/347-3833

Novi Town Center



WAH YEE ASSOCIATES
ARCHITECTS & PLANNERS
37911 WEST TWELVE MILE ROAD
FARMINGTON HILLS, MICHIGAN 48331
PHONE 248.489.9160 FAX 489.0133
PROJECT NO. 4481/3811B

All ideas, designs, arrangements, and plans indicated or represented by this drawing are owned by and the property of Wah Yee Associates and were created, evolved and developed for use on and in connection with the specified project. None of such ideas, arrangements, or plans shall be copied by or disclosed to any person, firm or corporation for any purpose whatsoever without the written permission of Wah Yee Associates.

**PRELIMINARY
NOT FOR CONSTRUCTION**

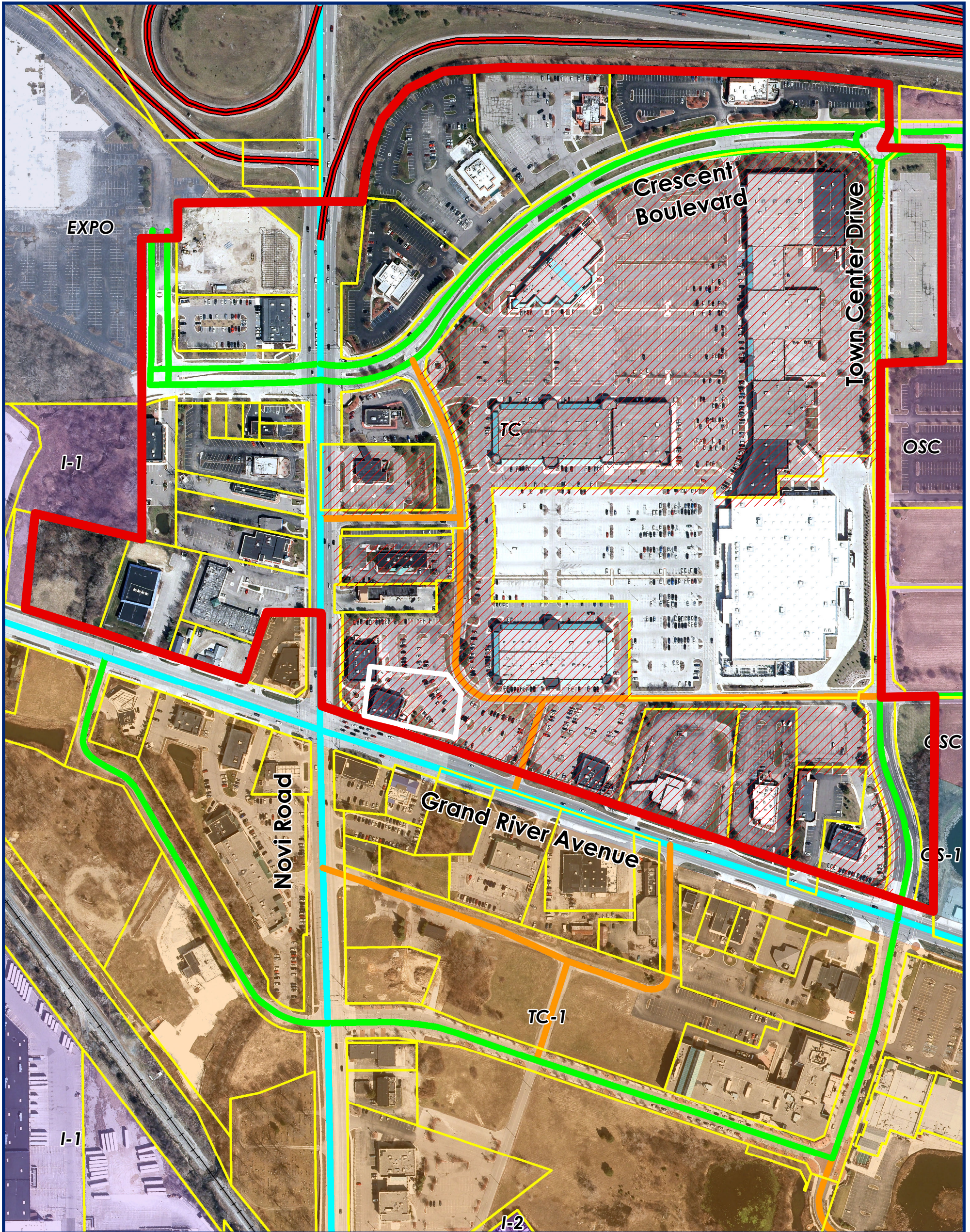
DECEMBER 4, 2015
MARCH 1, 2016
MARCH 3, 2016

EXHIBIT C

Town Center District Map: Possible locations for a Drive-Thru based on Applicants
version

18. 277: TC Drive Thru Text Amendment

Possible Locations for Drive-Thru (Applicant Version)




Map Author: Sri Ravali Komaragiri
 Date: 10-21-16
 Project: TC-Drive-Thru Text Amendments
 Version #:

Amended By:
 Date:
 Department:

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.

-  Tax Parcels
-  Freeway
-  Local Street
-  Arterial
-  Non-Residential Collector
-  Subject Property
-  Possible Locations



City of Novi

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



EXHIBIT D

Strike Through: Staff Version
October 21, 2016

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

ORDINANCE NO. 16- 18 – 277

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT Section 3.1.25 TOWN CENTER DISTRICT, SPECIAL LAND USES, AND ARTICLE IV, 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 PERMIT DRIVE-THROUGH RESTAURANTS IN THE TC TOWN CENTER DISTRICT.

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 3.1.25. TC TOWN CENTER DISTRICT

ARTICLE 3.1.25.A. INTENT [unchanged.]

ARTICLE 3.1.25B. PRINCIPAL USES PERMITTED [unchanged.]

ARTICLE 3.1.25C. 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](#)

ARTICLE 4.40.3 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](#) district, fast food drive-through restaurants are permitted as a special land use subject to the following conditions:

[A. For TC-1 districts only.](#)

- i. 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.
- ii. A minimum one-thousand eight-hundred (1,800) square foot dining area with indoor seating for at least forty (40) people shall be provided.
- iii. The site shall have frontage on a nonresidential collector and at least two hundred (200) feet of frontage on an arterial road.

B. For TC districts only,

- i. In the TC District only, a fast food drive-through restaurant shall apply to a retail use that primarily sells beverages and bakery goods.
- ii. A minimum 1100 square foot area with indoor seating for at least 20 people shall be provided.
- iii. An outdoor seating area comprising at least 8 seats and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.
- iv. The site shall have a frontage on a local street and at least 100' of frontage on an arterial road.
- v. The building shall be located within 300' from the intersection of two Arterial roads.
- vi. The site shall be at the intersection of two arterial streets, but provide two-way access only from a Local Street, as identified on the City of Novi Thoroughfare Classification Plan.

C. For both TC and TC-1 districts,

- i. ~~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.
- ii. ~~D.~~ —The drive-through shall be accessory to a full-service, indoor use on-site.
- iii. ~~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.
- iv. ~~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.
- v. ~~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.

- vi. ~~H.~~—An outdoor seating area comprising at least eight seats and in compliance with the provisions of Section 4.84 of the Zoning Ordinance shall be provided.
- vii. ~~F.~~—A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual.

EXHIBIT E

Current Ordinance

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

4.38 PUBLIC OR PRIVATE INDOOR AND PRIVATE OUTDOOR RECREATIONAL FACILITIES

In the B-3, OS-1, OSC, and OST districts and EXO Overlay district, public or private indoor recreation facilities, including, but not limited to, health and fitness facilities and clubs greater than two-thousand (2,000) square feet in size, swimming pools, tennis and racquetball courts, roller skating facilities, ice skating facilities, soccer facilities, baseball and softball practice areas, indoor archery ranges and similar indoor recreational uses, and private outdoor recreational facilities, including, but not limited to, playfields, playgrounds, soccer fields, swimming pools, tennis and racquetball courts and ice skating facilities are permitted as a special land use. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#). In the OST district and EXO Overlay district, a noise impact statement is only required for facilities over two-thousand (2,000) square feet and outdoor facilities.

4.39 MINI-LUBE OR OIL CHANGE ESTABLISHMENTS

In the B-3 district, mini-lube or oil change establishments, which provide as a primary use the lubrication and/or checking, changing and/or additions of those fluids and filters necessary for the regular maintenance of a vehicle, including the sale of oil and minor accessories only, and exclusive of other minor or major automobile repair or service as defined in this ordinance are permitted as a special land use. Additionally, no sale of gasoline or alternate fuels shall occur. Such establishments shall be subject to the following requirements:

1. The curb cuts for access to a mini-lube or oil change establishment shall be such as to minimize the potential for traffic hazards in the streets immediately adjacent thereto. Entrances shall be not less than one-hundred (100) feet from a street intersection (measured from road right-of-way) and from adjacent residential districts.
2. Mini-lube or oil change establishments shall be located on the site so as to minimize impact on any adjacent residential districts, OS-1, OSC and B-1 district. Ample space, based upon a queuing analysis, shall be provided for motor vehicles waiting for service. Sufficient vehicle stacking space shall be provided at service bay entrances so that vehicles awaiting service will not interfere with vehicles entering the site.

3. No vehicle parking shall be permitted in front of actual building setback line.
4. No more than one (1) curb cut shall be allowed to an abutting major thoroughfare.
5. There shall be observances of required parking and vehicular access area setback from front, side and rear lot lines as specified in each districts Development Standards
6. A noise impact statement is required subject to the standards of [Section 5.14.10.B](#).

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

1. For restaurant in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit-down a noise impact statement is required subject to the standards of [Section 5.14.10.B](#).
2. In the B-3 district, restaurants in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit-down are permitted as a special land use subject to the following conditions:
 - A. Access points shall be located at least sixty (60) feet from the intersections of any two (2) streets.
 - B. Such uses shall not be permitted on a parcel less than sixty (60) feet from any residential zoning district.
 - C. All drive-through lanes shall be located at least one-hundred fifty (150) feet from any residential zoning district.
 - D. All lighting shall be shielded from residential uses.
 - E. All drive-through restaurants shall meet the stacking space requirements listed in [Section 5.3.11](#).
 - F. A six (6) foot high obscuring wall shall be provided when abutting or adjacent districts are zoned for OS-1, OSC, NCC, B-1, B-2 or B-3 districts, and where such abutting or adjacent districts are not separated from the proposed restaurant by a road, highway or freeway. The height of the wall shall be measured from the surface of the ground. Any proposed wall shall further meet the requirements [Section 5.5](#).



3. In the TC-1 district, 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 non-residential 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 non-residential 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 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 is required.

4.41 RESTAURANTS (SIT-DOWN)

- 1. In the GE district, restaurants (sit-down) up to a maximum of one-hundred twenty-five (125) seats, or other places serving food or beverage, excluding those having the character of a drive-in or having a drive through window are a permitted use. Outdoor dining may be permitted, subject to approval at the time of preliminary site plan review, if the applicant demonstrates that, as proposed, such outdoor use shall be compatible with surrounding uses, be consistent with pedestrian movement (including an unobstructed pedestrian path at least six (6) feet in width), be consistent with the intent of [Section 3.1.16.A](#), and be subject to the standards of [Section 4.84](#), Outdoor Restaurants. Proposals for outdoor seating for an existing restaurant within the GE district may be reviewed and approved administratively.
- 2. In the NCC district, sit-down restaurants having a minimum capacity of fifty (50) persons; and a maximum size of ten-thousand (10,000) square feet are a permitted use provided, however, there shall not be permitted any of the following types of restaurants: drive-in, fast food carry out, fast food sit down or fast food drive-through.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



EXHIBIT F
Original Application
March 31, 2016

LAW OFFICES

SEGLUND GABE PAWLAK GROTH & KELLEY, PLC

Matthew C. Quinn | Phone: (248) 869-0030 | Facsimile: (248) 869-0039
Email: mquinn@michlaw.biz | www.michlaw.biz

CHARLES H. GABE
BRUCE R. SEGLUND
PAUL V. GROTH
GERALD A. PAWLAK
WILLIAM C. KELLEY

RETIREED

THOMAS J. CONNELLY
MATTHEW C. QUINN

OF COUNSEL

ROY JAY MONTNEY, JR.
STACEY LEE ISLES

PHILIP H. SEYMOUR
(1947-2013)

March 31, 2016

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

Re: Zoning Ordinance Text Amendment Proposal

Dear Ms. McBeth:

Please find enclosed from James Clear, the manager of the Novi Town Center Mall, on behalf of Novi Town Center Investors, LLC a proposed Zoning Ordinance Text Amendment change that would allow a fast food drive-through restaurant with limited conditions within the TC Zoning District.

Be advised that Mr. Clear will forward to the City a \$690.00 check in the next day or two as soon as it can be processed. Mr. Clear and I look forward to working with your staff, the Planning Commission and the City Council on this proposed change which will benefit the Novi Town Center shoppers by adding, at a minimum, a drive-through coffee use within the Center. Thanking you for your cooperation, I remain

Very truly yours,

SEGLUND GABE PAWLAK
GROTH & KELLEY, PLC



Matthew C. Quinn
Retired

MCQ/ckj
Enclosures
cc: James Clear



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."

EXHIBIT G

Existing and Proposed Standards for Drive-through Restaurants

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	Determined by the standards in the respective district. No requirements specific to drive-through restaurants exist or are proposed.				
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