



CITY of NOVI CITY COUNCIL

Agenda Item 1
April 9, 2018

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.286 to amend the City of Novi Zoning Ordinance at Article 3, Zoning Districts, Section 3.1.10, B-1, Local Business District, in order to allow restaurant uses in the Local Business Zoning District. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development Department – Planning *Bauby*

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Community Development Department received a request for a text amendment for the purpose of allowing restaurants in the B-1, Local Business Districts throughout the City of Novi. The applicant, Jonathan Brateman, is primarily interested in allowing sit-down restaurants in the Peachtree Plaza, which is located near the southwest corner of Ten Mile Road and Meadowbrook Road.

Currently, the B-1 District does not allow any type of restaurant, but allows retail business and service uses, dry cleaning establishments, business and professional service establishments, instructional centers, and other similar types of uses.

The intent of the Local Business District is as follows: *The B-1, Local Business district, as herein established, is designated to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.*

Applicant's Suggested Ordinance Amendment

The applicant's suggested Language for Text Amendment Change for B-1 Zoning is as follows:

- Restaurant businesses with sit down and carry out service shall be allowed in B-1 shopping center provided that the restaurants do not exceed 4800 sf.
- Restaurant trash removal to be no closer than 100 feet from a residential area and is not open longer than 12 am in the evening.
- The customer assembly area shall be sprinklered."

Staff Review

Staff notes that if changes are made to the B-1 District for the Peachtree Plaza, those standards would apply across all of the B-1, Local Business zoned properties in the City:

- The southwest corner of Ten Mile and Meadowbrook Road (including Peachtree Plaza and Novi Plaza)
- The southeast corner of Ten Mile and Meadowbrook Road (Tobin Office Center and a bank)
- The northeast corner of Ten Mile and Meadowbrook Road (Stewart's Ice Cream and office/retail uses)
- The southeast corner of Ten Mile and Novi Road (Walgreens)
- The southwest corner of Ten Mile and Haggerty Road (Dunkin Donuts, and retail uses, Moe's On Ten Restaurant)

- The northeast corner of Ten Mile and Beck Road (new changes to the B-1 District would not apply since the property is governed by the Briarwood Consent Judgment)
- The west side of Wixom Road, south of Grand River (Single family homes and vacant land across from the Target Store).

Staff notes that there are currently several long-standing restaurants in the B-1 Districts noted above, and would be considered non-conforming uses (Stewarts Ice Cream, Dunkin Donuts, Sushi Restaurant, and Moe's on Ten).

All of the locations noted above are immediately adjacent to single family residential uses, with the exception of Walgreens located at the southeast corner of Ten Mile and Novi Roads. Most of the developments shown do not meet today's ordinance standards, and may have been developed prior to these standards being in place:

- Where B-1 districts abut a residential district the parking lot setback must be increased from a minimum of 10 feet to 20 feet. As visible in the attached aerial location maps, most of the developments in the B-1 District do not have the required 20 foot parking lot setback standard, but some have a screen wall between the properties.
- Typically, a 6- 8 foot high landscape berm is required between B-1 Districts and residential uses. As seen on the attached aerial photos, berms do not appear to exist in most of the locations identified.
- Rear yard building setbacks in the B-1 District are also set at a minimum of 20 feet.

Staff Recommendation

Staff is proposing that if both Sit-Down Restaurants and Fast Food Carryout Restaurants be permitted in the B-1 District, that the consideration would be subject to Special Land Use approval by the Planning Commission, so that each instance may be reviewed individually, and proper limitations may be applied at that time.

Special Land Use consideration by the Planning Commission would include a review of the proposed restaurant on a site plan, including any improvements proposed to the parking lot, landscaping, outside dining, or façade, and allows a public hearing to be advertised in a local newspaper and notice of the public hearing to be mailed to residents and property owners within 300 feet of subject property. Responses to the notice of public hearing could include written responses supporting or objecting to the request, or verbal comments provided at the meeting. The Planning Commission would consider those comments, along with comments from the City's staff and consultants, and use the following seven ordinance standards to assist in approving, approving with conditions, or denying the Special Land Use request:

- a. The proposed use will not cause any detrimental impact on existing thoroughfares;
- b. The proposed use will not cause any detrimental impact on the capabilities of public services and facilities;
- c. The proposed use is compatible with the natural features and characteristics of the land;
- d. The proposed use is compatible with adjacent uses of land;
- e. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use;
- f. The proposed use will promote the use of land in a socially and economically desirable manner;
- g. The proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Other uses that currently require Special Land Use consideration the business zoning districts (B-1, B-2 and B-3) are as follows:

| | Special Land Uses (current ordinance) |
|-------------------------|--|
| B-1, Local Business | Mortuary Establishments; Publicly owned buildings, Public utility buildings, Telephone exchange buildings, Electric transformer stations and substations, Gas regulator stations with service yards, but without storage yards, Water and sewage pumping stations |
| B-2, Community Business | Fueling Station; Sale of produce and seasonal plant materials outdoors; Veterinary hospitals or clinics |
| B-3, General Business | Outdoor space for exclusive sale of new or used automobiles, campers, recreation vehicles, mobile homes, or rental of trailers or automobiles; Motels; Business in the character of a drive-in or open front store; Veterinary hospitals or clinics; Plant materials nursery; Public or private indoor and private outdoor recreational facilities; Mini-lube or oil change establishments; Sale of produce and seasonal plant materials outdoors; Restaurant in the character of a fast food carryout, drive-in, fast food drive-through, or fast food sit-down |

Additionally, in the attached draft ordinance language, staff suggests the total restaurant space would be limited to no more than 20 percent of the gross floor area of any B-1, Planned Commercial Center. The limitation proposed by the applicant of 4800 square feet is slightly less than 20 percent of the Peachtree Plaza's size of 24,949 square feet, as provided in the Assessing Department records. This limitation would help alleviate any parking concerns within existing smaller commercial centers, as restaurants typically generate more traffic than retail uses, and once restaurant uses begin to exceed 20 percent of the floor space in a shopping center, the parking issues may arise.

The applicant suggested that the "customer assembly area shall be sprinklered". Planning staff suggests that this language is not necessary as part of the Zoning Ordinance, as the Building Code will determine whether fire suppression is necessary.

Planning Commission Recommendation

The Planning Commission reviewed this matter over the last several months and at two public hearings. At the meeting on March 14, 2018, the Planning Commission considered the request, and after considerable discussion, recommended approval of the applicant's request to allow limited restaurants in the B-1 District, but also including the provision that any such new requests would come before the Planning Commission for consideration as a Special Land Use, with the required public hearing, as provided in the attached Draft Ordinance.

Some of the concerns expressed by the Planning Commission included the proximity of the B-1 Districts to residential homes, potential smells that may be associated with cooking at the restaurants or from the dumpsters on site, and traffic concerns. The Planning Commission was generally in support of the concept of adding restaurants to the B-1 District, since there appears to be a strong interest in providing this service in the Peachtree Plaza, and because a review of other communities with a similar Zoning District, have allowed restaurant uses in those districts, as noted in the attached memo.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.286 to amend the City of Novi Zoning Ordinance at Article 3, Zoning Districts, Section 3.1.10, B-1, Local Business District, in order to allow restaurant uses in the Local Business Zoning District, as provided in the attached Draft Ordinance language. **FIRST READING**

**DRAFT TEXT AMENDMENT
STRIKE-THROUGH VERSION**

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 18 – 18.286

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE, AMENDING ARTICLE 3, ZONING DISTRICTS, AT SECTION 3.1.10 B-1, LOCAL BUSINESS DISTRICT, TO ALLOW RESTAURANT USES IN THE B-1 LOCAL BUSINESS ZONING DISTRICT.

THE CITY OF NOVI ORDAINS:

Part I.

That The City of Novi Zoning Ordinance is amended, by amending Section 3.1.10, in Article 3, Zoning Districts, to read as follows:

Section 3.1.10 B-1 Local Business District

A. [unchanged]

B. [unchanged]

C. **SPECIAL LAND USES**

i. – ii. [unchanged]

iii. Restaurants (Sit-Down) and Restaurant (Fast Food Carryout), subject to a limitation of a maximum of 20 percent of the gross floor area if the property is part of a Planned Commercial Center.

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 _____, 2018.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

OFF-WEEK PACKET MEMORANDUM

MARCH 29, 2018

MEMORANDUM



TO: PETE AUGER, CITY MANAGER
FROM: BARBARA MCBETH, COMMUNITY DEVELOPMENT
SUBJECT: TEXT AMENDMENT 18. 286 RESTAURANTS IN B-1
DATE: MARCH 29, 2018

The Community Development Department received a request for a text amendment for the purpose of allowing restaurants in the B-1, Local Business Districts throughout the City of Novi. The applicant, Jonathan Brateman, is primarily interested in allowing sit-down restaurants in the Peachtree Plaza, which is located near the southwest corner of Ten Mile Road and Meadowbrook Road.

The intent of this memo is to provide some background information that was reviewed by the Planning Commission over the last several months as the Commission reviewed the request. At the meeting on March 14, 2018, the Planning Commission considered the request, and after considerable discussion, recommended approval of the applicant's request to allow limited restaurants in the B-1 District, but including the provision that any such new requests would come before the Planning Commission for consideration as a Special Land Use, with the required public hearing.

Some of the concerns expressed by the Planning Commission included the proximity of the B-1 Districts to residential homes, potential smells that may be associated with cooking at the restaurants or from the dumpsters on site, and traffic concerns. The Planning Commission is generally in support of the concept of adding restaurants to the B-1 District, since there appears to be a strong interest in providing this service in the Peachtree Plaza, and because a review of other communities with a similar Zoning District, have allowed restaurant uses in those districts. Staff provided further study and discussion of this issue in this memo and as attached (from the most recent Planning Commission consideration).

Uses currently allowed in the B-1 District

The Peachtree Plaza is currently zoned B-1, Local Business. Although there are a number of permitted and special land uses within this district, restaurants are not among the uses permitted:

Principal Permitted Uses

- i. Retail businesses use
- ii. Retail business service uses
- iii. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer
- iv. Business establishments which perform services on the premises
- v. Professional services

- vi. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- vii. Off-street parking lots
- viii. Instructional centers
- ix. Other uses similar to the above uses
- x. Accessory structures and uses customarily incident to the above permitted uses

Special Land Uses

- i. Mortuary establishments
- ii. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations

Master Plan for Land Use

The Master Plan for Land Use designates the Peachtree Plaza as Local Commercial. Areas surrounding the subject property are planned for Local Commercial, Office uses, and Single Family Residential. As such, the Plan Review Center would be unlikely to recommend a rezoning to B-2 (or another district that allows restaurants) since it would not be in compliance with the Master Plan for Land Use.

History of uses at Peachtree Plaza

Some highlights of the history of the Peachtree Plaza are as follows:

- The site plan for Peachtree Plaza site plan was approved in the mid-1980s, with concerns expressed at that time regarding the potential difficulty in visibility of the plaza, traffic generated, and proximity to nearby residential uses.
- The Cottage Inn Pizza restaurant had been located in the Peachtree Plaza as a result of the Zoning Board of Appeals granting a use variance on April 28, 1992 for the owners of the plaza at that time. The ZBA Action was for that restaurant only, and in the last couple of years that tenant has found a new location in the shopping center on the north side of Ten Mile Road.
- In 1998, there was a request to rezone the Peachtree Plaza from B-1 to B-3, which was unsuccessful.
- In 1999, City Council considered a request for approval of Zoning Ordinance Text Amendment 18.148 for the B-1 zoning district to include as a principal use permitted subject to special conditions sit-down restaurants with a maximum seating capacity of 50 persons and carry out restaurants that do not vent odors to the outside. This text amendment request was unsuccessful.
- In 2010, the owner's representatives had considered requesting a rezoning of the Peachtree Plaza to B-2, Community Business to allow day care centers which was a

possible expansion to the Koby International Academy that was located in the center at that time. The request was not pursued.

- In 2012, Plan Review Center staff prepared a report for the objective of identifying the Ten Mile and Meadowbrook Road Commercial Rehabilitation Plan pursuant to the City's Tax Abatement Policy. This Plan was intended to assist with redevelopment of certain properties in this area, including the Peachtree Plaza. A copy of that plan is found here:
<http://cityofnovi.org/Government/City-Services/Community-Development/What-s-New/Documents/TenMileAndMeadowbrookRehabComplete.aspx>

Further discussion with the applicant

Peachtree Plaza has had the following tenants in recent years that have left the center: chiropractor, salon, and Cottage Inn Pizza. Still present are: Koby Academy (after-school program), and a dentist's office (previous practice moved out, new practice moved in). A new salon with facial and massage services is a potential new tenant.

Of the 20 units, 9 are occupied at this time, amounting to a 55 percent vacancy rate in this center. The applicant has explained that the Koby Academy draws many parents to the center in the morning and afternoon, and these people may benefit from having a restaurant in the center while waiting for children to finish training at the Koby Academy. The applicant indicates that several Japanese restaurants have shown an interest in locating at Peachtree Plaza, because they see an opportunity to capture the business of those people dropping off students at the afterschool academy.

The applicant has further explained that allowing up to 4800 square feet of the 25,000 square foot shopping center with restaurant uses would make the shopping center more viable. Alternatively that applicant has indicated that no more than 20 percent of the shopping center would be occupied by restaurants, or a maximum of 4800 square feet, whichever is less. The applicant has reiterated that, although residential homes are located directly behind (south) of the Peachtree Plaza, the dumpster is located in the front (northwest corner) of the center, so any smells or additional trash pickup would not adversely affect the neighbors.

Applicant's Suggested Ordinance Amendment

The applicant's suggested Language for Text Amendment Change for B-1 Zoning is as follows:

- Restaurant businesses with sit down and carry out service shall be allowed in B-1 shopping center provided that the restaurants do not exceed 4800 sf.
- Restaurant trash removal to be no closer than 100 feet from a residential area and is not open longer than 12 am in the evening.
- The customer assembly area shall be sprinklered ."

Staff Review

Staff notes that if changes are made to the B-1 District for the Peachtree Plaza, those standards would apply across all of the B-1, Local Business zoned properties in the City:

- The southwest corner of Ten Mile and Meadowbrook Road (including Peachtree Plaza and Novi Plaza)
- The southeast corner of Ten Mile and Meadowbrook Road (Tobin Office Center and a bank)
- The northeast corner of Ten Mile and Meadowbrook Road (Stewart's Ice Cream and office/retail uses)
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- The northeast corner of Ten Mile and Beck Road (governed by the Briarwood Consent Judgment)
- The west side of Wixom Road, south of Grand River (Single family homes and vacant land across from the Target Store).

Staff notes that there are currently several long-standing restaurants in the B-1 Districts noted above, and would be considered non-conforming uses (Stewarts Ice Cream, Dunkin Donuts, Sushi Restaurant, and Moe's on Ten).

All of the locations noted above are immediately adjacent to single family residential uses, with the exception of Walgreens located at the southeast corner of Ten Mile and Novi Roads. Most of the developments shown do not meet today's ordinance standards, and may have been developed prior to these standards being in place:

- Where B-1 districts abut a residential district the parking lot setback must be increased from a minimum of 10 feet to 20 feet. As visible in the attached aerial location maps, most of the developments in the B-1 District do not have the required 20 foot parking lot setback standard, but some have a screen wall between the properties.
- Typically, a 6- 8 foot high landscape berm is required between B-1 Districts and residential uses. As seen on the attached aerial photos, berms do not appear to exist in most of the locations identified.
- Rear yard building setbacks in the B-1 District are also set at a minimum of 20 feet.

Intent of the Business Zoning Districts

The Zoning Ordinance lists the intent of the various Business districts and the increasing intensity as the Business Districts increase the allowable uses, market area, and layout of the business uses:

The intent of the **B-1 District** is as follows:

The B-1, Local Business district, as herein established, is designated to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.

The intent of the **B-2 District** is as follows:

The B-2, Community Business district is designed to cater to the needs of a larger consumer population than is served by the Local Business district, and is generally characterized by an integrated or planned cluster of establishments served by a

common parking area, and generating greater volumes of vehicular and pedestrian traffic than generated by Local Business district uses, and located at the intersection of two major thoroughfares (major arterial, arterial or minor arterial). Although the B-2 districts permit certain more intensive commercial uses than B-1 districts, it is intended that automotive sales and service establishments, drive-through fast-food restaurants, open air retail uses, and similar uses not be established in the B-2 districts. This goal is established to maintain a more pedestrian-friendly environment and to foster a physical development pattern that is well-planned, supportive of moderately intense commercial uses, and aesthetically appealing from both abutting thoroughfares and from within the district.

The intent of the **B-3 District** is as follows:

The B-3, General Business district is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business district or the Community Business district.

Attached is a chart indicating the five types of restaurants defined in the Zoning Ordinance and the districts where each type of restaurant is currently considered a principal permitted use or a special land use. This chart has been updated since the last time it was used for consideration of limited Fast Food Drive-Through Restaurants in the TC and TC-1 Districts. Restaurants of some type are permitted in 16 zoning districts throughout the City.

Staff Recommendation

Staff is proposing that if both Sit-Down Restaurants and Fast Food Carryout Restaurants be permitted in the B-1 District, that the approval would be subject to Special Land Use approval by the Planning Commission, so that each instance may be reviewed individually, and proper limitations may be applied at that time.

Additionally, staff suggests the total restaurant space, if permitted would be limited to no more than 20 percent of the gross floor area of any B-1, Planned Commercial Center. The limitation proposed by the applicant of 4800 square feet is slightly less than 20 percent of the Peachtree Plaza's size of 24,949 square feet, as provided in the Assessing Department records. This limitation would help alleviate any parking concerns within existing smaller commercial centers, as restaurants typically generate more traffic than retail uses, and once restaurant uses begin to exceed 20 percent of the floor space in a shopping center, the parking issues may arise.

The applicant suggested that the "customer assembly area shall be sprinklered". Planning staff suggests that this language is not necessary as part of the Zoning Ordinance, as the Building Code will determine whether fire suppression is necessary.

This matter is expected to be presented to the City Council at an upcoming meeting for consideration and approval.

**PLANNING COMMISSION
EXCERPT FROM DRAFT MINUTES
MARCH 14, 2018**



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

March 14, 2018 7:00 PM

Council Chambers | Novi Civic Center
45175 W. Ten Mile (248) 347-0475

CALL TO ORDER

The meeting was called to order at 7:00 PM.

ROLL CALL

Present: Member Avdoulos, Member Greco, Member Howard, Member Lynch, Member Maday, Chair Pehrson

Absent: Member Anthony (excused)

Also Present: Barbara McBeth, City Planner; Sri Komaragiri, Planner; Lindsay Bell, Planner; Rick Meader, Landscape Architect; Darcy Rechtiem, Staff Engineer; Thomas Schultz, City Attorney; Peter Hill, Environmental Consultant; Sterling Frazier, Traffic Consultant

1. ZONING ORDINANCE TEXT AMENDMENT 18.286

Public Hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 3, Zoning Districts, Section 3.1.10, B-1, Local Business District, in order to allow restaurant uses in the Local Business Zoning District.

City Planner McBeth said staff has received an application for a proposed ordinance amendment for the purpose of allowing restaurants in the B-1, Local Business District throughout the City of Novi. The applicant, Jonathan Brateman, is primarily interested in allowing sit-down restaurants in the Peachtree Plaza, which is located near the southwest corner of Ten Mile Road and Meadowbrook Road.

The B-1 District currently does not allow restaurants of any kind, but does allow various retail business and service uses that are intended to serve the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.

Throughout the City of Novi, there are several locations where the B-1 Districts are located: near the intersections of Ten Mile Road and Haggerty Road, Ten Mile Road and Meadowbrook Road (including the Peachtree Plaza), the Walgreens at Ten Mile Road and Novi Road, and on the west side of Wixom Road, south of Twelve Mile Road. These business districts are generally small in size, and located very near, if not immediately abutting, residential areas.

The applicant presented an ordinance amendment to the B-1 District that includes restaurant businesses with sit down and carry out service shall be allowed in B-1 shopping center provided that the restaurants do not exceed 4800 sf., restaurant trash

removal to be no closer than 100 feet from a residential area and is not open longer than 12 am in the evening, and the customer assembly area shall be sprinklered.

Following the discussion at the November 2017 Planning Commission meeting when this text amendment was introduced, the Planning Commission asked a number of questions that were detailed in a memo from the Planning Department dated January 25, 2018. Among those questions were the following:

What do other communities allow in a similar zoning district? Our staff planner Lindsay Bell reviewed six similar nearby communities: Farmington Hills, City of Northville, Northville Township, Plymouth, Bloomfield Township, and Troy. The memo finds that in all of those communities districts that are most similar to Novi's local business district, restaurants are either Principal Permitted Uses or uses Permitted with Special Land Use consideration. Bloomfield Township is the only community that requires special land use consideration for all restaurants in planned shopping centers in the local business district.

Will the ordinance changes affect the permitted uses at Ten Mile and Beck Road – the Briar Pointe Plaza? The Consent Judgment that governs the Briar Pointe Plaza indicates that the uses allowed in the shopping center are those allowed in the B-1, Local Business District as of the date of the consent judgment. The Ordinance in the 1990s did not allow restaurants in the B-1 District.

So at this time, staff has prepared an alternative to the text amendment prepared by the applicant. Staff is proposing that if both Sit-Down Restaurants and Fast Food Carryout Restaurants be permitted in the B-1 District, that the approval would be subject to Special Land Use approval by the Planning Commission, so that each instance may be reviewed individually, per the standards of the Special Land Use section of the Zoning Ordinance, and proper limitations may be applied at that time.

Additionally, staff suggests the total restaurant space would be limited to no more than 20 percent of the gross floor area of any B-1, Planned Commercial Center. The limitation proposed by the applicant of 4800 square feet is slightly less than 20 percent of the Peachtree Plaza's size of 24,949 square feet and would therefore fit within that standard.

At this time, the Planning Commission is asked to hold the public hearing, and consider the proposed ordinance in order to make a recommendation to the City Council. The applicant, Jonathan Brateman, is present and may wish to provide comments and answer questions.

Jonathan Brateman, 40015 Grand River Ave, said on a personal note, I'm sure you remember that last time I was here my daughter was here and she has a math test tomorrow so I told her she couldn't come tonight but she sends her regards to everyone.

My office address is 40015 Grand River Ave Ste. 105 in Novi, I want to thank the Planning Department and the Planning Commission for the opportunity to speak before you tonight. As stated, my purpose is to amend the Zoning Ordinance as it relates to B-1 to include sit-down restaurants.

First, we already have sit-down restaurants in the B-1 here in Novi. Historically, there are no marches in the streets, no major petitions to un-do those. Moe's on Ten is an example, Dunkin Donuts, Maisano's – these exist, the sun comes up the next day, nobody is hurt. So they can exist, they do exist, nothing bad happens.

Mr. Brateman said I want to present two visions to you. There are some new people I believe on the Planning Commission so I want to go over some of my remarks from an earlier period of time. The first vision is one of hope, prosperity, and light. By allowing sit-down restaurants in the B-1 District, you accomplish a number of goals. You bring economic sustenance to centers that need the energy and the traffic that these types of businesses provide. You give a chance, an opportunity, to a new business that can neither afford nor are they sought out by power centers and position centers to have these kinds of businesses in their locations because they're local, they're small, they're independent. And you enhance the culture and the hallmark of a local community who likes the national names yet cherishes the unique, one-of-a-kind local spots.

Let me begin with the first. There are some shopping centers that are just underperforming economically. The remedy is not just to do a lease with anyone with an idea, but the idea is to build up the center through a combination of special rent incentives and by attracting quality individuals with capital aptitude and creativity to make their dream happen.

The problem of Special Land Use, putting another layer of bureaucracy on that, is that these are relatively unsophisticated entrepreneurs that say how much is this going to cost, how long is this going to take, can I do it or not? Well, and once you say well, they're in the car, they're gone, you'll never see them again. You call them, they don't call you back. And with the Special Land Use, we might as well not be here tonight. Because the Special Land Use will kill any enthusiasm on the part of the would-be entrepreneur to be there. The tenants have the capital and the aptitude and the creativity and they can do it, they can make it.

Mr. Brateman said we have a center, and what I'm doing will affect every B-1 except the one that you mentioned that would not be affected by it, but at Peachtree we have 75-100 cars every day that visit the Koby Learning Academy. The first time I spoke, I had three different Japanese restaurants that wanted to be here, now I'm down to one because the other two have lost enthusiasm, moved on to another community, whatever. But I can't do the lease because of the restrictions in the B-1 Ordinance.

We need to allow this change to happen. And I see Mr. Schultz here tonight, Mr. Schultz and I have worked successfully over time on changing the NCC Ordinance, the B-1 Ordinance, I was part of the team that helped create the OST Ordinance and the GE Ordinance. I'm here as a broker, I'm here trying to help the community, I have brought lots of business to this community, I'm proud of the things that we've done, my office is here, and I'm just trying to make the community better by asking for something very, very small just a little bit of restaurant in the B-1.

Some restaurants have a very narrow market segment, like the Japanese restaurant. They can compete, but not at a mass market level. They can't pay \$30 per square foot to be at the intersection of Grand River and Novi. They're destination-oriented and because of that, they can't pay the major rent and they need to be in a center that will allow them to

be there economically. Restaurants in this category include vegetarian restaurants, ethnic restaurants, dietary restriction restaurants, high-end pastry, high-end coffee, just to name a few.

Mr. Brateman said let me continue to the last point that I want to make on that, is that the rent where places like Burger 21 or Blaze Pizza are, they're outside the realm of the independent restaurant to be able to afford. By passing this ordinance, you give a chance for a local restaurant to make it. Each of you probably has five restaurants that you visit once a year but how many of them provide for a local person to showcase their skills?

The shopping malls across America, great accessibility occurred to merchandise and restaurants but there's a lack of a local flavor. You can close your eyes in a mall and open them, and you don't know if you're in Kansas City or Tallahassee or here in Novi. We need our local places because these people who own these are usually the backbone of the Chamber of Commerce, sponsors of the softball team, youth organizations, and in a sense they make a community unique and special. We need this.

Now let me give you a second vision. I spoke about the vision of hope and prosperity and light. Now I'm going to speak about the opposite of those – underperforming and dark shopping centers, and people who would like to be there but are priced out that can't be in the community because they can't make it and can't fulfill their dream. I'm afraid that if you don't pass this revision, the immediate situation will worsen and this will lead to situations all of us want to avoid. On the landlord side, there will still be vacancies and on the tenant side, a dream backed by capital but with no affordable place to go to.

Mr. Brateman finished by saying I want you to please consider to choose hope and prosperity and light. Pass this text amendment, forget the Special Land Use, give these people a chance "Can I do it or not do it?", to be able to come in here and move forward in the light of a bright future. I'd be happy to answer any questions.

Chair Pehrson said I don't know whether to say thank you, applaud, or just carry on. Chair Pehrson asked if there was anyone in the audience that wished to address the Planning Commission regarding this project.

Christina Pierce, 24055 Meadowbrook Rd, said the company I own is the Koby Learning Group. I occupy many units in there, I'm the biggest company in that unit, I'm slowly taking over I imagine. Someday I might have my own restaurant there, that would be wonderful. I have about 500 students, 50 employees and most of those students are Japanese, but there's also other international communities that we are targeting – Brazilians, Koreans, German, Spanish. We have ESL classes offered at my school so we have a very large international community.

I also have other services for international communities such as packaging, translation, interpretation. We have a lot of people, we have moms waiting for their kids to finish studying, we have tons of people going through.

We used to have a pizza place there, they're no longer there. We are always looking for something to eat. The pizza place probably thrived on us. There are some restaurants in front there, there's a 7-11, it's not the most convenient. We have a great location, we

have some open areas.

Ms. Pierce said my connections got us some possible leads for having a Japanese restaurant, that has not gone through yet because of these restrictions and it's really unfortunate; someone came from California, they have a real ramen shop in California and he came through the connections and he is still waiting. I hope he's the one that is still left.

So there is so much potential, we are kind of tucked away, we don't get a lot of people but with the community that I have brought in there and the international community that I serve, there is a lot of potential to have a lot more restaurants or stores in the strip mall.

Ms. Pierce continued someone said there might be an issue of smell for the residents behind us. We've had pizza there before, nobody complained. Ramen smells really good, sushi doesn't really smell at all. So I would love, love, love to have some sit down place. Even a café, we've thought about doing that on our own if there was no limitations on that, that would be wonderful. I appreciate your consideration of this and I look forward to some positive changes. Thank you very much.

Chair Pehrson asked if there was anyone else that wished to address the Planning Commission at this time. When no one else responded, he asked if there was any written correspondence.

Member Lynch said there is some written public correspondence. We have a support from Christian Financial, Michael Borucki, 41690 W Ten Mile Rd. And Dr. Noah Levi, 18800 W Ten Mile Rd, is in support.

Chair Pehrson closed the public hearing for this matter and turned it over to the Planning Commission for consideration.

Member Lynch said I have one question. If there was a pizza place there before, why can't they put a Japanese restaurant there now?

City Planner McBeth said there was an unusual situation a number of years ago. The pizza place wanted to go into the center and they were denied because restaurants weren't permitted. They actually went to the Zoning Board of Appeals and got approval but only for as long as that particular pizza place was located there. So it was very specific and it did last for quite some time, but it was for a very limited use.

Member Lynch said so on a broader scale, the intent of revising this Ordinance is to fill some empty store fronts right now that are vacant. If I were to vote in favor of this, this would allow us to put restaurants in areas which could potentially fill some of these empty storefronts in these strip malls?

City Planner McBeth said in these areas that were shown on the map that was shown previously, the B-1 Zoning Districts and there are just a few of them in the community. The intent would be to add sit-down restaurants and carry-out restaurants only, not drive-through restaurants. Just in these four locations in the community and just in a planned commercial shopping center.

So the limitations that we are proposing would be for the size of the restaurants within that shopping center and for the Special Land Use consideration because most of these locations are immediately adjacent to residential districts and sometimes neighbors are concerned about the noise, the smell, the additional traffic that you get from a restaurant.

Member Lynch said so basically if we don't vote for this, we're still going to have vacant store fronts, right? That we could potentially fill? I guess it seems kind of like a no brainer to me but I'll listen to my colleagues. I don't know what the downside would be to approving this Ordinance. I'm looking for people that are more experienced than me to possibly show me the other side of the argument.

Member Greco said I don't see a downside either and I think the discussion for us, based upon Mr. Brateman's presentation, is do we want the added requirement of it being a Special Land Use? That's really the issue. And is the limitation on the 20% of the gross floor area enough to limit that if it is next to a residential area that it's not a whole row of restaurants – that it's limited for the building use. I don't know.

After Mr. Brateman spoke, despite the fact that he didn't bring his daughter again – we'll still look favorably upon him – I was thinking to myself that the Special Land Use was not necessary. But based upon what Barb indicated, it looks like the staff has carefully considered what they think we may want to do. I don't know, it's a B-1, it's commercial, we're talking about a very small thing. I suppose, even if it went through a Special Land Use review, the restaurant could still smell. I don't know, I guess I'd like to hear any other comments if anyone has strong feelings either way.

Member Avdoulos said I think that was the concern that I had, too, and Mr. Brateman brought it up. If we keep the Special Land Use in there, it's a deal breaker because now you've got another level to go through in order to do it. But, I think staff has that concern and this has been brought up over the years that this could be something that if we do it without a Special Land Use, then something could go in and those neighbors that are next to these pieces of property or zoned areas won't have an opportunity to see this business come in.

So if we allow this to happen in B-1, then it gets put into the Ordinance and somebody could come in and pop a restaurant in there and none the wiser. But if we make it Special Land Use, then it comes before Planning Commission?

City Planner McBeth said that's correct. They would come to our department first and tell us what they were proposing, and we'd review whatever ordinance standards were in place. And then we would advise them about providing the plan or the layout of where they would be located in the shopping center and advise them to write a letter indicating what it is they propose to do and what kind of restaurant and how they'd meet those seven Special Land Use criteria. Then staff would schedule the public hearing, and send out the notices, and the applicant would come to the Planning Commission for consideration. The Commission would hear from the public about whether there were any concerns about that particular restaurant.

Member Avdoulos said and it's actually four areas because the one area is not available for this. I think just as we are trying to be good stewards of the Master Plan and the zoning

and everything else that's associated with this kind of indication to look at a zoning district, I would feel uncomfortable just to say we can just allow it in B-1. Especially since these are in areas where they're existing and there are people that live around them and they expect the City to be watching out for them. That's why I didn't have an issue with the Special Land Use.

Member Maday said I am struggling with this one because I definitely see his point of view – it's hard for me to see what's wrong with it, other than the fact that yes, Meadowbrook and Ten Mile is very residential and there's people that live there. I do worry about the odor, I really do. I lived in Europe for a couple years and there were restaurants close to me that I didn't particularly like the smell, so I do worry about that.

But in my opinion, the way to get over that is the Special Land Use. That way, each individual case is looked at and if people want to come and talk about it that live nearby, they have the right to do that. If we just overall change it, then we're kind of just making a blanket statement for everybody. So I think individually, as much as I don't like the bureaucracy of it all, I think that's the best way to go.

Member Howard said I'm on the fence here because initially, I really looked at this as a very small change, a very helpful and beneficial change to small and local businesses. I am concerned about the odor but at the same extent, my other thought is that if we allow this in with Special Land Use, do we still have the odor, the dumpster, the increase in traffic?

And if this is a retail commercial place, there are other things that smell besides restaurants that could hypothetically happen in this area. So I am very torn. Because if you think about something like smell, that can be very annoying, but if this is not a residential use, there are already other things there that are probably equally as annoying.

Chair Pehrson said Ms. McBeth and Lindsay, from the other Ordinances that you looked at, do you think that we've somewhat limited the use of the scope of what we would typically call a restaurant to something that's pre-cooked food or with microwave? Is that any of the consideration, or if you saw it in any of the other Ordinances?

City Planner McBeth said we did not add it into the proposed language. I think you may be remembering the minutes from years ago where this was discussed previously and they had talked about the fryers and the cookers and the smells that come from those. But this time we did not add that in.

Chair Pehrson said because I am trying to think inside the scope of pre-packaged food, microwavable something that doesn't emit or have exhaust to the atmosphere, could that get rid of the odor issue that I think we're struggling with or if it might be way around it to help put something in place that would take out the blight of that storefront. The other thing is, walk me through the hardship. I'm an applicant, I come to you, I want to open up a restaurant in that area and you put those three words in front of me, Special Land Use. What's the difference, what's my obligation as a developer for those three words?

City Planner McBeth said a permitted land use in an existing shopping center would be able to come to the Building Department and provide their plan and pay their fees and

have the plan reviewed and get the permits and do the work.

If it's a Special Land Use, the applicant would still come to our department and they would be directed to Planning staff to let them know that's a Special Land Use and we need to look at these criteria and think about if there will be any impacts on the neighboring properties. Staff would like to identify the spot in the shopping center where the applicant would like to go, and we'd verify it's under 20% of the total area. Then the applicant would fill out an application, pay their fees, staff does the review. Staff would put a notice in the newspaper and notify everyone within 300 feet of the request, and there could be discussion here at the Planning Commission, or it could be that none of the neighbors within 300 feet had any concerns when they saw the notice. The Planning Commission would decide whether to approve the request, and then the applicant would move on through the process to get building permits.

Chair Pehrson said so I'm looking at the Peachtree as a model for what's there and for the life of me, I'm going back on the fence for a moment, I can't think of a restaurant or establishment that's going to go into that location that is going to be any worse than what's existing there at 7-11 if you happen to drive by or go by to Stewarts and catch the breeze coming off the dumpster from 7-11.

That being said, I can recognize smell being the issue but again, I'm trying to understand that fine line with the Special Land Use and I can understand your concern Mr. Brateman relative to that, but I don't think I can give that up relative to the fact that we're setting a precedent that's going to go across four sites, it's four sites. If it's one site, it's one site. And I don't see that as being a big enough hardship where I couldn't convince someone else, and I'm not in the business so I'm not saying I'm an expert, but there's something that has to go along with that. So I think I'd have to live with that Special Land Use.

Motion made by Member Greco and seconded by Avdoulos.

ROLL CALL VOTE TO RECOMMEND APPROVAL OF TEXT AMENDMENT 18.286 MADE BY MEMBER GRECO AND SECONDED BY MEMBER AVDOULOS.

In the matter of Zoning Ordinance Text Amendment 18.286, motion to recommend approval to City Council of the Text Amendment for allowing restaurants as set forth in the proposal as a Special Land Use in the B-1 District. Motion carried 5-1 (Howard).

**PLANNING COMMISSION MEETING MINUTES
EXCERPT
FEBRUARY 7, 2018**

- n. **Deviation from Section 11-216 (Figure IX.5) of City's Code of Ordinances for reduction of residential driveway taper depth (10 feet required, 7.5 feet proposed) due to proximity of proposed sidewalk within the development.**
 - o. **Deviation from Section 11-216 (Figure IX.2) of City's Code of Ordinances for allowing increase in the length of divided driveway island (35 feet required, 100 feet proposed) as it is within the allowable range;**
6. **The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Preliminary Site Plan.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 3-1 (Avdoulos).

2. ZONING ORDINANCE TEXT AMENDMENT 18.286

Public Hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 3, Zoning Districts, Section 3.1.10, B-1, Local Business District, in order to allow restaurant uses in the Local Business Zoning District.

City Planner McBeth said I have a brief summary of this. The Planning Commission first discussed the request to amend the B-1 Zoning District to allow certain restaurants in the Local Business District, and that was in last November. Following discussion at the November meeting, the Planning Commission authorized staff to set the public hearing for Planning Commission's consideration as soon as the matter was ready to proceed.

Staff has been working with applicant since that time to determine the extent of the Ordinance changes that are requested and how those changes might affect other aspects of the Zoning Ordinance. Staff has been preparing responses, as well, to Planning Commission's questions from that meeting.

City Planner McBeth stated that the public hearing has been advertised for tonight, however staff was notified by the applicant on Friday that the applicant has been called out of the country to attend the funeral of a close relative.

In the meantime, we also have been getting some comments and concerns – and I think one is included in your packet – from neighbors near the Briar Pointe Plaza which is technically also zoned B-1 Local Business. But the applicant's intent in this case is primarily to affect the Peachtree Plaza located near Meadowbrook and Ten Mile Road. So we've reviewed the consent judgment that covers the Briar Pointe Plaza with the City attorney's office and noted that the consent judgment that covers that limits the uses to the B-1 District that was in effect at the date of that consent judgment, which was the early 1990's. So if anybody is listening or present, we just wanted to share that. We will bring this back when the applicant is back in town for another public hearing and a recommendation at that time.

Chair Pehrson asked if they will still hold the public hearing at this time.

City Planner McBeth said yes.

Chair Pehrson asked if there was anyone in the audience that wished to address the Planning Commission regarding this project. Seeing no one, he said there was some written correspondence.

Member Lynch said Lynne Coleman, 47114 Scarlet Dr. S. in Briarwood Village, has concerns that this is residential area and an addition of a restaurant will result in decrease of home values, noise, odor, light intrusion, increased traffic, possible rodents, and allowing one restaurant would allow potential for others to be added. That concludes the public correspondence.

Chair Pehrson closed the public hearing for this matter and turned it over to Planning Commission for consideration.

Member Lynch asked City Planner McBeth what falls under the consent judgment.

City Planner McBeth said in this case, the applicant is primarily representing the tenants and owner of Peachtree Plaza located at Meadowbrook and Ten Mile Road, behind the 7-11 in the shopping center. But when we have a text amendment, it would affect any other properties that are also within that zoning classification. The map shows all of the B-1 zoned areas in the city, primarily Haggerty and Ten Mile, Meadowbrook and Ten Mile, Novi and Ten Mile, Beck and Ten Mile, and a little piece on Wixom Road.

So we have been hearing from the residents around Briar Pointe Plaza, which is Ten Mile and Beck, saying that they're concerned that once again restaurants are being proposed in that shopping center. But in our research, we found that the consent judgment that covers that center would not allow any uses outside of what was permitted in the early 1990's version of the B-1 ordinance. So even if the Planning Commission and City Council approve an amendment to the B-1 District, that shopping center would still be governed by the consent judgment.

Member Lynch asked for clarification if the Peachtree Plaza was under consent judgment.

Chair Pehrson confirmed that only the Briar Pointe Plaza is under consent judgment and the other B-1 areas would be governed by the amendment.

Member Avdoulos said when this was first brought up, in all honestly I didn't have a personal issue with it and as I drive around in different communities I take a look at what is happening in some of the areas. The biggest thing I see, and I don't know if you can limit it to types of restaurants or types of businesses, but the biggest thing or the nicest draw that some of these areas and plazas have are the coffee shops. Northville has quite a few and they're really areas where a lot of the high school kids go and a lot of adults go to do their work and congregate.

The other thing is for convenience within a neighborhood, like if you were by my neck of the woods, I have to drive all the way to Grand River and Beck or Ten Mile and Taft just to get something because there's nothing really close, not even a coffee shop.

Looking at Plymouth, that's where you start to get into areas that are similar to some of these locations. On Penniman and Harvey, there's a coffee shop there and residences right around it, and there's a lot of restaurants there with residences right around them. The Garage opened up in Northville, there are residents that back up to that and there was a big stir in the beginning but everybody is respectful – the patrons are respectful of all the signage that the City put up about where to park and where not to make turns

and things like that.

Member Avdoulos continued and said so I think depending on what the particular business is, it will work. Those particular areas highlighted already have plazas, like at Ten and Meadowbrook there's plazas with restaurants there already so it's not like you're introducing anything new. I think it's because of how it was zoned and that allowing them in the B-1 District won't have a wildfire spread across the city with restaurants everywhere because they're only located in certain areas. So they're kind of set in a location where I don't think it's going to be that much of a detriment. But we could see where this goes and take a look at it further in the next public hearing, but at this point in time I don't have that big of a concern.

Chair Pehrson said I also didn't have any issue with introducing this and expanding this district. My only concerns are going to be that when anything comes forward, and also realizing two things – the Beck and Ten Mile I've never been in favor of that particular area, but we don't have to consider that because of the consent judgment and I wouldn't consider knocking down those trees to put up anything else there either. And I think it's a sign of the times that we're adjusting the Ordinance to meet the needs or wants of the public for those kinds of coffee shops.

My only thoughts for the amendment itself is that I think we need to look at it from the standpoint of traffic concerns and hours of operations so that there are limitations being addressed so that we don't create bothersome corners. Right now, you'd have to show me something for the Peachtree Plaza with a pretty good layout that would allow traffic to flow in and out of that area because you've basically got the one entrance off of Meadowbrook and then the cut-through that goes by Sovel's and I can see that being problematic from a traffic standpoint. So those would be my only concerns going forward with any of these sites adopting this Ordinance amendment.

Motion made by Member Lynch and seconded by Member Avdoulos.

ROLL CALL VOTE TO POSTPONE CONSIDERATION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER AVDOULOS.

Motion to postpone making a recommendation for Zoning Ordinance Text Amendment. Motion passed 4-0.

3. NOVI SENIOR COMMUNITY PROJECT JSP17-66

Public hearing at the request of CA Senior Living Holdings, LLC for Preliminary Site Plan, Wetland Permit, Woodland Permit, and Stormwater Management Plan approval. The subject property is currently zoned OS-1 (Office Service) and RA (Residential Acreage) and is governed by the William R. Eldridge v. City of Novi Consent Judgment. The subject property is approximately 9.72 acres and is located on the north side of Twelve Mile Road, between Novi Road and Meadowbrook Road (Section 11). The applicant is proposing to build a senior living care facility that houses about 78 assisted living units and 105 beds for congregate care all under one roof with associated site improvements such as parking, loading and landscaping. The site plan also includes an exclusive access drive to the adjacent cemetery.

Planner Komaragiri said that the subject property is approximately 9.72 acres located north of Twelve Mile Road and east of Novi Road in Section 11. The proposed development is located north of Twelve Mile Road between Novi Road and Meadowbrook Road in Section 11. The site is bounded by the Oakland Hills Memorial

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: BARBARA MCBETH, COMMUNITY DEVELOPMENT
SUBJECT: TEXT AMENDMENT 18.286 RESTAURANTS IN B-1
DATE: JANUARY 25, 2018

Attached is a proposed ordinance amendment that the Community Development Department received for the purpose of allowing restaurants in the B-1, Local Business Districts throughout the City of Novi. The applicant, Jonathan Brateman, is primarily interested in allowing sit-down restaurants in the Peachtree Plaza, which is located near the southwest corner of Ten Mile Road and Meadowbrook Road. Additional information has been provided by the applicant by email, which is attached. Please refer to the November 1, 2017 memo for additional information.

Planning Commission Questions for Follow-up

The Planning Commission discussed the proposed amendment at the meeting of November 8, 2017, and provided some guidance for staff to research prior to the public hearing. The minutes from that meeting are attached. Some additional research is as follows.

1. **Similar requests were presented in the past and reviewed by the Planning Commission and Council at that time. What were the reasons for denial?**

For the rezoning request, presented to the Planning Commission on October 7, 1998, to rezone from B-1, Local Business to B-3, General Business, the Planning Consultant noted that the intensity of the uses allowed in B-3 sharply contrast with those permitted in B-1. Resident concerns were expressed about the garbage, odors and traffic. Planning Commission members were not in support of the rezoning, instead suggesting the applicant seek to modify the ordinance to consider certain land uses a special land uses as a part of the B-1 district. The rezoning request received a negative recommendation from the Planning Commission, and was referred to the Implementation Committee to consider additional uses in the B-1 district. Relevant minutes are attached.

For the text amendment brought forward in 1999 to allow Restaurants as a Special Land Use in the B-1, Local Business Districts, the text included limitation on seating capacity of 50 persons per restaurant and carry out restaurants, subject to the following:

- a. Dumpsters shall be located as far away as possible from adjacent residential uses and districts.
- b. Service/loading doors facing residential uses and districts shall remain closed except during active loading/unloading and service activities.
- c. All restaurants shall be located within a planned commercial center, and the gross floor area for all restaurants shall not exceed 50% of the gross floor area of the planned commercial center.

- d. Food preparation and sales shall be limited to assembly of pre-cooked or pre-packaged items, accessory baked goods cooked on-site in a convection oven, microwave oven or similar process that does not require venting to the outside, and similar functions. There shall be no deep-fryers, greasers, grills or similar cooking devices within the restaurant.

The above request made it through to a Second Reading by the City Council on May 3, 1999, but was not approved for a number of reasons (summarized here, with detailed meeting minutes attached):

- a. Parking concerns regarding the possible number of restaurants that might be proposed: Although the ordinance amendment included a seating limit of 50 people per restaurant, and a limitation of 50 percent of the gross floor areas of the commercial center for restaurant uses, the increased parking demands of restaurant uses could affect the available parking if the restaurant uses exceed 20 percent of the floor area.
- b. Requested changes go against the intent of the local business district. The Planning Consultant indicated that the intent of the B-1 District is to meet the day-to-day needs of local residents, but restaurants may draw from a larger area.
- c. Location of dumpsters relative to residential areas: Although language was proposed to try to address this concern, a problem may occur if the only location for the dumpster is near residential uses.

2. **What do other communities allow in a similar zoning district?**

See attached memo from staff planner Lindsay Bell with review of six similar nearby communities: Farmington Hills, City of Northville, Northville Township, Plymouth, Bloomfield Township, and Troy. The memo finds that in similar local business districts, restaurants are Principal Permitted Uses or uses Permitted with Special Land Use consideration in all of these communities. Bloomfield Township is the only district that requires special land use consideration for all restaurants in planned shopping centers in the local business district.

3. **Will the ordinance changes affect the permitted uses at Ten Mile and Beck Road – the Briar Pointe Plaza?**

The Consent Judgment that governs the Briar Pointe Plaza indicates that the uses allowed in the shopping center are those allowed in the B-1, Local Business District as of the date of the consent judgment. The Ordinance in the 1990s did not allow restaurants in the B-1 District.

4. **Would modification to the sign ordinance assist the Peachtree Plaza with added visibility?**

The Peachtree Plaza sign was approved in 1986 and is currently non-conforming in terms of overall height (20 feet exists to the top of the sign, 6 feet permitted), and in area (33 square feet existing, 30 square feet permitted). Signs are also permitted for each tenant in the shopping center. Recent sign ordinance changes do not appear to affect the signage

allowed for Peach Tree Plaza as the existing sign is currently taller and larger than the ordinance currently allows and each tenant is able to have one sign per tenant space.

Staff recommendation

Staff is proposing that if both Sit-Down Restaurants and Fast Food Carryout Restaurants be permitted in the B-1 District, that the approval would be subject to Special Land Use approval by the Planning Commission, so that each instance may be reviewed individually, and proper limitations may be applied at that time.

Additionally, staff suggests the total restaurant space, if permitted would be limited to no more than 20 percent of the gross floor area of any B-1, Planned Commercial Center. The limitation proposed by the applicant of 4800 square feet is slightly less than 20 percent of the Peachtree Plaza's size of 24,949 square feet, as provided in the Assessing Department records. This limitation would help alleviate any parking concerns within existing smaller commercial centers, as restaurants typically generate more traffic than retail uses, and once restaurant uses begin to exceed 20 percent of the floor space in a shopping center, the parking issues may arise.

The applicant suggested that the "customer assembly area shall be sprinklered". Planning staff suggests that this language is not necessary as part of the Zoning Ordinance, as the Building Code will determine whether fire suppression is necessary.

Draft Ordinance language with the comments above is attached for consideration.

Zoning Ordinance definitions are provided below:

Restaurant (Fast Food Carryout): A business establishment wherein food is prepared or cooked on the premises to be sold in disposable containers or wrappers to patrons and which is not intended to be consumed on the premises or within a motor vehicle parked or standing on the premises.

Restaurant (Sit-Down): A business establishment in which a patron purchases food or beverages, which is then prepared after the patrons order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

Planned Commercial Center: A business development consisting of two (2) or more retail commercial outlets characterized by a unified grouping of stores under common architecture, and served by a common circulation and parking system.

The Planning Commission is asked to hold the public hearing and following any discussion, make a recommendation to the City Council for:

- Approval of the ordinance language as presented, or
- Approval as modified by the Commission, or
- Denial of the request.

City Council will then consider the proposed ordinance language for possible approval and adoption.

**MEMO TO THE PLANNING COMMISSION
NOVEMBER 1, 2017**

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: BARBARA MCBETH, COMMUNITY DEVELOPMENT
SUBJECT: TEXT AMENDMENT 18. 286 RESTAURANTS IN B-1
DATE: NOVEMBER 1, 2017

Attached is a proposed ordinance amendment that the Community Development Department received for the purpose of allowing restaurants in the B-1, Local Business Districts throughout the City of Novi. The applicant, Jonathan Brateman, is primarily interested in allowing sit-down restaurants in the Peachtree Plaza, which is located near the southwest corner of Ten Mile Road and Meadowbrook Road.

Uses currently allowed in the B-1 District

The Peachtree Plaza is currently zoned B-1, Local Business. Although there are a number of permitted and special land uses within this district, restaurants are not among the uses permitted:

Principal Permitted Uses

- i. Retail businesses use
- ii. Retail business service uses
- iii. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer
- iv. Business establishments which perform services on the premises
- v. Professional services
- vi. Post office and similar governmental office buildings, serving persons living in the adjacent residential area
- vii. Off-street parking lots
- viii. Instructional centers
- ix. Other uses similar to the above uses
- x. Accessory structures and uses customarily incident to the above permitted uses

Special Land Uses

- i. Mortuary establishments
- ii. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations

Master Plan for Land Use

The Master Plan for Land Use designates the Peachtree Plaza as Local Commercial. Areas surrounding the subject property are planned for Local Commercial, Office uses, and Single

Family Residential. As such, the Plan Review Center would be unlikely to recommend a rezoning to B-2 (or another district that allows restaurants) since it would not be in compliance with the Master Plan for Land Use.

History of uses at Peachtree Plaza

Some highlights of the history of the Peachtree Plaza are as follows:

- The site plan for Peachtree Plaza site plan was approved in the mid-1980s, with concerns expressed at that time regarding the potential difficulty in visibility of the plaza, traffic generated, and proximity to nearby residential uses.
- The Cottage Inn Pizza restaurant had been located in the Peachtree Plaza as a result of the Zoning Board of Appeals granting a use variance on April 28, 1992 for the owners of the plaza at that time. The ZBA Action was for that restaurant only, and in the last couple of years that tenant has found a new location in the shopping center on the north side of Ten Mile Road.
- In 1998, there was a request to rezone the Peachtree Plaza from B-1 to B-3, which was unsuccessful.
- In 1999, City Council considered a request for approval of Zoning Ordinance Text Amendment 18.148 for the B-1 zoning district to include as a principal use permitted subject to special conditions sit-down restaurants with a maximum seating capacity of 50 persons and carry out restaurants that do not vent odors to the outside. This text amendment request was unsuccessful.
- In 2010, the owner's representatives had considered requesting a rezoning of the Peachtree Plaza to B-2, Community Business to allow day care centers which was a possible expansion to the Koby International Academy that was located in the center at that time. The request was not pursued.
- In 2012, Plan Review Center staff prepared a report for the objective of identifying the Ten Mile and Meadowbrook Road Commercial Rehabilitation Plan pursuant to the City's Tax Abatement Policy. This Plan was intended to assist with redevelopment of certain properties in this area, including the Peachtree Plaza. A copy of that plan is found here:
<http://cityofnovi.org/Government/City-Services/Community-Development/What-s-New/Documents/TenMileAndMeadowbrookRehabComplete.aspx>

Further discussion with the applicant

Peachtree Plaza has had the following tenants in recent years that have left the center: chiropractor, salon, and Cottage Inn Pizza. Still present are: Koby Academy (after-school program), and a dentist's office (previous practice moved out, new practice moved in). A new salon with facial and massage services is a potential new tenant.

Of the 20 units, 9 are occupied at this time, amounting to a 55 percent vacancy rate in this center. The applicant has explained that the Koby Academy draws many parents to the

center in the morning and afternoon, and these people may benefit from having a restaurant in the center while waiting for children to finish training at the Koby Academy. The applicant indicates that several Japanese restaurants have shown an interest in locating at Peachtree Plaza, because they see an opportunity to capture the business of those people dropping off students at the afterschool academy.

The applicant has further explained that allowing up to 4800 square feet of the 25,000 square foot shopping center with restaurant uses would make the shopping center more viable. Alternatively that applicant has indicated that no more than 20 percent of the shopping center would be occupied by restaurants, or a maximum of 4800 square feet, whichever is less. The applicant has reiterated that, although residential homes are located directly behind (south) of the Peachtree Plaza, the dumpster is located in the front (northwest corner) of the center, so any smells or additional trash pickup would not adversely affect the neighbors.

Suggested Ordinance Amendment

The applicant's suggested Language for Text Amendment Change for B-1 Zoning is as follows:

- Restaurant businesses with sit down and carry out service shall be allowed in B-1 shopping center provided that the restaurants do not exceed 4800 sf.
- Restaurant trash removal to be no closer than 100 feet from a residential area and is not open longer than 12 am in the evening.
- The customer assembly area shall be sprinklered ."

Staff Review

Staff notes that if changes are made to the B-1 District for the Peachtree Plaza, those standards would apply across all of the B-1, Local Business zoned properties in the City:

- The southwest corner of Ten Mile and Meadowbrook Road (including Peachtree Plaza and Novi Plaza)
- The southeast corner of Ten Mile and Meadowbrook Road (Tobin Office Center and a bank)
- The northeast corner of Ten Mile and Meadowbrook Road (Stewart's Ice Cream and office/retail uses)
- The southeast corner of Ten Mile and Novi Road (Walgreens)
- The southwest corner of Ten Mile and Haggerty Road (Dunkin Donuts, and retail uses, Moe's On Ten Restaurant)
- The northeast corner of Ten Mile and Beck Road (governed by the Briarwood Consent Judgment)
- The west side of Wixom Road, south of Grand River (Single family homes and vacant land across from the Target Store).

Staff notes that there are currently several long-standing restaurants in the B-1 Districts noted above, and would be considered non-conforming uses (Stewarts Ice Cream, Dunkin Donuts, Sushi Restaurant, and Moe's on Ten).

All of the locations noted above are immediately adjacent to single family residential uses, with the exception of Walgreens located at the southeast corner of Ten Mile and Novi Roads. Most of the developments shown do not meet today's ordinance standards, and may have been developed prior to these standards being in place:

- Where B-1 districts abut a residential district the parking lot setback must be increased from a minimum of 10 feet to 20 feet. As visible in the attached aerial location maps, most of the developments in the B-1 District do not have the required 20 foot parking lot setback standard, but some have a screen wall between the properties.
- Typically, a 6- 8 foot high landscape berm is required between B-1 Districts and residential uses. As seen on the attached aerial photos, berms do not appear to exist in most of the locations identified.
- Rear yard building setbacks in the B-1 District are also set at a minimum of 20 feet.

Intent of the Business Zoning Districts

The Zoning Ordinance lists the intent of the various Business districts and the increasing intensity as the Business Districts increase the allowable uses, market area, and layout of the business uses:

The intent of the **B-1 District** is as follows:

The B-1, Local Business district, as herein established, is designated to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.

The intent of the **B-2 District** is as follows:

The B-2, Community Business district is designed to cater to the needs of a larger consumer population than is served by the Local Business district, and is generally characterized by an integrated or planned cluster of establishments served by a common parking area, and generating greater volumes of vehicular and pedestrian traffic than generated by Local Business district uses, and located at the intersection of two major thoroughfares (major arterial, arterial or minor arterial). Although the B-2 districts permit certain more intensive commercial uses than B-1 districts, it is intended that automotive sales and service establishments, drive-through fast-food restaurants, open air retail uses, and similar uses not be established in the B-2 districts. This goal is established to maintain a more pedestrian-friendly environment and to foster a physical development pattern that is well-planned, supportive of moderately intense commercial uses, and aesthetically appealing from both abutting thoroughfares and from within the district.

The intent of the **B-3 District** is as follows:

The B-3, General Business district is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business district or the Community Business district.

Attached is a chart indicating the five types of restaurants defined in the Zoning Ordinance and the districts where each type of restaurant is currently considered a principal permitted

use or a special land use. This chart has been updated since the last time it was used for consideration of limited Fast Food Drive-Through Restaurants in the TC and TC-1 Districts. Restaurants of some type are permitted in 16 zoning districts throughout the City.

Staff Recommendation

In Novi, restaurants have not been permitted in the B-1 District since prior to 1990. Typical concerns that have been raised regarding restaurant uses adjacent to residential districts are:

- Increased traffic to the center,
- Odors from the foods cooking and from the waste in the dumpsters, and
- Noise, especially if there is outside dining or extended hours.

If the Planning Commission is inclined to support the text amendment as a means to accommodate restaurant uses in the Peachtree Plaza and other B-1 zoned properties throughout the City, staff and the City Attorney's Office will put together a text amendment that will address this change prior to the public hearing. If this is the Commission's preference, staff would recommend the following:

- The use be considered a Special Land Use in the B-1 District, since most properties are immediately adjacent to residential districts and the required public hearing could inform the Planning Commission of nearby residents' concerns.
- Limitation on the square footage allowed, and/or percentage of tenant space, and
- Limitation on hours of operation.

On November 8, the Planning Commission is asked to provide direction to staff on this request and to consider setting a Public Hearing for an upcoming Planning Commission meeting. At that time the Commission will hold the public hearing and forward a recommendation to the City Council, for reading and adoption.

Below please find the definitions of the various restaurant uses as identified in Section 201 of the Zoning Ordinance and a chart illustrating the various districts within the Zoning Ordinance that permit restaurant uses. Please note that there are conditions attached to many of the restaurant uses depending on the district and these are not demonstrated below.

Restaurant (Sit-Down): A business establishment in which a patron purchases food or beverages, which is then prepared after the patrons order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

Restaurant (Fast Food Sit-Down): A business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and which the patron consumes while seated in the restaurant.

Restaurant (Fast Food Carryout): A business establishment wherein food is prepared or cooked on the premises to be sold in disposable containers or wrappers to patrons and which is not intended to be consumed on the premises or within a motor vehicle parked or standing on the premises.

Restaurant (Fast Food Drive-through): A business establishment in which a patron purchases food or beverages, that (1) are served in disposable containers or wrappers, (2) may have been previously prepared, and (3) are principally ordered and received from a motor vehicle and consumed off premises.

Restaurant (Drive-in): A business establishment designed to provide a motor vehicle driveway approach, standing space, or parking space where patrons receive food and beverages while in motor vehicles for consumption in motor vehicles while on the premises.

| | NCC | GE | EXPO | EXO | Retail Service Overlay | C | OSC | OST | I-1 | I-2 | FS | B-2 | B-3 | TC/TC-1 | RC | RC w/ PD-2 |
|---|------|------|------|------|------------------------|------|------|------|-----|-----|-----|-----|-----|---------|--|------------|
| Sit-Down Restaurant | PPU* | PPU* | PPU* | PPU* | PPU* | SLU* | SLU* | SLU* | SLU | SLU | PPU | PPU | PPU | PPU | PPU (in shopping center) SLU (free standing) | SLU |
| Fast Food Sit Down Restaurant | | PPU* | | | PPU* | | | | SLU | SLU | PPU | PPU | PPU | PPU | PPU (in shopping center) SLU (free standing) | SLU |
| Fast Food Carryout Restaurant | | PPU* | | | PPU* | | | | SLU | SLU | PPU | PPU | PPU | PPU | PPU (in shopping center) SLU (free standing) | SLU |
| Fast Food Drive-Through Restaurant | | | | | PPU* | | | | | | PPU | | PPU | SLU* | | SLU |
| Drive-in Restaurant | | | | | | | | | | | | | | | | |

PPU = Principal Permitted Use
 SLU = Special Land Use
 * Subject to conditions as listed in the ordinance.



APPLICATION FOR TEXT AMENDMENT

Community Development Department

45175 W. Ten Mile, Novi, MI 48375

248-347-0475; 248-735-5633 fax

RESTAURANTS IN B-1

Topic for Consideration

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

APPLICANT

| | | | | | |
|----------------------------------|--|-------------------|------|--|-------|
| JONATHAN BRATEMAN PROPERTIES INC | | JONATHAN BRATEMAN | | Professional License Number, if applicable | |
| Company | | Primary Contact | | | |
| 40015 GRAND RIVER AVE | | 105 | NOVI | MI | 48375 |
| Street Address | | Suite | City | State | Zip |
| 248 477-5000 | | (248) 474-4208 | | JBrateman@AOL.COM | |
| Phone Number | | Fax Number | | 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.

\$500.00 given call if need more

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.

Jonathan Brateman 9/7/17

Signature of Applicant Date

JONATHAN BRATEMAN

Printed Name of Applicant

Suggested Language for Text Amendment Change for B-1 Zoning

“ Restaurant businesses with sitdown and carry out service shall be allowed in B-1 shopping center provided that the restaurants do not exceed 4800 sf.

Restaurant trash removal to be no closer than 100 feet from a residential area and is not open longer than 12 am in the evening.

The customer assembly area shall be sprinklered.”

**PLANNING COMMISSION REVIEW
PROPOSED ZONING MAP AMENDMENT
OCTOBER 7, 1998**

EXCERPT

REGULAR MEETING OF THE NOVI PLANNING COMMISSION

WEDNESDAY, OCTOBER 07, 1998 AT 7:30 P.M.

COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 WEST TEN MILE ROAD

(248) 347-0475

Meeting called to order at 7:36 p.m. by Chairperson Weddington.

PRESENT: Members, Canup, Capello, Churella, Csordas, Koneda, Mutch, Piccinini, Chairperson Weddington

ABSENT: Member Watza

ALSO PRESENT: Planning/Traffic Consultant Rod Arroyo, Engineering Consultant David Bluhm, Assistant City Attorney Paul Weisberger, Landscape Architect Linda Lemke, David Wickens Environmental Specialist, Director of Planning & Community Development Jim Wahl, and Planning Assistant Kelly Schuler

1. ZONING MAP AMENDMENT 18.578

Proposed rezoning of 2.0 acre property located in Section 23, at the southwest corner of Ten Mile Road and Meadowbrook Road from Local Business (B-1) to General Business (B-3) or any other appropriate zoning district.

Terry Jolly represented Kerop and Carmen Arman. He stated the letter from the Homeowners Association surprised him because there was a meeting held in July 1998 where the tenants all attended and pleaded to create an increase of traffic to the stores. He stated there was not one concern from the Orchard Hills Subdivision at that time. He stated there were two B-2 uses in that shopping center, Ah Wok Restaurant and Jacks Meat Market.

Mr. Jolly stated he was looking for the ability to allow restaurants to come into the shopping center to draw traffic to benefit the current tenants. He asked that the zoning be changed from B-3 to B-2.

Rod Arroyo, Planning and Traffic Consultant stated the intensity of the uses allowed in a B-3 District sharply contrast with those permitted within a B-1 District. He stated there was concern about large scale restaurant and the potential for the storage of refuse in the alley behind the shopping center which directly abuts residential. Mr. Arroyo provided some alternatives for rezoning; 1) rezone the parcel consistent with the request of the applicant; 2) rezone to B-2; 3) deny the request; 4) deny the request and refer the B-1 District to the Implementation Committee for further study to see if there are additional uses that might be

permitted that would be consistent with the intent of the B-1 District to allow more flexibility. Mr. Arroyo recommended that a negative recommendation be sent to City Council.

Mr. Arroyo stated he would not recommend B-2 District because it includes uses such as a private club, a lodge hall, a fraternal organization hall, as well as restaurants. He explained that these establishments have longer evening hours which could have more of a negative impact on an adjacent residential area. Hotels and Motels are permitted as a principal permitted use.

Chairperson Weddington announced it was a Public Hearing and opened the Matter to the Public.

Jonathan Brateman, 42705 Grand River is the leasing agent for the shopping center. He stated the projects' difficulties deal with visibility and the fact that it is an unanchored strip shopping center. The zoning complicates the project because certain uses create a problem. He stated the rent was about 30% less than any other comparable shopping center in the area, therefore, it is not a question of dollars and cents. Mr. Brateman stated if the Commission votes "no", they are committing the shopping center to what the last 12 years have been. A "yes" vote would allow them to work with the B-3 District to be able to bring uses that will create enough traffic so that the existing stores will survive and the center will reach its economic potential. Mr. Brateman asked the Commission to vote "yes".

John Sherwood, 23980 Meadowbrook lives adjacent to the shopping center. He stated the whole idea behind business is the location. He stated the gentlemen built the shopping center knowing exactly where it was located, therefore it is their investment. He stated with the garbage, odors and traffic, he did not believe the rezoning should be allowed and that it should remain as it is. Mr. Sherwood asked the Commission to vote "no".

Jim Kripchek owns Special Seconds. He stated he has been located there for 11 years and half of the time the mall has been half vacant. He thought the opportunity to bring some more business into the mall would be good for him as well as everyone else. He owns 6 stores and this location is the nicest shopping center, he stated it is well maintained.

Chairperson Weddington asked if anyone else would like to address the Public Hearing? Seeing no one she closed the Public Hearing and turned the Matter over to the Commission for Discussion.

DISCUSSION

Member Churella stated Mr. Arman is a client of the firm of which he is the Chairperson. He stated Mr. Arman is represented by one of the Agent's who work for the company.

Chairperson Weddington asked Member Churella if he has any financial gain from the business?

Member Churella answered, no.

Paul Weisberger, Assistant City Attorney asked if any of Member Churella's immediate family members receive financial gain from the business?

Member Churella answered they receive a fee for representing them as an Insurance Agent.

Mr. Weisberger interpreted that as a financial interest and thought it would be best for him to abstain from voting.

Member Canup stated the project has been in the City for quite a while and has been a problem since the day it was built. Although he sympathized with the problem, he could not see where he would vote for any relief for it because of the fact that when the project was built, the owners were advised of the problems that they were creating for themselves.

Member Capello stated the last time the project was before the Commission, he suggested that maybe more destination businesses were needed. He was not sure that restaurants would solve the problem. Member Capello stated he would support B-2 in the Novi Drug location because being right off of Novi Road might help visibility. He was sympathetic both ways, he thought it was a hardship created by the applicants themselves, however, he did not think it was good for anybody to have the center sit vacant. He was not sure how he would vote at this point.

Member Canup stated the restaurant businesses were exactly what the applicant promised they would not ask for 15 years ago.

Member Konedá added that he was also sympathetic with the applicant, however, he did not think it was appropriate to change the zoning to B-2 or B-3. He thought the Commission needed to consider some special land usages that would permit some additional usages as part of the B-1 District. He thought it appropriate to deny the request and return it to the Implementation Committee to consider special usages for B-1 District that may offer some relief.

PM-98-10-186 TO SEND A NEGATIVE RECOMMENDATION TO CITY COUNCIL ON ZONING MAP AMENDMENT 18.578

Moved by Csordas, seconded by Konedá, CARRIED UNANIMOUSLY: To send a negative recommendation to City Council on Zoning Map Amendment 18.578.

DISCUSSION

Member Capello thought special uses allowed in a B-1 was a good idea. Uses such as a coffee shop, ice cream parlor or other food establishments that do not have the odors or sit down traffic like a restaurant.

Member Canup stated this is the reason for the Zoning Board of Appeals, to deal with these kinds of issues.

Member Konedá stated the burden of going to the ZBA fell upon the potential renter and the potential renter would have difficulty demonstrating a hardship since other properties were available in the City. Therefore, he thought that going to the ZBA was not an option.

VOTE ON PM-98-10-186 CARRIED UNANIMOUSLY

Yes: Canup, Capello, Csordas, Konedá, Mutch, Piccinini, Weddington

No: None

PM-98-10-187 TO REFER THE MATTER TO THE IMPLEMENTATION COMMITTEE TO DETERMINE IF OTHER APPROPRIATE USAGES COULD BE INCLUDED IN THE B-1 DISTRICT

Moved by Konedá, seconded by Capello, CARRIED (6-1): To send the issue of Special Land Uses for some limited restaurant or food carry-out matters in B-1 to the Implementation Committee.

Member Canup asked if special provisions could be made for a particular piece of B-1 property or would it affect all B-1 property?

Chairperson Weddington answered, it would be general for all B-1 properties.

VOTE ON PM-10-187 CARRIED

Yes: Capello, Csordas, Konedá, Mutch, Piccinini, Weddington

No: Canup

Mr. Brateman stated as the Chairman of the Legislative Affairs Committee for the Novi Chamber of Commerce and as someone who has worked with the Implementation Committee and is very familiar with retail leasing in the area, he stated he would be very happy if the Implementation Committee would ask him to sit in on any of the discussions.

Chairperson Weddington stated he would be notified and thanked him for the offer.

**CITY COUNCIL REVIEW OF
ZONING ORDINANCE TEXT AMENDMENT
MARCH 1, 1999**

EXCERPT FROM

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI

MONDAY, MARCH 1, 1999 AT 7:30 P.M.

COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD

ROLL CALL: Mayor McLallen, Mayor ProTem Crawford, Council Members DeRoche (arrived at 7:55 p.m.), Kramer, Lorenzo, Mutch, Schmid (absent)

MATTERS FOR COUNCIL ACTION – PART II

5. Request for approval of Zoning Ordinance Text Amendment 18.148 – Amendment to Section 1301 and to add subpart 1302.3 to Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, to include as a principal use permitted instructional centers and to include as a principal use permitted subject to special conditions sit-down restaurants with a maximum seating capacity of 50 persons and carry out restaurants that do not vent odors to the outside – I Reading

COUNCIL DISCUSSION

Mayor McLallen gave a brief history and commented this is the 1 Reading before Council. She said the Planning Consultant is recommending approval of this ordinance. It has progressed through the proper channels upon which the Planning Commission has forwarded it to the Council for adoption as presented. Mayor McLallen commented because this is an ordinance it would be universal to the entire city.

Mr. Arroyo started with some background information. He explained this process came about with the Planning Commission discussion on various uses that are permitted in a B-1 district and it was decided this needed to be evaluated. Mr. Arroyo continued by saying the Planning Commission referred this to the Implementation Committee. The Implementation Committee and the Planning Commission contacted some adjacent communities and discovered there is a mixture of choices that can happen in a B-1 or local business districts. Mr. Arroyo said there was no consistent pattern and it appeared what the community feels is appropriate. He continued by saying when the committee looked at this along the Planning Commission there was a feeling that restaurants could in fact be a reasonable land use within a B-1 district if in fact they meet certain conditions.

Mr. Arroyo said there were a lot of concerns if a restaurant did locate that it be consistent with neighborhood. Mr. Arroyo explained this is not meet to draw from a large populous. He said some of the businesses mentioned where a coffee or ice cream

shop. Something that would be low impact and not seat lots of people. Mr. Arroyo said the emission of orders has been a major concern so one of the conditions recommended is that food preparation sales be very limited. He explained that the use of a microwave or a conventional oven that does not require ventilation to the outside or that goods be baked off-site and be brought to the site. Mr. Arroyo also said there was concern whatever happens there would not be a 100% restaurant situation. It was felt that this should be part of a shopping center so there is a limitation of no more than 50% of the total floor area of a plan commercial center can be comprised of restaurants.

Mr. Arroyo stated the other issue brought forward is the suggested principal permitted use of instructional centers. These are used for music, arts or martial arts. These are typically uses that are often found in a local business setting that serve a surrounding neighborhood. They usually do not draw region or community wide level. Mr. Arroyo said it was felt these uses might also be appropriate in a B-1 district.

Member Kramer commented he understands the basic definitional items presented and he accepts the description on why this is reasonable. But he would like an explanation at the second reading on how this fits in with the other restaurant provisions in the other zoning classifications. Member Kramer said his concern is with the B-1 is a lot of times closely or typically adjacent to residential areas and it has always been challenging to find appropriate uses in those areas. He would like more information and would like to get input from residents.

Member Lorenzo said she would like to address the issue of resident response. She explained the reason the residents did not speak at the public hearing was because the only notification the residents would have received would be the public notice in the *Novi News* or *Northville Record*. However, she stated when this was before the Planning Commission as a rezoning application five people attended with one of those people speaking on behalf of the Orchard Hills Subdivision. Member Lorenzo explained when the re-zoning did not go forward to the Council; the Implementation Committee took the issue up from the Text amendment change, unfortunately no residents were notified that this discussion was occurring. The residents also did not know this was coming before the Council.

Member Lorenzo would like either to post-poner this item or notify the residents involved to make them educated to what is proposed. She restated it is important to get the information to the public so they can understand the Text Amendment changes and have the opportunity to give the Council input. Member Lorenzo stated she wants the item removed from the Mayor and Council discussion and address it at this time.

Member Lorenzo commented the Planning Department needs to be more sensitive with the needs of the residents and public along with other parties involved. She would like the public to be aware of implementation. She stated when this issue came from rezoning to implementation it would have been considerate for the persons who attended the Rezoning Public Hearing been aware of the fact it was going to be

discussion at another forum. Member Lorenzo further stated interested neighbors of other B-1 districts would be effected if this change goes through.

Member Lorenzo had some individual concerns about the uses. She mentioned that Meadowbrook Road and Ten Mile are not conducive to the traffic that would be generated with this change. She also commented the ordinance is saying the dumpsters will be located as far away as possible from the adjacent residents. Member Lorenzo stated in some cases that may not be very far. She further stated that even though the food may not be prepared on the site or not cooking certain foods at that location does not change the fact that food garbage will be generated.

Member Lorenzo asked if the restaurants are going to be a special land use or a principle use permitted? Mr. Arroyo answered it will be a special land use and the instructional centers will be a principle use permitted. Member Lorenzo stated it would be subject to all the various special land use criteria? Mr. Arroyo answered absolutely. He also added a public hearing would be held prior to occupation in a particular site and residents within 500 feet would be notified. Member Lorenzo wanted to know why the residents were not notified in this case? Mr. Arroyo answered because it was Text Amendment and they do not have to be notified under the state law.

Member Lorenzo asked to make a motion to post-poner and if that fails, then she would like to make a motion that if this passes for 1 Reading that the various parties be contacted.

Mayor ProTem Crawford expressed his full support of Member Lorenzo's concerns. He said he has some concerns about some of the items the ordinance revision would permit. He stated there were good reasons for not having the changes in the ordinance before. Mayor ProTem Crawford stated he would still like to study all the possible ramifications of allowing any of these kind of uses in B-1 and particularly other B-1 areas in the city.

Mayor ProTem Crawford stated his concern regarding the notification. He realizes there is no requirement for notification, but the circumstances surrounding the Text Amendment came to the Council was a result of a specific re-zoning request. He does not believe it should be done every time there is a Zoning Text Amendment, but in this case he believes it would have been prudent to send to Orchard Hill and Briarwood and possibly others. Mayor ProTem Crawford stated the 1 Reading should not be approved as presented but be post-poned. He stated he would like to see the Planning Commission have another public hearing with the proper people being notified.

Member Mutch stated she agrees that alternative ways need to be found to notify the public. She believes the people that attended the public hearing meeting were aware of the actions being taken. Member Mutch did wonder whether Member Lorenzo was asking if subdivision organizations be notified or individual property owners be notified? Member Lorenzo said the people who spoke at the Public Hearing or wrote letters should have been personally notified and in terms of the other adjacent B-1 shopping

centers, she recommended the Homeowners Association Presidents be notified and from there the information could be dispensed. Member Mutch expressed her concern that the Homeowners Association might not always be efficient and they should not be depended upon. She believes some alternatives need to be found and publish this as the alternative while building a better public relationship between the media on similar issues.

Member DeRoche expressed his agreement with the previous speakers. He understands what the B-1 ordinance has set out to do and understands what the drafters of the text had in mind. He continued by saying he is not necessary opposed to this type of use, but because one of the principle locations that is going to be affected by this has been the matter of decision and focus over the years and as recent as a few months ago. He believes it is appropriate that a public hearing with some form of notification be implemented.

Member DeRoche said he prefers to pass the I Reading. He believes the I Reading be passed and scheduled a public hearing before scheduling a II Reading so the information can be processed and make changes for when it becomes forward for future readings.

Mayor ProTem Crawford says he agrees with Member DeRoche as long as nothing is done until there is a public hearing and some of the concerns are addressed fully before the II Reading comes before Council. Mayor ProTem Crawford commented the Council would be better informed to discuss the merits of the Text.

Mayor McLallen believes there are two issues before Council. Mayor McLallen said the first being the language of the Text Amendment as presented. Mayor McLallen asked Mr. Arroyo if the Council has the list of all the B-1 sites in the city. She read the list as Briarwood at Ten Mile and Beck Road, Peachtree at Ten Mile and Meadowbrook and a plaza at Beck and Pontiac Trail. She asked Mr. Arroyo if these were the only three B-1 sites in the city?

Mr. Arroyo said Walgreens at Ten Mile and Novi Road is a B-1 property. Mayor McLallen asked if Walgreens takes up the B-1 district? Mr. Arroyo said yes. Mayor McLallen commented at this point in time the city only has three? Mr. Arroyo said the southwest corner of Ten Mile and Haggerty Road is also a B-1 district but re-development could occur.

Mayor McLallen inquired there are actively three sites with the fourth site completely developed. She commented that three of the active sites are located in strip malls? Mr. Arroyo said yes. Mayor McLallen said all three are located next to residential areas? Mr. Arroyo answered yes. Mayor McLallen restated the fourth site as being located at Novi Road and Ten Mile is not located next to a residential area. Mr. Arroyo answered yes.

Mayor McLallen asked the Council to deal with the ordinance for the I Reading on the merits on the ordinance itself. Mayor McLallen commented all the concerns for the actual use are protected within the ordinance and that the restaurant use seems to be causing the most concern. Mayor McLallen explained the process was followed but it was discovered there were areas not acceptable to Council members so adopting a new policy is a secondary issue. She is in support of the I Reading because that will enable the Council to have some information to speak to the residents.

Member Kramer commented that in the ordinance Text it is stated that dumpsters should be located as far away as possible from adjacent residential uses and districts. He would like the language to be stronger in the statement.

Mayor ProTem Crawford said he agrees to the 1 Reading but commented before the II Reading is presented he said he will have to be convinced of a lot of issues within the Text.

Mayor McLallen asked Terry Groad to address Council.

Terry Groad is the President of Orchard Hills Subdivision Association and stated he had written a letter opposing the rezoning request. He said he has been in contact with the Planning Department on occasion and said they have been very cooperative. However, he said he was surprised to see a Text Amendment and commented it would have been thoughtful to be notified.

Mr. Groad stated he believes the process should require a public hearing with comments from the surrounding property owners. He also commented as a courtesy the subdivision president be contact with the opportunity to comment. Mr. Groad said he questions when the rezoning was denied that the Text Amendment happened. He commented if the city is accommodating the developer or does this make sense on a city wide issue? Mr. Groad asked if the Text Amendment makes sense for all B-1 districts city wide then approve it, but after the Council receives public comment. He continued if this is being created solely to help one developer, then it does not make sense. Mr. Groad stated the site was laid out poorly and that is why the developer is having problems. He continued by saying the neighborhood commercial is a good transition use to residential and buffering from the greater intensity commercial. He commented B-1 does make sense at this site. Mr. Groad only asks that when the Council considers the B-1 Text Amendment to look at the entire issue and not just this particular case. He thanked the members for letting him address the Council.

Member Mutch said her understanding of the I Reading is to bring the issue to the table. She supports to approve the I Reading and makes a motion to approve.

CM- 99-03-060: Moved by Mutch, Seconded by DeRoche, CARRIED: To approve the I Reading of the Ordinance Text Amendment 18.148 with the comments to be included in the Public Hearing and before the II Reading

Member Mutch commented that it is important to address the issue as whether or not the Text Amendment was developed as a response to a developers need instead of a city need. She stated the history of the business area has been denied rezoning requests on numerous occasions.

Member DeRoche wanted clarification as to where this conversation was leading? Mayor McLallen answered it involves how the policy should be changed.

Member Kramer would like to propose an amendment to the motion. He agrees that the Council needs to look at the policy so this situation is handled before it comes back to Council.

Mayor McLallen commented the public hearings of this type are done by the Planning Commission. Mayor McLallen said the Council is expressing that they want to hear this issue. She said if the Council wants to take charge of this issue; how is the Council going to create a policy? Mayor McLallen stated the public policy is another area. Member Kramer said he withdraws his motion and discussion.

Mayor ProTem Crawford said the motion includes comments from discussions. He said if it is not possible to have an official public hearing; then the intent is to have public input on the issue.

Member Lorenzo wanted clarification if the Planning Department will be sending out information on this motion? Mayor McLallen answered not with this motion but hopefully next time. Member Lorenzo commented this motion does not include the criteria mentioned? Mayor McLallen commented the motion states before this Council deals with this issue again, the Council wants more public input. Then the Council can give some direction. Member Lorenzo asked if the actual direction be in another motion? Mayor McLallen commented that would be most appropriate. Member Lorenzo said she is voting against this motion because she is not comfortable with the proposed Text Amendment changes.

Vote on CM-99-03-060 : Yeas: McLallen, Crawford, DeRoche, Kramer, Mutch,

Nays: Lorenzo

Mayor McLallen stated that this particular issue has brought up that notification for Text Amendments is a simple notice in the paper, which is the legal obligation. Mayor McLallen commented it has been the Council's practice to be in touch with the citizens involved. Mayor McLallen said it has been decided what the most efficient way is for all parties involved.

Mr. Arroyo referred to the statute that states the Council does have the authority to hold additional public hearings. He continued to say the City and Village Zoning Acts states that after the Planning Commission holds a public hearing and makes a recommendation the legislative body may hold additional public hearings if it considers it necessary. Mayor McLallen stated the Council has the authority to have a public hearing.

Member Lorenzo made a motion to hold a second public hearing for Zoning Ordinance Text Amendment 18.148 before a 2 Reading. Mayor McLallen commented the adjacent homeowners associations of the three B-1 districts, which are Ten Mile and Haggerty Road, Ten Mile and Meadowbrook and Ten Mile and Beck Road need to become aware of the public hearing.

CM-99-03-061: Moved by Lorenzo, Seconded by DeRoche, CARRIED: To hold a second public hearing, notify the Homeowners Association Presidents, all individuals that participated in Public Hearing Rezoning, notify the commercial property owners, and property owners within 500 feet

COUNCIL DISCUSSION

Member Mutch commented there are some properties located at Ten Mile and Meadowbrook that have multi-families and stress that these residents not be overlooked.

Mayor ProTem Crawford restated that the Council might do additional public hearings. He asked if there are any requirements for notification? Mr. Arroyo commented it would be the general notification in the paper. Mayor ProTem Crawford asked if individual mailings had to be done? Mr. Arroyo responded it would be to whomever the city chose to send to.

Mayor McLallen commented she hopes with this discussion that there will be a clear direction to staff because it will be their time and energy. The three specific neighborhoods have been identified. She asked the Council how far they want the staff to go to in notifying the property owners in these locations?

Member Lorenzo stated in addition to the participants and person who wrote letter during the rezoning application she feels the presidents of the Homeowners Associations and people within 500 feet. Mr. David Fried, the city attorney, also suggested that a notice be given to the land or property owner who requested the zoning change so they will have an opportunity to comment.

Mayor McLallen restated the notice is to go to the adjacent Homeowner's Association President at Ten Mile and Haggerty, Ten Mile and Meadowbrook and Ten Mile and Beck. She continued to include the property owners of the shopping centers, persons who spoke or wrote in regards to the rezoning and to adjacent property owners within 500 feet of the site.

Member Mutch commented she disagrees. She mentioned this appears to be the procedure to be done with this issue, but she would like to see how this works for future consideration.

Mayor ProTem Crawford commented that he thinks this will involve more notices than first thought. He agrees that the persons involved need to be made aware as to what is happening. However, he is afraid what might happen in the future with the individual notification.

Mr. Fried suggested that a motion can be made for this case and it will not be a precedent. Member Lorenzo said she wants to leave the motion as it stands.

Member Kramer commented the Council may hold an additional public hearing. He stated this tool should be used on a case by case basis instead of setting policy.

Member DeRoche said he is in support of the motion and he wants to review the issues individually as they are presented.

Vote on CM-99-03-061: Yeas: McLallen, DeRoche, Kramer, Lorenzo, Mutch

Nays: Crawford

COMPARISON DRAFT

ORDINANCE NO. 99-

AN ORDINANCE TO AMEND SECTION 1301 AND TO ADD SUBPART 1302.3 TO ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, TO INCLUDE AS A PRINCIPAL USE PERMITTED INSTRUCTIONAL CENTERS AND TO INCLUDE AS A PRINCIPAL USE PERMITTED SUBJECT TO SPECIAL CONDITIONS SIT-DOWN RESTAURANTS WITH A MAXIMUM SEATING CAPACITY OF 50 PERSONS AND CARRY OUT RESTAURANTS.

THE CITY OF NOVI ORDAINS:

Part I. That Section 1301 of Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinances, shall be amended as follows:

Sec. 1301. Principal Uses Permitted.

In a Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other specialty food products (excluding all restaurants), drugs, dry goods, clothing and notions or hardware.
2. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries and dry cleaners.
3. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
4. Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices and real estate offices.
5. Professional services including the following: offices of doctors, dentists and similar or allied professions.
6. Post office and similar governmental office buildings, serving persons living in the adjacent residential area.

COMPARISON DRAFT

7. Off-street parking lots.
8. Instructional centers for music, art, dance, crafts, martial arts, exam preparation and similar instruction.
- ~~8.~~ 9. Other uses similar to the above uses.
- ~~9.~~ 10. Accessory structures and uses customarily incident to the above permitted uses.

Part II. That Subpart 1302.3 is hereby added to Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinances, and shall read in its entirety as follows:

3. Sit-down restaurants with a maximum seating capacity for fifty (50) persons, and carry-out restaurants, excluding drive-through facilities, subject to the following:
 - a) Dumpsters shall be located as far away as possible from adjacent residential uses and districts.
 - b) Service/loading doors facing residential uses and districts shall remain closed except during active loading/unloading and service activities.
 - c) All restaurants shall be located within a planned commercial center and the gross floor area for all restaurants shall not exceed 50% of the gross floor area of the planned commercial center.
 - d) Food preparation and sales shall be limited to assembly of pre-cooked or pre-packaged items, accessory baked goods cooked on-site in a convection oven, microwave oven or similar process that does not require venting to the outside, and similar functions. There shall be no deep-fryers, greasers, grills or similar cooking devices within the restaurant.

**CITY COUNCIL REIVEW OF
ZONING ORDINANCE TEXT AMENDMENT
MAY 3, 1999**

Excerpt from

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI

MONDAY, MAY 3, 1999 AT 7:30 PM

COUNCIL CHAMBERS-NOVI CIVIC CENTER-45175 W. TEN MILE ROAD

ROLL CALL: Mayor McLallen, Mayor ProTem Crawford, Council Members DeRoche, Kramer, Lorenzo, Mutch, Schmid

4. Request for Adoption of Zoning Ordinance Text Amendment 18.148 – Amendment to Section 1301 and to add subpart 1302.3 to Ordinance No. 97-18, as amended, the City of Novi Zoning Ordinance, to include as a principal use permitted instructional centers and to include as a principal use permitted subject to special conditions sit-down restaurants with a maximum seating capacity of 50 persons and carry out restaurants that do not vent odors to the outside – II Reading and Final Adoption

Member Kramer proposed some questions to the Planning Consultant. He surveyed the results of the public hearing and he thinks that the areas of concern fell into a couple of categories. Some of these are the intensity of use, traffic and parking. The ordinance indicates 50% of a planned commercial center could be used for these purposes. What half of a center would do? Is there enough parking in a center to support half of a center with 50 seat establishment? Mr. Arroyo explained as an example if a center was developed with half restaurants most likely it would need to be calculated with the restaurant components separately and apply the restaurant parking standard to that item and the retail standard to the balance. If a small percentage is restaurants within a shopping center, it does not have to be calculated separately. Typically, the process followed is up to 20% if it is considered a restaurant within a shopping center, the parking demands do not have to be calculated separately. Since restaurants require more parking, this would have to be calculated separately. Member Kramer stated the 20% figure would put this into a more conservative range that would take the concern about over crowding of the parking off the concern list. Mr. Arroyo said yes, if it was limited to 20%.

Member Kramer commented on the traffic flow. How would the restaurant traffic effect the center and the area? Mr. Arroyo said because of the smaller center, there is not much of a difference between restaurant traffic generation and shopping center generation over a typical 24 hour period. That is because smaller shopping centers tend to generate more trips per square foot than larger shopping centers. A comparison of daily trips between a 20,000 square foot shopping center, which generates about 2,400 trips per day, is split in half and

calculating a 10,000 square foot restaurant that range on the restaurant plus the 10,000 is roughly 2,450 to 2,850 depending on the type of the restaurant. It could be around 300 or 400 trips per day more if a restaurant were consuming half of the property. The constraints that have been put on the restaurant use will tend to create more turn over. If the City wanted to level out the traffic concern, the City would want to reduce by 50%. Mr. Arroyo said that is correct.

Member Kramer commented on the waste issue. The amendment states that the dumpster will be located as far away as possible from adjacent residential uses and districts. He supports this wording in the ordinance but is concerned about the amount of square footage that is being supported. The 50% square footage is too high and he is more comfortable with the suggested 20% range. Two of the B-1 centers have more intensive restaurants in their location and he would count that in the percentage already because of the square foot with regards to the ordinance. He is not sure of the stores at the third location. The restaurants are the most intensive and most use concerning what this ordinance would potentially support. Member Kramer summarizes if the traffic percentage is down and not an issue, then parking can be an issue. If the percentage is kept at a reasonable level then the parking can be controlled so it does not become an issue. He restated the waste would be kept as far away as possible from the residential area. He cannot support the issue as it is written but he could support it with these changes.

Member Lorenzo commented she will not be supporting this issue and believes it goes against the local business district, which is supposed to meet the day to day needs of the local residents. Since these particular restaurants are high turnover, the instructional centers are going to draw people from outside the local neighborhood and business district. She is concern about the high traffic volumes and concerned about the wastes that are generated being close to neighborhoods. It is high intensity of uses and the applicants that might want to locate in Novi still have the right to go the ZBA as they have done with previous cases and that is the way it alt to remain. If they want to try to get into one of these shopping centers then that is the route that is available to them. She is not in favor of changing the designation just to suit certain types of businesses.

Member Lorenzo commented the B-1 allows for a diverse variety of businesses and she is not sure of the reasoning. Is it just that restaurants want to locate in the particular center or what the big push for restaurants in this area might be? There are lots of uses under B-1 that could be utilized. She heard that the reason the druggist moved from the location was because of the leases were ever increasing. No one knows what the economics is for that center. Are the leasing rates on the high side and not competitive or why the owners cannot attract variety and diversity of uses available to them under the existing B-1? It is not fair to the local neighborhoods to try to increase volumes of traffic, waste and putting something that is not compatible with the local business district that the B-1 is supposed to in so she is not going to support the motion if there is one.

Member Mutch commented that at one time there was a tutorial business called the Sylvan Learning Center at the location. How is that different than what is being added in terms of instructional center? Mr. Arroyo said it would be included in what is being added. She asked why was it allowed before? Mr. Arroyo said he does not know under what circumstances it was permitted. It may have been an interpretation because it not clearly called out as a permitted use in the district. It may have been there was a determination made that it was similar to other uses. Member Mutch referred to the type of operation of that business, how might this be different or is it infact the same as what Council is asking to add? Mr. Arroyo explained it is instructional centers of all types; including music, dance, art, crafts, martial arts and examine preparations and similar instructions. Member Mutch stated that there did not appear to be any particular problem with the instructional operation but she was surprised when instructional centers was mentioned because she thought it might already be allowed since that was there at one time.

Member Mutch had a concern about the negative side of having restaurant type businesses or high traffic businesses at the location. Any of those types of activities, parking would have to be provided at a different standard than the other businesses that are there. Mr. Arroyo explained it depends upon the square footage allocated. Typically, a parking lot could handle about 20% of space for restaurants. Member Mutch asked if this is something that can be enforced? Mr. Arroyo stated the zoning ordinance amendment to specify that as part of the shopping center parking calculations that if the establishment exceeds 20% that it has to calculated out restaurants separately. Member Mutch asked where does this leave the issue and existing shopping centers? Mr. Arroyo said he believes it has not been an issue up to this point and is not aware of any centers that have exceeded this amount. Member Mutch said when there is turnover and a new high traffic business comes in, if the center is already there, she believes they are not going to change their parking, so how is the requirement going to be handled? Mr. Arroyo said through the Building department, business licensing and building permit process. Member Mutch said for an example, if a smaller business center and a business is proposed to come in that would require more parking that exists at the time, they would not be allowed to enter the center? Mr. Arroyo answered that is correct and if it exceeds the parking demand for the center and based upon those standards.

Member Mutch asked if there is any kind of limitations besides parking calculations that might prevent a business from coming into the center? Mr. Arroyo said other than the performance standards if the business had an unusual odor, noise problem or air pollution problem. Member Mutch commented as long as they could conform? Mr. Arroyo stated the only issue that he sees that could impact is parking and the Town Center 1 regulations, which specifies maximum retail. Member Mutch commented any existing or proposed center would have to have parking adequate to the maximum square footage use? Mr. Arroyo said talking about a speculative shopping center, the shopping center parking

standards would apply and the center could proceed and have restaurants up to 20% of the floor area without having any impact. It is only if the business exceeds the 20% that there would be a potential problem. Member Mutch said if the business exceeds the percentage, another business would have to move out or somehow go through the process of getting additional parking approved for the site. Mr. Arroyo said that is correct and the Building department enforces it. Member Mutch mentioned the reason she is asking these questions is because there has been a lot of concern about traffic particularly with a center that is not fully occupied and this ordinance has been promoted as something that would increase occupancy; therefore giving a healthy business climate. It seems the traffic and parking situation is already taken care of with the ordinance? Mr. Arroyo said the parking situation is handled with the ordinance but the traffic situation is no different than any other use.

Member Mutch said as long as the center is built to the standards that have been established for parking, a business that does not have enough parking for its customers will be self limited. The ordinance already contains things that protect the City like the parking standard and trip generation that is calculated with the roadway improvements if they are required when the centers are built. If there is a situation where the center has not been fully occupied, the area gets used to a certain level of traffic or parking but just because it increases with occupation does not mean the City is exceeding the standards. There is some merit to the chances that are proposed and the concerns that have been expressed have been adequately addressed.

Member Schmid commented historically, he has had difficulty with this shopping center because he was present when the zoning changed from office to commercial. The owner/petitioner who wanted the change was encouraged not to change it and was told that the B-1 was not the most desirable zoning. But he insisted on having it changed from office and eventually it happened. Member Schmid said he may have voted for it but it could have been a bad vote on his part because it has been nothing but a problem since then for the owner more than the City. For some reason the center has not taken off and a comment made earlier about the high rents for the area along with the demanding owner could be factors.

Member Schmid asked Mr. Arroyo where the other B-1 zoning in operation today? Mr. Arroyo commented they are at Ten Mile and Beck Road, Ten Mile and Meadowbrook and Ten Mile and Haggerty. Member Schmid asked about the development on Nine Mile and Novi Road? Mr. Arroyo commented that property is zoned I-1 and it was a consent judgement. It was never zoned for commercial.

Member Schmid commented under the new zoning, he believes there could be a pizzeria with 50 seats, an ice cream parlor with 50 seats, a deli with 50 seats and

a coffee shop with 50 seats. It would make 200 seats in the shopping center for restaurants. He believes this is what is going to happen eventually. His concern is the traffic because it is a terrible area to try to get in and out of most of the day. Would it be a disaster if the center ended up with 3 or 4 small take-out restaurants? Mr. Arroyo said one of the things the analysis did show with the example of a 20,000 center is if there was up to 50% in high turnover restaurants that the traffic generation would not be much different than a typical shopping center. There may be in particular instance differences if there is a shopping center that is suffering with a low occupancy rate. If the uses are changed and suddenly the center has a high occupancy rate, yes it is going to generate a lot more traffic than one that does not occupy all the stores. But if there was a center with 100% occupancy, looking at the traffic generated, and the center was 20,000 square feet and half of that was made into restaurants, than that difference in traffic would not be more than probably 300 or 400 trips per day according to the analysis that has been provided to Council. The analysis is based on the Institute of Transportation Engineers Trip Generation Rates. Member Schmid asked it would not be over 300 or 400 trips a day? Mr. Arroyo said it would be more if the center had 50% in restaurants.

Member Schmid said 300 trips coming out of that shopping center is quite a bit and it is a very difficult area to get in and out of because it is so close to Ten Mile Road. Mr. Arroyo said it could be difficult. Member Schmid said it is difficult even to make a left turn into the lot. His concern is the center will end up with too many ice cream, pizza and deli establishments. He thinks there is a need for a B-1 zoning in the City but it disturbs him because what is being recommended is that an exception be made for a businessman. Mr. Arroyo commented when the Implementation and Planning Commission discussed this issue it was very clear from the beginning, that the groups needed to look at the ordinance amendment as it applies to all B-1 districts and not just for a particular center. Even though it may have been one centers request that brought the issue to the forefront, and that is the reason why it was sent to the Implementation Committee, throughout the discussions there were several references made whenever someone mentioned one center that all the B-1 districts were involved. The desire was that there could be the potential to have some limited restaurant uses and these are very restrictive in terms of what is in the ordinance in terms of the type of restaurants that could go in. There are many other communities in southeast Michigan that allows restaurants in B-1 or C-1 districts and they do not have the type of limitations that this ordinance provides. Member Schmid said if he is going to vote for a change in zoning, then it has to be limited to 50% for restaurants. He agrees with Member Kramer that this figure of 50% should be reduced so the center can have the restaurants but it does not turn into a fast food/deli type area.

Member DeRoche agrees that the amount does not need to be jumped to 50% when it is clear that all the ordinances and the intent as a Council is to keep it significantly lower than 50%. It should be started a lower percentage and find out

if that is working, and if it is not working, if the other ordinances are catching and eliminating and potentially reconsider it in the future. He does not have a problem with the instructional centers and believes it would be a welcome addition to this zoning. The last thing Novi needs is more strip malls and generally are not in favor to anyone that lives in the area would be vacant strip malls that are already built. A motion is made but dies with lack of support.

Member Mutch commented Council talked about notification and wanted public input. Considering how little input was received she wanted reassurance on the process taken. Mayor McLallen said another Public Hearing was held. Member Mutch said the Council had a Public Hearing and asked what type of notice was given? Mr. Arroyo said it was for everyone within 500 feet within a B-1 district and all subdivisions. Member Mutch mentioned it should be noted that Council and support staff made the effort to notify all concerned parties and there was less response this time then previously.

Mayor ProTem Crawford commented he has no problem with the item #8, which is for the instructional centers and believes it would be welcome for this type of center. He does have a problem with the set down restaurant, particularly at the 50%. Even if it was reduced to 20% what kind of parking would that require? The center at Ten Mile and Meadowbrook has very restrictive parking and he knows the City may have ordinances that may take that, but the rules seems to be changing in the middle. To allow additional uses as such as a restaurant in what was fine as a B-1 development years ago will probably create parking problems now. He could not see the City saying a certain company cannot move in because they would not have adequate parking. Mayor McLallen mentioned that was Mr. Arroyo's response if the business does not have the parking than they cannot come into the center.

Mayor ProTem Crawford asked what would 20% development include, if it was all restaurants? How many seats would that be and what would the parking be with it? Mr. Arroyo said he cannot address the number of seats but from his perspective if the center has up to 20% then the business would be able to park under the normal shopping center parking requirement that is built in already. Mayor ProTem Crawford said if the center had 20% of the development how many 50 seat restaurants could be housed? Could it be 3 or 4 in the existing center or if some of the units were combined to have enough space to put in 50 seats? Mr. Arroyo said maybe 3 or 4 if he had to make a guess. Mayor ProTem Crawford commented that would stay at 20% and have 3 or 4 restaurants that would hold 50 people and still below 20%. Mr. Arroyo said no and he would guess at 20% it would be in the 2 or 3 range.

Mayor ProTem Crawford asked what kind of parking is needed for a 150 seat restaurant? How many parking spaces would be needed? Mr. Arroyo commented

if it is within a shopping center and it does not take up more than 20% of the shopping, no more parking is needed than a normal shopping center. Mayor ProTem Crawford wanted a more specific answer. Mr. Arroyo mentioned it is one space for every two customers and one for every two employees. That would make it about 30 to 35 parking spaces for one 50 seat establishment. Mayor ProTem Crawford commented if there were 2 or 3 restaurants than 50 to 100 parking spaces would be needed. How many spaces are there for that development because he does not think there are 50 at the site? He commented there are not 50 to 100 free spaces over what is needed for the existing businesses and by changing this ordinance, particularly with this development, the City is going to run into a problem with parking and how many uses can be made at this location.

Mayor ProTem Crawford commented the dumpster is located as far away as possible from the adjacent residential uses and districts, which sounds appropriate but how is it going to implemented? It could be right next to a residence's window and that would be considered as far away as possible. He is not clear and he would like some specific examples of 3-D. Mr. Arroyo said the businesses could not vent to the outside so that would likely eliminate the pizza parlor and probably the donut shops. One of the concerns was odor because if the business vents to the outside then there is a potential that the residents would smell the odors. Mayor ProTem Crawford commented there is an existing donut shop in B-1? Mr. Arroyo said that is a pre-existing, non-conforming situation and that would not be permitted today. The type of uses that are being talked about are in fact a potential deli and a deli with pre-baked goods.

Member Kramer made a motion to attempt to move what might be a positive section for this revision. He stated to adopt the revision to this ordinance and add paragraph 8 to Section 1301 only and do not adopt Part 2 as written, including Section 3 A, B,C,D items. He restated add the instructional centers for music, art, dance, crafts, martial arts, exam preparation and similar instructional and do not add the whole section that deals with seat down restaurants.

CM-99-05-106: Moved by Kramer, Seconded by Crawford: CARRIED: To Adopt the Proposed Ordinance Text Amendment, Part 1 Section 1301 for to items #1 through #10; and not to adopt Part 2 as it was presented

Member Mutch said based on the comments that have been made it appears the timing for the inclusion for Part 2 is not now. There are not enough people willing to support that change so with that in mind despite her earlier comments, she will support the motion as presented.

Mayor McLallen asked the City Clerk to do a roll call.

Vote on CM-99-05-106: Yeas: Crawford, DeRoche, Kramer, Mutch, Schmid

Nays: McLallen, Lorenzo

**MEMO FROM PLANNER LINDSAY BELL
REVIEW OF ORDINANCES FROM
OTHER COMMUNITIES**

MEMORANDUM



TO: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT
DEPUTY DIRECTOR

FROM: LINDSAY BELL, PLANNER

SUBJECT: REVIEW OF PROPOSED TEXT AMENDMENT

DATE: NOVEMBER 27, 2017

This memo provides a summary of the existing local or community-serving business zoning districts of nearby or similar jurisdictions in the region, and whether they permit restaurant uses by-right or under special land use review. Staff's review of local ordinances in these communities revealed certain types of restaurants are mostly permitted by right in local business districts, while one (Bloomfield Township) only allows them under Special Land Use provisions. Drive-through or drive-in restaurants are generally not permitted in local business districts. See the chart below and attached excerpts of the relevant ordinances.

| COMMUNITY | PERMITTED/SPECIAL LANDUSE | ZONING DISTRICT |
|--------------------|--|---|
| Farmington Hills | Permitted: Carryout/Fast food restaurants located in a building which includes at least one other principal use. | Article 3.10 B-1 Local Business District |
| City of Northville | Permitted: Home delivery, take-out and sit down restaurants. SLU: Drive in or drive-through restaurants. | Article 9: Local Commercial District (LCD) |
| Northville Twp | Permitted: Restaurants not serving alcohol, restaurants without drive-through. SLU: Drive in or drive-through businesses. | Article 12: B-1 Local Business District |
| Plymouth | Permitted: Restaurants not serving alcohol, sit-down restaurants, carry out restaurants or other places serving food. No drive-in or drive-through components. SLU: Bars and lounges or restaurants serving alcohol. | Article IX: B-1 Local Business District |
| Bloomfield Twp | Special Land Use: Restaurants in planned shopping centers. | Section 3-12: 3.1.5 B-1 Local Business |
| City of Troy | Permitted: Standard Restaurants, fast food and drive-in restaurants, bar/lounge. | Article 4:Section 4.13 CB Community Business District |

FARMINTON HILLS

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

34-3.10 B-1, B-2 AND B-4 DISTRICT REQUIRED CONDITIONS

- 1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- 2. All business, servicing or processing, except for off-street parking, loading, unloading and those open air uses indicated as being permissible in 34-3.1.24.B.x through 34-3.1.24.B.xv of the B-2 and B-4 districts, shall be conducted within completely enclosed buildings.
- 3. All uses shall require review and approval of the site plan by the planning commission.

34-3.11 B-3 DISTRICT REQUIRED CONDITIONS

- 1. All uses shall also be subject to the conditions of Section 34-3.22 on marginal access drives , provided however, that:
 - A. The edge of the marginal access drive nearest the street shall be located ten (10) feet from the future street right-of-way.
 - B. The front yard setback shall be a minimum of sixty (60) feet from the future right-of-way.
 - C. The front yard open space required may be reduced to twenty-five (25) percent of the required sixty (60) foot setback area.
- 2. All uses permitted shall require review and approval of the site plan by the planning commission.

34-3.12 ES DISTRICT REQUIRED CONDITIONS

- 1. All developments in an ES district shall be physically separated from the feeder road by a curb and planting strip or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for authorized accessways.
- 2. Each separate use, grouping of buildings or grouping of uses as a part of a single planned development shall not have more than two (2) accessways from a feeder road. Such accessways shall not be located closer than three hundred (300) feet to the intersection of an entrance or exit ramp and a feeder road. In those instances where properties fronting a feeder road are of such width or are in multiple ownerships and accessways to property cannot be provided within the minimum three-hundred

(300) foot distance from the intersection of the feeder road and entrance or exit ramps, a marginal access road shall be provided to service such properties.

- 3. The use shall be permitted subject to the review and approval of the site plan by the planning commission.

34-3.13 IRO DISTRICT REQUIRED CONDITIONS

- 1. The outdoor storage of goods or materials shall be prohibited.
- 2. Any use established in the IRO district shall be operated so as to comply with the performance standards set forth in Chapter 17, Article VII.
- 3. On land that abuts an RP, RC, SP-1, SP-2, SP-5 or MH district, the following shall apply:
 - A. Structures or any portion thereof located within two hundred (200) feet of these districts shall not exceed thirty (30) feet in height.
 - B. Exterior lighting fixtures shall not be located more than twenty (20) feet above the ground level below the light fixture. All outdoor lighting shall further be subject to the provisions of Section 34-5.16 on exterior lighting, and furthermore, the light source shall be totally shielded with opaque material on all sides and on the top and the plane of the light-diffusing media shall be parallel to the horizontal plane of the area to be lighted.
- 4. Secondary uses in the IRO district are further subject to the following requirements:
 - A. Such uses shall not be permitted in a single-story building or in a building separate from a permitted principal use.
 - B. The total area devoted to such uses in a building shall not exceed twenty-five (25) percent of the total floor area of the building.
 - C. All secondary uses shall have customer entrances from the interior of the principal building in which they are located.
 - D. All secondary uses shall provide off-street parking spaces at a ratio of one (1) space for each two hundred (200) square feet of usable floor area, regardless of specific use requirements of Section 34-5.2.



- A. All treatment rooms, cages, pens or runways shall be located within a completely enclosed building so sound will be kept within the building.
- B. The building shall have and maintain central air conditioning so windows will not be open.
- C. The use shall be operated in such a way as to produce no objectionable odors or noise outside its walls.

34-4.27 FAST FOOD OR CARRYOUT RESTAURANT¹

- 1. In the B-1 district, carryout restaurants shall be permitted provided that such restaurant is located in a building which includes at least one other principal use.
- 2. In the B-2 and B-4 districts, Fast food or carryout restaurants are permitted provided that such restaurant is located in a building which includes at least one other principal use.

34-4.28 GASOLINE SERVICE STATIONS¹

- 1. In the B-1, B-3 and ES districts, gasoline service stations where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work and such other activities whose external effects could adversely extend beyond the property line, shall be permitted subject further to the following conditions:
 - A. In the B-1 district:
 - i. Main buildings shall have a minimum setback of one hundred (100) feet from an RA district unless the district is separated from the use by a major or secondary thoroughfare.
 - ii. The operation of an automobile car wash shall not be permitted.
 - B. In the B-1 , B-3 and ES districts:
 - i. The curbcuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

- ii. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations having no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required.
 - iii. Gasoline service stations which do not have a property line abutting a residential district shall not have service bay openings facing the public thoroughfare.
 - iv. The parking of motor vehicles or the storage of trailers, campers or other such conveyances on the gasoline service station property shall be prohibited, except for those necessary to the operation of a gasoline service station.
 - v. Off-street loading and unloading space shall be provided in the ratio of at least ten (10) square feet per front foot of building but may be located in any required yard notwithstanding Section 34-5.4.
- C. In the B-3 and ES districts, automobile car washes may be permitted as an accessory use.
- 2. In the LI-1 district:
 - A. Vehicular access drives shall be located not fewer than twenty-five (25) feet from the right-of-way of any intersecting street;
 - B. The minimum lot area for a service station shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles that are required to wait. Service stations limited to the dispensing of gasoline with no facilities for servicing vehicles may be permitted on lots of ten thousand (10,000) square feet; and
 - C. Off-street loading and unloading space with a dimension of at least ten (10) feet by fifty (50) feet shall be provided but may be located in any required yard, notwithstanding Section 34-5.4.

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CITY OF NORTHVILLE

ARTICLE 9
LOCAL COMMERCIAL DISTRICT (LCD)

SECTION 9.01 STATEMENT OF PURPOSE

The Local Commercial District (LCD) is intended to provide for retail, office and service uses which are needed to serve nearby residential areas. The intent of this District is also to encourage the concentration of local businesses in locations proposed in the master plan creating harmonious land use arrangement with residential areas, and prohibiting uses which might create traffic hazards, offensive noises and late hour operations.

SECTION 9.02 USES PERMITTED BY RIGHT

The following provisions shall apply in all Local Commercial Districts. In a LCD no person shall hereafter use any building, structure of land and no person shall erect any building or structure except in accordance with the following provisions:

- a. Shops for sale of baked goods; beverages, including liquor outlets; books; confectionery; drugs; flowers; food stuffs including produce, fruit and meat; gifts; hardware; hobby equipment; jewelry; notions; paints; periodicals; sundry small household articles; clothing, tobacco, and convenience stores.
- b. Personal service establishments performing services on the premises, such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith, photographers, copy centers and similar establishments.
- c. Laundry or dry cleaning customer outlets, coin operated laundromat, self-serve dry cleaning center and the like. Dry cleaning or laundry plants serving more than one customer service outlet shall be prohibited.
- d. Medical and dental offices and clinics, (excluding veterinary offices and clinics).
- e. Banks, Savings and Loans, Credit Unions (including drive through facilities and automatic teller).
- f. Home delivery, take-out restaurants and sit down restaurants.
- g. Professional services such as insurance, law offices, real estate, financial and similar or allied professions.
- h. Group Day Care Homes, Child Day Care Centers, subject to the licensing requirements of the City and State.

- i. Public and semi-public institutional buildings, structures, churches and uses.
- j. Funeral homes.
- k. Bed and breakfast inns.
- l. Accessory buildings and structures and uses customarily incidental to the proposed use and in accordance with Section 18.04.

SECTION 9.03 SPECIAL LAND USES PERMITTED AFTER REVIEW AND APPROVAL

The following uses may be permitted subject to the conditions hereinafter imposed for each use and subject to the approval of the Planning Commission pursuant to Section 16.01. (Rev. 8/06)

- a. Automobile Service Stations shall be subject to Section 16.09.
- b. Veterinary clinics, pet shops, animal grooming services and similar uses which deal with live animals, subject to Section 16.08.
- c. Video rental establishments.
- d. Drive-in or drive-through restaurants subject to Section 16.06.
- e. Single-family and two-family residential units.
- f. Hospitals subject to Section 16.05.

SECTION 9.04 AREA, HEIGHT AND PLACEMENT REQUIREMENTS

Area, height and placement requirements unless otherwise specified are as provided in the following table and as further provided in Section 15.01, "Schedule of Regulations".

| Minimum Lot Size | | Maximum Building Height | | Minimum Yard Setback In Feet Sideyards | | | | Minimum Landscaped Area | Maximum Lot Area Coverage |
|------------------|------------------|-------------------------|---------|--|------------|------------|------|-------------------------|---------------------------|
| Area In Sq. Feet | Width In In Feet | In Stories | In Feet | Front | Least Each | Total Side | Rear | Percentage of Lot Area | Percentage Of Lot Ratio |
| N/A | N/A | N/A | 30 | 25 | N/A | N/A | 20 | 10 | N/A |

Note: See Section 15.01, Schedule of Regulations and footnotes thereto for additional requirements and regulations.

NORTHVILLE TOWNSHIP

ARTICLE 12
Local Business District (B-1)

§ 170-12.1. Intent.

The Local Business (B-1) District is intended to provide for retail businesses and service uses that primarily satisfy the day to day convenience shopping and/or service needs of persons residing in nearby residential areas. This district is further intended to encourage the concentration of local business areas and avoid strip business development along road corridors.

§ 170-12.2. Required conditions.

- A. Outdoor storage, display or staging of goods/materials is not permitted.
- B. All business, servicing or processing, shall be conducted within an enclosed building, unless otherwise specified herein.

| Schools | SLU | SLU | MF | SH | PROS | OS | NRMU | B-1 | B-3 | CR | ORT | I | CI | § 170-25.2(DD) |
|---|------------|-----|----|------|------|------|------|-----|-----|-----|-----|-----|----|----------------------|
| Technical training facilities/vocational schools | | SLU | | | | | | | | | | P | | |
| Colleges/universities | | | | | | | | | | | SLU | | | |
| Post offices | | | | | | | | SLU | P | | | | | |
| Cemeteries | SLU | | | | | | | | | | | | | § 170-25.2(G) |
| Religious institutions | SLU | SLU | | | | SLU | | SLU | P | | | | | § 170-25.2(BB) |
| | R-1 to R-4 | MF | SH | PROS | OS | NRMU | B-1 | B-3 | CR | ORT | I | CI | | Additional Standards |
| Industrial | | | | | | | | | | | | | | |
| Airports, heliports & other aircraft facilities | | | | | | | | | | | SLU | SLU | | § 170-25.2(C) |
| Chemicals/paper/plastics/construction materials | | | | | | | | | | | | | | |
| Chemical process facilities | | | | | | | | | | | SLU | SLU | | § 170-25.2(KK) |
| Concrete/asphalt plants | | | | | | | | | | | SLU | SLU | | § 170-25.2(K) |
| Food/beverage processing, storage & bottling facilities | | | | | | | | | | | SLU | SLU | | |
| Foundaries/metal industries | | | | | | | | | | | SLU | SLU | | |
| Landscape/building supply yard and other similar uses | | | | | | | | | | | SLU | SLU | | |
| Lumber/planing mills | | | | | | | | | | | SLU | SLU | | |
| Machine shops | | | | | | | | | | | SLU | SLU | | |
| Manufacturing/compounding/assembly facilities | | | | | | SLU | | | | | P | P | | |
| welding/molding/extrusion shops | | | | | | | | | | | SLU | SLU | | |
| Petroleum/coal refineries/energy facilities | | | | | | | | | | | SLU | SLU | | |
| R&D/diagnostic/pilot/experimental facilities | | | | | | | | | | | P | P | | |
| Recycling centers | | | | | | | | | | | SLU | SLU | | |
| Warehousing, wholesale & trucking | | | | | | | | | | | SLU | SLU | | |
| | R-1 to R-4 | MF | SH | PROS | OS | NRMU | B-1 | B-3 | CR | ORT | I | CI | | Additional Standards |

PLYMOUTH

ARTICLE IX. - B-1 LOCAL BUSINESS DISTRICTS

Sec. 78-90. - Intent.

The B-1, local business district is designed primarily for the convenience shopping of persons residing in adjacent residential areas, to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the central business district or general business district and, where appropriate, allow residential uses as a mixed use.

(Ord. of 10-6-03; Ord. No. 2012-04, § 7, 11-5-12)

Sec. 78-91. - Principal uses permitted.

In a B-1, local business district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter.

Permitted uses:

- (1) Office buildings for any of the following occupations: governmental, executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales, post offices and public utility offices.
- (2) Medical office and dental office, including clinics.
- (3) Banks, credit unions, savings and loan associations, and other financial institutions including drive-through facilities, drive-through branches, and/or 24-hour automatic tellers.
- (4) Private clubs and lodge halls.
- (5) Off-street parking lots.
- (6) Meeting halls and related services.
- (7) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: convenience grocery stores, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
- (8)

Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barbershops. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, commercial printing/copying, upholsterer, or an establishment doing radio, television or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned subject to the following provision: No more than five (5) persons shall be employed at any time in the fabrication, repair and other processing of goods.

- (9) Restaurants not serving alcoholic beverages, sit-down restaurants, carry-out restaurants or other places serving food except those having the character of a drive-in, or having a drive-through component.
- (10) Video rental establishments.
- (11) Veterinary clinic.
- (12) Neighborhood retail plaza containing multi-tenant spaces totaling less than 50,000 square feet.
- (13) Professional offices of physicians, lawyers, dentists, chiropractors, architects, engineers, and similar or allied professions.
- (14) Other uses similar to the above and subject to the following restrictions:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - b. All business, servicing, or processing, except off-street parking or loading, shall be conducted within completely enclosed buildings.
- (15) Accessory structures, uses and signs customarily incident to the above permitted uses and subject to all requirements of this chapter.
- (16) Residential uses shall be permitted provided such living units are located on the second floor or above.

(Ord. of 10-6-03; Ord. No. 2013-04, § 2, 10-7-13; Ord. No. 2013-06, § 2, 10-21-13)

Sec. 78-92. - Special uses permitted after review and approval.

The following uses may be permitted by the planning commission subject to article XXIII, the review and approval of the site plan by the planning commission, and the imposition of special conditions which, in the opinion of the commission, are necessary to ensure that the land use or activity authorized is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use, and subject further to a public hearing held in accord with section 78-281:

- (1) Publicly-owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (excluding outdoor storage yards).
- (2) Accessory buildings and uses customarily incident to any of the above uses.
- (3) One-family detached dwellings, two-family dwellings, multi-family dwellings.
- (4) Bars and lounges or restaurants serving alcohol subject to the following:
 - a. The bar, lounge, or restaurant serving alcohol shall be restricted to a specific size and square footage. Any increase in square footage or expansion of restaurant operations which serve alcoholic beverages shall be subject to a new or amended special use permit.
 - b. The community development director shall request a report from the city's director of public safety regarding the possible impacts of the establishment serving alcoholic beverages. The planning commission shall consider this report in their evaluation of the request for special land use approval.

(Ord. of 10-6-03; Ord. No. 2012-04, § 7, 11-5-12; Ord. No. 2013-04, § 2, 10-7-13)

Sec. 78-93. - Required conditions of the B-1, local business district.

Since this local business district is primarily for the convenience shopping of persons residing in adjacent residential areas as well as residential mixed uses, permitted uses shall not include business in the character of a drive-in or open-front store.

(Ord. of 10-6-03; Ord. No. 2012-04, § , 11-5-12)

Sec. 78-94. - Area and bulk requirements.

See article XVII of this chapter for the schedule of regulations limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

(Ord. of 10-6-03)

Secs. 78-95—78-99. - Reserved.

BLOOMFIELD TOWNSHIP

42-3.1.5

B-1 Local Business

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A. PURPOSE AND INTENT

The **B-1 Local Business Districts** as herein established are intended solely for the convenience of shopping for persons residing in adjacent residential areas to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the community business center.

i User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

B. PRINCIPAL PERMITTED USES

- i. **Any generally recognized retail business** which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, or hardware
- ii. **Any personal service establishment** that performs services on the premises, for persons residing in adjacent residential areas
- iii. **Professional offices** such as, but not limited to: doctors, dentists, chiropractors, osteopaths and lawyers
- iv. **Other uses similar to the above uses**
- v. Accessory garages used exclusively for the storage of commercial and/or passenger motor vehicles used in connection with a permitted business
- vi. Accessory uses¹ and accessory structures¹ customarily incidental to any of the above permitted uses

C. SPECIAL LAND USES

- i. Publicly owned buildings, public utility¹ buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations
- ii. **Restaurants¹ in planned shopping centers**
- iii. Any use with hours of operation beginning earlier than 7:00 a.m. or ending later than 9:00 p.m.
- iv. Any use with more than 35,000 gross square feet of ground floor area
- v. **Accessory reception antenna and satellite dishes**



- include kitchen and bath facilities to total a minimum of three hundred (300) square feet per unit.
- iii. One (1) parking space shall be provided for every two (2) units plus one (1) space per employee.
 - iv. The building height for all buildings shall not exceed thirty two (32) feet with a three (3) foot parapet.
 - v. The rear yard setback abutting property zoned for residential shall be a minimum of forty (40) feet with landscape buffering or screening as described in subsection 6 below.
 - vi. In the B-3 district, all such facilities shall meet the front setback and front parking setback provisions of the B-3 district.
5. Procedure for application. All site plans for residential elderly care development, with the exception of plans for the construction of one-family dwellings, shall be subject to the review and approval of the Planning Commission. Persons seeking site plan approval for the development of property governed by this Section shall conform to the requirements of Section 42-6.1, site plan review, unless otherwise specified in this Section.
6. Design and site layout conditions.
- A. Required yards abutting public street rights-of-way shall be kept free of parking spaces and shall be landscaped, except driveways and drive isles are permitted.
 - B. Any yard abutting land developed for, or potentially developable for, one-family residential purposes, shall contain a four (4) foot, six (6) inch high landscaped earth berm with the top of the berm landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species), as approved by the Planning Commission, eight (8) to ten (10) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. In lieu of such a berm, the Planning Commission may permit a brick-faced masonry wall six (6) feet in height.
 - C. Delivery areas and parking areas shall be screened from abutting residential areas with an earth berm or screenwall as described above.
 - D. Such facilities shall be so designed architecturally as to reflect the

predominant architectural character of adjacent residential areas.

- E. The maximum length of any one (1) building shall not exceed three hundred twenty five (325) feet measured along any single front, side, rear or other exterior elevation. Within this limit, the following wall or building offsets shall be provided:
 - i. The maximum length of any continuous wall line shall not exceed sixty (60) feet without interruption by a horizontal offset of a minimum of six (6) feet in depth as measured from the outer surfaces of the walls.
 - ii. No building element (including roofs) shall exceed sixty (60) feet in length without interruption by horizontal offsets or architectural features.
- F. The minimum distance between any two (2) buildings on the same site or parcel shall be a minimum of forty (40) feet.

42-4.16 RESTAURANTS^{sq} IN PLANNED SHOPPING CENTERS

A restaurant may be permitted as part of a planned shopping center, subject to the following:

- 1. The total site shall consist of at least five (5) acres developed as a planned shopping center.
- 2. The off-street parking shall be computed separately from the remainder of the center, to meet the standards set forth in Section 42-5.2.11.C.vi.

42-4.17 RESTAURANTS POSSESSING A CLASS C AND/OR TAVERN LICENSE FOR THE SALE OF BEER, WINE AND/OR SPIRITS FOR CONSUMPTION ON THE PREMISES

Such uses are subject to the following:

- 1. Class C and/or tavern licensed restaurants must be developed in connection with and incidental to a bona fide restaurant operation or banquet hall offering a full and complete menu for food which is served within the confines of the structure. This shall be construed to exclude fast food service types of restaurants. Should a question arise as to the degree of incidentalness of the sale of beer, wine and/or spirits, the Township shall require an affidavit from the licensee stating the percentage of gross income during the prior

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twelve (12) month period from the sale of food and alcoholic liquors. In no case shall the sale of beer, wine and/or spirits exceed more than fifty (50) percent of the total gross sales.

2. Frontage of the structure housing the place of business shall be on a major thoroughfare. For purposes of this section, major thoroughfares shall be defined as Woodward Avenue, Telegraph Road, Square Lake Road, and Maple Road.
3. Off-street parking when said use is located in a shopping center shall be computed separately of the required off-street parking required by the balance of the center.
4. Restaurants serving liquor and/or beer and wine shall be located at least two hundred fifty (250) feet from each other. This provision shall not apply to restaurants in any commercial strip center in existence as of 2005.
5. Fee. It shall be unlawful in the Township for any person, company, corporation or other legal entity to seek a Class C or Tavern License, or transfer a Class C or Tavern license, unless a permit shall first have been obtained from the Township, and an application fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.

42-4.18 CINEMAS WITH CLASS C AND/OR TAVERN LICENSE

1. A cinema with a Class C and/or tavern license may be permitted as an integral use within a mixed-use development center authorized under a Development Agreement, subject to the following:
 - A. Class C and/or tavern licensed cinemas shall be for the sale of beer, wine and/or spirits for consumption on the premises as incidental to the principal cinema use activity. Should a question arise as to the degree of incidentalness of the sale of beer, wine and/or spirits, the Township shall require an affidavit from the licensee stating the percentage of gross income during the prior (12) month period from the sale of nonalcoholic beverages, food and nonfood items, and alcoholic beverages. In no case shall the sale of beer, wine and/or spirits exceed more than fifty (50) percent of the total gross sales.

- B. Off-street parking shall be computed as part of the shared parking study for the mixed-use development center approved by the Township.
 - C. For purposes of this Section, mixed-use development centers may include residential, retail, office, entertainment, and/or restaurants uses.
 - D. Fee. It shall be unlawful in the Township for any person, company, corporation or other legal entity to seek a Class C or Tavern License, or transfer a Class C or Tavern license, unless a permit shall first have been obtained from the Township, and an application fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.
2. A cinema with a Class C and /or Tavern License may be permitted as an integral use within a planned shopping center, subject to the following:
 - A. Class C and/or tavern licensed cinemas shall be for the sale of beer, wine and/or spirits for consumption on the premises as incidental to the principal cinema use activity. Should a question arise as to the degree of incidentalness of the sale of beer, wine and/or spirits, the Township shall require an affidavit from the licensee stating the percentage of gross income during the prior (12) month period from the sale of nonalcoholic beverages, food and nonfood items, and alcoholic beverages. In no case shall the sale of beer, wine and/or spirits exceed more than fifty (50) percent of the total gross sales.
 - B. Off-street parking shall be computed as part of a shared parking study for the planned shopping center approved by the Township.
 - C. Fee. It shall be unlawful in the Township for any person, company, corporation or other legal entity to seek a Class C or tavern license, or transfer a Class C or Tavern License, unless a permit shall first have been obtained from the Township, and an application fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.

■ MCL 436.1533



CITY OF TROY



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FORWARD

SECTION 4.13 CB COMMUNITY BUSINESS DISTRICT

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- A. Intent. The **CB, Community Business District** is intended to provide for retail business and service uses which primarily meet the day-to-day convenience, shopping, and service needs of persons in the immediate residential areas, but to a more limited extent serve a larger consumer population. The CB Districts are the least intense commercial districts within the City, but do contain a variety of potential uses. The CB District is also intended to protect and enhance existing commercial areas of the City where non-residential uses are and ought to be the primary use of the property. The CB District is unique in this more limited purpose, as the form based and other mixed-use districts within the City also allow and encourage the on-site integration of business and service uses with office and residential uses.
- B. Use Regulations. Section 4.21 sets forth permitted, accessory, and special land uses within the CB District.
- C. Dimensional Requirements. The following dimensional requirements shall apply in the CB District:

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SECTION 4.21 SCHEDULE OF USE REGULATIONS

A. In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.

B. The Schedule of Use Regulations identifies uses as follows:

1. "P" identifies uses permitted as of right.
2. "S" identifies uses requiring special approval.
3. "A" identifies accessory uses.
4. "NP" identifies uses not permitted.

| Uses | Districts | | | | | | | | | | | | | | | |
|--|-------------------|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|
| | R-1A through R-1E | RT | MF | UR | MHP | CF | EP | CB | GB | IB | O | OM | RC | PV | P | |
| Residential | | | | | | | | | | | | | | | | |
| One-family dwellings | P | P | P | P | P | P | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Two-family dwellings | NP | P | P | P | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| One-family attached dwellings | NP | P | P | P | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Home occupations | A | A | A | A | A | A | NP | A | A | A | NP | A | NP | NP | NP | NP |
| Multiple-family dwellings (2-8 stories) | NP | NP | P | P | NP | NP | NP | NP | NP | P | NP | NP | NP | NP | NP | NP |
| Multiple-family dwellings (9+ stories) | NP | NP | NP | P | NP | NP | NP | NP | NP | P | NP | NP | NP | NP | NP | NP |
| Multiple-family dwellings (on upper floors only in a mixed-use building) | NP | NP | NP | NP | NP | NP | NP | P | P | P | NP | P | NP | NP | NP | NP |
| Senior assisted/independent living | S | S | P | P | NP | S | NP | P | P | P | NP | P | NP | NP | NP | NP |
| Live/work units | NP | NP | P | P | NP | NP | NP | P | P | P | NP | P | NP | NP | NP | NP |
| Bed and breakfast | S | S | S | S | S | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Recreation | | | | | | | | | | | | | | | | |
| Publicly owned and operated parks, parkways, and recreational facilities | P | P | P | P | P | P | NP | P | P | P | P | P | P | NP | NP | NP |
| Golf courses | S | S | S | S | S | S | NP | S | S | S | NP | NP | NP | NP | NP | NP |
| Swimming pool clubs | S | S | S | S | S | S | NP | S | S | S | NP | NP | NP | NP | NP | NP |
| Institutional | | | | | | | | | | | | | | | | |
| Primary/secondary schools | S | S | S | S | S | P | NP | P | P | P | P | P | P | NP | NP | NP |
| Places of worship | S | S | S | S | S | S | NP | P | P | P | P | P | P | NP | NP | NP |
| Publicly owned/operated office and service facilities | S | S | S | S | S | P | NP | P | P | P | P | P | P | P | P | P |
| Convalescent centers | NP | NP | S | S | NP | P | NP | P | P | P | P | P | NP | NP | NP | NP |
| Fine and performing arts facilities | NP | NP | NP | NP | NP | P | NP | P | P | P | NP | S | NP | NP | NP | NP |

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| | R-1A through R-1E | RT | MF | UR | MHP | CF | EP | CB | GB | IB | O | OM | RC | PV | P |
| Post-secondary schools (high schools, colleges, commercial schools) | NP | NP | NP | NP | NP | P | NP | P | P | P | P | P | P | NP | NP |
| Bus/transit passenger stations, taxicab offices, dispatching centers | NP | NP | NP | NP | NP | P | NP | P | P | P | P | P | P | P | P |
| Hospitals | NP | NP | NP | NP | NP | S | NP | NP | S | S | NP | S | NP | NP | NP |
| Family day care homes | P | P | P | P | P | P | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Group day care homes | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Day care centers and preschools | S | S | S | S | S | S | NP | P | P | P | P | P | P | NP | NP |
| Adult foster care, family home | P | P | P | P | P | P | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Adult foster care, small group home | S | S | S | S | S | S | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Adult foster care, large group home | S | S | S | S | S | S | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Adult foster care, congregate facility | S | S | S | S | S | S | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Adult day care home | P | P | P | P | P | P | NP | NP | NP | NP | NP | NP | NP | NP | NP |
| Adult day care center | S | S | S | S | S | S | NP | P | P | P | P | P | P | NP | NP |
| Retail, Entertainment, and Service | | | | | | | | | | | | | | | |
| Restaurants, standard | NP | NP | NP | A | NP | NP | NP | P | P | P | NP | A | NP | NP | NP |
| Restaurants, fast food | NP | NP | NP | A | NP | NP | NP | P | P | P | NP | A | NP | NP | NP |
| Restaurants, drive-in | NP | NP | NP | A | NP | NP | NP | P | P | P | NP | A | NP | NP | NP |
| Bar/Lounge | NP | NP | NP | A | NP | NP | NP | P | P | P | NP | A | NP | NP | NP |
| Outdoor dining areas | NP | NP | NP | A | NP | NP | NP | A | A | A | NP | A | NP | NP | NP |
| Retail, general | NP | NP | NP | A | NP | NP | NP | P | P | P | NP | A | NP | NP | NP |
| Retail, large-format | NP | NP | NP | NP | NP | NP | NP | P | P | P | NP | NP | NP | NP | NP |
| Shopping centers | NP | NP | NP | NP | NP | NP | NP | P | P | P | NP | NP | NP | NP | NP |
| Health fitness centers, athletic clubs, martial arts studios, and other similar uses | NP | NP | NP | NP | NP | NP | NP | P | P | P | NP | A | NP | NP | NP |
| Building and lumber supply | NP | NP | NP | NP | NP | NP | NP | S | P | P | NP | NP | NP | NP | NP |
| Garden centers/nurseries | NP | NP | NP | NP | NP | NP | NP | S | P | P | NP | NP | NP | NP | NP |
| Commercial greenhouse | NP | NP | NP | NP | NP | NP | NP | S | P | P | NP | NP | NP | NP | NP |
| Indoor commercial recreation | NP | NP | NP | NP | NP | NP | NP | P | P | P | NP | NP | NP | NP | NP |
| Outdoor commercial recreation | NP | NP | NP | NP | NP | NP | NP | S | P | P | NP | NP | NP | NP | NP |
| Dance, music, and art studios | NP | NP | NP | NP | NP | NP | NP | P | P | P | NP | A | NP | NP | NP |
| Dry cleaners and laundry | NP | NP | NP | A | NP | NP | NP | P | P | P | NP | A | NP | NP | NP |
| Pharmacies, durable medical goods sales/rental | NP | NP | NP | A | NP | NP | NP | P | P | P | NP | A | NP | NP | NP |
| Open air businesses, as a principal use | NP | NP | NP | NP | NP | NP | NP | S | S | S | NP | NP | NP | NP | NP |

APPLICANT'S CORRESPONDENCE

Suggested Language for Text Amendment Change for B-1 Zoning

“ Restaurant businesses with sitdown and carry out service shall be allowed in B-1 shopping center provided that the restaurants do not exceed 4800 sf.

Restaurant trash removal to be no closer than 100 feet from a residential area and is not open longer than 12 am in the evening.

The customer assembly area shall be sprinklered.”

McBeth, Barb

From: Jonathan Brateman <jbrateman@aol.com>
Sent: Monday, November 27, 2017 12:10 PM
To: McBeth, Barb
Subject: B-1 Text Amendment change
Attachments: Speech on B-1 text amendment November 8.docx; Suggested Language for Text Amendment Change for B1 4800.docx

Follow Up Flag: Follow up
Flag Status: Completed

TO: Barbara McBeth, Novi Planning

Thank you for your help in getting the text amendment changes in front of the Planning Commission. Their 6-0 vote indicates a willingness to modify the text to allow sit down restaurants in some form.

Per your request:

In addition to sending the attached speech before the Planning Commission (see attached), I would like to make the following points:

1. We are dealing with small local business here. No national retail site selection person from Jimmy John's, Panera, etc. is going to pick Peachtree or one of the other B-1 sites. They have passed on them before in picking other locations.
2. Having a site go through a special land use bureaucracy is a scary turn-off to local retailers who have neither the time, understanding or patience.
There is often a language barrier I am dealing with, also. Just make the sit down restaurant an accepted use.
3. *There are* currently other restaurants operating in B-1 districts. The sky did not fall. Residents are not out there with placards protesting.
An excellent example is MOE's on 10. Ten mile just west of Haggerty. They have a sit down restaurant and are able to co-exist with the community.

For the reasons above, and as outlined in my text, I think keeping this simple is the best way of handling this: Please see the suggested language.

1. Allowing sit down restaurants in the B-1 as long as the space involved is the smaller of 4800 sf or 20 % of the center
2. Trash is far from the residents
3. Protection (Sprinkler)

Thank you.

Jonathan Brateman
Jonathan Brateman Properties, Inc.
40015 Grand River Ave. Suite 105
Novi, MI 48375
Phone: (248) 477-5000
jbrateman@aol.com
www.bratemanproperties.com

B-1 Text Amendment Speech

My name is Jonathan Brateman and my address is 40015 Grand River Ave Suite 105 in Novi.

Thank you to the Planning Department and the Planning Commission for the opportunity to speak before you Tonight.

My purpose tonight is to amend the Zoning Ordinance regarding permitted B-1 uses to include sit down restaurants.

I want to present two visions to you. The first is one of hope and prosperity and light.

By allowing sit down restaurants in the B-1 district, you accomplish a number of goals:

1. You bring economic sustenance to centers that need the energy these types of businesses provide
2. You give a chance, an opportunity to new business who can neither afford or be sought out by Power Centers and Positioned Centers as a potential location.
3. You enhance the culture and hallmark of a local community who likes the national names, yet cherishes the unique, one of kind, local spots.

Let me begin with the first, there are some shopping centers that are under performing economically. The remedy is not just to do a lease with anyone with an idea...but the way to build up a center is through a combination of special rent incentives and by attracting quality individuals with capital, aptitude and creativity to make their dream happen.

But the Tenants that have capital, aptitude and creativity, also need traffic in the center...and the zoning.

At Peachtree, we have traffic for example, we have 75 – 100 cars every day that visit Koby Learning Academy.

I have three different Japanese restaurants that see an opportunity to be successful with this Japanese speaking customer base....but I can not do that lease because of the restrictions in the B-1 ordinance.

We need the zoning change to allow it.

Over time, here in Novi, when text amendment changes were made, businesses came in and prospered and the who community was enhanced.

I did this successfully with the B-1 and the NCC on instructional centers.

I ask for you to do this again with sit down restaurants.

To my second point:

Some restaurants have a narrower market segment.

Like the Japanese restaurant, they can compete but not at the mass market level.

They fill a need and should be allowed to fill a need.

Restaurants in this category include:

Vegetarian Resturants

Ethnic Restaurants

Dietary Restriction Restaurants

High end pastry and High end coffee

To name a few

Let me continue to the third point:

The rent on places like Burgers 21 and Blaze Pizza, are outside the realm for independent restaurantuers to afford.

By passing this ordinance, you give a chance to the local restaurant to make it. Each of you probably has 5 restaurants they visit at least once a year. How many of them provide for a local person to showcase their skills ?

With shopping malls across America, great accessibility to merchandise and restaurants came....but also a lack of local flavor. You could close your eyes in a mall and open them and not know if you were in Kansas City or Talahassee....or Novi.

We need our local places because these people who own these are usually the backbone of the Chamber of Commerce, sponsors of the softball teams and youth organizations and, in essence, make a community unique and special.

Now for the second vision.

I just spoke about the vision of hope and prosperity and light.

Now, I going to speak about the opposite of those....

Underperforming and Dark Shopping centers and People who have dreams, but are priced out of the market..

I am afraid that if you don't pass this revision the immediate situation will worsen and this will lead to situations all of us want to avoid...

On the Landlord side, vacancies....

On the Tenant side, a dream backed by capital but with no affordable place to go.

So choose hope and prosperity and light.

Pass this text amendment and let's go forward into the light of a bright future !

**PLANNING COMMISSION MINUTES
PROPOSED ZONING ORDINANCE TEXT AMENDMENT
NOVEMBER 8, 2017**

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MS. KOMARAGIRI: Member Anthony?

MR. ANTHONY: Yes.

MS. KOMARAGIRI: Member Avdoulos?

MR. AVDOULOS: Yes.

MS. KOMARAGIRI: Member Greco?

MR. GRECO: Yes.

MS. KOMARAGIRI: Member Lynch?

MR. LYNCH: Yes.

MS. KOMARAGIRI: Chair Pehrson?

CHAIR PEHRSON: Yes.

MS. KOMARAGIRI: Motion passes 6 to
0.

CHAIR PEHRSON: Thank you. And as
you leave, please maintain some quiet and decorum,
please, because we still have some matters to continue
on.

Next is the Matters for
Consideration. Introduction of Text Amendment 18.286,
Restaurants in a B-1. And it's to set a public
hearing for Text Amendment 18.286 to update Section
3.1.10, B-1, Local Business District principal
permitted use and for the purpose of allowing
restaurants in the B-1, Local Business District,
throughout the City of Novi.

MS. MCBETH: Mr. Chair, I have a

1 brief presentation on this, because we do hope to seek
2 a little bit of input from the Planning Commission
3 before this comes back. So I will just go through
4 this.

5 Staff received an application for a
6 proposed ordinance amendment for the purpose of
7 allowing restaurants in the B-1, Local Business
8 District, throughout the City of Novi. The applicant,
9 Mr. Jonathan Brateman, who is here tonight with his
10 daughter, is primarily interested in allowing sit-down
11 restaurants in the Peachtree Plaza, which is located
12 near the southwest corner of Ten Mile Road and
13 Meadowbrook Road.

14 The B-1 District currently does not
15 allow restaurants of any kind, but does allow various
16 retail business and service uses that are intended to
17 serve the day-to-day convenience shopping and service
18 needs of the people residing in nearby residential
19 areas.

20 As you can see on the map that was
21 included in the packets, the B-1 Districts are located
22 near the intersection of Ten Mile and Haggerty Road,
23 Ten Mile and Meadowbrook Road, including the Peachtree
24 Plaza, the Walgreens at Ten Mile Road and Novi Road,
25 as well as some B-1 located on the west side of Wixom

1 Road south of Twelve Mile Road. These business
2 districts are generally small in size, and are located
3 very near, if not immediately abutting, residential
4 areas.

5 In the memo attached to the packet,
6 there is a short history of the Peachtree Plaza, which
7 was approved and constructed in the mid 1980s. In
8 1992 the Zoning Board of Appeals allowed a use
9 variance for the Cottage Inn Pizza to locate in the
10 plaza, but since the approval was specific to that
11 use, once the restaurant moved out, that variance
12 expired. In 1998 there was a request to rezone the
13 plaza from B-1 to B-3, General Business, which was
14 unsuccessful. In 1999 City Council considered an
15 amendment to allow sit-down restaurants in the B-1
16 District, which again was unsuccessful. In 2010 there
17 was consideration to rezone the Peachtree Plaza to
18 B-2, but that was not pursued. Additionally you may
19 recall that the City had prepared a commercial
20 rehabilitation plan for the four corners surrounding
21 Ten Mile and Meadowbrook Road.

22 The applicant has presented an
23 ordinance amendment to the B-1 District that includes
24 restaurant businesses with sit-down and carry-out
25 service to be allowed in the B-1 shopping center

1 provided the restaurants do not exceed 4800 square
2 feet. Secondly, restaurant trash removal to be no
3 closer than 100 feet from any residential area and not
4 open longer than 12:00 a.m. in the evening. And,
5 thirdly, the customers assembly area shall be
6 sprinklered.

7 Staff's concerns regarding allowing
8 restaurant uses in the B-1 District are noted in the
9 review letter, including the comment that restaurant
10 uses are already permitted in 16 zoning districts
11 throughout the city.

12 In Novi, restaurants have not been
13 permitted in the B-1 District since prior to 1990.
14 Typical concerns have been increased traffic to the
15 shopping center; odors from the foods cooking and from
16 the waste in the dumpsters; and, noise, especially if
17 there is outside dining or extended hours.

18 If the Planning Commission is
19 inclined to support a text amendment as a means to
20 accommodate restaurant uses in the Peachtree Plaza and
21 other B-1 zoned properties throughout the city, staff
22 and the City Attorney's Office will put together a
23 text amendment that addresses this change prior to the
24 public hearing. If this is the Commission's
25 preference, staff would recommend the following:

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The use would be considered a Special Land Use in the B-1 District, since most properties are immediately adjacent to residential districts and the required public hearing could inform the Planning Commission of nearby residents' concerns.

Secondly, limitation on the square footage allowed, and/or percentage of the tenant space occupied by the restaurants.

And, thirdly, limitation on the hours of operation.

At this point the Planning Commission is asked to provide any comments that you have so that we may prepare a text amendment for an upcoming public hearing.

Mr. Jonathan Brateman is here in the audience with his daughter this evening.

CHAIR PEHRSON: Very good.

Mr. Brateman, do you wish to address the Planning Commission, or your daughter?

MR. BRATEMAN: Yes. Thank you.

CHAIR PEHRSON: And what is your name, dear?

MR. BRATEMAN'S DAUGHTER: Raut (ph).

CHAIR PEHRSON: I'm sorry?

1 MR. BRATEMAN: Her name is Raut.

2 It means friendship.

3 CHAIR PEHRSON: How old?

4 MR. BRATEMAN: Raut is 9 1/2.

5 Sometimes she's 27, some days she's 4, but most times
6 she's 9 1/2.

7 My name is Jonathan Brateman, and
8 my address is 40015 Grand River Avenue, Suite 105 in
9 Novi. I've been working as a commercial real estate
10 broker since the fall of 1984, and specifically in
11 Novi since 1985. I've brought hundreds of businesses
12 to the area, and I'm very proud of my work. Our
13 headquarters is here in Novi. I'm very proud of that.

14 I want to thank the Planning
15 Department and Planning Commission for the opportunity
16 to speak before you tonight. My purpose tonight is to
17 amend the zoning ordinance regarding B-1 uses to
18 include sit-down restaurants.

19 I want to present two visions to
20 you. The first vision is one of hope and prosperity
21 and light. By allowing sit-down restaurants in the
22 B-1, you accomplish a number of goals. You bring
23 economic sustenance to centers that need the energy
24 these types of businesses provide. You give a chance,
25 an opportunity to new business who can neither afford

1 or be sought out by power centers and position centers
2 as a potential location. And you enhance the culture
3 and hallmark of a local community who likes the
4 national names, yet cherishes the unique,
5 one-of-a-kind local spots.

6 Let me begin with the first. There
7 is some shopping centers that are underperforming
8 economically. The remedy is not just to do a lease
9 with anyone with an idea, but the way to build up a
10 center is through a combination of special rent
11 incentives and by attracting quality individuals who
12 have capital, aptitude, and creativity to make their
13 dream happen. But the tenants that have capital,
14 aptitude, and creativity also need traffic in the
15 center and the appropriate zoning. At Peachtree, for
16 example, we have 75 to 100 cars every day that visit
17 Colby Learning Academy. I have three different
18 Japanese restaurants, one from Los Angeles, one from
19 Chicago, and one from here that see an opportunity to
20 be successful with this Japanese speaking customer
21 base, but I can't do that lease because of the
22 restrictions in the B-1 ordinance. We need a zoning
23 change to allow it.

24 Over time here in Novi when text
25 amendment changes were made, businesses came in and

1 prospered and the whole community was enhanced. I did
2 this successfully with the B-1 and the NCC on
3 instructional centers. I'm asking for you to do this
4 again with sit-down restaurants.

5 To my second point, some
6 restaurants have a narrow market segment. Like the
7 Japanese restaurant, they can compete, but not at the
8 mass market level. They fill a need and should be
9 allowed to fill that need. Restaurants in that
10 category include vegetarian restaurants, ethnic
11 restaurants, dietary restriction restaurants, high-end
12 pastry and high-end coffee just to name a few.

13 Let me continue to the third point.
14 The rent on places where Burgers 21 and Blaze Pizza,
15 they are outside the realm for independent
16 restaurateurs to be able to afford. By passing this
17 ordinance, you give a chance to the local restaurant
18 to make it. Each of you probably have five
19 restaurants that you visit once a year at least. How
20 many of them provide for a local person to showcase
21 their skills. With shopping malls across America
22 great accessibility to merchandise and restaurants
23 came, but also a lack of local flavor. You close your
24 eyes in a mall and open them, and you don't know if
25 you're in Kansas City or Tallahassee or here in Novi.

1 We need our local places because these people who own
2 these are usually the backbone of the Chamber of
3 Commerce, sponsors of softball teams and youth
4 organizations, in essence make a community unique and
5 special.

6 Now, for the second vision. I just
7 spoke about a vision of hope and prosperity and light.
8 Now I'm going to speak about the opposite of those,
9 underperforming and dark shopping centers, and people
10 who have dreams but are priced out of the market to
11 achieve those dreams. I'm afraid that if you don't
12 pass this revision, the immediate situation will
13 worsen, and this will lead to a situation that all of
14 us want to avoid. For landlords that means vacancies.
15 On the tenant side that means a dream backed by
16 capital with no affordable place to go.

17 So I want you to choose hope and
18 prosperity and light. Pass this text amendment and
19 let us go forward in the light of a bright future.
20 Thank you for your time.

21 CHAIR PEHRSON: Thank you.

22 MR. BRATEMAN: I'm prepared to
23 answer any questions you might have.

24 CHAIR PEHRSON: I'll turn it over
25 to the Planning Commission for their consideration.

1 Ms. McBeth, if I might, when it was
2 brought up by City Council and rejected, what was the
3 primary rationale for not moving forward with it at
4 that point in time?

5 MS. MCBETH: You meaning the
6 rezoning request?

7 CHAIR PEHRSON: Yes.

8 MS. MCBETH: I would have to go
9 back and research that a little bit more. I was just
10 trying to do a quick review of the various activities
11 that had happened at Peachtree Plaza to try to help it
12 be successful through the years. I didn't check every
13 reason why they may have decided not to pursue that.

14 CHAIR PEHRSON: So with everything
15 that we -- whether it's a facade ordinance or whether
16 it's off-street parking, or in this case B-3 or any
17 kind of change, we're always trying to make the
18 ordinances catch up to trends, what we didn't know was
19 going to happen 20 years in the future, 10 years in
20 the future, and when I looked at not only Peachtree
21 but I looked at the Ten Mile and Beck where the CVS is
22 there, there's always been a desire that I know of for
23 people to have a small little coffee shop in that
24 location. Then at that point in time when the
25 dialysis center was there would have served well for

1 that community, for that group of people that need
2 hope, that want hope to have that service offered to
3 them but can't because of that particular B-3
4 designation.

5 So my opinion is that I think this
6 is one of those times where we're trying to have
7 the -- in fact I would like to understand some of the
8 history of why that was thought of in a negative light
9 or why it didn't go forward just for edification, but
10 I think this is one of those times where at least in
11 my opinion this kind of amendment needs to catch up
12 with the current trend. I never would have thought
13 that we would have been talking about a Speedway gas
14 station with a cafe as we talked about earlier. It
15 seems incoherent to me that those two things can
16 exist, but somebody has done some research, and I
17 hope, knock on wood, that it will be successful. I
18 didn't think I would be doing my grocery shopping at a
19 CVS or a Walgreens either ten years ago, but I am.

20 So as we try to move forward, and I
21 think it would make sense in my opinion to at least do
22 the research, put together the amendment with again
23 knowing that this body and City Council is going to
24 have stipulations and have overarching conditions as
25 to what can and what can't be done in these different

1 locations I think would make sense. My two cents.
2 Anyone else?

3 Member Greco.

4 MR. GRECO: I have a comment. I
5 think everything that Mark said makes sense, but also
6 a question that I have is because this would be a
7 rezoning of B-1, so it would affect throughout the
8 city wherever B-1 is, not just this particular
9 location which may need some help. With regard to our
10 neighboring communities in B-1 districts, are sit-down
11 restaurants allowed in B-1 districts?

12 MS. MCBETH: We can check that
13 information as well.

14 MR. GRECO: Because we want to
15 be -- first of all, we want to be Novi and do what we
16 think is right, but we also want to see what everyone
17 else is doing as well. Because I guess my concern is
18 changing the B-1. I get it with this plaza, but then
19 the effect is, well, what is the effect on everything
20 else, because it affects the B-1, and is there a
21 simpler problem for this which then ties into what's
22 Mark statement of why wasn't this specifically fixed,
23 you know, this area before.

24 MS. MCBETH: I would like to say as
25 well, I think the Ten Mile and Beck is governed by a

1 consent judgment, and so it may not actually benefit
2 from any changes to the ordinance that we would
3 present today.

4 CHAIR PEHRSON: Good to know.
5 Thank you.

6 Member Avdoulos.

7 MR. AVDOULOS: So a Jimmy John's, a
8 Panera's, that's a sit-down restaurant that qualifies
9 because you get food, it's prepared there, and you sit
10 down and eat it?

11 MS. MCBETH: We have actually in
12 the ordinance and included in the memo were the five
13 different types of restaurants, sit-down restaurant,
14 fast food sit-down restaurant, fast food carry out,
15 fast food drive-thru, and then drive-in. So we have
16 those five.

17 MR. AVDOULOS: I think some of the
18 language that you've already started on like with your
19 concern, you know, if it's a special land use type of
20 thing in a B-1, at least there's a vehicle there to
21 say, okay, it has to be presented and it has to be,
22 you know, vetted similar to like we get with churches
23 and other things in residential areas, it's allowed,
24 and that might be the appropriate place for it, but we
25 have a vehicle to do that.

1 I want to -- yes, we're changing
2 how we're living nowadays, and I want to be able to
3 help these businesses. The aspect of them being
4 within a community and closer to a residential area I
5 don't think is a big deal any more. I think nowadays
6 with equipment and the way things are done with
7 filters and things like that, it's not as bad. I, you
8 know, I work in Northville, and, you know, the people
9 that live around like the Garage Restaurant, it's --
10 you have houses right behind there, and I think that's
11 kind of cool, especially like in Europe where you have
12 a lot of these neighborhood areas that you don't have
13 to drive three miles to get to. You know, when my
14 kids were younger, I'd wake up Saturday morning and
15 they wanted bagels. Where I live, you know, by this
16 Villa D'Este, I would have drive to Novi Road and
17 Grand River, four miles to get bagels. And I could
18 have had one if they had it at Ten Mile and Beck.

19 MR. GRECO: You must love your
20 bagels.

21 MR. AVDOULOS: A little bit. But I
22 think it's more of a convenience thing and the
23 community. I know there's times when you look at
24 projects, we look at how much traffic, you know, to
25 get here and there, and you want to have commercial

1 and other developments in certain areas, but I think
2 in certain spaces where we have buildings and we have
3 businesses, if there is an opportunity to help and
4 benefit not only the developer but also the city, that
5 to me is a positive. So if we word it in such a way,
6 I think that would be great.

7 MR. LYNCH: Don't your kids already
8 drive?

9 MR. AVDOULOS: My kids aren't
10 around any more.

11 CHAIR PEHRSON: Member Zuchlewski.

12 MR. ZUCHLEWSKI: Barb, when we're
13 looking at this rezoning issue for this type of
14 property, is it proper at the same time to look at the
15 signage allowed or permitted. I mean, most of the
16 times signage is allowed on a lineal foot basis or a
17 square basis based on lineal frontage. So when you
18 have these centers like this and they might have 100
19 foot frontage and go back 6 or 800 feet and you've got
20 10 to 12 tenants in there and you end up with a little
21 monument sign, that really cramps and I think kills
22 the businesses that are in there. You know, somebody
23 owns half of it, and they get the top billing, and
24 then the other tenants get some little tiny piece. So
25 if there was some way to look at that. And I don't

1 know what we've done on our sign ordinance.

2 MS. McBETH: Actually just a couple
3 of years ago, last year or a couple of years ago the
4 City Council's ordinance review committee really took
5 a really careful look at it and updated almost the
6 entire ordinance.

7 MR. ZUCHLEWSKI: Was that included?
8 Was that increased, though. Was there any help given?

9 MS. McBETH: I can't tell you in
10 that specific situation. I can look at it when this
11 comes back for public hearing if you would like some
12 comments on it.

13 MR. GRECO: All right. I would
14 like to make a motion to set for public hearing Text
15 Amendment 18.286 to potentially add restaurants in the
16 B-1 District.

17 MR. AVDOULOS: Second.

18 CHAIR PEHRSON: That was close.
19 Motion by Member Greco, second by Member Avdoulos.

20 Any other comments?

21 Sri, please.

22 MS. KOMARAGIRI: Member Anthony?

23 MR. ANTHONY: Yes.

24 MS. KOMARAGIRI: Member Avdoulos?

25 MR. AVDOULOS: Yes.

1 MS. KOMARAGIRI: Member Greco?

2 MR. GRECO: Yes.

3 MS. KOMARAGIRI: Member Lynch?

4 MR. LYNCH: Yes.

5 MS. KOMARAGIRI: Chair Pehrson?

6 CHAIR PEHRSON: Yes.

7 MS. KOMARAGIRI: Mr. Zuchlewski?

8 MR. ZUCHLEWSKI: Yes.

9 MS. KOMARAGIRI: Motion passes 6 to
10 0.

11 CHAIR PEHRSON: There you go.

12 MR. BRATEMAN: Thank you so much.

13 I just wanted to recognize that Rabbi Suskin is here
14 tonight, and if he can just have 45 seconds of your
15 time, I would really appreciate it.

16 RABBI SUSKIN: I'm just here in
17 support for this project. We've done some Jewish
18 educational programs at the Peachtree Plaza. I live
19 very close by on 42124 Loganberry Ridge right at
20 Meadowbrook Glens subdivision. And it definitely
21 would increase in terms of safety the fact that it
22 would be occupied and wouldn't be as empty. And I
23 know the people who go to the school nearby, they
24 Japanese school are wonderful people, I've gotten to
25 know them there. And If that's the crowd that they're

1 looking to attract, it's really reputable and good
2 people, so I would like to support that. Thank you.

3 CHAIR PEHRSON: Thank you.

4 Next Item Number 2 is the Hilton
5 Tru Hotel, JSP17-54. It's a consideration at the
6 request of Great Lakes Hospitality Group for Planning
7 Commission's approval of Preliminary Site Plan and
8 Storm Water Management Plan. The subject property is
9 located on the south side of Thirteen Mile Road and
10 East of M-5 in Section 12. The site measures
11 approximately 3.58 acres. The applicant is proposing
12 to construct a four-story 98 room hotel. The site
13 layout proposes associated parking, loading and bike
14 facilities. Site access is provided off of Thirteen
15 Mile Road.

16 Sri.

17 MS. KOMARAGIRI: Thank you.

18 So tonight the applicant's
19 representative, Candace Bacall, is here along with the
20 Engineer Andy Wakeland, Architect Scott Bowers, and
21 Project Manager Dennis Evans. I would like to thank
22 them for sitting here patiently while we go through
23 the whole agenda.

24 The property is located --

25 CHAIR PEHRSON: Somebody had to be