



CITY of NOVI CITY COUNCIL

Agenda Item 3
April 23, 2012

SUBJECT: Referral to the Planning Commission for Public Hearing and recommendation back to the City Council of a Zoning Ordinance Text Amendment for modification of the standards in the TC-1, Town Center Zoning District to allow drive-through restaurant uses.

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The Community Development Department was recently approached regarding the possible rezoning of nine parcels on the south side of Grand River Avenue, west of Flint Street and east of the railroad tracks. The subject properties are currently zoned TC-1, Town Center. The property owner expressed interest in rezoning the parcels to B-3, General Business to permit the construction of drive-through restaurants. A separate request was made for the City to consider the possibility of adding a drive-through component to the existing Panera Bread restaurant in the City Center Plaza. As an alternative to rezoning, and to provide consistent quality guidelines for such drive-through facilities, staff prepared a memo for addition of drive-through restaurants as a permitted use in the TC-1, Town Center District (see attached April 4, 2012 memo).

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

Ultimately pivotal to this discussion is the fundamental question of whether or not carefully conceived and realized high quality drive-through facilities can exist within and contribute to the value of development in the TC and TC-1 Zoning Districts.

The 2010 Master Plan for Land Use describes the Town Center District as "...designed to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted."

Section 1600, Intent: of the Zoning Ordinance further specifically notes that "...restaurants with drive through facilities have a disruptive effect on the intended pedestrian orientation of the districts."

The April 4 memo has been shared with the property owner who first raised the issue of adding drive-through restaurants to this area. Staff has not received any comment back from that property owner. If the City Council refers the matter to the Planning Commission for further review, a public hearing, and recommendation back to the City Council, staff anticipates providing ordinance language and further research into this possible change

to the TC-1 zoned areas in Novi. A strike-through version of an early, possible draft Ordinance amendment is attached, but will benefit greatly from current staff research efforts regarding application in similar community areas.

RECOMMENDED ACTION:

Referral to the Planning Commission for Public Hearing and recommendation back to the City Council of a Zoning Ordinance Text Amendment for modification of the standards in the TC-1, Town Center Zoning District to allow drive-through restaurant uses.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12- 18 – 255

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 16, TC AND TC-1 TOWN CENTER DISTRICTS, SECTION 1600, INTENT AND SECTION 1602, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER PERMIT DRIVE-THROUGH RESTAURANTS.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

ARTICLE 16. TC AND TC-1 TOWN CENTER DISTRICTS

Section 1600. Intent.

The TC and TC-1 Town Center Districts are designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the Districts and shall not have an adverse impact upon adjacent street capacity and safety, utilities, and other City services.

The TC and TC-1 Town Center Districts are further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service stations, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and restaurants with drive-through facilities, havemay a disruptive effect on the intended pedestrian orientation of the districts.

The TC-1 District is especially designed to encourage developments of an urban "Main Street" with mixed land uses and shared parking. Flexible regulations regarding streetscape design, landscape design, provision of parking facilities, architectural and façade design, residential dwelling units, and setback standards are intended.

Section 1600A. Definitions. [unchanged.]

Section 1601. Principal Uses Permitted. [unchanged.]

Section 1602. Principal Uses Permitted Subject to Special Conditions.

The following uses shall be permitted by the City Council, following review and recommendation of the Planning Commission and subject to the conditions hereinafter imposed for each use, and further subject to the additional requirements of Section 2516.2(c) for special land uses. A public hearing shall be held by the Planning Commission in accordance with the requirements set forth and regulated in Section 3006 of this Ordinance. Notwithstanding the restrictions for outdoor sales found in Section 1601.1.a and 1601.2.a(1), limited outdoor sales may be permitted as follows:

1. Open air business uses when developed in planned relationship to a shopping center in

the TC and TC-1 District as follows:

- a. [unchanged.]
2. Outdoor sale of produce and seasonal plant materials outdoors, provided that such use is incidental to a similar principal use indoors and adjacent to and adjoining the building of the principal use, subject to the following conditions:
 - a. [unchanged.]
3. Veterinary hospitals or clinics provided all activities are conducted within a totally enclosed building and provided further that all buildings are setback at least two hundred (200) feet from abutting residential districts on the same side of the street. A noise impact statement is required subject to the standards of Section 2519.10(c).
4. Fast food drive-through restaurants subject to the following conditions:
 - a. Zoning of the parcel shall be TC-1.
 - b. The site shall have frontage on a non-residential collector and at least 300 feet of frontage on an arterial road and with access provided from the non-residential collector road only.
 - c. A minimum 2,000 square foot dining area with indoor seating for at least 40 people shall be provided.
 - d. The site plan shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic. Pedestrian connections to sidewalks and all adjacent uses shall be provided that ensure pedestrians are kept out of the travel path of vehicles visiting the site as much as possible. The drive-through lanes shall provide sufficient space so that motor vehicles will not impede the circulation of pedestrians, cyclists and motorists.
 - e. The drive-through shall be accessory to a full-service, indoor use on-site.
 - f. Drive-through lanes shall be screened from view by either the building or landscaping.
 - g. A Traffic Impact Statement prepared in accordance with the standards in the City of Novi Site Plan and Development Manual is required.
 - h. A noise impact statement is required subject to the standards of Section 2519.10(c).

Section 1603. Schedule of Regulations/Required Conditions. [unchanged.]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

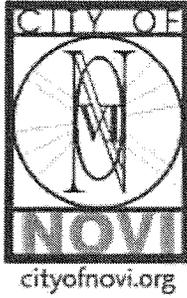
MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2012.

BOB GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

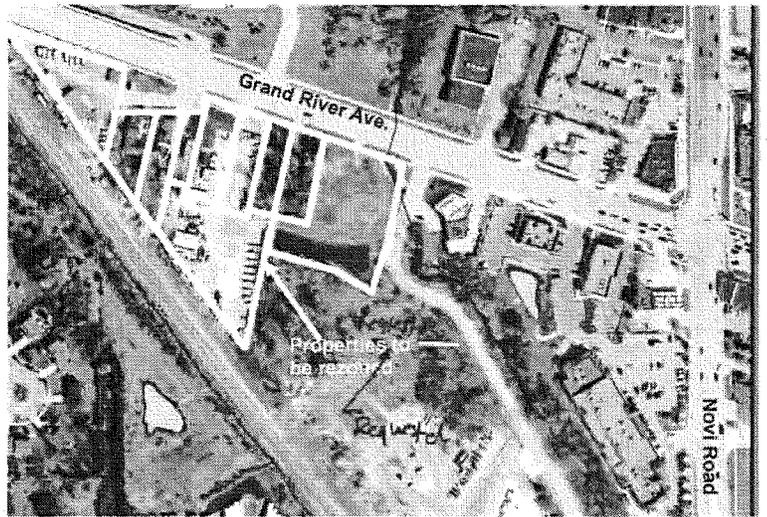
MEMORANDUM



TO: CLAY PEARSON, CITY MANAGER
THRU: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT
DEPUTY DIRECTOR
FROM: KRISTEN KAPELANSKI, AICP, PLANNER
SUBJECT: DRIVE-THROUGH RESTAURANTS IN TC-1
DATE: APRIL 4, 2012

4/4/12
To: Mayor & City Council Members
For your review; working of policy discussion w/ go referral to PL. *[Signature]*

The Community Development Department was recently approached regarding the possible rezoning of nine parcels on the south side of Grand River Avenue, west of Flint Street and east of the railroad tracks. The subject properties are currently zoned TC-1, Town Center and the property owners have expressed an interest in rezoning the parcels to B-3, General Business in order to permit the construction of drive-through restaurants. A separate request was made for the City to consider the possibility of adding a drive-through component to the existing Panera Bread restaurant in the City Center Plaza. As an alternative to the potential rezoning, and to address some of the issues related to adding drive-through facilities to an existing restaurant, this memo considers the practicality and ramifications of adding drive-through restaurants as a permitted use in the TC-1, Town Center District.



No proposals for text amendments to the Zoning Ordinance, formal requests for rezoning, or site plan amendments to allow drive-through facilities have been received at this time. However, the property owners have had several concept meetings with City staff to discuss the possibility of adding drive-through restaurants in this area.

Intent of the TC and TC-1 Town Center Districts

The following is the stated intent of the TC and TC-1 Town Center Districts as provided in Section 1600 (emphasis added for the purposes of this memo):

The TC and TC-1 Town Center Districts are designed and intended to promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the Districts and shall not have

adverse impact upon adjacent street capacity and safety, utilities, and other City services.

The TC and TC-1 Town Center Districts are further designed and intended to discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses. Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles, such as automobile service stations, car washes, or new and used motor vehicle sales or service establishments, and drive-in restaurants and **restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the districts.**

Big leap from just "pedestrian accessible" CJP

The TC-1 District is especially designed to encourage developments of an urban "Main Street" with mixed land uses and shared parking. Flexible regulations regarding streetscape design, landscape design, provision of parking facilities, architectural and facade design, residential dwelling units, and setback standards are intended.

Current TC-1 Ordinance standards

As noted in Intent section, Section 1600, and the standards of the district, the TC-1 District currently does not allow drive-through restaurants (emphasis added).

Any principal use permitted in the B-2 District as follows:

- a. All retail business, service establishments or processing uses as follows:
 - (1) Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - (2) Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
 - (3) **Restaurants or other places serving food or beverage, except those having the character of a drive-in or having a drive-through facility.**
 - (4) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
 - (5) Business schools and colleges or private schools operated for profit.
- b. Private clubs, fraternal organizations, lodge halls and similar organizations.

Please note, sit-down restaurants without a drive-through window are permitted subject to the usual provisions of the Zoning Ordinance regarding setbacks, parking, landscaping, facade, etc.

The TC and TC-1 Districts *already* allow banks and financial institutions to have drive-through windows, provided the ATM machine or teller window is not the principal use of the premises. This means that there must be a primary use as a bank or other financial institution in order to qualify for the drive-through lane as a permitted use.

Characteristics of Existing TC-1 Zoned land

TC-1 zoned land is located primarily south of Grand River Avenue, both to the east and west of Novi Road. Please see attached location map. The area encompasses approximately 108 acres, with 20.7 acres currently vacant undeveloped land. The largest single vacant area is the land east of Novi Road, and on both the north and south sides of

the east-west section of Main Street. The property owners have submitted a plan to "dissolve" the existing condominium that covers much of the vacant land in this area. The approved Main Street Development site plan, (August 1997), allowed the construction of several of the Main Street buildings that are now constructed, and had provided a concept of the future development of the land that remains vacant.

Other developments and buildings in this area include the Civic Center Plaza and out lot buildings west of Novi Road, south of Grand River. East of Novi Road and south of Grand River are the Main Street Development, Main Street Village, and numerous commercial uses along the south side of Grand River Avenue. Also included in the TC-1 District is the Fidelity financial services building on the northwest corner of Grand River and Novi Road.

Staff Review

Planning staff has several concerns regarding the addition of drive-through restaurants as a permitted use in the TC-1 District:

1. The TC-1 District is intended to "promote the development of a pedestrian accessible, commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the Districts and shall not have an adverse impact upon adjacent street capacity and safety, utilities and other City services...Furthermore, it is recognized that uses which have as their principal function the sale or servicing of motor vehicles...and drive-in restaurants and restaurants with drive-through facilities, have a disruptive effect on the intended pedestrian orientation of the districts." The TC-1 District is meant to foster the development a pedestrian-oriented 'urban Main Street' and is not intended for those uses that are geared towards automobile traffic.
 - a. Recognizing the need for restaurants within a retail area, the TC-1 District does permit sit-down restaurants, including fast food sit-down restaurants. This provision allows for eating establishments within the district but keeps the orientation of the district pedestrian and in line with the stated intent of the district.
 - b. Drive-through restaurants are provided for in other districts where other automobile-centered uses, such as car washes and automobile repair facilities are also permitted.
 - c. The intent of the district specifically notes uses shall not have a negative impact on street capacity and safety. Drive-through restaurants generate more trips than any use currently allowed in the TC-1 District and could therefore adversely affect street capacity. Furthermore, the pedestrian orientation of the TC-1 District and typical operation of a drive-through restaurant could lead to conflicts between automobiles and pedestrians, potentially creating safety issues. Drive-through restaurants are specifically cited in the intent of the TC-1 District as having a disruptive effect on the pedestrian orientation of the district.
 - d. Modifying the district uses to allow drive-through restaurants may have the effect of changing the character of the TC-1 District by increasing automobile traffic within the district.
2. Drive-through fast food type restaurants are currently permitted only in the most intense commercial and automobile-oriented districts, the B-3, General Business District, the FS, Freeway Service District, in very limited instances in the RC District utilizing the PD-2 option and in the OSC District, subject to certain conditions. The intense automobile use of these establishments does not fit with the intent of the TC-1 District and should

Intensive drive thru exception

?? OSP

And not the stop success occur

continue to be restricted only to those commercial districts meant to provide for diversified retail and commercial services centered around automobile travel.

3. It is not clear how much demand there would be for drive-through restaurants within the TC-1 District. There are numerous sit-down fast food restaurants near the subject property in the Novi Town Center development and City Center Plaza along with drive-through restaurants located just north of the subject property on Novi Road and Twelve Mile Road. ← Lots
4. Single family and multiple family uses, along with mixed use developments involving residential and non-residential uses are permitted in the TC and TC-1 Districts. Planning standards would suggest that it is best to buffer drive-through lanes from adjacent residential uses, for noise, restaurant odors, exhaust fumes, vehicle headlights and other potentially negative aspects of drive-through restaurants. Absent the submittal of a master development plan for the remaining vacant land in the TC-1 District, it is not clear how any proposed fast food drive-through restaurants could be located or buffered from potential future residential uses in the TC-1 District. ✓

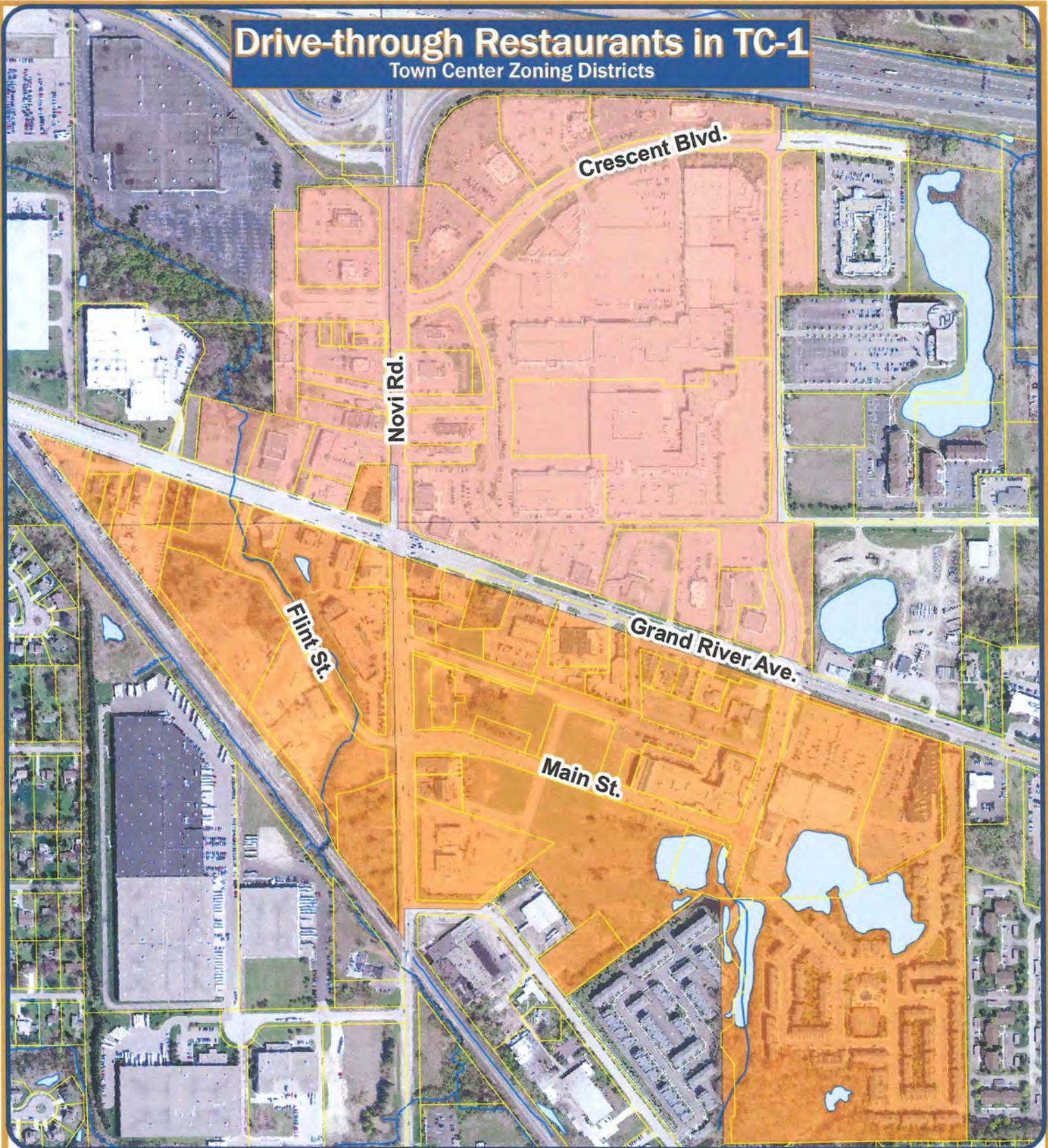
* **Additional Ordinance Provisions**

If the City Council were inclined to consider an amendment to allow drive-through restaurants in the TC-1, Town Center District, the following additional standards are recommended:

1. Fast food restaurants should be listed as a Principal Permitted Use Subject to Special Conditions to allow careful review of any proposed drive-through facility on the surrounding properties. ✓
2. A distinction would need to be made between the uses permitted in the TC-1 District and those uses permitted in the TC District. Currently the Zoning Ordinance includes a list of permitted uses that are allowed in both districts. Again, please note, TC Districts are north of Grand River Avenue and TC-1 Districts are primarily south of Grand River Avenue. ✓
3. The intent of the TC-1 District would need to be revised to allow automobile-centered drive-through restaurants in limited instances. ✓ ??
4. Staff would suggest that all proposed drive-through restaurants in the TC-1 District would need to have frontage on two arterial roads, or an arterial road and a non-residential collector to provide better options for access and to mitigate and avoid pedestrian and vehicular conflicts to the extent possible. Please see attached map with these locations highlighted. * ✓
5. No drive-through restaurant should be located closer than 1,000 feet from any other drive-through restaurant in order to minimize impacts to the surrounding road network and pedestrian conflicts, and to avoid a possible proliferation of drive-through restaurants. □
6. To better meet the intent of the TC-1 District, all drive-through restaurants should provide pedestrian connections to sidewalks and all adjacent uses that are kept outside of the travel path of vehicles visiting the site as much as possible. ✓
7. Restrictions on the placement of speaker boxes and hours of operation of the drive-through lanes when properties abut existing residential uses should be made a part of any ordinance modifications. X

Drive-through Restaurants in TC-1

Town Center Zoning Districts



Map Author: Kristen Kapelanski
 Date: 04/03/12
 Project: Drive-through Rest. in TC-1
 Version #: 1.0

Map Legend

- TC: Town Center District
- TC-1: Town Center -1 District

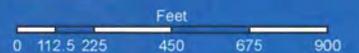
MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



City of Novi

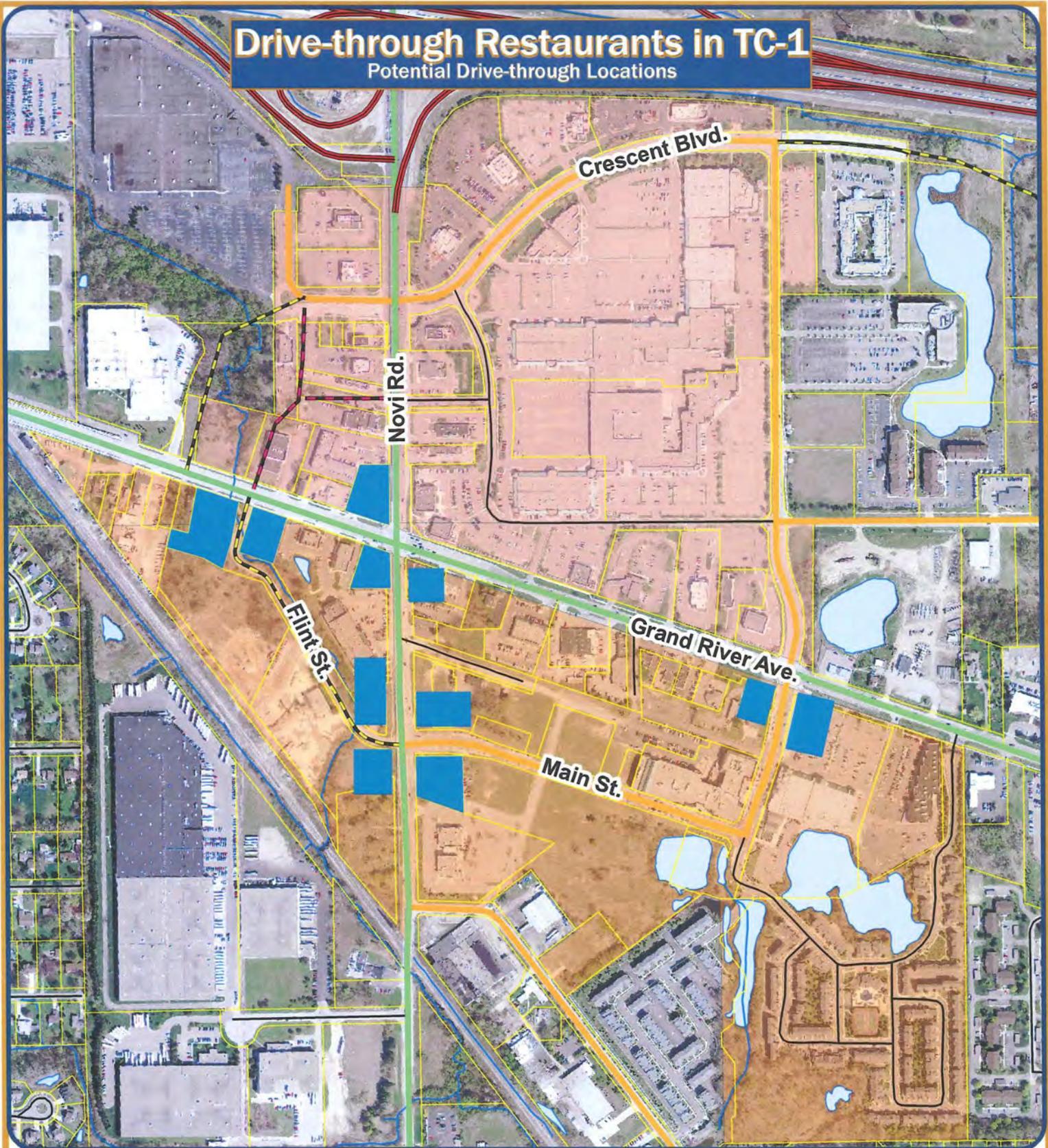
Planning Division
 Community Development
 45175 W Ten Mile Rd
 Novi, MI 48375
cityofnovi.org



1 inch = 553 feet

Drive-through Restaurants in TC-1

Potential Drive-through Locations



Map Author: Kristen Kapelanski
 Date: 04/03/12
 Project: Drive-through Rest. in TC-1
 Version #: 1.0

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Map Legend

- | | |
|--|--|
|  Potential Fast Food Restaurant Locations selection |  Minor Arterial |
|  TC: Town Center District |  Non-Residential Collector |
|  TC-1: Town Center-1 District |  Residential Collector |
| Thoroughfare Classification |  Local Street |
| THOROUGHFA |  Proposed Residential Collector |
|  Freeway |  Proposed Collector |
|  Major Arterial |  Proposed Local Street |
|  Arterial |  Scenic Drive Road |



City of Novi

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1 inch = 553 feet