



## KROGER SEASONAL OUTDOOR SALES ZCM 12-12

### KROGER SEASONAL OUTDOOR SALES, ZCM 12-12

Public Hearing for the request of The Kroger Company of Michigan for Special Land Use Permit and Preliminary Site Plan approval. The subject property is located at 47650 Grand River Avenue, in Section 17 at the northwest corner of Grand River Avenue and Beck Road, in the B-2, Community Business District. The applicant is proposing to occupy a space along the front of the existing Kroger grocery store in the West Market Square shopping center for outdoor sales of plant materials and produce.

### Required Action

Approve or Deny Special Land Use Permit and Preliminary Site Plan

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval Recommended	05/21/12	<ul style="list-style-type: none"> <li>• Dimensions of one outdoor sales display area must be adjusted to provide six feet of level pedestrian clearance;</li> <li>• Minor revisions to be included on final Stamping Set</li> </ul>
Fire	Approval Recommended	05/14/12	<ul style="list-style-type: none"> <li>• No hazardous stock or storage, limited combustible materials</li> </ul>

### **Approval – Special Land Use Permit**

In the matter of the request of The Kroger Company of Michigan for Seasonal Outdoor Sales ZCM 12-12, motion to **approve** the Special Land Use permit, subject to the following:

- a. Planning Commission finding under Section 2516.2.c for the Special Land Use permit :  
Whether, relative to other feasible uses of the site,
  - The proposed use will not cause any detrimental impact on existing thoroughfares *(due to the relatively minor expansion of an existing business to allow for outside sales or plants and produce, much of which is already available for sale at the Kroger grocery store).*
  - The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood *(due to the location of the outdoor sales which are proposed to be on the existing sidewalk directly adjacent to the retail store).*
  - The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
  - The proposed use will promote the use of land in a socially and economically desirable manner *(as it is an enhancement to an existing business).*
  - The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located *(as noted in the staff and consultant's review letters);*
- b. Combustible materials shall not be stored under the canopy;
- c. Compliance with all conditions and requirements listed in the staff and consultant review letters;
- d. *(Insert specific considerations here)*

For the following reasons... *(because it is otherwise in compliance with Article 14, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.)*

**Denial – Special Land Use Permit**

In the matter of the request of The Kroger Company of Michigan for Seasonal Outdoor Sales ZCM 12-12, motion to **deny** the Special Land Use permit, for the following reasons...*(because it does not meet the following standards of the ordinance for approval of a Special Land Use permit...)*

**Approval – Preliminary Site Plan**

In the matter of The Kroger Company of Michigan for Seasonal Outdoor Sales, ZCM 12-12, motion to **approve** the Preliminary Site Plan, subject to the following:

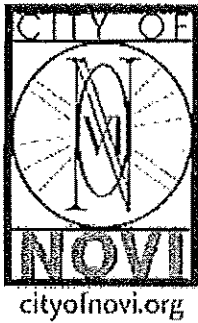
- a. Applicant should maintain a minimum level pathway width of 6 feet along the sidewalk;
- b. Applicant should limit outdoor sales to produce and plant material only;
- c. Determination by the Building Official and the Fire Marshal of the types and quantities of seasonal plant materials to be permitted under the existing building canopy;
- d. The conditions and items listed in the staff and consultant review letters being addressed on the Stamping Set; and
- e. *(additional conditions here, if any)...*

for the following reasons... *(because it is otherwise in compliance with Article 14, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.)*

**Denial - Preliminary Site Plan**

In the matter of The Kroger Company of Michigan for Seasonal Outdoor Sales, ZCM 12-12, motion to **deny** the Preliminary Site Plan, for the following reasons... *(because it is not in compliance with the following sections of the Zoning Ordinance...)*

## PLANNING REVIEW



## PLAN REVIEW CENTER REPORT

May 21, 2012

### Planning Review

Kroger Seasonal Outdoor Sales

ZCM #12-12

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#### Petitioner

The Kroger Company of Michigan

#### Review Type

Special Land Use Request and Preliminary/Final Site Plan Review

#### Property Characteristics

- Site Location: 47650 Grand River Ave., West Market Square shopping center
- Site School District: Novi Community School District
- Site Zoning: B-2, Community Business District
- Adjoining Zoning: B-2 in all directions
- Site Use(s): Existing Kroger store within West Market Square shopping center
- Adjoining Uses: West Market Square shopping center; North: I-96; South (across Grand River): Providence Hospital campus; East (across Beck): USA2Go/Tim Horton's and Chase Bank; West: Office
- Site Size: Kroger footprint is 1.3 acres; West Market Square is approx. 53 acres
- Size of Outdoor Sales Space: Approx. 1,600 square feet in seven designated sales areas
- Plan Date: 4/27/2012 (Jeffery A. Scott Architects, P.C.)

#### Project Summary

The applicant is proposing to utilize portions of the space in front of the existing Kroger grocery store in the West Market Square shopping center with outdoor sales displays. The Zoning Ordinance was amended in 2009 to make outdoor sales of produce and seasonal plant materials a special land use in the B-2, Community Business District. The applicant is proposing to occupy approximately 1,600 square feet of outdoor space divided between seven areas along the front of the store. The applicant is not proposing any additional exterior changes to the site or building. Kroger has had outside sales in the past under temporary land use permits. The temporary permits limit the number of days outdoor sales can be conducted and require annual renewal, and Kroger would now like to make seasonal outdoor sales a permanent component of the store with Special Land Use approval from the Planning Commission.

#### Recommendation

Approval of the Special Land Use Permit and site plan is recommended subject to the applicant making necessary revisions on the Final Stamping Set. In its consideration of approval of the Special Land Use the Planning Commission will need to consider the standards of Sections 1402.2 and 2516.2.c.

### Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 14 (B-2, Community Business District), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance.

Section 1402.2 lists specific requirements that seasonal outdoor sales areas of produce and plants in the B-2 District must meet. Kroger stores in other communities often display items such as patio furniture, grills, lawn accessories, propane tank exchange, windshield washer fluid, water softener salt, ice melter, etc. in their seasonal outdoor display areas. **Section 1402.2 only allows sale of produce and seasonal plant materials. Other items are not permitted in outdoor sales areas.**

The specific requirements of Section 1402.2 are as follows:

1. Outdoor sales areas shall comply with all applicable building and fire codes and shall be reviewed and approved by the Building Division. *The City's Building Official has reviewed this letter and concurs with its findings. Please see the fire review letter recommending approval of the project (attached).* **Combustible materials - Including Christmas trees - shall be not stored under the canopy.**
2. Outdoor sales areas shall be located in a manner to maintain a minimum pathway width of six feet along the sidewalk so as not to interfere with pedestrian traffic. *The applicant has maintained a minimum clearance of six feet along the sidewalk. In the area between the two main store entrances where a 7'X20' outdoor display area is proposed, the six feet of clearance extends to the face of the existing curb with no separation or "shy area" between the walkway and the main vehicular driveway. The approximately two feet of sidewalk closest to the driveway is sloped toward the vehicular driveway. This sloped area should not be considered usable sidewalk and should not be considered part of the six feet of required clearance. The width of the proposed 7'X20' display area should be reduced by the width of this sloped area (approx. 2 feet) to allow for six feet of level clearance along the adjacent sidewalk.*
3. The hours of operation of the outdoor sales area shall be consistent with the hours of operation of the principal use. *The hours of operation have not been noted on the plan. Stamping set shall include a note stating the hours of operation of the outdoor sales area, and/or a note stating that the hours of the outdoor sales will be the same as the store hours. Staff assumes the outdoor sales area will maintain the same hours as the store.*
4. Outdoor sales areas shall not occupy required parking spaces or drive aisles and/or required landscaping areas and shall be located on a paved surface. *The proposed sales area is located adjacent to the building on an existing sidewalk.*

### Special Land Use Considerations

In the B-2 District, seasonal outdoor sales falls under the Special Land Use requirements (Section 1402.2). Section 2516.2.c of the Zoning Ordinance outlines specific factors the Planning Commission shall consider in the review of the Special Land Use Permit request:

- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress

and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.

- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
- Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
- Whether, relative to other feasible uses of the site, 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.

**Response Letter**

A letter from either the applicant or the applicant's representative addressing comments in this and other review letters is requested prior to the matter being reviewed by the Planning Commission.

**Stamping Set Approval**

Stamping sets are still required for this project. After having received Special Land Use approval from the Planning Commission, the applicant should make the necessary revisions and submit four size 24" x 36" copies with original signature and original seals to the Community Development Department for final Stamping Set approval.

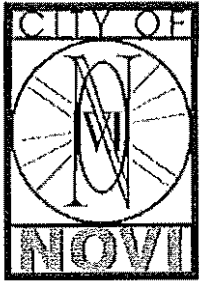
If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0484 or [dcampbell@cityofnovi.org](mailto:dcampbell@cityofnovi.org).



David Campbell, AICP, Planner



# FIRE REVIEW



May 14, 2012

TO: Barbara McBeth, Deputy Director of Community Development

RE: Kroger – Proposed Outdoor Sales

SP#: ZCM12-0012

**CITY COUNCIL**

Mayor  
Bob Gatt

Mayor Pro Tem  
Dave Staudt

Terry K. Margolls

Andrew Mulch

Justin Fischer

Wayna Wrobel

Laura Marie Casay

City Manager  
Clay J. Pearson

Director of Public Safety  
Chief of Police  
David E. Molloy

Director of EMS/Fire Operations  
Jeffery R. Johnson

Deputy Chief of Police  
Thomas C. Lindberg

Assistant Chief of Police  
Victor C.M. Lauria

**Project Description:**

Proposed Outdoor sales area at front of store, under canopy.

**Comments:**

Items to be sold are to be limited combustible products, no Hazardous Materials stock or storage. All sales tables or stock cannot block or impede store emergency Egress or Exiting.

**Recommendation:**

The above plan has been reviewed and is recommended for **APPROVAL.**

Sincerely,

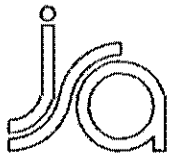
Andrew Copeland – Inspector/CFPE  
City of Novi – Fire Dept.

cc: file

Novi Public Safety Administration  
45125 W. Ten Mile Road  
Novi, Michigan 48375  
248.348.7100  
248.347.0500 fax

cityofnovi.org

**APPLICANT RESPONSE LETTER**



**jeffery a.  
scott  
architects p.c.**

**MEMORANDUM**

**architects • engineers**

**TO:** David Campbell, AICP, Planner  
City of Novi  
45175 West 10 Mile Road  
Novi, MI 48375

**FROM:** Jeffery A. Scott AIA  
Jeffery A. Scott Architects P.C.

**DATE:** Wednesday, May 23, 2012

**RE:** Special Land Use Planning Review Response Memorandum  
Kroger Store No. D-632  
47650 Grand River Ave.  
Novi, MI

**JSA job #** 1220

**CC:** Kroger, File

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**Special Land Use Planning Review Response Memorandum - Permanent Outdoor Sales**

Listed below are our responses to the City of Novi's review memorandum dated May 21, 2012.

1. Outdoor sales areas shall comply with all applicable building and fire codes and shall be reviewed and approved by the Building Division. *The City's Building Official has reviewed this letter and concurs with its findings. Please see the fire review letter recommending approval of the project (attached).* **Combustible materials - Including Christmas trees - shall be not stored under the canopy.**

**Response:** Though not required by the building code, the underside of the exterior canopy is protected by an automatic fire protection system. This system has been installed in anticipation of the potential to display combustible materials underneath the canopy. We request no special limitations be places on the types of products allowed to be displayed underneath the canopy provided the materials meet the City of Novi requirements for outdoor sales.

2. Outdoor sales areas shall be located in a manner to maintain a minimum pathway width of six feet along the sidewalk so as not to interfere with pedestrian traffic. *The applicant has maintained a minimum clearance of six feet along the sidewalk. In the area between the two main store entrances where a 7'X20' outdoor display area is proposed, the six feet of clearance extends to the face of the existing curb with no separation or "shy area" between the walkway and the*

Special Land Use Planning Review Response Memorandum

Kroger Store No. D-632

47650 Grand River Ave.

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*main vehicular driveway. The approximately two feet of sidewalk closest to the driveway is sloped toward the vehicular driveway. This sloped area should not be considered usable sidewalk and should not be considered part of the six feet of required clearance. **The width of the proposed 7'X20' display area should be reduced by the width of this sloped area (approx. 2 feet) to allow for six feet of level clearance along the adjacent sidewalk.***

**Response:** The drawing has been revised to indicate the display area to be 5'x20'.

3. The hours of operation of the outdoor sales area shall be consistent with the hours of operation of the principal use. *The hours of operation have not been noted on the plan. **Stamping set shall include a note stating the hours of operation of the outdoor sales area, and/or a note stating that the hours of the outdoor sales will be the same as the store hours. Staff assumes the outdoor sales area will maintain the same hours as the store.***

**Response:** The drawings have been revised to indicate the "Outdoor sales hours will coincide with the store hours."

4. Outdoor sales areas shall not occupy required parking spaces or drive aisles and/or required landscaping areas and shall be located on a paved surface. *The proposed sales area is located adjacent to the building on an existing sidewalk.*

**Response:** None

In the B-2 District, seasonal outdoor sales falls under the Special Land Use requirements

(Section 1402.2). Section 2516.2.c of the Zoning Ordinance outlines specific factors the Planning Commission shall consider in the review of the Special Land Use Permit request:

- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service..

**Response:** The proposed outdoor sales area occurs on the existing sidewalk and does not impact vehicle circulation.

- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water

**Special Land Use Planning Review Response Memorandum**

Kroger Store No. D-632

47650 Grand River Ave.

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service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area..

**Response:** The proposed use has no detrimental impact on public services.

• Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats..

**Response:** The proposed use has no impact on the surrounding natural features.

• Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood. .

**Response:** The proposed use is compatible with the existing Kroger Grocery Store as well as the adjacent uses.

• Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use..

**Response:** The proposed use is compatible with the retail uses proposed by the Master Plan.

• Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner..

**Response:** The proposed use is complimentary to the existing uses on the site. The proposed use will enhance the visual aesthetic and pedestrian experience on the site.

• Whether, relative to other feasible uses of the site, 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.

**Response:** The proposed use; seasonal outdoor sales requires special land use. The proposed use maintains the required pedestrian circulation area as required by the City of Novi without impacting vehicular circulation as required by the site design regulations.

**END OF MEMORANDUM**

**jeffery a. scott architects • engineers**

**MAPS**

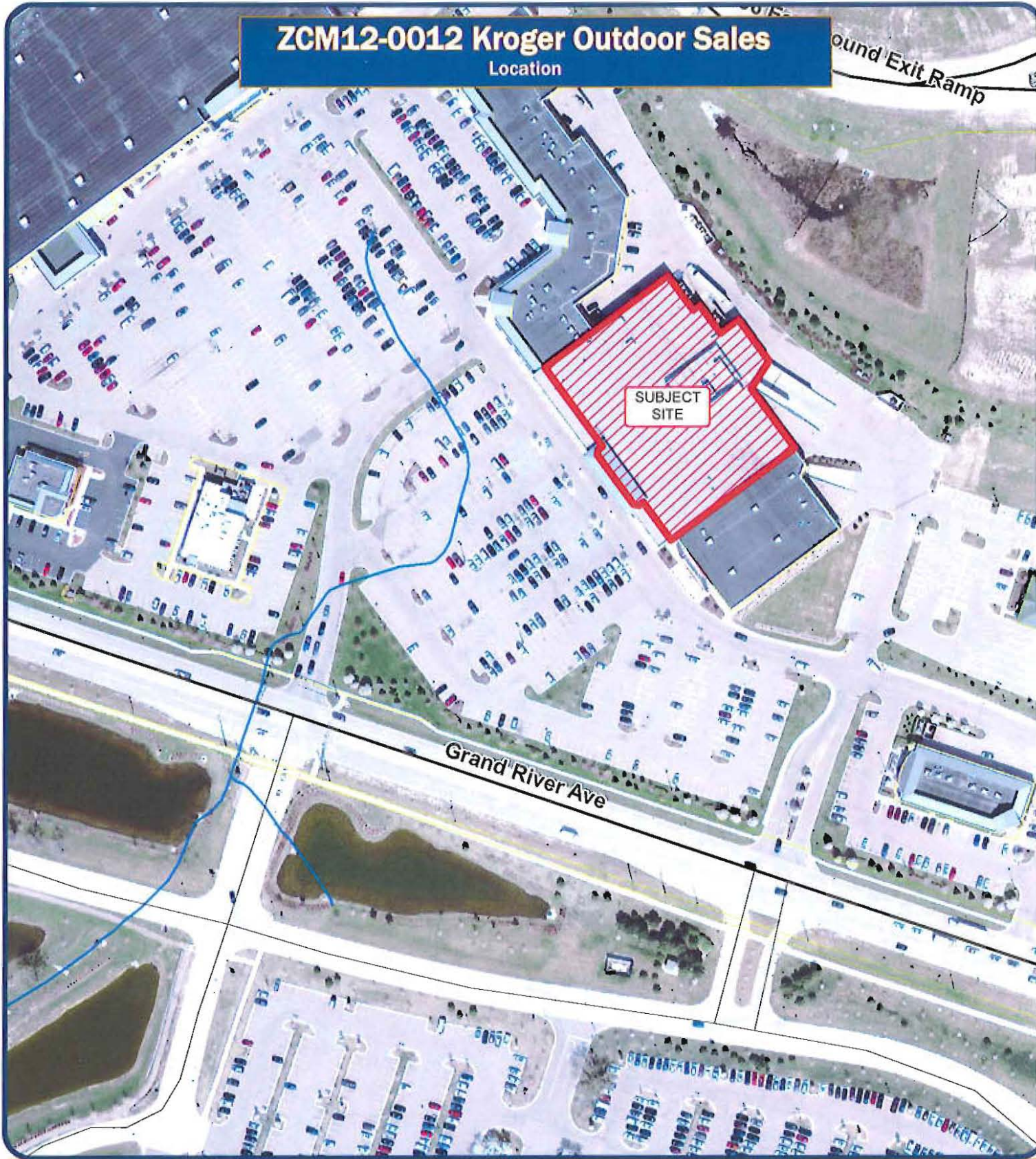
**Location/Air Photo  
Zoning**



# ZCM12-0012 Kroger Outdoor Sales

Location

Round Exit Ramp



SUBJECT SITE

Grand River Ave

Map Author:  
Date:  
Project:  
Version #

Amended By:  
Date:  
Department:

#### MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was prepared in strict accordance with the National Map Accuracy Standards and uses the most accurate, current sources available to the people of the City of Novi. Boundary measurements and area calculations are approximations and should not be construed as a warranty, representation or performance of any kind. This map was prepared in accordance with the provisions of the Michigan Surveying Act of 1970 as amended. Please contact the City GIS Manager to request source and accuracy information related to this map.



## City of Novi

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



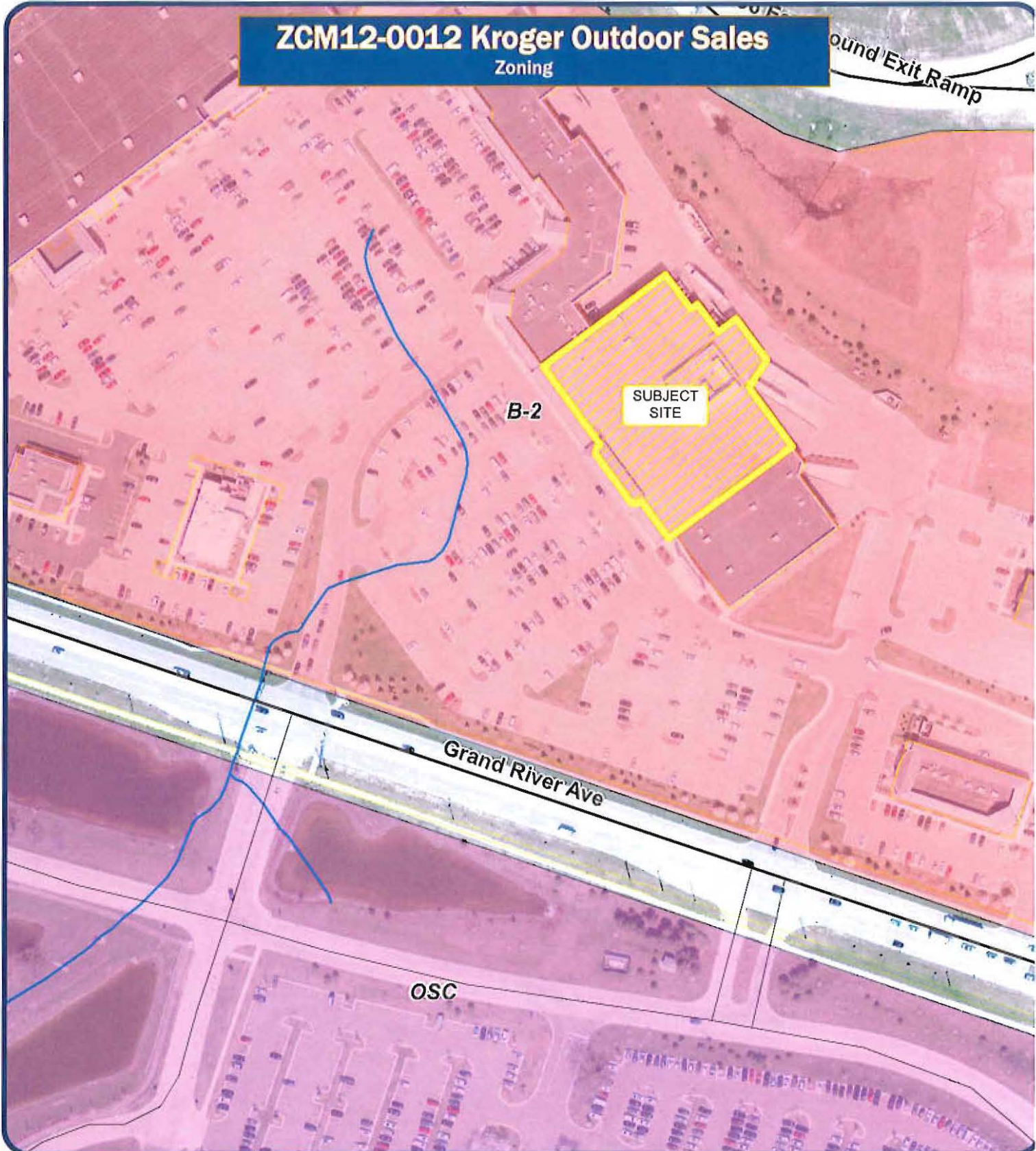
1 inch = 167 feet



# ZCM12-0012 Kroger Outdoor Sales

## Zoning

ound Exit Ramp



Map Author:  
 Date:  
 Project:  
 Version #:  
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 Department:

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**Map Legend**

**Zoning**  
**Zoning Code**

	B-2: Community Business District
	OSC: Office Service Commercial



**City of Novi**  
 Dept. of Community Development  
 City Hall / Civic Center  
 45175 W Ten Mile Rd  
 Novi, MI 48375  
[cityofnovi.org](http://cityofnovi.org)

