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

**Case No. PZ13-0038 27855 Cabot Drive (Starbucks)**

**Location: 27855 Cabot Drive**

**Zoning District: OST, Planned Office Service Technology**

The applicant is requesting variances from the CITY OF NOVI, CODE OF ORDINANCES, Section 2400 to allow a 5 foot reduction in the required 50 foot building setback, to allow a 10 foot reduction in the northern yard of the required 20 foot parking setback, Section 2506.12.d to allow a drive-through lane without the required 18 foot bypass lane and Section 2503.2.F.4 to allow a 5 foot reduction in the required 20 foot accessory structure setback. The property is located at the northwest corner of Cabot Drive and Twelve Mile Road.

**Ordinance Sections:**

CITY OF NOVI, CODE OF ORDINANCES, Section 2400 requires buildings be setback 50 feet from all property lines and parking be setback 20 feet from all property lines. Section 2506.12.d requires an 18 foot bypass lane be provided adjacent to all proposed drive-through lanes. Section 2503.2.F.4 requires all accessory structures be setback the same as parking (20 feet in this case) from all property lines.

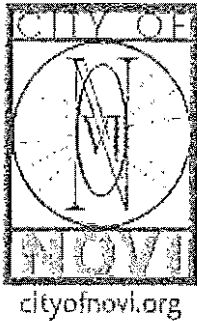
**City of Novi Staff Comments:**

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

**Standards for Granting Dimensional Variances:**

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

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



## PLAN REVIEW CENTER REPORT

June 14, 2013

### Planning Review

Starbucks

JSP13-38

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#### Petitioner

Northern Equities Group

#### Review Type

Preliminary Site Plan with Retail Service Overlay

#### Property Characteristics

- Site Location: Northwest corner of Cabot Drive and Twelve Mile Road (Section 12)
- Site Zoning: OST, Planned Office Service Technology
- Adjoining Zoning: North, South, East and West: OST
- Current Site Use: Vacant
- Adjoining Uses: North and East (across Cabot Drive): Professional offices; West: ITC utility corridor; South (across Twelve Mile Road): vacant, ITC Headquarters, Holiday Inn Express.
- School District: Novi Community School District
- Site Size: 0.74 acres
- Plan Date: 06-03-13

#### Project Summary

The parcel in question is located at the northwest corner of Cabot Drive and Twelve Mile Road in Section 12 of the City of Novi. The property totals 0.74 acres. The current zoning of the property is OST, Planned Office Service Technology. The applicant has proposed a 2,032 sq. ft. Starbucks restaurant with an accessory drive-through (with associated parking, landscaping and stormwater facilities) utilizing the Retail Service Overlay Option.

The Retail Service Overlay Option is intended "...to provide a limited amount of retail and personal service establishments to serve the employees of and visitors to the nearby office use areas." The option allows additional uses not typically permitted in the OST District provided certain conditions are met and subject to the Special Land Use requirements outlined in Section 2516.2(c). A drive-through restaurant is a use permitted under this option.

#### Recommendation

Provided the noted variances and waivers are granted, approval of the *Preliminary Site Plan is recommended*. The applicant will be seeking several variances and waivers from the Zoning Board or Appeals and Planning Commission as detailed in this and in the accompanying staff and consultant review letters. The applicant has met the standards of the Retail Service Overlay Option and there are only minor planning related items to be addressed on the Final Site Plan submittal.

#### Special Land Use Considerations

This is the only fast food drive-through restaurant proposed at the intersection of a non-residential collector and major arterial road. The hours of operation of the use must be limited to 6AM to 10PM. **The applicant should include a note on the plans limiting the hours of operation.** A total of 15% of the site must be maintained as open space. Although it appears the site will meet this requirement, the applicant has not clearly provided the open space calculations. **A sheet titled 'Open Space Plan' shall be included in the plan set providing area calculations for open space and identifying those areas which count towards open space.** The proposed building is approximately 2,032 square feet, consistent with ordinance requirements for fast food restaurants. An access point has been provided to the adjacent non-residential street, Cabot Drive. An indoor and outdoor dining area has been provided. The proposed façade has met the standards of the façade ordinance and will be complementary to the design of other buildings in the area. The drive-through lane has been screened with landscaping. Traffic Impact information (see note later in this letter) and Noise Impact Statement have been provided. **A public hearing to be held by the Planning Commission is required.**

2. **Building Setbacks:** Buildings in the OST District must be setback 50 feet from all property lines. The plan indicates a 45 foot building setback in the northern yard. **The applicant has indicated they will seek a variance from the Zoning Board of Appeals for this deficiency.**
3. **Parking Setbacks:** Parking areas in the OST District must be setback 20 feet from all property lines. The plan indicates a 15 foot parking setback in the western yard and a 10 foot setback in the northern yard. **The applicant has indicated they will seek a variance from the Zoning Board of Appeals for these deficiencies.**
4. **Drive-through Bypass Lane:** The Zoning Ordinance requires an 18 foot bypass lane to be provided adjacent to all drive-through lanes. **No bypass lane has been provided and the applicant has indicated they will seek a variance from the Zoning Board of Appeals for this deficiency.**
5. **Accessory Structure Setback:** Accessory structures must be setback the same as parking from all property lines, in this case, 20 feet. The proposed dumpster is 15 feet from the adjacent property line. **The applicant has indicated they will seek a variance from the Zoning Board of Appeals for this deficiency.**
6. **Traffic Study:** The applicant has submitted a Traffic Impact Study as required by the Zoning Ordinance. **However, the study submitted does not evaluate all potential impacts of the proposed development and the Planning Commission must determine whether they wish to waive the need for a full Traffic Study.** See the traffic review letter for additional information.
7. **Use of the ITC Utility Corridor:** The applicant has proposed an access drive through the adjacent ITC Corridor. **A copy of the executed license agreement permitting this access drive must be provided to the City.** See the engineering review letter for additional information.
8. **Signage:** Exterior Signage is not regulated by the Planning Division or Planning Commission. Please contact Jeannie Niland (248.347.0438) for information regarding sign permits.

#### **Response Letter**

A letter from either the applicant or the applicant's representative addressing comments in this, and in the other review letters, is requested to be submitted prior to the Planning Commission meeting and with the next set of plans addressing each of the comments listed above and in other review letters.

#### **Chapter 26.5**

Chapter 26.5 of the City of Novi Code of Ordinances generally requires all projects be completed within two years of the issuance of any starting permit. Please contact Sarah

Planning Review Summary Chart  
 Starbucks JSP13-38  
 Preliminary Site Plan Review  
 Plan Dated: 06-03-13

Item	Required	Proposed	Meets Requirements?	Comments
Master Plan	Office RD Tech	Office RD Tech	Yes	
Zoning	OST	OST	Yes	
Use (Sec. 2301A and 2302A)	Office and Retail Service Overlay uses	Starbucks restaurant	Yes	Public Hearing required.  Planning Commission finding of factors listed in Section 2302A.2.b required.
Building Height (Sec. 2400)	Maximum 46 feet	Approximately 20 feet	Yes	
<b>Retail Service Overlay Provisions (Sec. 2302A)</b>				
Number of fast food restaurants	Only one fast food restaurant is permitted at the intersection of a minor arterial road and arterial road or at the intersection of an arterial or major arterial and non-residential collector	One fast food restaurant at the intersection of a non-residential collector and a major arterial road	Yes	
Hours of operation	Limited to 6AM to 10PM	Hours of operation not indicated	Yes?	Applicant should include a note on the plans indicating the hours of operation
Open Space	A minimum of 15% must be landscaped open space	Open space calculations not provided	Yes?	Applicant should provide the required open space calculations
Building Size	Freestanding fast food restaurants must be between 1,800 sq. ft. and 10,000 sq. ft.	2 032 sq. ft.	Yes	
Vehicular and pedestrian connections	Sites must be connected to non-residential streets and neighboring properties	Access drive onto Cabot Drive provided, connection to Cabot Drive sidewalk provided	Yes	
façade	Architectural design and			See façade review comments for

Item	Required	Proposed	Meets Requirements?	Comments
Front (south)	50 feet	69 feet	Yes	
Exterior Side (east)	50 feet	82 feet	Yes	
Interior Side (west)	50 feet	50 feet	Yes	
Rear (north)	50 feet	45 feet	No	Applicant had indicated they will seek a variance from the Zoning Board of Appeals.
<b>Parking Setbacks (Sec. 2400)</b>				
Front (south)	20 feet	22 feet	Yes	
Exterior Side (east)	20 feet	22 feet	Yes	
Interior Side (west)	20 feet	15 feet	No	Applicant has indicated they will seek a variance from the Zoning Board of Appeals.
Rear (north)	20 feet	10 feet	No	Applicant has indicated they will seek a variance from the Zoning Board of Appeals.
Number of Parking Spaces (Sec. 2505)	One for each employee plus one for each two persons allowed in the seating and waiting area  41 people/2 = 22 spaces  4 employees = 2 spaces  24 spaces required	29 spaces	Yes	
Parking Space Dimensions (Sec. 2506)	9' x 19' parking space dimensions (9' x 17' if overhang on 7' wide interior sidewalk or landscaped area as long as detail indicates 4" curb) and 24' wide drives.	9' x 17' parking space dimensions with 24' wide drive for 90° parking layout.	Yes	A 4" curb should be indicated wherever 17' parking spaces are proposed.

Item	Required	Proposed	Meets Requirements?	Comments
Bypass Lane for Drive-through (Sec. 2506)	Drive-through facilities shall provide 1 bypass lane. Such bypass lane shall be a minimum of 18' in width, unless otherwise determined by the Fire Marshal.	No bypass lane provided	No	Applicant has indicated they will seek a variance from the Zoning Board of Appeals.
Width and Centerline Radius of Drive-through Lanes (Sec. 2506)	Drive-through lanes shall have a minimum 9' width and centerline radius of 25'.	12' width. Centerline radius not clearly indicated	Yes?	Applicant should indicate the centerline radius.
Drive-through Lanes Separation (Sec. 2506)	Drive-through lanes shall be separate from the circulation routes and lanes necessary for ingress to, and egress from, the property.	Drive-through lanes are situated on the north side of the proposed structure wrapping around to the west side of the building	Yes	
Accessory Structure Setback-Dumpster (Sec. 2503)	Accessory structures should be in the rear yard and setback a minimum of 10' from any building unless structurally attached to the building and setback the same as parking from all property lines.	Dumpster enclosure setback 17 feet from the proposed building and setback 15 feet from adjacent property line in the side yard.	No	Applicant has indicated they seek a variance from the Zoning Board of Appeals for the deficient dumpster setback.
Dumpster (Chap. 21, Sec. 21-145)	Screening of not less than 5 feet on 3 sides of dumpster required, interior bumpers or posts must also be shown. Enclosure to match building materials and be at least one foot taller than height of refuse bin.	Screening details meeting ordinance requirements provided	Yes	



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

RECEIVED  
JUL 2013  
CITY OF NOVI  
COMMUNITY DEVELOPMENT

For Official Use Only

ZBA Case No: P2130038 ZBA Date: 8/13/13 Payment Received: \$ 300

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

RECEIVED  
JUL 1 2013  
CITY OF NOVI  
COMMUNITY DEVELOPMENT

TO BE COMPLETED BY APPLICANT - PLEASE PRINT  
Please submit one original signed application and 13 copies of all supporting documentation relevant to the appeal.

Applicant's Name Joseph Drolshagen Date 7/1/2013

Company (if applicable) Northern Equilles Group

Address\* 39000 Country Club Drive City Farmington Hills ST MI ZIP 40331

\*Where all case correspondence is to be mailed.

Applicant's E-mail Address: jndrolshagen@noreq.com

Phone Number (248 ) 848-6400 FAX Number (248 ) 848-6700

Request is for:

Residential Construction (New/ Existing)  Vacant Property  Commercial  Signage

1. Address of subject ZBA case: Cabot Drive 27855 Cabot ZIP 40377

2. Sidwell Number: 5022 - 12-400-039 may be obtained from Assessing Department (248) 347-0485

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

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

5. Property Owner Name (if other than applicant) Haggerty Corridor Partners

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

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

- 1. Section \_\_\_\_\_ Variance requested Please See Attached Sheet - Item 7
- 2. Section \_\_\_\_\_ Variance requested \_\_\_\_\_
- 3. Section \_\_\_\_\_ Variance requested \_\_\_\_\_
- 4. Section \_\_\_\_\_ Variance requested \_\_\_\_\_

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

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

9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements (attach separate sheet if necessary):

Please See Attached Sheet - Item 9

10. Describe any unique circumstances regarding the property (i.e., shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:

Please See Attached Sheet - Item 10

**SIGN CASES ONLY:**

Your signature on this application indicates that you agree to install a Mock-Up Sign ten (10) days before the scheduled ZBA meeting. Failure to install a mock-up sign may result in your case not being heard by the Board, postponed to the next scheduled ZBA meeting, or cancelled. A mock-up sign is **NOT** to be the actual sign. Upon approval, the mock-up sign must be removed within five (5) days of the meeting. If the case is denied, the applicant is responsible for all costs involved in the removal of the mock-up or actual sign (if erected under violation) within five (5) days of the meeting.

Variance approval is void if permit not obtained within one hundred eighty (180) days of date of decision. There is a five (5) day hold period before work/action can be taken on variance approvals. All property owners' within 300 feet of ZBA property address will be notified of the ZBA case and variance requests.

**PLEASE TAKE NOTICE:**

The undersigned hereby appeals the determination of the Building Official/ Inspector or Ordinance Officer made

- Construct New Home/Building
- Addition to Existing Home/Building
- Accessory Building
- Use
- Signage
- Other

[Signature]  
Applicants Signature

7/1/2013  
Date

[Signature]  
Property Owners Signature

7/1/2013  
Date

**DECISION ON APPEAL**

\_\_\_\_\_ Granted \_\_\_\_\_ Denied \_\_\_\_\_ Postponed by Request of Applicant \_\_\_\_\_ Board \_\_\_\_\_

The Building Inspector is hereby directed to issue a permit to the Applicant upon the following items and conditions:

\_\_\_\_\_  
Chairperson, Zoning Board of Appeals

\_\_\_\_\_  
Date



Starbucks ZBA Application

Item 7: Variances being requested:

1. Section 2400 Building Setback: (North) Required 50 feet; Proposed 45 feet.
2. Section 2400 Parking Setbacks: Interior Side (west) Required 20 feet; Proposed 15 feet.  
**Due to changes in the final plan this variance will no longer be required.**
3. Section 2400 Parking Setbacks: Rear (north) Required 20 feet; Proposed 10 feet.
4. Section 2506 Bypass Lane for Drive through: A drive through bypass lane has not been provided; instead applicant is proposing a bailout lane substitute. A bypass lane could be provided but if provided it would create additional variances.
5. Section 2503 Accessory Structure Setback-Dumpster: Required: Accessory Structures should be setback the same as parking from all property lines. 20' required, Proposed: 15' feet from adjacent property line in side yard. This side yard is adjacent to the 90 foot wide ITC property, there are no buildings on that property only electrical transmission towers.

ZBA Application  
Starbucks, Novi, Michigan

**Item 9. State the practical difficulties which prevent conformance with the Zoning Ordinance requirements.**

The .74 acre parcel which is located in an area designated for the Retail Service Overlay has practical difficulties associated with its size, and it being on a corner lot. A brief history of this parcel will help to understand the circumstances of our difficulty in meeting the Zoning Ordinance. In 2000, this parcel was under a sale contract to the former Michigan National Bank. A +/-2,500 s.f. branch with drive through was planned by Michigan National. During the bank's due diligence period, Haggerty Corridor was being designed, and the Haggerty Corridor Office Centre II building was planned adjacent to the parcel to the north.

This parcel was created to accommodate the bank branch and the HCOC II building. As fate would have it, Michigan National Bank backed out of the contract (they were then acquired by Standard Federal Bank who had a branch one mile east on 12 Mile Road in Farmington Hills.) Haggerty Corridor Partners was left with a .74 acre site and no user.

As you know, we have worked diligently over the last few weeks to modify the Starbucks site plan and building interior to attempt to minimize the variances that were identified in the pre-application meeting. As part of this effort, we re-engineered the site to include underground detention, instead of detaining under the ITC Towers. This entailed a substantial cost, but helped make the site more workable per the ordinance. We are still going in for variances on the plan as identified but have kept them to a minimum given the size of the site. In the final site plan, we will eliminate the parking variance on the west side of the site which, along with the ITC transmission wires, are the two most significant practical difficulties. In 10 years, other than minor sign variances, we have met the OST ordinance in all aspects for the development of every one of the 23 buildings Northern Equities Group developed in the Park.

**Item 10: Describe any unique circumstances regarding the property (i.e. shape, topography, etc.) which are not common to other properties in the area and which prevent strict compliance with the Zoning Ordinance:**

The property is a .74 acre corner lot that is bordered to the north by an existing office building owned by the Applicant and the ITC Transmission line corridor to the west. It is on the northwest corner of Cabot Drive and 12 Mile Road. The topography to the north and northwest are significantly higher than the grade at the corner of Twelve Mile and Cabot Drive. While we are trying to save the existing landscaping along each of the right-of-ways, this creates difficulties in the design of the proposed site.