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CITY of NOVI CITY COUNCIL

Agenda Item 1
January 7, 2013

SUBJECT: Approval of the request of Panera Bread for Special Land Use Permit, Preliminary Site Plan and Stormwater Management Plan approval. Panera Bread is located in City Center Plaza at 25875 Novi Road, at the northwest corner of Novi Road and Flint Street in the TC-1, Town Center District. The subject property is approximately 5.3 acres. The applicant is proposing to construct a drive-through lane adjacent to the existing Panera Bread Restaurant along with a 468 square foot building addition.

SUBMITTING DEPARTMENT: Community Development Department - Planning ^{Baugh}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The applicant is proposing to demolish the existing parking area on the south end of City Center Plaza, adjacent to Flint Street in order to construct a drive-through lane adjacent to the existing Panera Bread restaurant. A building addition totaling 468 square feet would also be added to accommodate the drive-through facilities within the building and 26 parking spaces would be added back to the site. A layout plan is attached.

The Zoning Ordinance was recently amended to allow drive-through uses as a special land use in the TC-1 District provided certain conditions were met. Per the approved ordinance, fast food drive-through restaurants are only permitted on a parcel with frontage on both a non-residential collector and an arterial road. Additionally, Section 1602.4.g) states "No parcel with a drive-through restaurant shall be located closer than one-hundred fifty (150) feet from any other parcel with a drive-through restaurant." If the proposed fast food drive-through is constructed, additional fast food drive-through restaurants would be prohibited at the intersection of Flint Street and Novi Road and any fast food drive-through restaurants would be prohibited at the intersection of Main Street and Novi Road.

Per Section 1602.4.h, "In addition to the special land use requirements noted in Section 2516.2(c), the Planning Commission/City Council shall make a finding that the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings."

Staff and consultants have completed reviews of the preliminary site plan, special land use request and stormwater management plan review. A Traffic Impact Study and accompanying queuing analysis (for the drive-through lane) were submitted following an initial review, and were reviewed by planning and traffic engineering as a revised preliminary site plan submittal.

The planning review recommended approval of the preliminary site plan and special land use permit provided the applicant received variances from the Zoning Board of Appeals for:

- The deficient front yard parking setback (20 feet required, 10 feet provided) and
- The lack of a drive-through bypass lane.

Additionally, staff recommended the City Council grant:

- A modification of the southern exterior side yard setback from a maximum of 10 feet to 176 feet.

The façade review, engineering review and fire review all recommended approval of the preliminary site plan with minor items to be addressed on the final site plan submittal.

The traffic review recommended approval of the preliminary site plan noting minor items to be addressed on the final site plan submittal. The City Council is asked to consider granting:

- A waiver of the minimum same-side driveway spacing standard in order to allow the Flint Street access drive to be located within 82 feet of the Novi Road intersection. The required distance is 105 feet. This waiver is recommended.

The traffic study indicated the level of service impacts at primary access locations would be minimal. Additionally, the probability of the drive-through lane exceeding the available stacking space (for 10 cars) will remain very low (0.05%) in either peak hour.

The landscape review recommended approval of the preliminary site plan. The City Council is asked to consider granting:

- A waiver to allow the reduced greenbelt width along Novi Road (20 feet required, 10 feet provided). Staff supports this waiver request.

A public hearing was held for the drive-through use and a favorable recommendation regarding the overall site plan, special land use permit and stormwater management plan was made by the Planning Commission on December 12, 2012. Relevant meeting minutes are attached.

RECOMMENDED ACTION:

The following three-part motion is recommended:

Part 1:

Approval of the Special Land Use permit based on the following findings:

Relative to other feasible uses of the site:

- The proposed use will not cause any detrimental impact on existing thoroughfares *(as indicated by the submitted traffic study)*;
- The proposed use will not cause any detrimental impact on the capabilities of public services and facilities *(because the plan adequately addresses management of the increased stormwater volumes)*;
- The proposed use is compatible with the natural features and characteristics of the land *(because the plan does not impact any natural features)*;
- The proposed use is compatible with adjacent uses of land *(because the proposed use is accessory only to an existing retail use and larger retail center)*;
- 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;

- 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.

This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance subject to the Zoning Board of Appeals granting the required variances and City Council approval of the Preliminary Site Plan.

Part 2

Approval of the Preliminary Site Plan, subject to the following:

- City Council modification of the southern exterior side yard setback from a maximum of 10 feet to 176 feet because:
 - the modification will not impair the health, safety, or general welfare of the City as related to the use of the premises or adjacent premise;
 - the modification would result in a more desirable relationship between a proposed building and an existing building; and
 - the adherence to a minimum or maximum required setback would result in the establishment of nonusable land area that could create maintenance problems.
- Zoning Board of Appeals variance for the deficient front yard parking setback (20 feet required, 10 feet provided);
- Zoning Board of Appeals for the lack of a drive-through bypass lane;
- Same-side driveway spacing waiver (105 feet required, 82 feet provided);
- City Council waiver to allow a reduction in the required greenbelt width from 20 feet to 10 feet; and
- The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan submittal.

This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Part 3

Approval of the Stormwater Management Plan, subject to the conditions and items listed in the staff and consultant review letters being addressed on the next plan submittal and approval of the final site plan. *This motion is made because the plan is otherwise in compliance with Chapters 11 and 12 of the Code of Ordinances and all other applicable provisions of the Ordinance.*

	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				

MAPS
Location
Zoning
Future Land Use
Natural Features

JSP12-48 Panera Bread Drive-through

Location



Map Author: Kristen Kapelanski
 Date: 12-04-12
 Project: JSP12-48 Panera Bread Drive-through
 Version #: 1.0

Map Legend

Subject Property



City of Novi

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

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.

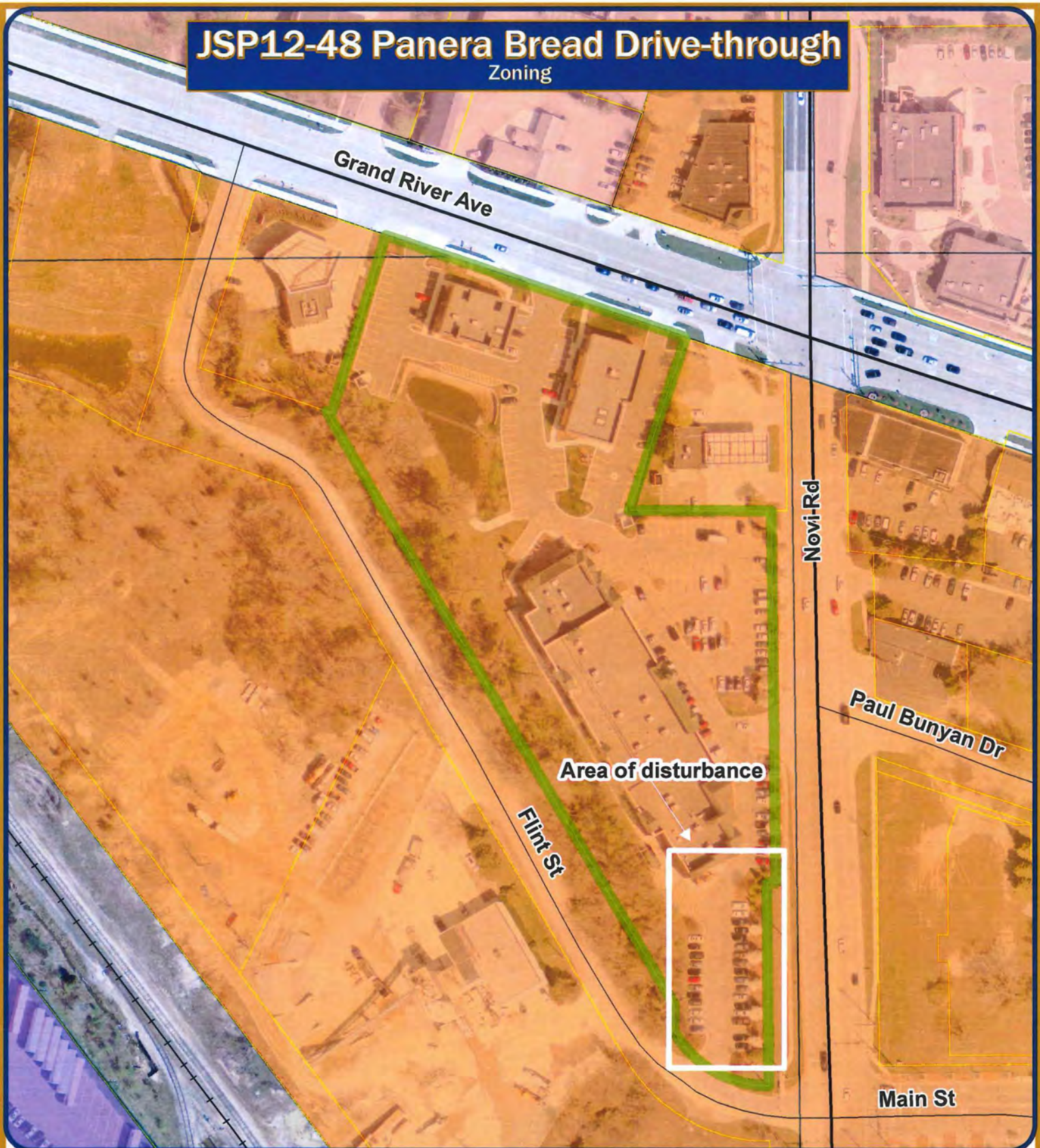
Feet

0 25 50 100 150 200

1 inch = 141 feet

JSP12-48 Panera Bread Drive-through

Zoning



Map Author: Kristen Kapelanski
 Date: 12-04-12
 Project: JSP12-48 Panera Bread Drive-through
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Map Legend

-  Subject Property
-  I-1: Light Industrial District
-  TC: Town Center District
-  TC-1: Town Center -1 District



City of Novi

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



1 inch = 141 feet

JSP12-48 Panera Bread Drive-through

Future Land Use



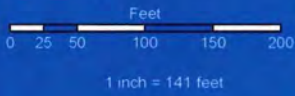
Map Author: Kristen Kapelanski
 Date: 12-04-12
 Project: JSP12-48 Panera Bread Drive-through
 Version #: 1.0

Map Legend	
	Subject Property
	Industrial RD Tech
	TC Commercial



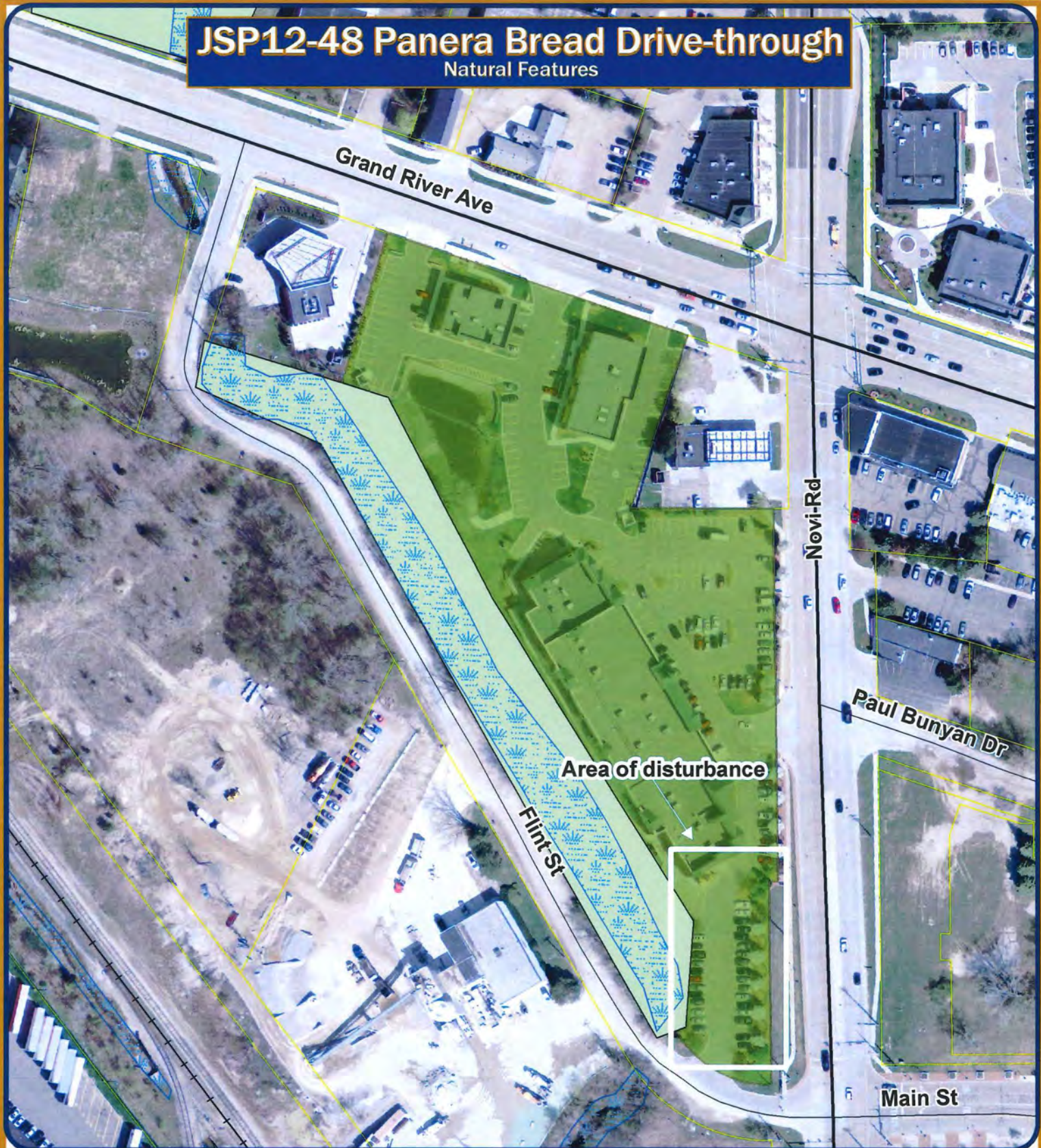
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JSP12-48 Panera Bread Drive-through

Natural Features



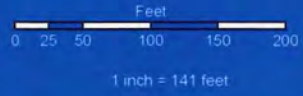
Map Author: Kristen Kapelanski
 Date: 12-04-12
 Project: JSP12-48 Panera Bread Drive-through
 Version #: 1.0

Map Legend	
	Subject Property
	Wetlands
	Woodlands

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Panera Bread - Proposed Drive-Thru and Building Addition

SITE PLAN

**PLANNING COMMISSION
MEETING MINUTES – EXCERPT
DECEMBER 12, 2012**



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

December 12, 2012 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 or about 7:00 PM.

ROLL CALL

Present: Member Anthony, Member Greco, Member Lynch, Chair Pehrson, Member Prince

Absent: Member Gutman, (excused), Member Zuchlewski (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Gary Dovre, City Attorney; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Adam Wayne, Engineer; Rod Arroyo, Traffic Consultant;

PLEDGE OF ALLEGIANCE

Member Anthony led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Lynch, seconded by Member Anthony:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER ANTHONY:

Motion to approve the December 12, 2012 Planning Commission Agenda. Motion carried 5-0.

PUBLIC HEARINGS

2. PANERA BREAD DRIVE-THROUGH JSP12-48

Public hearing at the request of Panera Bread for recommendation to the City Council for Preliminary Site Plan approval, Special Land Use permit approval and Stormwater Management Plan approval. Panera Bread is located in the existing City Center Plaza in Section 22, at 25875 Novi Road, on the northeast corner of Novi Road and Flint Street in the TC-1, Town Center District. The subject property is approximately 5.3 acres and the applicant is proposing to construct a drive-through lane adjacent to the existing Panera Bread along with a 468 square foot building addition.

Planner Kapelanski said the applicant is proposing to add a drive-through to the existing Panera Bread restaurant, located at City Center Plaza, near the intersection of Flint Street and Novi Road. The site is boarded by two road frontages and the remainder of the shopping plaza to the north. The subject property is zoned TC-1, Town Center and is surrounded by TC-1 zoning. The Future Land Use map indicates TC Commercial uses for the property and the surrounding properties. There are wetlands and woodlands on the property centered around the existing creek. The applicant does not propose any impacts to these regulated natural features.

The applicant is proposing to add a drive-through lane on the east side of the site along with a small addition to the existing restaurant space to accommodate the drive-through operations. The parking area bordered by Flint Street and Novi Road would be re-worked to include the proposed drive-through lane. The Planning Commission recommended and the City Council recently passed a text amendment permitting drive-through restaurants as a special land use in the TC-1 District provided certain conditions were met. The applicant has met those conditions. The amendment also required the Planning Commission and City Council to make a finding that "the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation and the compatibility of its physical design with respect to adjacent buildings." The Planning Commission should consider that provision along with the provisions

noted in Section 2516.2.c of the Zoning Ordinance.

Planner Kapelanski continued stating the planning review recommends approval noting a City Council setback modification is required for the southern side yard. Additionally, variances are required for the front yard parking setback and for the lack of a bypass lane along the proposed drive-through. The traffic review also recommends approval of the plan and had no significant concerns regarding the submitted traffic impact study. A same-side driveway spacing waiver would be required. The landscape review recommends approval and supports a waiver of the deficient greenbelt width. The engineering, façade and fire review all recommend approval. The entire City Center Plaza property is over 5 acres. Developments on properties over 5 acres in the TC-1 District require the approval of the City Council after a recommendation from the Planning Commission. The Planning Commission is asked to hold the public hearing and make a recommendation to the City Council on the Special Land Use permit, Preliminary Site Plan and Stormwater Management plan.

Mike Kalfayan, Panera Breads project manager, said Panera Bread is very excited about being in Novi and has an initiative corporate wide to add drive-through's and open new locations with drive-through's. It's well received by the customers and gives them another option.

Member Greco read off the correspondence.

Patricia Keros, on behalf of the owners of the City Center Plaza Limited Partnership, support this special land use request and will allow the long-term tenant, Panera Bread, to remain there.

Sam Liu said please put lights on the parking lots because cars may use this parking lot to cut through the traffic lights; also customers walking out of the parking lot cannot see their cars.

The other tenants of City Center Plaza all support the request for the Special Land Use and Site Plan Approval. This includes Tradewinds Spa, Rasa Yoga, Play it Again Sports, Novi Jewelers, Scottrade, and Novi Urgent Care.

There was no additional correspondence and no one from the audience wished to speak. Chair Pehrson closed the public hearing.

Member Lynch said it appears there are no traffic issues. The applicant submitted a Traffic Study and they're not going to have traffic issues. It looks like they're maintaining the storm water volumes. It doesn't impact any nature features and it's consistent with the retail use in the area. Member Lynch intends to support this project.

Moved by Member Anthony, seconded by Member Lynch:

ROLL CALL VOTE ON PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH:

In the matter of Panera Bread Drive-through, JSP12-48, motion to recommend approval of the Special Land Use permit based on the following findings:

Relative to other feasible uses of the site:

- **The proposed use will not cause any detrimental impact on existing thoroughfares as indicated by the submitted traffic study;**
- **The proposed use will not cause any detrimental impact on the capabilities of public services and facilities because the plan adequately addresses management of the increased stormwater volumes;**

- The proposed use is compatible with the natural features and characteristics of the land because the plan does not impact any natural features;
- The proposed use is compatible with adjacent uses of land because the proposed use is accessory only to an existing retail use and larger retail center;
- 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; and
- 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

because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

Chair Pehrson asked if Traffic Consultant Arroyo had any comments on the proposal.

Rod Arroyo of Birchler, Arroyo Associates, the traffic consultant for the City of Novi said the purpose of the traffic analysis that the applicant's consultant did was to look at what is the likelihood of a potential increase in traffic and of cars exceeding the stacking space provided in the drive-through lane. There's roughly a one to two and a half percent chance that the number of cars could exceed the provided stacking space during the peak times. There's certainly likely that there's going to be an occasional time but for the most part, during the majority of the operation it's not likely to occur. The other thing to keep in mind is a lot of times behavior is modified. If someone comes in anticipating that they want to go the drive-through lane and they see the drive-through lanes are full, typically the behavior is 'I'm not going to go' or 'I'll park and I'll go inside because I know I can get service faster.' For the most part, based upon the data that's been provided, and looking at other Panera stores that have been evaluated and looking at this site, it appears likely that the majority of the time there will be adequate storage to provide for the queuing that is anticipated..

Moved by Member Anthony, seconded by Member Lynch:

ROLL CALL VOTE ON PRELIMINARY SITE PLAN APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH:

In the matter of Panera Bread Drive-through, JSP12-48, motion to recommend approval of the Preliminary Site Plan, subject to the following:

1. City Council modification of the southern exterior side yard setback from a maximum of 10 feet to 176 feet because (1) the modification will not impair the health, safety, or general welfare of the City as related to the use of the premises or adjacent premise; (2) the modification would result in a more desirable relationship between a proposed building and an existing building; and (3) the adherence to a minimum or maximum required setback would result in the establishment of non-usable land area that could create maintenance problems;
2. Zoning Board of Appeals variance for the deficient front yard parking setback (20' required, 10' provided);
3. Zoning Board of Appeals variance for the lack of a drive-through bypass lane;
4. The conditions and items listed in the staff and consultant review letters being addressed on the Final Site Plan submittal;
5. Same-side driveway spacing waiver (105' required, 82' provided); and
6. City Council waiver to allow a reduction in the required greenbelt width from 20 ft. to 10 ft.

because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 of the Zoning

Ordinance and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

Moved by Member Anthony, seconded by Member Lynch:

ROLL CALL VOTE ON STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER ANTHONY AND SECONDED BY MEMBER LYNCH:

In the matter of Panera Bread Drive-through, JSP12-48, motion to recommend approval of the Stormwater Management Plan, subject to the conditions and items listed in the staff and consultant review letters being addressed on the next plan submittal because the plan is otherwise in compliance with Chapters 11 and 12 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 5-0.*

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

December 5, 2012

Planning Review

Panera Bread Drive-through

JSP12-48

Revised Preliminary Site Plan

Petitioner

Panera Bread, LLC

Review Type

Revised Preliminary Site Plan and Special Land Use

Property Characteristics

- Site Location: 25875 Novi Rd., Ste. 100, northeast corner of Novi Road and Flint Street (Section 22)
- Site Zoning: TC-1, Town Center
- Adjoining Zoning: North: TC and TC-1; East, West and South: TC-1
- Current Site Use: Existing City Center Plaza shopping center
- Adjoining Uses: North: Existing office/retail; East: Existing retail; West and South: Vacant industrial
- School District: Novi School District
- Site Size: 5.3 acres
- Plan Date: 11-16-12

Project Summary

The applicant is proposing to demolish the existing parking area on the south end of City Center Plaza, adjacent to Flint Street in order to construct a drive-through lane adjacent to the existing Panera Bread restaurant. A building addition totaling 468 sq. ft. would also be added to accommodate the drive-through facilities within the building and 26 parking spaces would be added back to the site.

Recommendation

Provided the applicant receives the necessary variances from the Zoning Board of Appeals, staff recommends approval of the Special Land Use Permit and Preliminary Site Plan as the applicant has generally met the requirements of the Zoning Ordinance. The revised Preliminary Site Plan will be forwarded to the Planning Commission/City Council for their review and approval.

Special Land Use Considerations

In the TC-1 District drive-through lanes fall under the Special Land Use requirements (Sections 1502.1 and 2102.1). Additionally, all developments on parcels over 5 acres in the TC-1 District must be approved by the City Council after review and recommendation by the Planning Commission. Section 2516.2.c of the Zoning Ordinance outlines specific factors the Planning Commission/City Council 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.

Planning Review

Panera Bread Drive-through

JSP12-48

December 5, 2012

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- 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.

Per Section 1602.4.h, "In addition to the special land use requirements noted in Section 2516.2(c), the Planning Commission/City Council shall make a finding that the proposed plan will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings."

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 16 (TC and TC-1 Town Center Districts), Article 24 (Schedule of Regulations), Article 25 (General Provisions) and any other applicable provisions of the Zoning Ordinance. Items in **bold** below must be addressed by the applicant.

1. Building Setback: The proposed building addition is setback 176 feet in the southern exterior side yard. A maximum setback of 10' is permitted by the ordinance. **The applicant cannot reasonably adjust the site layout to accommodate the required setback and should seek a setback modification from the Planning Commission/City Council.** In the TC-1 District, the Planning Commission may modify building setbacks if the conditions listed in Section 1602.4 are met. Please refer to the planning review chart for specific conditions. Staff supports this reduction.
2. Parking Setback: The required front yard parking setback along Novi Road is 20 feet. The applicant has provided a 10 foot setback. The applicant has elected to seek a variance from the Zoning Board of Appeals. If the variance is not granted, plans will need to be modified to meet the required setback.
3. Drive-through Bypass Lane: All drive-through's are required to have an 18' bypass lane adjacent to the drive-through lane. No bypass lane has been provided and the applicant has elected to seek a variance from the Zoning Board of Appeals. If the variance is not granted, plans will need to be modified to meet the required setback.
4. Drive-through Canopy: A canopy is indicated in the area of the menu board but no elevations have been provided. **The applicant must provide elevations for the proposed canopy at the time of Final Site Plan submittal.**
5. Existing Loading Zone and Dumpster Location: The applicant has provided a note on the plans indicating deliveries and trash pick-up will be during off-peak hours. This will be noted as a condition of approval.

Planning Review

Panera Bread Drive-through
JSP12-48

December 5, 2012

Page 3 of 3

6. Town Center Amenities: Properties in the TC-1 District are required to provide additional pedestrian amenities. Several such items already exist within the shopping plaza which will be maintained as a result of this plan.
7. Photometric Plan: **If changes to the existing on-site lighting are proposed, a revised photometric plan must be submitted with the Final Site Plan.**
8. Signs: Exterior business signage is not regulated by the Planning Division. It appears new signage is shown on the plan. Contact Jeannie Niland at 248-735-5678 for sign permit information if new signs are proposed.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this and other review letters is required prior to consideration by the Planning Commission and with the next plan submittal.

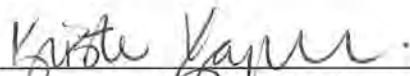
Pre-Construction Meeting

Prior to the start of any work on the site, Pre-Construction (Pre-Con) meetings must be held with the applicant's contractor and the City's consulting engineer. Pre-Con meetings are generally held after Stamping Sets have been issued and prior to the start of any work on the site. There are a variety of requirements, fees and permits that must be issued before a Pre-Con can be scheduled. If you have questions regarding the checklist or the Pre-Con itself, please contact Sarah Marchioni [248.347.0430 or smarchioni@cityofnovi.org] in the Community Development Department.

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 Marchioni at 248-347-0430 for additional information on starting permits. The applicant should review and be aware of the requirements of Chapter 26.5 before starting construction.

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.



Kristen Kapelanski, AICP, Planner
Attachments: Planning Review Chart