

MEMORANDUM



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

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

Uses currently allowed in the B-1 District

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

Principal Permitted Uses

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

Special Land Uses

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

Master Plan for Land Use

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

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

History of uses at Peachtree Plaza

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

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

Further discussion with the applicant

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

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

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

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

Suggested Ordinance Amendment

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

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

Staff Review

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

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

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

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

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

Intent of the Business Zoning Districts

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

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

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

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

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

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

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

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

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

Staff Recommendation

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

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

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

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

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

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

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

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

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

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

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

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

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



APPLICATION FOR TEXT AMENDMENT

Community Development Department

45175 W. Ten Mile, Novi, MI 48375

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

RESTAURANTS IN B-1

Topic for Consideration

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

APPLICANT

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

SUBMITTAL REQUIREMENTS

Submittal Requirements:

- Document describing the change the Applicant is proposing. Information should include the section of the Ordinance requiring the change, suggested new language, and any samples of this language from other municipalities where its use has already been adopted.
- Original signed copy of this application.
- Check made payable to the City of Novi in the amount of \$690.00, which is used to cover the cost of the Public Hearing process.

\$500.00 given call if need more

I do hereby attest that all statements, signatures, descriptions, and exhibits submitted with this application are true and accurate to the best of my knowledge.

Jonathan Brateman *9/7/17*

Signature of Applicant Date

JONATHAN BRATEMAN

Printed Name of Applicant

Suggested Language for Text Amendment Change for B-1 Zoning

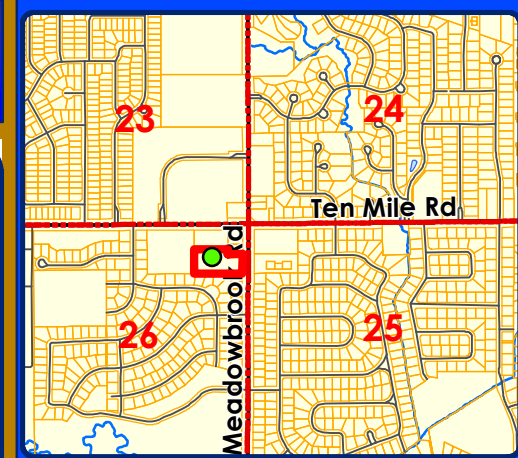
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Restaurant trash removal to be no closer than 100 feet from a residential area and is not open longer than 12 am in the evening.

The customer assembly area shall be sprinklered.”

TEXT AMDDNDMENT 18.286 – RESTAURANTS IN B-1

Location



LEGEND

 Sections



City of Novi

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

Map Author: Sri Komaragiri
Date: 11/3/17
Project: TEXT AMDDNDMENT 18.286 – RESTAURANTS IN B-1
Version #: 1



1 inch = 99 feet

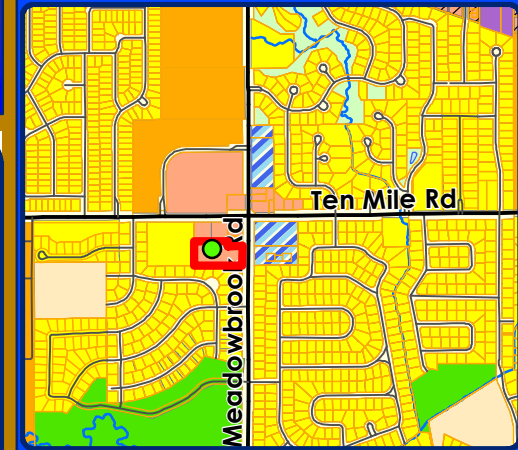
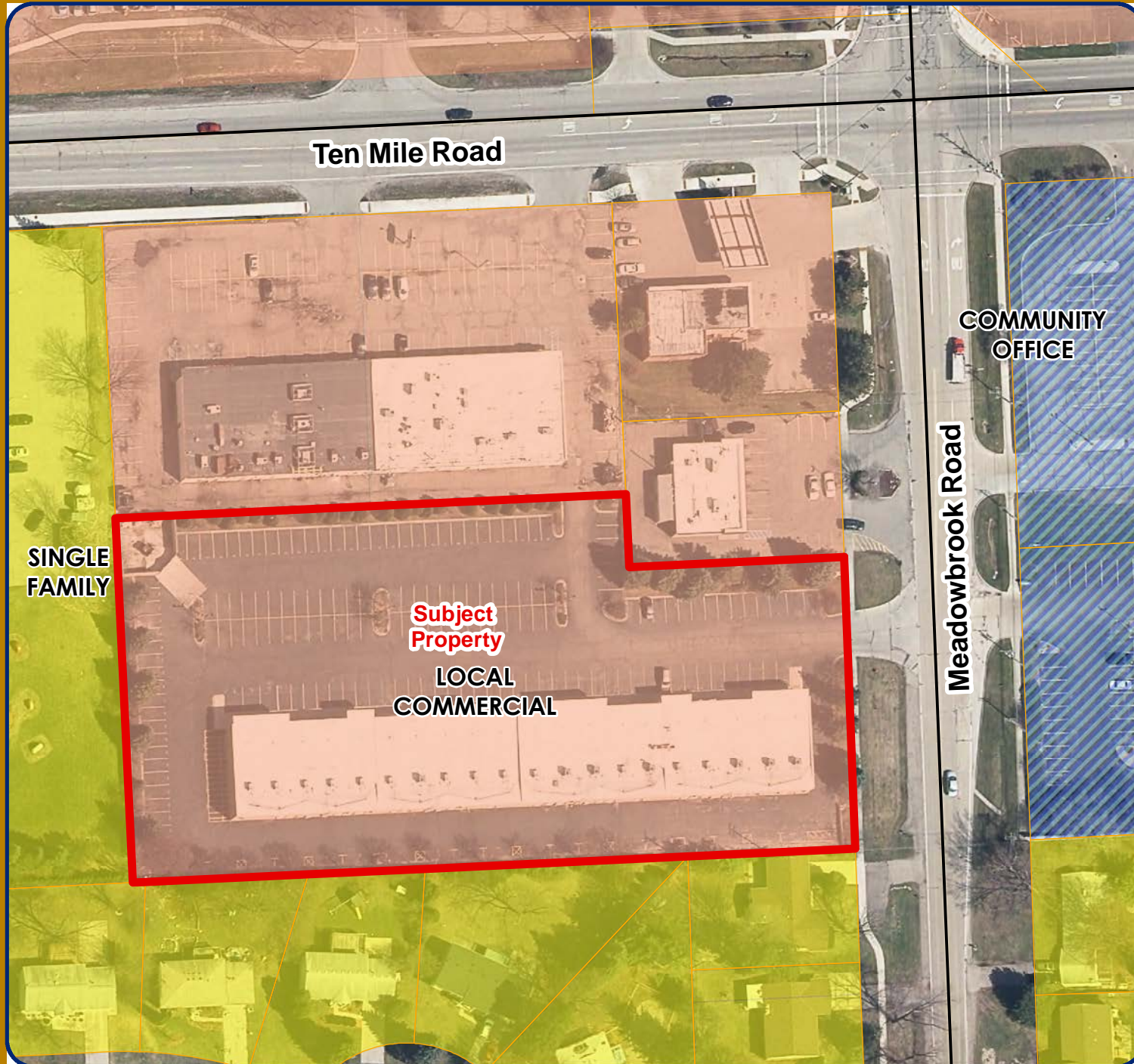


MAP INTERPRETATION NOTICE

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.

TEXT AMDDNDMENT 18.286 – RESTAURANTS IN B-1

Future Land Use



LEGEND

FUTURE LAND USE

- Single Family
- Multiple Family
- Community Office
- Industrial RD Tech
- Local Commercial
- Community Commercial
- Educational Facility
- Public Park
- Private Park

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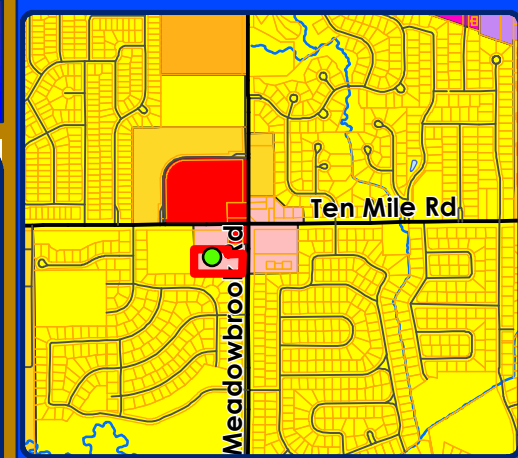
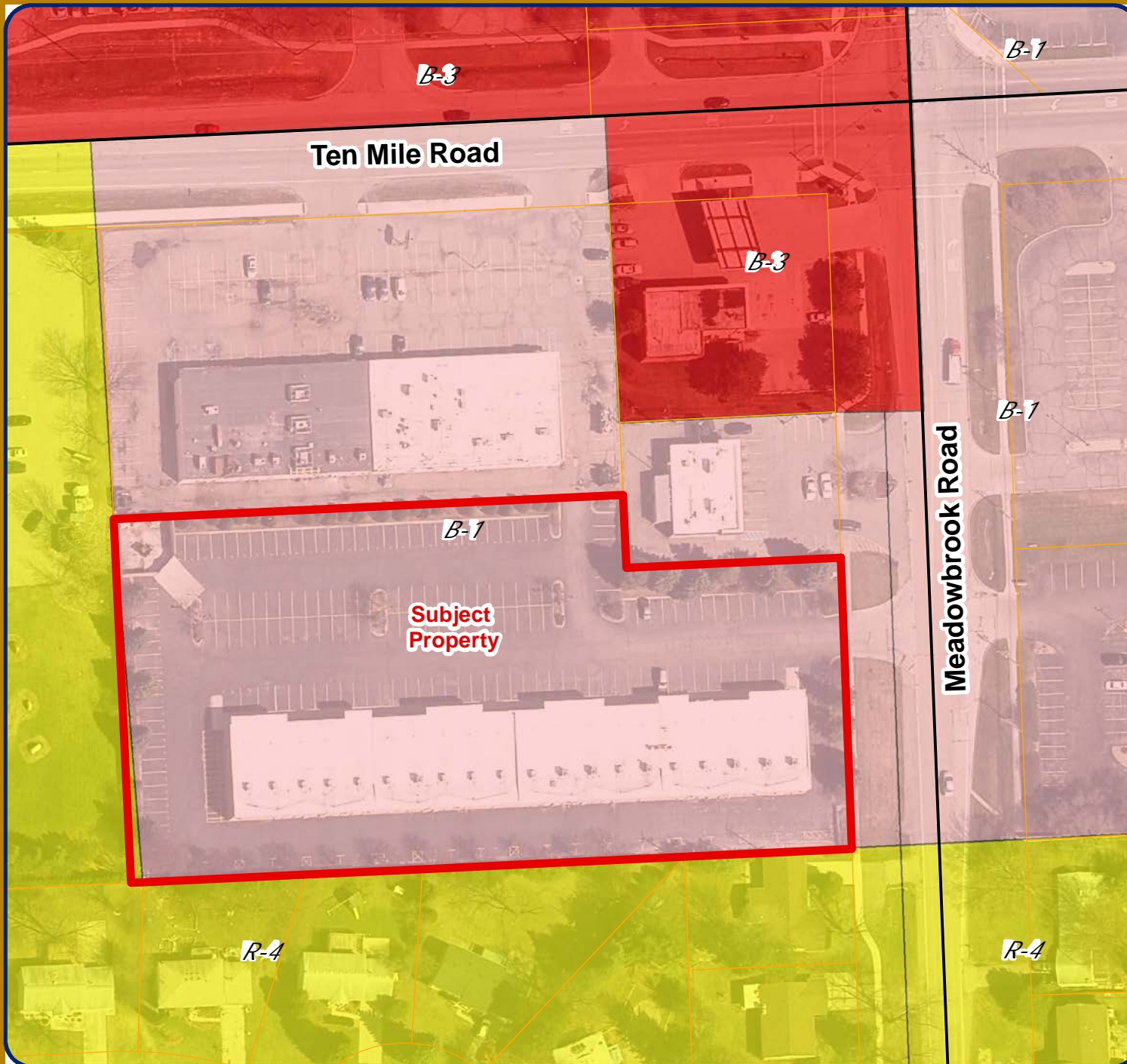


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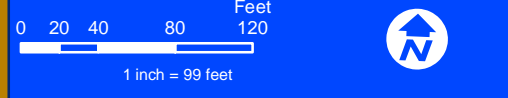
Zoning



- LEGEND**
- R-4: One-Family Residential District
 - RM-1: Low-Density Multiple Family
 - RM-2: High-Density Multiple Family
 - B-1: Local Business District
 - B-3: General Business District
 - I-1: Light Industrial District
 - NCC: Non-Center Commercial District


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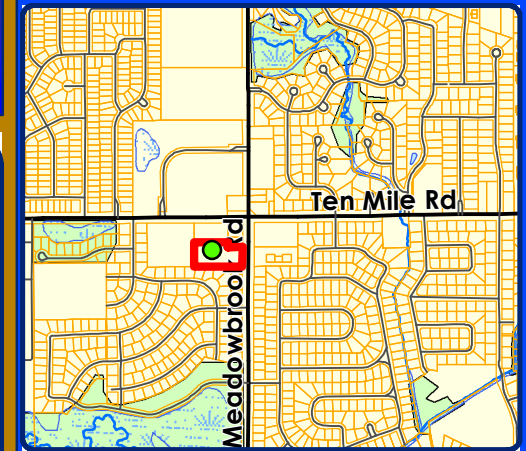


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

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Natural Features



LEGEND

-  WETLANDS
-  WOODLANDS



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TEXT AMENDMENT 18.286 – RESTAURANTS IN B-1

B-1: Local Business Districts, City of Novi

Map Legend
■ B-1

Feet
0 1,200 2,400 4,800 7,200
1 inch = 4,804 feet



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Amended By:
Date:
Department:

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