



CITY OF NOVI CITY COUNCIL SEPTEMBER 30, 2024

SUBJECT: Consideration of approval at the request of Union Pacific Holdings, LLC for Preliminary Site Plan with a Planned Development Option, Special Land Use and Stormwater Management Plan to construct a Culvers located at the northwest of the corner of Novi Road and West Oaks

SUBMITTING DEPARTMENT: Department of Community Development, Planning Division

KEY HIGHLIGHTS:

- Staff and consultants are recommending approval of the project.
- Planning Commission recommended approval of the Preliminary Site Plan with PD-2 Option and Special Land Use on June 26, 2024.
- Utilizing the PD-2 option permits a restaurant with a drive-thru and reduces the setbacks required in the RC District.
- City Council is authorized to approve deviations from ordinance standards for PD-2 projects.
- The Site Plan is dependent on North Karevich Drive being vacated.

BACKGROUND INFORMATION:

The applicant is proposing to construct a Culver's restaurant with a drive thru. North Karevich Drive has been requested to be vacated, and the plan shows that a new private drive will be relocated around the restaurant site so that one can still drive from West Oaks Drive to North Karevich Drive in front of the Value City Furniture.

The subject property is currently vacant land zoned RC, Regional Commercial, with a Planned Development, PD-2 Option overlay. The land comprises approximately 1.4 acres as two parcels bisected by North Karevich Drive but is proposed to comprise approximately 2.35 acres if the site plan, street vacation, and parcel combination are approved. The site is located west of Novi Road, north of West Oaks Drive in Section 15.



In its recommendation to the City Council, the Planning Commission also considered the standards for Special Land Use consideration as well as the standards of the site plan review section of the Planned Development option, as detailed in the Planning Review letter.

The current Regional Center (RC) zoning would limit the development potential for the site. Regional Center allows a variety of uses; however, it also has a minimum building setback requirement of 100 feet for all yards. The applicant is proposing to redevelop the site using PD-2 option, which provides a greater flexibility for redevelopment, including smaller setbacks. RC does not allow a drive-through, so utilizing the PD-2 option is required. The applicant states that the proposed development will fit with the surrounding commercial development and is similar to McDonald's and Chick-Fil-A drive-throughs nearby, which were developed using PD-2 Option (see image above).

PD-2 Option in Future Land Use Map

The PD options contained in Section 3.31 shall be considered only within those areas of the City which are specifically designated for their application on the City's Master Plan for Land Use Map. The subject property is currently designated as PD-2 on the 2016 Future Land Use Map. The map recommends PD-2 for outlots around the north and west side of the Twelve Oaks Mall, including the existing McDonald's Restaurant, and for properties in part of West Oaks Mall, and for the Hotel property on the west side of Novi Road, north of I-96 (see image below).

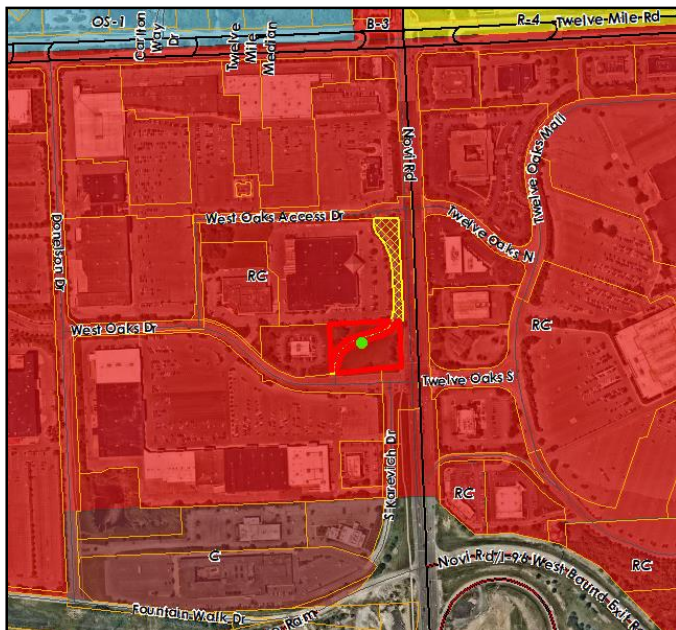


Figure 1: Existing Zoning

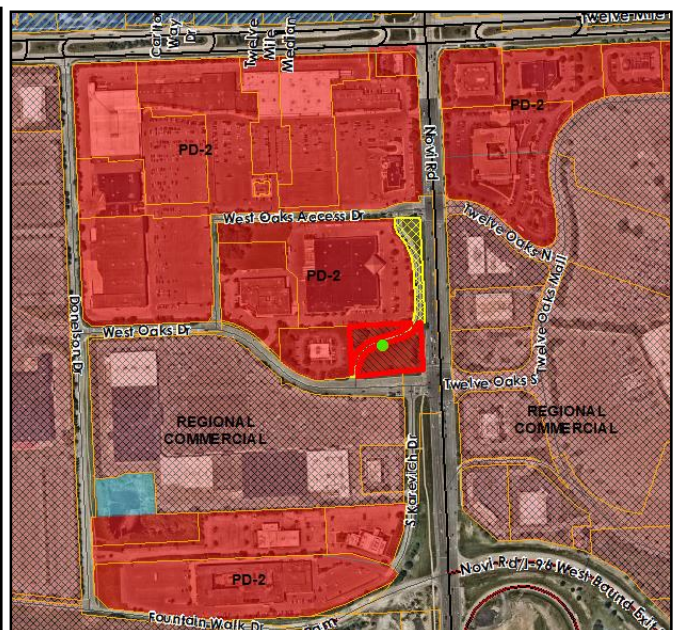


Figure 2: Future Land Use Map

PREVIOUS MEETING RESULTS

- **Planning Commission Public Hearing:** The Planning Commission met on June 26, 2024 and held a Public Hearing with regard to the Site Plan request. Following a brief discussion, the Planning Commission voted to **recommend approval** of the Preliminary Site Plan utilizing the Planned Development 2 (PD-2) Option, Special Land Use and Stormwater Management Plan to City Council.
- **City Council Meeting:** A resolution to hold a public hearing on the issue of vacating North Karevich Drive was presented to the City Council at their August 26, 2024

meeting. The City Council voted to approve the resolution to hold a public hearing on September 30, 2024, which is included as another item on this Council agenda.

SITE PLAN REVIEW SUMMARY

The following paragraphs summarize plan review comments. The review letters are included in the packet.

- **Planning:** The site plan as proposed would require a few deviations from the Ordinance requirements as noted in the recommended motion. The Planning Commission recommended approval of this request at their June 26, 2024 meeting.



As part of the submittal, the applicant has submitted a Community Impact Statement, Traffic Impact Statement and Noise Impact Study.

As noted in the Planning Review, some of the deviations are straightforward, such as exceeding the minimum distance from another free-standing restaurant (since the small size of the site would be difficult to develop with other types of uses). Front yard placement of the loading zone and exterior side yard placement of the dumpster are supported if the usage does not conflict with peak traffic times, and because there is no rear yard since there are multiple road frontages. The deviation for parking within 25 feet of the entrance to the parking lot is supported since the curve in the driveway will slow traffic speeds to reduce hazards.

- **Engineering:** Storm water would be collected by a single storm sewer collection system with a pre-treatment structure and discharged to the West Oaks regional detention basin. Engineering review notes public water service and sanitary sewer service are available to connect to.
- **Landscape:** The applicant has been working with the City's landscape architect and the following list of deviations is supported by staff.
 1. Lack of berm or wall along Novi Road and West Oaks Drive, since a hedge is provided for alternate screening.

2. Deficiency in perimeter depth on the west side of the site, which is an existing condition.
- **Traffic:** The applicant has provided a Traffic Impact Statement that analyzed the vehicular operating conditions of the external roadways in the vicinity both before and after its construction to determine what, if any, impact the proposed development will have on the surrounding roadway network. All internal traffic operations related to the drive-through operation and on-site parking are addressed as part of the Traffic study. Copies of the studies are attached.

After reviewing the information from the Traffic studies, our consultant notes the following:

1. With regard to the Culvers development, operations at the signalized intersections are not expected to deteriorate significantly at the study area intersections.
 2. The stop-controlled intersection of West Oaks Drive and Karevich Drive will experience excessive delay; however, the expected queues (3-4 cars) will be contained within the site, and not in the public roadway.
- **Façade:** The building is proposed to be constructed primarily of brick and cultured stone. Façade review recommends approval of a Section 9 Façade waiver to allow the underage of brick material on the north and west elevation, and overage of composite siding on the north elevation, as the deviations are consistent with the intent and purpose of the Ordinance. A copy of the elevations and a picture of the façade sample board are included in the packet.
 - **Fire:** Fire review recommends approval, with comments to be addressed in the Final Site Plan submittal.

PLANNING COMMISSION ACTION

On June 26, 2024, the Planning Commission held a public hearing and made a recommendation to City Council to approve the Preliminary Site Plan utilizing the PD-2 Option, Special Land Use, and Storm Water Management Plan based on the motion listed in the action summary attached. The draft minutes from the meeting are included in this packet.

RECOMMENDED ACTION: Two-part motion:

Part 1

Approval at the request of Union Pacific Holdings, LLC for JSP23-37 Culvers, for Special Land Use based on and subject to the following:

1. The proposed use will **not** cause any detrimental impact on existing thoroughfares *based on Traffic review;*
2. The proposed use will **not** cause any detrimental impact on the capabilities of public services and facilities *based on Engineering review;*
3. The proposed use is compatible with the natural features and characteristics of the land *because there are no regulated natural features on site;*

4. The proposed use is compatible with adjacent uses of land *because the proposed use is similar to other nearby restaurants with drive-thrus*;
5. The proposed use is consistent with the goals, objectives, and recommendations of the City's Master Plan for Land Use *as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi*;
6. The proposed use will promote the use of land in a socially and economically desirable manner *as it fulfills one of the Master Plan objectives to attract new businesses within City of Novi*;
7. 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;
8. 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.
9. City Council's determination to vacate North Karevich Drive and that the appropriate agreements are put in place prior to final administrative approval of the site plan to maintain access to the property to the north.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, Article 5, and Article 6 of the Zoning Ordinance and all other applicable provisions of the Ordinance.

Part 2:

Approval at the request of Union Pacific Holdings, for JSP23-37 Culver's for Preliminary Site Plan with a PD-2 Option, and Stormwater Management Plan approval, based on and subject to the following:

1. City Council finding that the standards of Section 3.31.4 of the Zoning Ordinance are adequately addressed, as identified in the Planning Review Letter;
2. The following ordinance deviations, which are hereby granted:
 - i. Deviation from Section 3.31.7.B.v.a, the use conditions for fast food drive-thru under PD-2 Option as listed that requires a minimum distance of 1,000 feet between a proposed independently freestanding restaurant from any other such use on the same side of the street. The proposed restaurant is less than 1,000 feet from the Carabba's to the south.
 - ii. Deviation from Section 4.19.2.F for allowing a dumpster in the exterior side yard *due to site shape and size and multiple road frontages*.
 - iii. Landscape deviation from Section 5.5.3.B.ii and iii for lack of berm or wall along both Novi Road and West Oaks Drive *due to site shape and size and multiple road frontages*.
 - iv. Landscape deviation from Section 5.5.3.B.ii and iii for deficient perimeter depth between the west drive and the west property line, *as this is an existing condition*;

- v. Landscape deviation from Section 5.5.3.B.ii for deficiency in sub-canopy trees along West Oaks Drive.
 - vi. Deviation from Section 11-216 of the Code of Ordinances, Design Considerations, for the deficient driveway turning radius where the mountable concrete median is proposed to accommodate emergency and other large vehicles.
 - vii. Section 9 Façade waiver for underage of brick and overage of wood-grained composite siding.
- 3. City Council's determination to vacate North Karevich Drive and that the appropriate agreements are put in place prior to final administrative approval of the site plan to maintain access to the property to the north.
 - 4. The findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance.