



ASSESSING DEPARTMENT
Kurt Dawson, Director

From: Nancy McLaughlin
To: Ed Anzek
Date: 1/8/14
Re: File No.: 13-024
Project: Tim Hortons - Crooks Corners Review #1
Parcel No: 70-15-29-228-004
Applicant: Tim Hortons (Mark Kellenberger)

The legal description provided is for an apparent land lease. A legal description for the entire parcel should be included.

RECEIVED

JAN - 9 2014

PLANNING DEPT.



BUILDING DEPARTMENT
[Scott Cope Director]

From: Dick Lange, P.E., Building Inspector/Plan Reviewer *D.L.*
To: Jim Breuckman, Planning Department
Date: February 11, 2014
Re: Tim Hortons – Crooks Corners, Review #2, 15-29-228-004, City File #13-024

The site plan review for Tim Hortons – Crooks Corners, Review #1, 15-29-228-004, City File #13-024 was based on the following drawings and information submitted:

Sheets: TH01, TH02, TH03, TH04, TH-05, TH06, TH07, TH08, TH09, A1, A5 & A5.1

Building code comments: Dick Lange

References are based on the Michigan Building Code 2009.

Approval recommended based on the following conditions being met prior to issuance of a Building Permit.

1. 5% Minimum accessible seating shall be provided at exterior seating area per Section 1108.2.9.1 and ICC/ANSI – 2003 Section 902.

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FEB 11 2014

PLANNING DEPT.



FIRE DEPARTMENT
Ronald D. Crowell

From: William Cooke, Lieutenant/Inspector
To: Planning Department
Date: January 22, 2014
Re: Tim Hortons - Crooks Corner

SITE PLAN REVIEW

FILE NO: 13-024

REVIEW NO: 1

APPROVED _____

DISAPPROVED X

1. The Rochester Hills Fire Department recommends that an automatic sprinkler system be installed in all buildings. Automatic sprinkler systems are proven reliable and cost effective. In weighing the costs and benefits, one cannot over look the potential liability for the owner, developer and design professional if such systems are not installed.
 2. Indicate location of the proposed fire hydrant on sheet TH04.
 3. Provide documentation, including calculations that a flow of 1500 GPM can be provided.
IFC 2006 508.4
- Fire flow data can be obtained by contacting the Rochester Hills Engineering Department at (248) 656-4640.

Lt. William A. Cooke
Fire Inspector



DPS/Engineering
Allan E. Schneck, P.E., Director

From: Donald Harning *D. H*
To: Jim Breuckman
Date: February 18, 2014
Re: Tim Horton's - Crooks Corner, City File #13-024, Section #29
Site Plan Review #2

Engineering Services has reviewed the revised site plan received by the Department of Public Services on February 5, 2014 for the above referenced project. Water and sewer comments have been addressed after the first review. Engineering Services does not object to site plan approval pending review comments from the Traffic Department, which will follow under separate cover.

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FEB 18 2014

PLANNING DEPT.

c: Allan E. Schneck, P.E.; DPS Director
Paul Davis, P.E., Deputy Director/City Engineer; DPS
Tracey Balint, P.E., Public Utilities Engineer; DPS
File

Paul Shumejko, P.E., PTOE, Transportation Engineer; DPS
Sheryl Molsaac, Office Coordinator; DPS
Sandi DiSipio; Planning & Development Dept.



Parks & Forestry
Michael A. Hartner, Director

From: Gerald Lee
To: James Breuckman
Date: February 12, 2014
Re: Tim Horton's - Crooks Center
File No. 13-024, Review #2

Forestry review pertains to right-of-way tree issues only.

Landscape Plan, Sheet TH-05:

No additional comments at this time.

GL/kd

cc: Sandi DiSipio, Planning Assistant

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FEB 13 2014

PLANNING DEPT.



WRC
WATER RESOURCES COMMISSIONER

Jim Nash

January 15, 2014

RECEIVED

Mr. Jim Breukman, Manager of Planning
Planning and Economic Development
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309-3033

JAN 21 2014

PLANNING DEPT.

Reference: **WRC File # 201400034**
Tim Hortons – Crooks Corners
Part of the Northeast ¼ of Section 29, City of Rochester Hills

Dear Mr. Breukman:

This office has received one (1) set of drawings for the referenced projects. These plans were submitted by your office for review.

Our review indicates that the proposed project has no direct involvement with any legally established County Drain under the jurisdiction of this office. However, the project does lie within the Gabler Drainage District. Therefore, a storm drainage permit will not be required from this office. It shall be the responsibility of the local municipality, in their review and approval of the site plan, to ensure compliance with their runoff and detention requirements.

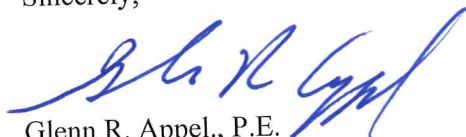
The sanitary sewer is within the Clinton-Oakland Sewage District System. Any proposed sewers of 8" or greater will require a permit through this office.

Furthermore, permits, approvals or clearances from federal, state or local authorities, the public utilities and private property owners must be obtained as may be required.

Related earth disruption must conform to applicable requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994. **An application should be submitted to this office for the required soil erosion permit.**

If there are any questions regarding this matter, contact Joel Kohn at 248-858-5565.

Sincerely,



Glenn R. Appel, P.E.
Chief Engineer





Rochester Hills

Minutes

Zoning Board of Appeals

1000 Rochester Hills Dr
Rochester Hills, MI
48309
(248) 656-4600
Home Page:
www.rochesterhills.org

Chairperson Ernest Colling, Jr., Vice Chairperson Gerard Verschuereen
Members: Deborah Brnabic, Adam Kochenderfer,
Kenneth Koluch, Michael McGunn, Ryan Schultz

Wednesday, January 8, 2014

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Colling called the Regular Meeting to order at 7:00 p.m. in Conference Room #130 at the City Municipal Offices.

ROLL CALL

Present 6 - Deborah Brnabic, Ernest Colling, Adam Kochenderfer, Kenneth Koluch, Michael McGunn and Ryan Schultz

Absent 1 - Gerard Verschuereen

Also Present: James Breuckman, Manager of Planning
Sandi DiSipio, Recording Secretary

APPROVAL OF MINUTES

2013-0488 October 9, 2013 Regular Meeting Minutes

A motion was made by Koluch, seconded by McGunn, that this matter be Approved as Presented. The motion carried by the following vote:

Aye 6 - Brnabic, Colling, Kochenderfer, Koluch, McGunn and Schultz

Absent 1 - Verschuereen

COMMUNICATIONS

Planning & Zoning News - September, October, November & December issues

PUBLIC COMMENT

No member of the public came forward to speak on any non-agenda items.

NEW BUSINESS

2013-0495 **PUBLIC HEARING - FILE NO. 13-024**
Location: 2258 Crooks Road, located on the northwest corner of Crooks Road

and Avon Industrial Drive, Parcel Identification Number 15-29-228-004, zoned B-3 (Shopping Center Business).

Request: Item #1 - A request for a variance of 1.44 feet from Section 138-5.100 (Schedule of Regulations) of the Code of Ordinances, which requires a minimum front yard setback of 75 feet in the B-3, Shopping Center Business Zoning District. Submitted plans indicate a new structure with a 73.56 front yard setback from Crooks Road.

Item #2 - A request for a variance of 43.22 feet from Section 138-5.100 (Schedule of Regulations) of the Code of Ordinances, which requires a minimum front yard setback of 75 feet in the B-3, Shopping Center Business Zoning District. Submitted plans indicate a new structure with a 31.78 front yard setback from Avon Industrial Drive.

Applicant: Mr. Mark Kellenberger - Tim Hortons
565 East Grand River, Suite #101
Brighton, MI 48116

(Reference: Staff Report dated December 30, 2013, prepared by Jim Breuckman, Manager of Planning, and associated documentation were placed on file in the Planning and Economic Development Department and by reference becomes part of the record thereof.)

Chairperson Colling read the request for the record, invited the applicant to come forward, state his name and address for the record, and provide a brief summary of the request.

Mr. Mark Kellenberger, Tim Hortons, 565 East Grand River, Suite #101, Brighton, Michigan 48116, the applicant, came forward and introduced himself. Also present is Mr. Al Santia, the property owner. Mr. Kellenberger indicated he's excited about the opportunity to develop a second Tim Hortons in Rochester Hills, the first being the one at 940 Rochester Road. He explained he came across the property and looked at it several different ways trying to do several different layouts. An early layout contained a circulation pattern called a reverse layout and problems included crowding the shopping center and having the drive-thru stacking lane out near Crooks. Communities are not usually fans of this layout because it doesn't lend itself to a traditional counter-clockwise drive-thru approach. Other options reviewed but not chosen included having the long side of the building along Crooks, but that would still necessitate the drive-thru window along Crooks. After reviewing alternative options, Mr. Kellenberger met with the Planning staff for input on redeveloping the site. A more traditional layout oriented toward Avon Industrial Drive was drawn out. The problem with this was the location of the parking; customers would have to cross the drive-thru lane to get to the dining room. This layout also created an unusual relationship with the shopping center because the parking was not properly angled. The existing bank building has some challenges and nonconformities and does not piece into the shopping center that well. So, Mr. Kellenberger decided to design the site the correct way and see how it plays out. The building is designed so that it is parallel to Crooks Road giving a nice appearance to the vehicles heading south on Crooks as well as at the intersection. The plans include a greenbelt, parking, drive aisles, a patio and the

building. The setback from Crooks is very minor, and the building could possibly be moved back two feet, but the applicant wanted to keep the greenbelt area as well as the drive-thru bypass lane. The 32 foot setback from Avon Industrial is the most critical to this layout. It is Mr. Kellenberger's belief that from a layout perspective, being able to create a uniform parking setup that is complimentary to the rest of the shopping center, and being able to provide barrier free immediate access parking spaces, is a nice option. It also lends itself well to connect into the pathway and the M59 corridor plan. He also plans to tie into the Clinton River Trail with possible signage on the trail to bring people up into the development. Mr. Kellenberger explained he is present to ask for the two variances. He believes they makes sense based on the layout, the redevelopment of the property, how it lays out with the shopping center, and what is called for in the corridor plan. He believes this is a good development and offered to answer any questions.

There is no one in the audience, so the public hearing was opened and closed at 7:10 p.m.

Chairperson Colling then asked for a summary of the staff report.

Mr. Breuckman confirmed that Mr. Kellenberger and staff reviewed at least six different plans to figure out something that made sense and to minimize the need for variances. Staff knew there was an issue, particularly from Avon Industrial Drive, because of the way the existing site was laid out with the Bank of America. It was going to be difficult to avoid a variance there without coming up with an odd site layout, and particularly a layout that didn't meet all the Planning Commission's typical expectations. In this case, the Bank of America building is an existing nonconformity, and does make for somewhat of a challenge. The aerial photos show that this building is very disjointed from the rest of the site.

Chair Colling noted the aerial appears to indicate a property demarcation around the bank and asked if this is the building envelope or if the whole parking lot the building envelope?

Mr. Kellenberger explained the defined lease area, which is 105 feet to the rear, 181 feet in the front, 251 feet on the north property and 234 feet on the south. Mr. Kellenberger displayed a rendering showing the existing bank building and its nonconformities, the building footprint of what is allowed based on ordinance, and the proposed Tim Hortons structure.

Based upon the existing building envelope and the lease area, Chairperson Colling feels it does not lend itself towards any kind of viability.

Mr. Breuckman stated he's outlined the staff report analysis, and indicated that staff looks favorably on the variances because they have been through the physical exercise of trying to fit the structure on the site and it's just not working. From a broader community benefit perspective, being a quality redevelopment serves the public purpose. For this reason, staff looks favorably on granting the variances.

In light of the variance granted for the M59 Business Park sign, Chairman Colling asked the property owner and Mr. Kellenberger if there was any accommodation reached on signage. He asked if a monument sign was proposed and if so, where on the site will it be located.

Mr. Breuckman indicated he discussed this with Mr. Kellenberger and the possibility of sharing space on the monument sign in order to remove the temporary sign for the business park. The alternative being that the temporary business park sign will not be allowed after four years.

Mr. Kellenberger confirmed Tim Hortons definitely wants signage. When he met with staff, he was informed about the variance proceedings and thought he would be able to solve the problem by sharing the sign, but he doesn't know if the City wants the temporary sign to be legitimized. He also has concerns if he plays to the one property owner, what are the other property owners going to want to do. Will they demand a monument sign with panels for everyone's name. Mr. Kellenberger does not want to be the face of those individuals coming before the board asking for these types of variances. He noted Tim Hortons is prepared to work with somebody to do maybe a two tenant sign if that is what they need to do. Possibly the company that got the variance can work out something with the lease.

Mr. Santia added he has an existing nine-panel monument sign on site that is sufficient for the shopping center.

Chairperson Colling asked the property owner if he prefers leaving the temporary sign in place for the four year left on the variance and then it's gone forever, or to accommodate something on the premises. Mr. Colling has no objection to leaving this sign in place for four years.

Mr. Santia responded he has no problem accommodating something if they want to sit down and discuss it with him. The business park owners have not called him since the October 9, 2013 ZBA meeting and it seems they don't want to pay to lease a sign.

Mr. Breuckman is not sure the ordinance allows signage on a permanent monument sign for an off-premises business.

Mr. Kellenberger reported he is not prepared to address the sign issue tonight. He did not want to open the sign discussions until he knew the results of his variance request. He noted that Tim Hortons would probably like to have the sign on their own without sharing it, and is OK with the sign being located more on Avon Industrial frontage. They are prepared to work something out.

Staff confirmed that Tim Hortons has enough room to locate a monument sign that complies with the ordinance.

MOTION by Koluch, seconded by McGunn, in the matter of File No. 13-024, that the request for a variance from Section 138-5.100 (Schedule of Regulations) of the Rochester Hills Code of Ordinances to grant a front yard setback variance of 1.44 feet from Crooks Road, and a front yard setback

variance of 43.22 feet from Avon Industrial Drive, Parcel Identification Number 15-29-228-004, zoned B-3 (Shopping Center Business), be **APPROVED** because a practical difficulty does exist on the property as demonstrated in the record of proceedings and based on the following findings:

Findings:

1. Compliance with the strict letter of the restrictions governing the front yard setback for principal buildings will make the existing nonconforming site difficult to redevelop.
2. Granting the variance will do substantial justice to the applicant as well as nearby property owners as the proposed redevelopment is at a corner and will not create off-site impacts.
3. A lesser variance would not allow for the orderly redevelopment of the site within the constraints of the existing layout of the strip mall and Bank of America site layout.
4. There are unique circumstances of the property that necessitate granting the variance, and that distinguish the subject property from other properties with respect to compliance with the ordinance regulations. Specifically, legal nonconforming status of the existing Bank of America building.
5. This variance is necessary for the preservation and enjoyment of a substantial property right possessed by any other property owner in the same zone or vicinity.
6. The granting of this variance would not be materially detrimental to the public welfare or existing or future neighboring uses.

Conditions:

1. The location of the structure will be substantially as presented on the plans dated received December 13, 2013.

A motion was made by Koluch, seconded by Kochenderfer, that this matter be Approved. The motion carried by the following vote:

Aye 6 - Brnabic, Colling, Kochenderfer, Koluch, McGunn and Schultz

Absent 1 - Verschueren

ANY OTHER BUSINESS

Mr. Breuckman reported that staff has received a request for an interpretation of a use in the industrial zoning district. This will be heard at the February ZBA meeting.

No other business was brought before the Board.

NEXT MEETING DATE



City of
ROCHESTER HILLS

1000 Rochester Hills Drive, Rochester Hills, Michigan 48309-3033

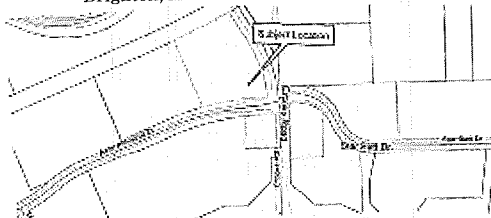
NOTICE OF PUBLIC HEARING

ROCHESTER HILLS PLANNING COMMISSION

REQUEST: Conditional Land Use Recommendation, pursuant to the requirements of the Michigan Zoning Enabling Act (2006 PA 110, MCL 125.3103) of the State of Michigan, and pursuant to Sections 138-1.203 and 138-2.300-2.302 and 138-4.300 of Chapter 138 of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to construct a drive-through at a proposed Tim Hortons Restaurant on Parcel No. 15-29-228-004, zoned B-3, Shopping Center Business (City File No. 13-024).

LOCATION: West side of Crooks Road, south of Hamlin

APPLICANT: Tim Hortons
565 East Grand River Ave., Suite 101
Brighton, MI 48116



DATE OF PUBLIC HEARING: Tuesday, February 25, 2014 at 7:00 p.m.

LOCATION OF PUBLIC HEARING: Rochester Hills Municipal Offices
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309

Information concerning this request may be obtained from the Planning Department during regular business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, or by calling (248) 656-4660. Written comments concerning this request will be received by the City of Rochester Hills Planning Department, 1000 Rochester Hills Drive, Rochester Hills, Michigan 48309, prior to the public hearing or by the Planning Commission at the public hearing. This request will be forwarded to City Council after review and recommendation by the Planning Commission, and any person having an ownership interest in the property in question, or residing or owning property within three hundred (300) feet of the property in question, may be granted a public hearing by the City Council by requesting it in writing, addressed to the Clerk of the city before the decision is made.

**William F. Boswell, Chairperson
Rochester Hills Planning Commission**

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is invited to contact the Facilities Division (656-2560).