

## Starbucks on Walton

<b>REQUEST</b>	Conditional Use Recommendation Site Plan Approval Tree Removal Permit
<b>APPLICANT</b>	Verus Development Frank Arcori 36400 Woodward Ave., Suite 240 Bloomfield Hills, MI 48304
<b>LOCATION</b>	1360 Walton Rd. (former Pizza Hut), north side of Walton Rd., west of Livernois Rd.
<b>FILE NO.</b>	JNRNB2021-0026
<b>PARCEL NOS.</b>	15-09-476-030
<b>ZONING</b>	B-2 General Business District with an FB-2 Flexible Business Overlay
<b>STAFF</b>	Kristen Kapelanski, AICP, Manager of Planning

### Summary

The applicant is proposing to demolish the existing vacant restaurant building and to construct a new 2,219 sq. ft. coffee shop building with a drive-through. A drive-through is permitted as a conditional use which requires a public hearing before the Planning Commission who makes a recommendation to City Council.

The development is proposed under the B-2 General Business District provisions and the FB Flexible Business Overlay provisions were not utilized. As presented the plans meet general requirements such as setback requirements.

The drive-through design presented allows for 15 cars in the queue, which will wrap around to the east side of the new building, with the pickup window on the west side of the building.



At the May 17<sup>th</sup> Planning Commission meeting, potential traffic conflicts were discussed with morning peak traffic in the center lane turn lane for eastbound left turns into the Starbucks and westbound left turns into Rochester High School. Subsequently the applicant submitted a revised site plan which shows a right-only entrance and a full access exit, with a curbed island added to deter drivers turning left from entering. It is expected that this will help to avoid potential center lane turn lane conflicts with people turning left into Starbucks, which will no longer be allowed, and people turning left into Rochester High School.

Additional Planning review comments include the identification of problematic parking spaces, particularly the southernmost space, which appear to be in conflict with traffic entering the site; and a proposed crosswalk north of the building, which should be connected to a pedestrian walkway or path instead of ending in a parking space. Please

refer to the Reviewed Plans for additional details.

	Zoning	Existing Land Use	Future Land Use
<b>Site</b>	<b>B-2 General Business with an FB-2 Flexible Business Overlay</b>	<b>Vacant/Meijer parking lot</b>	<b>Commercial Residential Flex 2</b>
<b>North</b>	R-2 Single Family Residential	Single family residences	Residential 3
<b>South (across Walton)</b>	R-1 Single Family Residential	Rochester High School	Residential 2.5
<b>East</b>	B-2 General Business with an FB-2 Flexible Business Overlay	Wendy's restaurant	Commercial Residential Flex 2
<b>West</b>	B-2 General Business w/FB-3 Flex Business Overlay	Retail Center	Commercial Residential Flex 2

## Staff Recommendations

Staff have recommended approval with revisions including with a full access ingress/egress as previously shown (see the attached Reviewed Plans for details). If the Planning Commission feels that the proposed use and development will be compatible with its surroundings, below are motions for consideration for approval. A motion for denial of the conditional use is also provided.

Department	Comments & Waivers/Modifications	Recommendation
Planning	Conflict with traffic entering for southern-most parking spaces; a disconnected crosswalk; concerns with conflicts of peak AM Starbucks and Rochester High School traffic. See Reviewed Plans and Planning Memo dated 4-25-22 for details.	<b>Approval</b>
Fire	Approved	<b>Approval</b>
Assessing	Approved	<b>Approval</b>
Engineering	Approval is contingent upon changing the plans to the full access as previously shown, not a right in/right out as currently presented. There are still potential conflicts regarding the AM peak left turn movements during school arrival time with the proposed Starbucks morning traffic and Engineering staff has provided additional suggestions. See Reviewed plans for details.	<b>Approval</b>
Parks & NR	Approved with conditions	<b>Approval</b>
Building	Comments to be handled at Building permit review	<b>Approval</b>

## General Requirements for Conditional Uses

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Per Section 138-2.302 of the Zoning Ordinance, there are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional use. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use's compliance with each.

1. *Will promote the intent and purpose of (the Ordinance).* The B-2 district supports and promotes uses including a coffee shop with a drive-through.
2. *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.* The proposed structure appears to be harmonious in appearance with surrounding buildings. The applicant has provided a restricted access to address Planning and Engineering concerns with left turn conflicts on Walton, as described previously in this report.
3. *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.* The property has been served adequately by all City services. Any demands placed on the public infrastructure are already accounted for by previous use of this property.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* Staff has concerns about potential traffic conflicts between peak AM traffic on Walton Rd. for Starbucks and Rochester High School, or if vehicles need to back out of the southernmost parking spaces at the same time that vehicles are entering the site from Walton. The applicant has proposed a right-in only drive with a full access exit to address these concerns.
5. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* There may be additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community, if vehicle conflicts cause traffic accidents which require emergency response.

The conditional use was noticed for a public hearing, and the public hearing was held on May 17<sup>th</sup>, 2022.

## Requirements for Drive-Through Facilities

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Per Section 138-4.410 of the Zoning Ordinance, any use or building that contains a drive-through facility that is designed to provide service to a patron who remains in their car shall comply with the following requirements:

1. *Drive-through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive-through facilities and structures separate from the primary structure are prohibited.* The proposed drive-through is presented as integrated to the primary structure and its use.
2. *Drive-through uses must be located to the rear or side of the primary structure, and set back a minimum of 10 feet from the front building wall of the primary structure.* The plans show the drive through window to be located on the west side of the building and meeting the setback requirement.
3. *Drive-through uses shall be configured such that glare from headlights is obstructed from shining into a public right-of-way or neighboring residential use.* There is existing and proposed landscaping located on the north side of the site, next to the residential properties.

4. Unless a more intense buffer is required by Section 138-12.300, a type B landscape buffer shall be provided along rear and side lot lines of a drive-through use located adjacent to a residentially zoned or used property. The landscape provided meets the intent of a Type B landscape buffer between the site and the adjoining single family residences to the north.

## Motion to Recommend Conditional Use Approval

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. JNRNB2021-0026 (Starbucks on Walton), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a drive-through, based on plans received by the Planning Department on January 13, 2022, February 11, 2022 and May 27, 2022 and the Traffic Impact Study Addendum letter dated March 23, 2022, with the following findings:

### Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal will have a positive impact on the community by adding trees and offering employment opportunities.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

### Conditions

1. City Council approval of the Conditional Use.
2. If, in the determination of City staff, the intensity of the drive-through changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.
3. Approval is recommended based on information provided and representations made by the applicant's representatives that the site design and the traffic management plan for the site are adequate to address and avert concerns that have been expressed about increased traffic that is expected will be generated by this land use and associated traffic problems including blockages, backup-ups, crashes, and congestion overflowing offsite and onto and affecting Walton Road. The Planning Commission may periodically evaluate on-site traffic management, and if the Planning Commission determines that on-site capacity and traffic management is inadequate or that traffic generated by this site is causing undue traffic conflicts, based on generally accepted traffic engineering industry standards, principles and practices, congestion or hazards on Walton Road, the Planning Commission reserves jurisdiction to notify the applicant to reappear before the Planning Commission to show cause why the Planning Commission should not modify or supplement these conditions of approval to solve or remedy such traffic problems. Such remedies may include requiring the applicant to add more land or area for vehicular parking or overflow traffic, adding signage, reconfiguring parking or drive-thru lanes, hiring parking lot attendants or police to direct or wave-off traffic entering the site, closure of driveway(s) when

the parking area is full, or other appropriate measures deemed necessary to alleviate/rectify the situation.

4. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff, specifically with regard to the full access ingress/egress.

## **Motion to Approve Site Plan**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. JNRNB2021-0026 (Starbucks on Walton), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on January 13, 2022, February 11, 2022 and May 27, 2022 and the Traffic Impact Study Addendum letter dated March 23, 2022 with the following findings and subject to the following conditions:

### **Findings**

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from Walton Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

### **Conditions**

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.
2. Provide a landscape bond in the amount of \$23,576.00, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

## **Motion to Approve a Tree Removal Permit**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. JNRNB2021-0026 (Starbucks on Walton) the Planning Commission **grants** a **Tree Removal Permit**, based on plans received by the Planning Department on January 13, 2022, February 11, 2022 and May 27, 2022 and the Traffic Impact Study Addendum letter dated March 23, 2022 with the following findings and subject to the following conditions:

### **Findings**

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove three regulated trees. Three replacement regulated trees and four specimen trees, as approved by Parks and Natural Resources, are required; otherwise the applicant must pay into the City's tree replacement fund as required.

### **Conditions**

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. A Land Improvement Permit must be issued prior to any trees being removed.

## Motion to Deny Conditional Use Approval

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. JNRNB2021-0026 (Starbucks on Walton), the Planning Commission **recommends** to City Council **Denial** of the **Conditional Use** to allow a drive-through, based on plans received by the Planning Department on January 13, 2022, February 11, 2022 and May 27, 2022 and the Traffic Impact Study Addendum letter dated March 23, 2022 with the following findings:

### Findings

1. The site has not been designed and proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use since there are concerns that vehicles in the drive through queue may spill out onto Walton, which would disrupt traffic flow on Walton Boulevard.
2. The proposal will not have a positive impact on the community since there are concerns that vehicles in the drive through queue may spill out onto Walton, which would disrupt traffic flow and may cause accidents. Additionally, there are concerns that vehicles backing out of the southernmost parking spaces onsite may conflict with vehicles entering the site and cause accidents.
3. The proposed development will be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare. The potential for an excess of cars in the drive-through queue may be detrimental to the public welfare, if vehicles spill out from the drive through queue onto Walton, therefore disrupting traffic flow and creating the potential for accidents. Additionally, there are concerns that vehicles backing out of the southernmost parking spaces onsite may conflict with vehicles entering the site and therefore cause accidents.
4. The proposal may create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community, if vehicle conflicts cause traffic accidents which require emergency response.

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Reference: Plans dated October 31, 2021, January 4 and 5, 2022, February 9, 2022, May 26, 2022 received by the Planning Department January 13, 2022, February 11, 2022 and May 27, 2022.

Attachments: Planning and Engineering Memos, Traffic email, Traffic – sight distance document, TIS Addendum Letter, Reviewed Plans, Reviewed Traffic Impact Study, Elevations, Floor Plans & Renderings, Applicant Response Letter, RCOC Preliminary Review, OCWRC Involvement Letter, Wall Section Summary Report, Wall Plans, Geotechnical Report, Environmental Impact Statement, Landscape Cost Estimate, Public hearing notice, Meeting minutes, Public comments

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