

NEW BUSINESS

2022-0166

Request for Conditional Use Recommendation - File No. JNRNB2021-0026 - Starbucks - to construct a drive-through associated with a commercial development on approximately 0.7 acres located on the north side of Walton Rd. and west of Livernois Rd., zoned B-2 General Business District with an FB-2 Flexible Business Overlay, Parcel No. 15-09-476-030, Frank Arcori, Verus Development, Applicant

(Staff Report dated 5-11-22, reviewed site plans, elevations, floor plans and renderings, Planning and Engineering memos, TIS dated 2-10-22 and TIS Addendum dated 3-23-22, RCOC and OCWRC involvement letters, Geotech report, EIS, Landscape Cost Estimate, response letter, public comments received and public hearing and tree removal permit notices had been placed on file and by reference became a part of the record thereof.)

Present for the Applicant were Frank Arcori, Verus Development, 36400 Woodward Ave., Suite 240, Bloomfield Hills, MI 48304, and Tim Ponton, Stonefield Engineering and Design, 607 Shelby Street, Suite 200, Detroit, MI 48226.

Chairperson Brnabic introduced this item and stated that the request is for the construction of a drive-through associated with commercial development on approximately 0.7 acres located on the north side of Walton Road, west of Livernois Road, zoned B-2 General Business District, with an FB-2 Flexible Business Overlay.

Ms. Kapelanski stated that the Applicant is seeking approval for a proposal to construct a Starbucks with a drive-through on the north side of Walton, west of Livernois. She noted that drive-throughs are a conditional use and the Planning Commission should refer to the requirements of Section 138-2.302 of the Zoning Ordinance when considering the request, as outlined in the Staff Report. She explained that the plan generally meets the requirements of the Zoning Ordinance; however, staff had several concerns related to the site layout and conditional use request specifically. She noted that the queuing study showed sufficient stacking on the site, and the Engineering Division did confirm that; however, there is a persistent concern from both Planning and Engineering that there could be left-turn lockups along Walton Boulevard at the school approach

driveway and could lead to school traffic competing for storage space with the proposed Starbucks during the morning peak hour. She mentioned that all of the other comments on the plan were fairly minor in nature.

She noted that the Applicant is seeking approval of the site plan, the tree removal permit, and a recommendation on the Conditional Use this evening. She stated that Keith Depp was in attendance from the Traffic portion of the City's Engineering Division to address that further, should the Commission have any questions. She mentioned that the Applicant has a presentation for the Commission.

Mr. Arcori expressed his thanks to the Commission for allowing the opportunity to present before them this evening. He stated that their development group purchased the closed-down Pizza Hut last May, and were excited to be a new owner in the City of Rochester Hills. He explained that it is the first development of this type for their organization here and stated that they are a small local development outfit that focuses on retail development driven by national retailers. As a QSR (quick serve restaurant in the fast casual space), being that it was a Pizza Hut, they are excited to bring what they believe is a very vibrant and new modern-day user and use for the property itself.

He stated that as developers, they have a tendency to own and control all of their real estate long term and have no intent of building and selling their property. He commented that it is very important that the end product that is built is tenantable and habitable for a number of decades. He introduced Tim Ponton from Stonefield Engineering and Design and stated that Mr. Ponton would elaborate on the logistics of the site.

Mr. Ponton stated that his firm was retained as the site engineer for the project, and has been working with Verus Development Group on similar projects for the past five to seven years. He explained that the site is located at 1360 Walton Boulevard, on the north side of Walton just west of Livernois and is 0.72 acres in B-2 Zoning with an FB overlay. He explained that the site has an abandoned Pizza Hut with a deteriorating parking lot and is one of the most interesting sites he has ever seen from a topography standpoint. He noted that the residential neighborhood to the rear is approximately 10-20 feet higher than the site and has a significant buffer with mature trees.

He stated that the proposal is for a 2,220 square foot building that would be a Starbucks with a drive-through with 25 parking spaces, which meets the City Ordinance, and 15 stacking spaces, of which 10 spaces are required by the City Ordinance, or 50 percent more than required. Access will be proposed via a full-movement driveway. Along Walton, they will be widening access consistent with the current full-movement driveway.

He commented that from a lighting perspective, they are proposing LED lights that will be full cut-off and from a landscaping standpoint, there will be 33 trees overall. Twenty-four of those will be new and nine will be trees that they will be able to save on site. Also 24 evergreen shrubs will be located on the site. From a stormwater perspective, there are currently no measures in place, and he stated that they would be installing an underground detention basin that would

reduce peak flows during heavy rainfalls and also a water quality device that would clean the stormwater prior to entering into the City's system.

He explained that from an architectural perspective, it will be a clean and neat simple building, mostly comprised of brick, masonry, and neat vertical wood panels on the front elevation and on the side on the top of the glass above the tin canopy.

Mr. Ponton stated that there is a stigma of Starbucks and queuing because of Covid-19 and what everyone has been through for the past couple of years. He explained that they have put together a comparison, similar in scale or to scale, and he pointed out that the existing site at Rochester and Tienken has space for eight cars overall from a queuing perspective and is also a very atypical layout for Starbucks. He said this does not necessarily meet any of the radius requirements within the drive-through, which means that the cars cannot necessarily align and pull through the drive-through in a smooth fashion. He commented that it is a much smaller store on the interior as well, which does not allow Starbucks to staff the store as their new prototype stores.

He mentioned the Starbucks at Rochester and Auburn, noting that it is an end-cap with strip retail center, and is also different than what is being proposed. At that site there is space for ten cars overall until it starts blocking additional areas, and there is a different level of congestion on both of those sites. He mentioned that Starbucks is a shared user in these sites.

The proposal before the Commission tonight is a Starbucks prototypical layout with room for a clean 15 cars and perhaps a couple more before it starts backing and blocking their own bypass lane. There is two-way traffic and overall you can see that there is room for a significantly larger stacking area than any of the existing Starbucks.

He mentioned that Starbucks has also been in front of the Commission a couple of times recently and they have realized that there is a demand in this market. They will be opening a couple of new stores to create more of a distribution to the stores. They are also hopeful that this will help.

Mr. Ponton addressed the left turn potential conflict that exists with Rochester High School across the street, and he noted that there is approximately 150 feet from the western portion of the median to the western portion of their driveway, and approximately 190 feet to the point where cars would probably turn. He explained that the traffic engineer studied the site on two separate occasions and stated that the first study did not conclude that any left turn restrictions would be required at this driveway and noted in the report that there is sufficient room for both uses on this site. In response to City concerns, additional studies and some additional counts were undertaken, and in the highest count there was five cars that stacked trying to make the left going into the high school. The proposed left turn into the site for this use is estimated at two cars which is approximately one car every two minutes. He stated that in that worst-case scenario, there would be storage space in between the high school left in and the proposed Starbucks left in. He noted they have also shown the worst-case scenario and the traffic report states is there would be 20-30 feet of storage in

between the two depending on the first driver and how far they pull up to make the left turn in. He stated that they do recognize that it is a challenging situation, and are here to have a conversation to determine what is the best potential scenario. He commented that they took time and thought about the use across the street as a school, and he noted that the school is open 180 days out of the year, which is less than 50 percent of the year, and traffic enters the school for 30 minutes in the morning out of the day, from 7:00 am to 7:30 am.

He suggested that another thing is that this is considered a neighborhood business as opposed to regional/commercial. He stated that they anticipate that their customers would be residents of the City or close within the City. This would be a daily pattern for people going to Starbucks and to the school, or essentially people going to both sites every day. He stated that there would be education on driver awareness and familiarity of this site, and he explained that what is seen often in traffic engineering is getting into daily routines and habits is customers may change their routine by 10 minutes earlier or later potentially to get their coffee and go on their way as opposed to contend with the high school queue. Or he suggested that they could go to Livernois and take a different route into the site. He commented that the other option is that there is a longer queue and the driveway is backed up, in which case it is essentially a self-restricting no left turn because it would be backed up past the driveway. He stated that there would be 180-190 hours for the whole year where there is a potential conflict, which is less than one percent of the overall time that traffic will be traveling on the road. He commented that putting a left turn restriction on the site when it is working 99 percent of the time would cause people to make more dangerous turning movements in other areas, or just make the illegal left turn.

He stated that Walton is under County jurisdiction and they have full review and approval from Oakland County on the access and the driveway.

Chairperson Brnabic commented that the school is open nine months and not six months.

Mr. Ponton stated that if you take out weekends and holidays, there is an average of 180 days of school.

Mr. Struzik stated that he would love to see this property redeveloped and commented that it is going into further disrepair. He stated that he had a few concerns, and commented that the satellite photos he sees on Google Maps of other Starbucks locations show significantly more queuing than the ones displayed here this evening. He commented that the slide shown for the Walton stacking example depicted ideal conditions with people pulling right up bumper to bumper and pulling up to make a near 90-degree turn. He stated that many people will stop short so they are not making a 90-degree from the left turn lane into the driveway so that would start to erode into the spacing.

Mr. Struzik stated that another issue he sees is that queuing will affect a public road first, and he mentioned that the other examples shown affect private property first if the queue goes too long. He stated that the first thing to be affected is Walton Blvd. He stated that the other issue he had is the morning hours will conflict with Rochester High School as the bell time is 7:25 a.m.

People going to the school and those going to get their coffee will be conflicting. He noted that as the City Engineers have stated, there will be left-turn locking with the most inexperienced drivers in the City, the students. He commented that at the ages of 16, 17 and 18, people aren't making the best and the safest driving decisions, mostly out of inexperience. City Engineering also noted that the first couple of parking spots seem to be obstructing traffic flow into the site, which is a concern. He stated that if there was a car or large truck in the first spot it might start seeing a higher likelihood of queuing onto the road even for right-turn traffic because they cannot get into the site.

He stated that this site might be more appropriate for a lesser intensity, and one that does not occur at the same time as school traffic. He commented that if it were redeveloped into some sort of a restaurant with a drive-through and traffic in the evening, he would feel a lot more comfortable with that.

Dr. Bowyer stated that while she loves Starbucks, with the issues brought up by Planning and Engineering and their denials she would definitely deny it. She commented that with the conflicting traffic with the most inexperienced drivers, and in the morning, they are backed up 10 to 15 cars trying to get into the parking lot, anyone trying to get into a left turn while the high school traffic is trying to get into a left turn would bring accidents. She added that there would be the urge for students to park and run across the street to grab Starbucks. She stated that she thinks the stacking is fine, and if it stacks up enough that the entry is blocked, perhaps the deceleration lane could be made so it could hold a couple of cars to be helpful. She commented that what would really be nice is the property behind Wendy's is owned by Wendy's, and if they could get a lane that goes into Lucky's parking lot, for connectivity that way, she would suggest that the entrance there might be a right-in and a right-out only so nobody could take a left in to that spot because there would be connectivity at the back. She commented that this would be the only way that she would think about approving the design. She stated that she did not know what it would take to work with the owners of Lucky's and Wendy's. She commented that the first three parking spots are the same as the other two developments, so she does not see an issue with that.

Ms. Neubauer stated that she would agree with her co-commissioners, noting that she had the task of driving children to the high school for a week a couple of months ago; and she was approximately 40 cars behind trying to get into the school during the high traffic time for just a drop-off. She added that seniors are also allowed to leave school during lunch, so there is more traffic during lunch from those inexperienced kids. She stated that 16-year olds get restricted licenses because of how poorly they drive. She commented that she wished there was a way to do it from the back area where they are not touching the kids from the school. Showing the other locations, she stated that while it is a great location for it, Planning and Engineering both denied it. With her experience of taking students to school, she just could not approve it at this point with this design. She commented that it needs to be developed and it is a great site for development; however, the students are at too much of a risk.

Mr. Weaver stated that it is a very valid point that the City's youngest and most inexperienced drivers are at this critical spot at the critical time. He stated that

he drives this route every morning dropping his kids off on the other side of Livernois, and commented that even a little bit later traffic backs up from Livernois all the way past the driveway to Rochester High later in the day. He would echo the comments that are on the plans from all of the other City staff, including the comment about the crosswalk. He commented that unless they can get some alternate access to the site, he would agree that he is a no as well.

Ms. Denstaedt stated that she would look at it from the standpoint of adults stuck in lines at Starbucks and has seen the one at Rochester and Auburn and how it wraps and backs up around the building. She noted that she was also concerned after visiting the site that if you have 16 and 17 cars, they will be blocking the exit of the drive-through, which will back everything up onto Walton. She commented that in the morning with timing being what it is for everyone, it is a big concern of hers.

Chairperson Brnabic noted that an email was received sent in by Jane Fleming, who stated that she has a concern with the drive-through. Ms. Fleming stated that she and her husband are long-term residents and her concerns outline what has been heard from the Commissioners this evening, regarding the massive line-up of vehicles during high school periods of the day, traffic going both ways on Walton, and insufficient space and nowhere to go to turn into the Pizza Hut property. Ms. Fleming is recommending that they use the current Chase Bank property at Walton and Livernois.

Mr. Hooper stated that he loves the building and design; however, the issue is the drive-through which has been enumerated by all of the Commissioners, staff reports and comments. He noted that there is nothing against Starbucks but as popular as they are with drive-throughs, another one has just been approved at Avon and Rochester Road. He pointed out that that particular Starbucks does not have the same conflicts, and this is a victim of where this site is located relative to Rochester High School. He stated that to the comment made that it is only one percent of the time, it only takes one fatality, and it is not worth the risk.

He moved the motion in the packet to deny the Conditional Use Approval. The motion was seconded by Mr. Dettloff.

Chairperson Brnabic noted that this item requires a Public Hearing for the Conditional Use, and she noted that she did not have any speaker cards or see any hands raised in the audience. Seeing no public comment, she Closed the Public Hearing at 7:33 p.m.

Mr. Ponton noted that since the applicant has purchased the site, and they want to redevelop it, they were hoping to have a conversation with the Commission. He stated that they appreciate all of the comments and concerns, but moving forward they want to determine what they can do here. He noted that if a 7-11 or Chipotle comes in as a different type of user, or other approved uses within the zone, that would not mean that students would not walk across or drive across the street. He commented that in terms of morning or evening, there would still be similar concerns on both ends. He mentioned the high school noting that

one lot is for staff, and another is for seniors. He asked if Starbucks was being denied or if it is a proposed coffee use with drive-through that was being denied.

Chairperson Brnabic noted that it was the drive-through. She questioned whether they would consider an alternative business without a drive-through, or another business with a drive-through. She questioned whether a 7-11 would have a drive-through. She noted that the major concern she is hearing from the Commission is the stacking, queuing. She commented that the center left-turn lane with inexperienced drivers and the traffic from the high school does line up.

Mr. Ponton questioned if they were willing to restrict left turns in during peak hours with signage would it help the situation.

Mr. Depp responded that having a sign up is enforceable, but that is saying that there is a problem and you would have to have police much of the time, which is not a reasonable option. He stated that he would agree about the secondary access in the back; however, a Wendy's probably does not want Starbucks traffic taking their coffee and breakfast traffic. He commented that it is very difficult to approve it from a traffic standpoint.

Ms. Roediger questioned whether the applicant would be willing to do a right-in, right-out only as indicated by Dr. Bowyer. She noted that a.m. traffic is peak but there would be other times of the day that there would be peak traffic for after school events such as football games. She questioned whether that option would matter to the Commission.

Mr. Arcori responded that they would have to go back to Starbucks to see how well that would be received.

Dr. Bowyer stated that it would not matter to her what they brought to that site, she would only want to see a right-in and a right-out. If there could be connectivity at the back, that would be great. She commented that she would love Starbucks to stay there with a right-in and out only but there would be absolutely no left at any time of the day into that site. She concurred that signage means that there is a problem.

Mr. Ponton requested that the application be tabled so they could go back with the applicant to review the proposal and talk to the tenant.

Chairperson Brnabic responded that the applicant has the right to request a postponement.

Ms. Neubauer stated that for her it is not just the arrival time, but also lunch and dismissal. She concurred that there are lots of games, and the inexperienced drivers are the population that goes to those things and they are even crazier after hours. She stated that putting up a sign regulating peak hours would mean three times during the day and then after school, and would not be effective and a drain on public safety resources. She noted that if the applicant has another restaurant that does not have the drive-through or another way of developing the site, it would be great. She stated that they do want the site developed but want to protect our kids.

Mr. Struzik stated that he likes the looks of the building and the screening, and if it were in a different location the Commission would already be onto the next item. He commented that even with a right-in and right-out, people are still going to try a left turn in. He noted that he still might have an issue with this high intensity.

Mr. Depp stated that Engineering would not recommend approval of a right-in, right-out. He noted that even if they obey and turn right, those type of conflicts will happen more often. He stated that a north access would be preferred, even though it may be an unlikely idea.

Mr. Ponton stated that what they are hearing tonight is there is just not access to the site. He commented that other people own the adjacent sites and to obtain easements and potential access from them could be impossible. He stated that this means they have a landlocked site which is a non-conforming site in a B-2 zone.

Mr. Kapelanski responded that what is being conveyed is there is not access for a drive-through to the site and that is what is posing the concern.

Mr. Ponton questioned whether the drive-through is the concern or if it is the left-turn shared lane.

Ms. Roediger stated that it is a combination of the intensity of use with the school timing, so she would not suggest a morning peak drive-through such as another coffee shop. She stated that a Tim Horton's or Dunkin Donuts would have similar results. She suggested that there might be something else that was a drive-through that was a more evening focus, or did not have the same peak hours. She pointed out that there are drive-throughs across the street on the other side, but there are medians between. She commented that there are fast casual establishments on Livernois across from the high school.

Mr. Hooper removed the motion to deny. Mr. Dettloff concurred with the removal of the motion.

Chairperson Brnabic asked if the applicant was requesting a postponement.

Mr. Ponton confirmed that was correct.

Mr. Hooper commented that it is not that the property is undevelopable, that another restaurant or use could go in there, it is just the intensity of it.

Mr. Dettloff questioned what other Starbucks the applicant has and noted that this is the applicant's first business venture in Rochester Hills.

Mr. Arcori responded that they strictly own the real estate portion, and they are the landlord for a number of locations in the tri-county area. He commented that Starbucks is his tenant, and Starbucks is a corporate operation that owns and manages 7,000+ stores.

Mr. Dettloff questioned whether there is still the pent-up demand for more locations of Starbucks.

Mr. Arcori responded that the thought was that the existing Starbucks locations throughout the municipality are basically on overload. To help take away and soften some of the existing stores, they are looking to implement their new prototype that now accounts for pandemics. He commented that there is no secret that due to the pandemic most retailers are now looking for a pickup window, or drive-through window. He stated that this will make it challenging for municipalities and how they govern that, and how retailers evolved in today's time.

Chairperson Brnabic stated that she shares concerns expressed by her fellow Commissioners this evening and supports the concerns.

Chairperson Brnabic noted that the motion by Mr. Hooper, seconded by Ms. Neubauer, was to postpone the conditional use proposed by Starbucks at Walton.

After the voice vote, Chairperson Brnabic stated that the motion passed unanimously.

A motion was made by Hooper, seconded by Neubauer, that this matter be Postponed. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, that the Rochester Hills Planning Commission hereby postpones the Conditional Use Recommendation Request proposed by Starbucks to construct a drive-through associated with a commercial development on the north side of Walton, west of Livernois Road.

2022-0167

Request for Site Plan Approval - File No. JNRNB2021-0026 - Starbucks - a commercial development with a drive-through on approximately 0.7 acres located on the north side of Walton Rd. and west of Livernois Rd., zoned B-2 General Business District with an FB-2 Flexible Business Overlay, Parcel No. 15-09-476-030, Frank Arcori, Verus Development, Applicant

Postponed

2022-0172

Request for Approval of a Tree Removal Permit - File No. JNRNB2021-0026 - for the removal and replacement of three regulated trees associated with the review of a commercial development for Starbucks, located on the north side of Walton Rd. and west of Livernois Rd., zoned B-2 General Business District with an FB-2 Flexible Business Overlay, Parcel No. 15-09-476-030, Frank Arcori, Verus Development, Applicant

Postponed