



## Department of Planning and Economic Development

Staff Report to the Planning Commission

October 17, 2014

### A-Star Convenience Fuel Center/Tim Hortons

<b>REQUEST</b>	Conditional Land Use Recommendation Site Plan Approval
<b>APPLICANT</b>	Sean Awdish 3853 Spanish Oaks Dr. West Bloomfield, MI 48323
<b>AGENT</b>	Sean Awdish
<b>LOCATION</b>	2995 Walton Blvd. (Southeast Corner of Adams and Walton Blvd.)
<b>FILE NO.</b>	87-823.2
<b>PARCEL NO.</b>	15-17-102-003
<b>ZONING</b>	B-5 Automotive Business
<b>STAFF</b>	Sara Roediger, AICP, Manager of Planning

#### *In this Report:*

Summary.....	1
General Requirements for Conditional Land Uses (Section 138-2.302).....	2
Site Plan Review Considerations.....	2
Conditional Land Use Motion.....	3
Site Plan Approval Motion.....	4

#### **Summary**

The applicant proposes to construct a new 7,320 square foot gas station and convenience center and a Tim Hortons restaurant with drive through on the .92 acre site at 2995 Walton Blvd. The site is a Mobil gas station currently, and the applicant is proposing to demolish the existing building and to construct a new building with associated site improvements.

#### *Adjacent Land Uses and Zoning*

The subject parcel is zoned B-5 Automotive Business which permits automotive gasoline service stations and associated retail uses as a permitted use. The drive-through accessory to a permitted use is a conditional land use and will require a Planning Commission public hearing and recommendation to City Council. The site is surrounded by B-2/FB-2 zoning to the north, south and east, and Oakland University is across Adams to the west. There is a McDonald's parking lot to the south, McDonald's restaurant to the east, a gas station to the north across Walton Blvd., and Oakland University is zoned Special Purpose.

## General Requirements for Conditional Land Uses (Section 138-2.302)

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There are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional land use. The Planning Commission shall find that the conditional land use will:

1. Promote the intent and purpose of the Ordinance.
2. 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.
3. 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.
4. Not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
5. Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

## Site Plan Review Considerations

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1. **Site Layout.** The site has been designed with a new L-shaped building located in the southeast corner of the site, with the drive-through located at the rear of the building. A new canopy will be constructed at a 45° angle from the corner. All setback requirements have been met, with the exception of the rear yard (south property line). The ordinance requires a 50 foot setback, but allows the Planning Commission to reduce the rear yard setback to 10 feet when abutting another B District, upon its determination that the requested reduction will allow for better development and will be compatible with adjoining properties. An existing 6 ft. masonry wall separates the site from the property to the south, which will be maintained and enhanced with required buffer landscaping.
2. **Exterior Lighting.** A photometric plan will need to be provided and reviewed by staff to ensure compliance with ordinance regulations.
3. **Dumpster Enclosure.** A dumpster enclosure is proposed in the southeast corner of the site, to be screened with a wood gate and masonry block walls to match the building that meets ordinance requirements.
4. **Parking.** The minimum parking requirement for the fuel station and convenience mart is 11 spaces and 21 for the Tim Hortons for a total of 32 parking spaces. A total of 27 parking spaces are proposed, including 2 ADA spaces. The Planning Commission may modify parking requirements based on evidence submitted by the applicant that another standard would be more reasonable because of the level of current or future employment or customer traffic. The applicant maintains that due to the nature of the drive-through business, the vast majority of customers of the Tim Hortons will use the drive-through or be customers already visiting the site for gas station or convenience store purposes, therefore, in the applicant's opinion, the amount of parking proposed is adequate when considering the shared use of the site. It is the applicant's responsibility to make the case for reduced parking.

5. **Loading.** There is no requirement for a loading space in a B-5 district; however, the intent of the requirements and the proposed redevelopment use consisting of a large convenience shopping center and restaurant warrant the need for a loading space. The applicant has proposed a 40 x 10 ft. ft. loading space in the front yard next to the underground tank. Loading spaces are typically required in the rear or side yard, but because this is a corner site and due to the proposed site layout, there is no other feasible location for the loading area. As a space is not technically required, staff recommends that the Planning Commission find that the proposed location is appropriate provided it is screened from both Adams and Walton Roads.
6. **Landscaping.** A landscape plan, signed and sealed by a registered landscape architect that meets ordinance requirements must be submitted. All landscape areas must be irrigated, and an irrigation plan and cost must be submitted with the final site plans.
7. **Building Design.** The proposed building has been designed to meet the intent of the Architectural Design Standards. The building consists primarily of brick, veneer, accounting for over 53% of all facades, with block accounting for nearly 21% and glass roughly 15%. EIFS is used as an accent material accounting for just over 7% of the facades.
8. **Access.** The applicant is proposing to improve access to this site through the closure of the northernmost driveway on Adams Road and by designating the two existing driveways off of Walton as enter only (westernmost driveway) and exit only (easternmost driveway). In addition, the applicant is working with Engineering to determine if the driveway on Adams Road should limit left hand turns, and the resultant Traffic Impact Study will determine if the proposed traffic conditions warrant this limitation.
9. **Engineering Comments.** The applicant continues to work with Engineering in response to their review dated October 10, 2014. Staff is confident that all of the comments can be addressed in a final site plan submittal to be reviewed and approved by staff.
10. **Fire Comments.** The fire review dated October 9, 2014 notes two minor items that can be easily addressed prior to final approval by the Fire Department.

### *Site Plan Summary*

As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable city departments. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees, staff recommends approval of the following motions relative to City File No. 87-823.2 (A-Star Convenience Fuel/Tim Hortons).

## **Conditional Land Use Motion**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 87-823.2 (A-Star Convenience Fuel/Tim Hortons) the Planning Commission **recommends** to City Council **approval** of the **conditional land use**, based on plans dated received by the Planning Department on October 2, 2014, with the following findings.

### *Findings*

1. The proposed building and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.
2. The proposed project will promote the intent and purpose of the Zoning Ordinance.

3. The proposed project has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.
4. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs and another dining option.
5. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
6. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
7. 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.

## Site Plan Approval Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 87-823.2 (A-Star Convenience Fuel/Tim Horton's), the Planning Commission **approves** the **site plan**, based on plans dated received by the Planning Department on October 2, 2014, 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 requested 10 foot reduced rear yard setback is justified as it will allow for better development and will be compatible with adjoining properties due to the presence of an existing masonry wall and enhanced with required buffer landscaping.
3. Based on evidence submitted by the applicant, the requested reduction from 32 to 27 parking spaces is justified due to the nature of the drive-through business and in consideration of the shared use of the site as illustrated on the proposed site plan. Should the uses change or expand, this modification may be reconsidered.
4. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
5. The proposed loading space in the front yard on this site is appropriate as a loading area, provided it is screened from both Adams and Walton Roads, as the city recognizes that a loading area is needed for this site, but is not required, and the design of the site, combined with the fact that the site is located on a corner provides no other feasible location for the loading area.
6. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
7. 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. City Council approval of the conditional land use.
2. Submittal of a photometric plan, prior to final approval by staff.
3. Barrier free parking spaces and aisles be adjusted to meet ordinance requirements.
4. Submittal of a landscape plan that meets ordinance requirements, prior to final approval by staff that includes cost estimates to determine the bond amount, prior to issuance of a land improvement permit for this development.
5. Submittal of an irrigation plan and cost estimate, prior to Final Approval by staff.
6. Addressing all applicable comments from other City departments and outside agency review letters, prior to final approval by staff

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Attachments: *Site Plans, dated received October 2, 2014: Title Sheet & Project Information, Sheet T.001, prepared by GAV Associates; Site Plan & Topographical Survey, Sheet C.1.0; Limited Topographical Information, Sheet C.2.0, prepared by Sujak Engineering PLC; Site Plan, Sheet SP.101; Site Plan Details, Sheet SP.102; Main Level Floor Plan, Sheet A.101; Mezzanine Floor Plan, Sheheet A.102; Exterior Elevations, Sheets A.201, A.202, A.203, prepared by GAV Associates; and Landscape Plan & Details, Sheet L-01, prepared by E.J. Kleckner & Associates..*

Planning Department memos (2) dated 10/3/14 and 10/14/14; Assessing Department memo dated 08/15/14; Building Department memo dated 10/14/14; Fire Department memo dated 10/09/14; Public Services Department memo dated 10/10/14; and PHN

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