

fees, prior to temporary grade certification being issued by Engineering.

3. *Provide an irrigation plan and cost estimate, prior to temporary grade certification being issued by Engineering.*
4. *Payment of \$3,400 into the tree fund for street trees prior to temporary grade certification being issued by Engineering.*
5. *Approval of all required permits and approvals from outside agencies.*
6. *Provide Master Deed with Exhibit B to the Department of Public Services/Engineering for review and approval prior to the Engineering Department issuing Preliminary Acceptance of any site improvements.*
7. *Compliance with applicable staff memos, prior to Final Site Condo Plan Approval.*

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 6 - Brnabic, Dettloff, Hooper, Kaltsounis, Schroeder and Schultz

Absent 3 - Morita, Reece and Yukon

Chairperson Brnabic stated for the record that the motion had passed unanimously.

2016-0300

Public Hearing and request for Conditional Land Use Recommendation - City File No. 16-015 - for a proposed drive-through at a 4,062 square-foot Culver's Restaurant on 1.08 acres to be located on an outlot on the Meijer property at the southeast corner of Rochester Rd. and Auburn Rd., zoned B-3 Shopping Center Business with an FB-3 Flex Business Overlay, Parcel No. 15-35-100-053, Andrew Zielke, Just Burgers & Fries, Applicant

(Reference Staff Report prepared by Sara Roediger, dated August 12, 2016 and Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Andrew and Vickie Zielke, Just Burgers & Fries, 4564 Oakhurst Ridge Rd. Clarkston, MI 48348.

Ms. Roediger stated that the applicant wished to develop a drive-through restaurant on the existing Meijer site (outlot) at Rochester and Auburn Roads. Staff had been working with the applicant for almost a year refining the plans and going back and forth between the underlying B-3 zoning and the FB-3 Flex Business Overlay, and they determined that the

Flex Overlay was the best development option for the property. She noted that the existing access drive to Meijer would be relocated. The amount of parking for Meijer was still more than ample - even on the day after Thanksgiving. They met with MDOT, and there would be no curb cut onto Auburn Rd. The site would be accessed via the revised drive into Meijer. A shared access was proposed for the north end of the property close to Auburn to connect to the current Stone Shop, which was for sale. The Fire Department requested a fire access lane to Auburn, but that would be a rolled curb grass paver access that would not look like a driveway to motorists. She noted that the Tree Removal Permit was to remove some landscaping trees that had been planted by Meijer. She concluded that all staff had recommended approval with some conditions as noted in the review memos, and that she would be happy to answer any questions.

Mr. Dettloff asked Ms. Roediger to explain the entryway relocation. Ms. Roediger advised that the curb cut would not change at all. The proposed plan would bump the curb out to the south to give a little more buildable space for the development. The applicant was also proposing a sidewalk connection from Auburn across the building to the Meijer property.

Chairperson Brnabic noted that the motion for the Tree Removal Permit stated the removal of up to 17 trees, but 14 had also been shown, and she asked if it should be changed. Ms. Roediger felt that it should stay as it was to err on the more conservative side until things were finalized. Chairperson Brnabic asked if the applicants had anything to add, but they did not.

Mr. Dettloff asked the applicants if it was their first Culver's. Mr. Zielke advised that they had one in Livonia as well. Mr. Dettloff clarified that it would be a purchase not a land lease. Chairperson Brnabic asked if the purchase was completed, and Mr. Zielke said that it was still under contract.

Mr. Hooper brought up the modifications regarding the setbacks - the front yard aerial, front yard minor - and façade transparency that the Commissioners were being asked to approve. He observed that the front yard would be set back further from the road than was normally allowed in the flex district. Ms. Roediger agreed. They talked about pushing the building as close as possible to the road, but there would be a drive-through and an access around the building for the Fire Department. She noted that there was no parking in front of the building. Next to Auburn was the amenity area with benches and landscaping; then the fire

lane, and then the outdoor patio. It still represented active space in the front of the building without having parking. Mr. Hooper thought it was similar to the Taco Bell on Walton. He asked about the front yard minor setback and if it was a little further away from the access road. Ms. Roediger explained that it was also due to the drive-through; they could not meet the setbacks with the drive-through lane. Because it was an outlot, the parcel had three front yards. Mr. Hooper said that he was o.k. with that. He mentioned the façade transparency. Ms. Roediger claimed that requirement was quite strict, and she felt it was intended more for retail shop fronts where there was glass that covered the shopping windows. If it was applied to restaurants, there could be seating along the windows, but it was hard to meet that requirement sometimes. She looked at it as a discretionary review the Planning Commission had the ability to modify if they felt the architecture of the building met the intent of the district. She felt that it did with the stone front, and that it had a very welcoming façade, just not the transparency found on retail typically. Mr. Hooper considered that it was more brick and mortar versus glass.

Mr. Zielke added that part of the parapet wall would cover the rooftop units. Instead of bringing the walls down lower, they would use the parapet walls and the architecture of the building to bring up the façade and make it more attractive rather than bringing it down lower and having a screen wrapped around the units.

Mr. Hooper asked if the brick work would go all the way to the top or if there would be EIFS. Mr. Zielke agreed that there would be EIFS at the very top. There would be a metal cap on top of the EIFS and stone below. There would be a striped awning, versus the solid blue that was shown in the picture to make it stand out. He showed an example of the awning colors.

Mr. Schroeder had noticed on the drainage drawing that there would be detention in the employee parking area. Mr. Zielke said that was correct. Mr. Schroeder asked if it was because the overall detention for the site was deficient. Mr. Zielke said that it had more to do with the soil conditions. They tried to use the ground to let it percolate and recycle into the earth, but there was too much clay to do that. Mr. Schroeder said that he liked the treatment on the building. He also thought that it was kind of unique to have an isolated area for the employee parking. Mr. Zielke said that it had worked out very well having it behind the back of the building.

Mr. Hooper noted that there were a lot of fast food entities that had

claimed that 65-70% of their business was drive-through. He asked what Culver's historically saw. Mr. Zielke answered that it was 35-40%. He explained that a lot of families had a tendency to come and enjoy a sit down experience. He commented that it was more of a culture type of a restaurant. They were very involved in the community, and they built their growth by creating an experience for people. Mr. Hooper asked if that drove the need for more parking, which Mr. Zielke confirmed.

Chairperson Brnabic opened the Public Hearing for the Conditional Use Recommendation at 7:28 p.m. Seeing no one come forward, she closed the Public Hearing.

Mr. Kaltsounis felt that with all the drive-throughs in town, the subject area was made for a drive-through. There were not many residents, and Meijer was a neighbor. He thought that with the size of the drive-through and with ample parking, that it was a good spot for the restaurant. Hearing no further discussion, he moved the following, seconded by Mr. Schroeder:

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 16-015 (Culver's of Rochester Hills) the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to construct a drive-through, based on plans dated received by the Planning Department on July 19, 2016, with the following seven (7) findings.

Findings

1. The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.
2. The expanded use will promote the intent and purpose of the zoning ordinance.
3. The proposed building 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 existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the 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.*

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 6 - Brnabic, Dettloff, Hooper, Kaltsounis, Schroeder and Schultz

Absent 3 - Morita, Reece and Yukon

2016-0321

Request for a Tree Removal Permit - City File No. 16-015 - for the removal and replacement of as many as 17 trees associated with the construction of a 4,062 square-foot Culver's Restaurant on Auburn, to be located on a 1.08-acre outlot on the Meijer property at the southeast corner of Rochester and Auburn Roads, zoned B-3 Shopping Center Business with an FB-3 Flex Business Overlay, Parcel No. 15-35-100-053, Andrew Zielke, Just Burgers & Fries, Applicant

MOTION by Kaltsounis, seconded by Schultz, in the matter of City File No. 16-015 (Culver's of Rochester Hills), the Planning Commission grants a Tree Removal Permit to remove and replace up to 17 trees, based on plans dated received by the Planning Department on July 19, 2016, with the following three (3) findings and subject to the following two (2) 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 replace six existing trees being removed on the Meijer property with six Linden trees.*
3. *The applicant is replacing 17 trees with 17 tree credits or the associated contribution to the City's tree fund if replacement trees are not proposed.*

Conditions

1. *Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.*
2. *Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund.*

A motion was made by Kaltsounis, seconded by Schultz, that this matter be Granted. The motion carried by the following vote:

Aye 6 - Brnabic, Dettloff, Hooper, Kaltsounis, Schroeder and Schultz

Absent 3 - Morita, Reece and Yukon

2016-0301

Request for Site Plan Approval - City File No. 16-015 - Culver's of Rochester Hills, a proposed 4,062 square-foot restaurant on 1.08 acres on Auburn Rd. to be located on an outlot on the Meijer property near the southeast corner of Rochester Rd. and Auburn, zoned B-3 Shopping Center Business with an FB-3 Overlay, Parcel No. 15-35-100-053, Andrew Zielke, Just Burgers & Fries, Applicant

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 16-015 (Culver's of Rochester Hills), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on July 19, 2016, with the following eight (8) findings and subject to the following four (4) 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 front yard setbacks are modified based upon the Planning Commission's determination that the building is located similarly to other outlot development in the City; it will not negatively impact the potential of adjacent parcels to develop in accordance with the standards of Article 8; is necessary for adequate fire safety; and will be compatible with adjoining properties as the project is part of a larger development.*
3. *The minimum building frontage build-to area and minimum façade transparency requirements are modified based upon the Planning Commission's determination that they meet the intent of the FB district; that it will not make future adjacent development impractical; that evidence has been submitted demonstrating that compliance with the standard makes development impractical; that it is the smallest modification necessary; and that it will permit innovative design.*
4. *The proposed project will be accessed by an existing driveway, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been incorporated to promote safety and convenience of pedestrian traffic.*
5. *The applicant has submitted evidence that additional parking is necessary based on demand on a typical day and the Planning Commission has the ability to modify the requirements based on this*

criterion.

6. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
7. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
8. *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 use.*
2. *Provide a landscape bond in the amount of \$36,499.00, as adjusted as necessary after all landscaping has been determined with a cost estimate for additional ornamental trees and shrubs and the irrigation plan required, prior to temporary grade certification being issued by Engineering.*
3. *Provide an irrigation plan, prior to final approval by staff.*
4. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*

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

Aye 6 - Brnabic, Dettloff, Hooper, Kaltsounis, Schroeder and Schultz

Absent 3 - Morita, Reece and Yukon

Chairperson Brnabic stated after each motion that it had passed unanimously. Mr. Hooper thanked the applicants for their investment in the City. Ms. Roediger advised the applicants that the Conditional Use request would likely go before City Council on August 29. Mr. Kaltsounis asked the proposed timeframe. Mr. Zielke said that it depended on a few things. He had to re-do the parking lot, and they were trying to get that done before the asphalt plants closed in mid-November. It also depended on the weather. If they could get the footings in the ground and get the shell up, they could open in early spring. Mr. Dettloff noted that they had referenced 12 jobs per shift, and he asked if they would be part or full time. Mr. Zielke said that it varied. They had high school kids to managers who tended to be older. Mr. Dettloff pointed out that the City had a good student workforce.

2016-0309

Request for a Tree Removal Permit - City File No. 16-012 - for the removal and replacement of as many as seven regulated trees associated with the