

years ago.

Ms. Kapelanski pointed out that it was on sheet three of ten. The old tree #1386 was called out, and it was shown as preserved.

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated the applicants.

2017-0577 Public Hearing and request for Conditional Use Recommendation - City file No. 17-036 - to construct a drive-through at a relocated Burger King restaurant at The Winchester District, an outlot on the property at the southwest corner of Rochester and Avon Roads, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-014, Craig Singer, Rochester KM Partners, LLC, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated December 15, 2017 and site plans and elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Craig Singer, Rochester KM Partners, LLC, 6960 Orchard Lake Rd., Suite 300, West Bloomfield, MI 48322 and David Hunter, PEA, Rochester Ct., Troy, MI 48083.

Ms. Kapelanski stated that the project was a redevelopment of a former Kmart site. It was zoned B-3 Shopping Center Business with an FB-3 Flex Business Overlay. It was reviewed under the B-3 zoning standards, but the applicant had worked to incorporate some of the elements of the FB Overlay into the plan. The site was 12.9 acres on Rochester and Avon Rds. A Conditional Use Recommendation was required for the Burger King drive-through. There was also a request for a Tree Removal Permit and Site Plan Approval.

Ms. Kapelanski noted that the FB elements were being incorporated in the center drive that entered the site off of Rochester Rd., and there would be additional green space and pedestrian connections throughout and additional green space along Rochester Rd. The applicant had requested a modification for the number of required parking spaces. 651 spaces were required, and 561 were provided. Staff was in support of the modification given the fact that the largest tenant in Building A, Art Van Furniture would not have a lot of people visiting compared with another

retail store of that size. The applicant was also requesting a modification of the parking space width for Building C. Ten feet was required, and 9.5 feet was being provided. She noted that the Ordinance allowed employee spaces to be nine feet wide, and the modification would allow some of the customer spaces to be .5-foot smaller. Staff recommended approval of the plan, and they were available for questions.

Mr. Singer said that they had been working on the property for a couple of years and were finally able to present a plan that had staff's support and was something they were proud of. The property would be approximately 151,000 s.f. of retail and retail related uses. They proposed adding almost one acre of landscaping that did not currently exist. The existing property had nine acres of storm water that went into Winchester's underground system and four acres that were discharged onto Avon. They would add underground detention for the four acres. They would add 250 trees and foundation plantings throughout, with approximately 170 shrubs. In the current configuration, the entire front of the Kmart building was a sea of concrete. They would bring that into a normal sidewalk arrangement with a 20-foot landscape belt in front of the front elevation of that building. The belt on the north elevation would go to almost 30 feet. He felt that it would provide a beautiful landscaped area in front of the buildings. They were providing a new parking lot and new lighting throughout. There would be decorative parking lot lights for the pedestrian pathways in all directions. He said he would be happy to answer any questions.

Chairperson Brnabic said that Ms. Kapelanski verified that there were 651 required parking spaces, and that 561 were being provided, which would be 90 spaces short. They would also be cutting the size of the spaces. Mr. Singer explained that they were proposing to reduce the size of the parking spaces around the Aldi store. Aldi had about 1,800 stores in the U.S. They required a certain number of parking spaces immediately around their store. Aldi's internal requirement was for nine-foot parking spaces. Mr. Singer noted that there were more and more communities that allowed nine-foot spaces, and they had room to make them 9.5 feet. It also seemed to meet the context of what the City was trying to accomplish with having fewer cars and rather than a sea of asphalt, there would be large landscaped areas. They would be able to fit the number of cars that Aldi needed on a smaller parking lot. He understood that they were requesting modifications, and he hoped that they would be approved.

Chairperson Brnabic thought that the request was not just for Aldi; it was

for across the board. Mr. Singer clarified that it was just for the Aldi's site. Chairperson Brnabic confirmed that for every other area, the spaces would be 10 x 18. She said that she was not crazy about decreasing the width of parking spaces, because people opened doors onto other cars, and there were a lot of large vehicles on the roads.

Chairperson Brnabic opened the Public Hearing at 10:55 p.m.

Scott Beaton, 655 Bolinger St., Rochester Hills, MI 48307 Mr. Beaton said that he had looked at a lot of Ordinances throughout the country. The 18 x 9-foot parking space was coming more in favor, because communities did not want to look like seas of asphalt. He noted cities like Birmingham and Royal Oak as examples. It appeared to him that the applicants had made a sacrifice in how they could develop the site plan between the new proposed Burger King and the Speedway. The City had probably one of the last old Speedways left in the world. It was a horrible, crowded gas station that was dangerous and hard to get through the aisles. Because the applicants had sacrificed in the parking, he wondered if there would be another forward-thinking developer who also wanted to see the whole corner improved. He felt that the applicants should be thanked for putting green space between the new Burger King and the Speedway. He has had a business relationship with Art & Jake's in the past, and he felt that it was a brilliant restaurant chain and a welcome addition to Rochester Hills. He had purchased couches from Art Van in the past, and he felt that it would be a great new client. He had witnessed a few new Aldi TV commercials, and although he had never been in one, he hoped they would come and offer lower-priced items. He thought that what was proposed was a dramatic improvement to the site, and he felt that the applicants should get the Commission's support. The corner had looked very tired for over 20 years. He was glad to see that there had been a renaissance in the way fast food restaurants were redeveloped. It seemed like the old ones being torn down were being replaced with a lot better-looking ones, and they would be getting a better-looking Burger King out of the deal as well.

Chairperson Brnabic closed the Public Hearing at 10:58 p.m.

Chairperson Brnabic thought that they were requiring the Art Van to have the right number of parking, and that there would be some overflow use. She pointed out that Art & Jake's was a very busy restaurant. The one on Mound had people parking in overflow spots. Being 90 spaces short, when there were restaurants and a grocery store going in, as well as a drive-through and not knowing the other tenant, it concerned her. She

remembered when Outback moved in to the Hamlin Rd. plaza, they were short of parking a lot, and they took up half the parking at the center. She was concerned, because she knew how busy Art & Jake's could get.

Mr. Singer said that typically, he might agree. The one thing the City's parking Ordinance did not give a benefit to was when a restaurant was located in a very large shopping center that had a lot of parking, there would be crossover in terms of timing and general traffic use. It would be different for a restaurant and for a variety of retailers. He believed that there was sufficient parking with the 561 spaces. In addition, there was a reciprocal parking easement with the rest of the Winchester property to the south. There was crossover ability for all of the parking demands. When all of that was considered, he felt that there was sufficient parking for Art & Jake's when they were busy.

Chairperson Brnabic did not know if the customers would want to park far away. She knew that she would not. If someplace was that busy, and she could not find a parking space, she would choose to go elsewhere. Mr. Singer said that in terms of the reciprocal parking, he agreed, but it would be the furthest south users that would shift the parking into the easement area. To the public, there would be no difference, whether someone parked in front of the furniture store or in front of their south building. There would not be a fence line. People would naturally try to park as close to their destination as possible, but he believed that they would find convenient parking throughout.

Mr. Schultz asked how many parking spaces Art Van was requiring in its lease. Mr. Singer said that they did not specify. Mr. Schultz said that he would actually like to see a deferred parking arrangement and a back down from where they were currently at. In reality, they knew how little parking actually got used. If there was an understanding that they could get so many more spaces if needed, he felt that it would be better to add parking islands and to defer the spaces. He would like them to be more proactive and sensitive, and he would hate to see them spend money on asphalt that was really not needed. He would rather see money spent on trees.

Mr. Singer felt that they had done both. They would be spending a lot of money on trees and landscaping. He believed that they needed the parking they were proposing, and he did not think they would have the ability to lease the buildings without that. He believed that it was sufficient. Mr. Schulz commented that was fair enough, and his statement was more of a double-edged sword. He was in support of the deficiency,

and he would be in support of an even larger one.

Mr. Anzek stated that he could not be more in agreement with Mr. Schultz. He thought that there was way too much parking, and he would like to see some banked and something put in other than asphalt. Art Van was a great store, but they did not need all the parking around the building. It was an unintended consequence. When there was a large furniture store with a lot of displays and warehousing, they might get 12 customers on a good day. He would like the applicants to have a discussion with them about what spaces they needed. He thought that it would create an opportunity to do a lot of other things. His second point was about the mystery access shown to the Speedway that went nowhere. He asked if Burger King sat back from the City's additional right-of-way required on the west side of Rochester for a potential six-lane improvement. Mr. Singer said that it did not. Mr. Anzek observed that it was back about 80 feet. He asked if people would come off of Rochester to access the drive-through. Mr. Singer thought that it was for proper stacking when people were leaving, and that it was as close as they could get it in order to have stacking vehicles exiting to Rochester Rd. Mr. Anzek wondered if the Burger King could be pushed further northeast, where it would be closer to the road and line up better with the cross access to Speedway. That would give potentially more parking around the other restaurant. He asked if the cross access with Genesis was secured. Mr. Singer advised that it already existed, but there was not one currently with Speedway. Mr. Anzek said that years ago, when they were working with Speedway to redevelop, they were hoping to get a cross access with Kmart, who would not give it. Mr. Singer said that he was glad they did not. Mr. Anzek said that he would like to see Mr. Singer pursue it. Mr. Singer said that they had talked with Speedway about (them) knocking down their building and putting up a new one. The reason the open space was created to the northeast section of the Burger King property was so they could accommodate Speedway's future expansion. Mr. Anzek thought it would be great if it could be shown in concept to know that it would work. He would like the Commissioners to seriously consider abandoning the 180-foot right-of-way for Rochester Rd., because it was never going to come to fruition, and it had gotten in the way for Speedway. The future right-of-way line went right between the canopy out front, and that was before considering the setback, so they could not do anything. That was why there was still an old, historic Speedway. He thought it would be a good idea if Speedway could orient its building to look into the corner. Mr. Singer said that Speedway had the ability to fit its prototypical store on the property with Winchester's expansion space. They just had not been pursuing it as vigorously as they could. Mr. Anzek asked if Speedway

went forward and a deal was worked out, if there would be cross access with the Burger King parking lot. Mr. Singer said that there likely would be cross access to the driveway that went to the main entry off of Rochester Rd.

Mr. Anzek mentioned the truck lane exiting from Steinmart and PetSmart and how it would work with the road. When working with them, the truck lane was rather narrow. The proposed plan would cause them to have a nearly impossible turn from the internal access aisle. He thought some reconsideration was needed as to how trucks exiting the loading docks would move into the north/south travel line. Mr. Singer said that the trucks could go straight, but Mr. Hunter said that the corner could be softened. Mr. Singer said that they could do that and be a good neighbor.

Mr. Anzek referred to page C-2, and asked if the existing cross access with Genesis was shown. He asked if they would have another one with Speedway. Mr. Singer agreed that they would do another one. There was the main entrance to the property off of Rochester, and someone would turn right to go to Burger King. If that person continued straight, Speedway could be accessed. Mr. Anzek said that the parking would have to be re-worked in the corner. He said that it was good to see the project finally coming on line. He thought that there was a great tenant mix.

Mr. Reece indicated that he also supported the parking discussion. He thought that Art Van really threw a wrinkle into how much parking would really be needed. He did not see any elevations for the back of the old Kmart building. He asked if anything besides painting would be done. Mr. Singer said that they expected to do masonry repairs and painting. On the Art Van building, they would build a new end on the northwest corner which would be a truck well and receiving area. Mr. Reece asked if that would be a truck well where pavement would be depressed, which was confirmed. He noted the elevations for the main building, and said that he was not a fan of dryvit. He thought that it was a poor choice for Michigan, and a cheap material. Where dryvit was proposed, he asked if it would go down to grade or if there would be a continuous veneer stone base along the entire facing elevation. Mr. Singer said that it would be along the entire facing elevation. Mr. Reece commented that the dryvit would not go downward, at least.

Mr. Kaltsounis moved the following, seconded by Mr. Dettloff.

MOTION by Kaltsounis, seconded by Schultz, in the matter of City File

No. 17-036 (The Winchester District) the Planning Commission recommends to City Council Approval of the Conditional Use to allow a drive-through at a restaurant in the B-3 district, based on plans dated received by the Planning Department on November 20, 2017, with the following seven (7) findings.

Findings

- 1. The proposed drive-through 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 drive-through 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 offering an improved drive-through restaurant.*
- 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 Schultz, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

2017-0578

Request for Tree Removal Permit - City File No. 17-036 - for the removal and replacement of as many as seven trees for The Winchester District, a

proposed shopping center redevelopment with the addition of a relocated Burger King restaurant and two new outbuildings, located at the southwest corner of Avon and Rochester Roads, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-014, Craig Singer, Rochester KM Partners, LLC, Applicant

MOTION by Kaltsounis, seconded by Reece, in the matter of City File No. 17-036 (The Winchester District), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on November 20, 2017, with the following two (2) 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 remove seven regulated trees with four tree on site totaling eight tree credits.*

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 at a rate of \$216.75 per tree.*

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

2017-0576

Request for Site Plan Approval - City File No. 17-036 - The Winchester District, a proposed shopping center redevelopment with the addition of a relocated Burger King restaurant and two new outbuildings, located at the southwest corner of Avon and Rochester Roads, zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-22-226-014, Craig Singer, Rochester KM Partners. LLC, Applicant

Mr. Kaltsounis said that he echoed a lot of the Commissioners' comments. When they heard the property was being purchased with the potential from moving from Kmart to something else, they waited and waited, and they looked forward to a quick redevelopment of the corner.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 17-036 (The Winchester District), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on November 20, 2017, with the following five (5) findings and subject to the following five (5) 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 Rochester, Avon and Meadowfield Dr., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Paths and bike racks have been incorporated to promote safety and convenience of pedestrian traffic.
3. Off-street parking areas have been designed to avoid common traffic problems and promote customer safety.
4. The proposed improvements will improve a vacant shopping center building, add a new grocery store and restaurants, and should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the vicinity.
5. 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 performance bond for replacement trees, landscaping irrigation in the amount of 205,222.00, plus inspection fees, as adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.
3. Provide a concept using dashed lines that show how a potential cross

access with the Speedway can be accomplished, prior to final approval by staff.

- 4. Show an improvement to the bump out at the southwest corner to accommodate trucks exiting PetSmart and Steinmart, prior to final approval by staff.*
- 5. Staff to review the rear (west) elevations of the building, prior to final approval by staff.*

Mr. Hooper said that he supported the comments about parking. The Art Van on M-59 had about a third less parking. He asked if there was a thought for the future that with reduced parking that it would provide more retail or restaurant acreage capability.

Mr. Schultz thought that the current use might not demand a higher parking ratio, but they had to insulate the building from its future use and what might not be Art Van. He was not sure if they should bank the parking to make it available for future development or have it more for green space temporarily. If the use changed, the green space could be replaced with asphalt at some point. It would be flexible. Mr. Hooper considered that the green space could become a restaurant pad. Mr. Singer did not know if they would ever get that much out of it.

Mr. Hooper said that he could definitely see the northeast parking area of Art Van barely used, and he was not sure about the rest of the retail uses. He thought that Art & Jake's would take the eastern part of the parking lot. Mr. Singer believed that Art & Jake's would take the northeast portion of the parking spaces. He thought that if they were to eliminate any parking spots from the plan, that they would not be able to lease the spaces in the center. He did not believe that there was any ability to bank. They were already parked under four cars per 1,000 s.f., and it was a very difficult leasing climate for retail to begin with.

Mr. Hooper realized that Mr. Singer knew his business; he just considered Hampton Village and how there were acres of parking that never got used. Mr. Singer responded that the subject center would not have acres of parking that would not be used. Even Art Van, what they viewed as a not parking intensive use, was reliant on huge sales and lots of advertising, so when they had a lot of business, they had to accommodate their customers in a convenient way. They were an enormous advertiser, and they did an enormous business during those sales. They specifically put the Art & Jake's building in an area where the entrance would be in the

northwest corner, which would be most convenient to the parking.

Mr. Dettloff asked Mr. Singer if he could share whether the leases were for five or ten years, based on the comment about the difficult leasing climate. Mr. Singer said that they were all long-term leases, and they were well in excess of five years. He added that it was the only way it could be done today. Mr. Dettloff said that it was a great project, and he thanked Mr. Singer for bringing it forward.

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously, and she wished the gentlemen good luck.

Mr. Hooper aside if Costco was ever discussed for the site. Mr. Singer said that when they first came in, that was the expectation. He said that Costco had no interest, and it would not really fit on the site. Everyone thought they were in the market, but they were not.

ANY OTHER BUSINESS

2017-0523 Request for Approval of the 2018 Planning Commission Meeting Schedule

MOTION by Schroeder, seconded by Reece, the Rochester Hills Planning Commission hereby establishes its 2018 meeting schedule at the December 19, 2017 Regular Meeting as follows:

Ms. Morita advised that the September 18 meeting was the first night of Yom Kippur, and she would not be able to be there, and she assumed that several property owners might not be available either. She asked if it could be moved to September 25th.

Mr. Anzek said that he would be out of town for the February and March meetings, and the joint work session. Ms. Morita said that one of the reasons it was re-scheduled from January 29th was because she was going to be in trial. She asked if it should be moved back a month.

Ms. Roediger said that they needed to keep the joint work session on schedule, as it was a key meeting they wanted to have before the public