



January 28, 2022

Dear City Council of Rochester Hills,

Ryan J. Deel, President
Susan Bowyer, PhD., Vice President
David J. Blair
Carol Morlan
Dale Hetrick
Theresa Mungoli
David Walker

We, Kyan Flynn and Deanna Richard, are proposing a BIGGBY® COFFEE located within the Meijer parking lot on Rochester Road. To meet the customer and community expectations, we are providing drive-thru and walk up window service at the intersection of Rochester & Auburn roads; 3099 S. Rochester Rd.

Before we address the motion from the Planning Commission we would like to introduce ourselves to the Council, outline our partnership with BIGGBY® COFFEE and explain why we chose Rochester Hills. We both moved out of state for the better part of twelve plus years pursuing our careers in leading teams to high levels of success. Deanna's triumphs came developing collegiate women's basketball programs within Michigan and Pennsylvania. Kyan's achievements were on the West Coast and Texas renovating sales teams and processes in the for-profit sector. We have been dear friends since meeting in the Detroit airport bound for Australia to be basketball teammates in 1991. We continued to grow our friendship as collegiate athletes on the court. Kyan, an impressive 2-sport athlete and Deanna, one of 10 All-American basketball players from Oakland University. We both credit a lot of our success to sports; dedication to hard work, creating strategy and having the drive to impact a team positively. Recently and separately, we found ourselves wanting more out of life and missing the advantages of having our families close. It was time to get back to our roots, Michigan. First, Kyan moved her family, choosing for the second time Rochester Hills. Having a 7th grader, the school system played a key role along with all the amenities offered for her active family. As both of our careers were evolving, we spoke thoroughly about options we could invest in together in Michigan. In counsel with friends, BIGGBY® COFFEE was a leading franchise opportunity. We loved that it is Michigan founded and has a purpose and values that align with our own. With that, we decided to do this together. Deanna moved her family back and continues to have connections in the community from her time at Oakland University, it makes complete sense to bring BIGGBY® COFFEE to the area. Together, with our backgrounds of leading and developing teams, exceeding goals, we have fostered a plan to excel in small business entrepreneurship in a community that helped build our foundations as leaders and contributors not that long ago.

The BIGGBY® COFFEE brand appeals to us because they exist to love people! Through BIGGBY® COFFEE we can connect and engage with our community. We want you to know more about BIGGBY® COFFEE and why Rochester Hills will be a rewarding partnership. Please watch this [video](#) about the BIGGBY® COFFEE Brand Manifesto as well as how [Biggby in a Community](#) makes a difference.



We are community members who aspire to better ourselves and the community through utilizing our leadership foundations and natural desire to succeed, to fulfill a consumer demand. We know that Rochester Hills has high standards for us to meet. We have invested a significant amount of money, time, and sleepless nights into our plans for this BIGGBY® COFFEE location in Rochester Hills. We have made this investment based on the information gained since December 2020 – your zoning ordinances, conversations with Staff as well as our partnership with Meijer on S. Rochester Rd. We have employed various professional services to ensure our project meets the standards set for zoning ordinances, as well as the City of Rochester Hills.

This process has been educational for both of us. We have grown immensely and gained even more support from residents and other small business owners in Rochester Hills. Below are highlights from previous submitted letters.

Being a resident and small business owner in Rochester Hills, I can tell you most people in our community intentionally seek out small businesses to support. Patronage not only creates success for local owners but also creates success for local employees, resources, and the community.

- Dr. Kristina A. Yee, DVM, Hometown Veterinary Hospital

This model brings TRUE innovation to Rochester Hills. Kyan and Deanna also have impressive plans to build relationships with other local businesses and non-profits to truly create a vision of community, connection, and togetherness.

- Amanda Kirksey, Resident

Nearby corporations, like Starbucks, have had to close because they lack the staff to operate a drive-through and a dine-in operation. A use like the Biggby would show that the City of Rochester Hills is forward-thinking as it relates to these changing consumer preferences. Having a drive-through only use would allow the employees to solely focus on the drive-through, reducing lines both at this new Biggby and the surrounding competitors, which is a must-needed safety issue with the surrounding competitors.

- Brian Kirksey, Ethos Real Estate, Inc.

First, they are not a faceless corporation making decisions for the business from the other side of the country. Both live in or adjacent to Rochester Hills and have deep ties to the community. Both were successful student athletes in college, Deanna right here at Oakland University, where her photo still hangs in the halls in recognition of her achievements. Additionally, the two have had successful careers after college in positions of leadership.

- Joe Puma, Resident

The proposed business and the collaboration with the Meijer store would be an asset to our community. The use of space and architecture along with the landscaping would be a beautiful addition to the very dull parking lot. Furthermore, I think the location is ideal and very favorable to convenience as to its easy access from multiple entry points.

- Dr. Ondre M Jacques, Dynamic Chiropractic Centers



I viewed the beautiful presentation of plantings and it will help the area look so much nicer than it appears now. Also, I work with dogs and they are frequently in my car. To have a drive-up coffee place that isn't Starbucks fills me with joy.

- Rose Dalton, Retired Teacher

The B-Cubed concept is new & I have found very popular in different areas I have seen them. I personally find this concept is very favorable for the convenience of a drive thru without customers inside.

- Garth Pleasant, Professor, Rochester University

I have enjoyed watching the area grow and business flourish. I am extremely pleased with the city's efforts to draw attention to our area through continued development and beautification.

Recently, I was made aware that Biggby was looking to open one of their newer concepts right in our adjacent lots. I can't express to you enough what a fantastic opportunity I think this will be. I am very happy when I hear of a sustainable business model coming into the area because I know myself and clients come to rely on certain things in the area and look forward to our certain rituals of where we like to go. I often refer client to local businesses and feel this would definitely be one of them. I also love hearing of business models appealing to a wider range and something quickly before a Zoom meeting or teleconference. I do love the added bonus that the location Biggby proposes would clear up what I like to call "wanderers" through the parking lot that tend to be driving all over the place because there isn't much direction.

I truly hope the proposal for the Biggby Cube concept is reviewed and embraced as this could be exactly what our community needs.

- Quinn M Legoas, Owner, Rochester Salon Suites, Q Salon & Spa



In the next pages, you will find the outline of Staff Recommendations by department as well as each motion from the Planning Committee, Staff and our response.

Staff Recommendations

All staff have recommended approval or approval with conditions. If the Planning Commission feels that the proposed use and development will be compatible with its surroundings, below are motions for consideration.

Department	Comments & Waivers/Modifications	Recommendation
Planning	Approved with conditions	Approval
Fire	Approved with conditions	Approval
Assessing	Approved	Approval
Engineering	Comments to be handled at construction plan review	Approval
Parks & NR	No outstanding comments	Approval
Building	Comments to be handled at Building permit review	Approval

- A. The use will not promote the intent and purpose of the Zoning Ordinance. The Zoning Ordinance does not specifically promote modular drive-through structures that look like modular structures to be installed within existing parking lots, nor does it promote a business with only a drive-through and no seating area inside a building. If approved, there are concerns that such uses could proliferate throughout the City, which would not be harmonious and would provide visual clutter.
- **Staff Recommendation:** The use will promote the intent and purpose of the Zoning Ordinance. The B-3 and FB-3 districts do support and promote uses including a coffee shop with a drive-through, although not specifically a modular structure placed within an existing parking lot.
 - **Our Response:** Our BIGGBY® COFFEE shop will bring a convenient, speedy option for the Rochester Hills community to grab a cup of coffee on the go. We have worked with Staff for over a year to ensure our site, building and landscaping meet all ordinances of the City. Our project is a forward thinking and distinctive way to bring Rochester Hills a Michigan based coffee company they can feel proud in supporting and frequenting often.

While the zoning ordinance does not specifically promote modular drive-through structures that look like modular structures, it does not prohibit them. The fact that this building is modular is irrelevant. It is a building. It is made from the same materials and meets the same building code standards as an 'in-place' constructed building. The State of Michigan regulates modular buildings design and construction. This is an additional step not required of 'in-place' constructed buildings. What we are proposing is a building.



The commission has expressed a variety of evolving concerns over the three meetings where our project was considered. It has been difficult to understand what the concern is beyond the six votes that just don't like it. One member in January said it looks like a Porta-Potty and the month prior commented the facade presented tonight with the brick is much closer and more fitting for Rochester Hills. This is a unfortunate expression of an opinion that is simply not accurate. The building will have a brick veneer finish like the other establishments in the area. It has walls, a roof, a floor that are solid (see included building construction plans). It has plumbing, electric and telecommunications systems. It has a heater, an air conditioning unit, restroom, water heater, etc. - everything needed to operate a coffee shop. This is all contained in a solid structure that just happens to be built in a manufacturing plant and shipped in three pieces to the final destination for reassembly.

– Planning Commission Minutes, Dec. 21, 2021

Mr. Cope explained that the type of foundation is determined by the engineer who designs it, and from the Building Department perspective they have seen a lot of different designs, even on not what you would consider a modular building but on a stick built or regular building. They can be columns with footings going in between them, so he does not have a particular concern with the type of foundation, that will be determined by the engineer and the support will be placed where it is identified and necessary. The different aspect of this as compared to a stick built building or brick and mortar building is that it will have some sort of tie down to the foundation that is usually from a cabling system or some kind of fixed system that will be anchored into that foundation. He said that all of this would be determined by the engineer and he has full confidence in the structure if it is modular, he has seen them built both ways and would have no concerns about the structural integrity of such a building.

- B. 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. The proposed modular drive-through structure will not be compatible or harmonious with the existing or planned character of the general vicinity and adjacent uses of land since the Meijer parking lot was not designed to accommodate such a structure in this location. The proposed site plan within the existing parking lot will restrict or inhibit vehicular circulation for adjoining uses, as it is filling a large portion of a relatively small space. Based on Planning Commissioners' experiences as residents, the proposed location is a very busy area. Further, the proposed building is not compatible or harmonious in appearance with any of the existing buildings surrounding the site, including the Meijer store, the Beaumont Urgent Care, the Culver's restaurant or the center with Panda Express. These other sites have buildings that are conventional rectangular shaped buildings, and do not contain a vertical and a horizontal component that resemble shipping crates, such as the proposed development. Allowing the proposed use would set an adverse precedent to allow such buildings to be developed elsewhere in the City which would detract from the architectural and aesthetic standards expected by the Rochester Hills community.
- **Staff Recommendation:** 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. The applicant has submitted revised plans (Dec, 21, 2021) showing the structure to have full brick facades and skirting to cover the open space between grade and the bottom of the structure. Landscaping as shown on the plans will help the structure to fit into the setting.

- **Our Response:** We heard the Commission’s recommendation and request to enhance the appearance of the structure to blend in with the existing and planned general vicinity and their concern that most drive-thrus in the City do not have adequate stacking . We met with our manufacturer and chose a façade that enhances our site appearance to be harmonious with the other buildings on the Meijer property; Meijer itself, Culver’s and Panda Express shopping center. Please see fig. 1. We also met with our licensed engineering team from Fleis & Vandenbrink, BCubed Manufacturing representatives and the Real Estate division of Meijer, our landlord to address the site plan to support vehicular circulation for adjoining uses, improve the number of stacking to exceed ordinance requirements from 10 to 17, and BIGGBY® COFFEE traffic flow. We were able to improve the project with curbing that will create a natural vehicular circulation that has always been lacking in this area. Please see Fig. 2 The site plan, including traffic pattern, was designed by professional engineers. The space is currently not utilized by any adjoining uses so it delivers an excellent opportunity to a smaller square footage project like BIGGBY® COFFEE. On the Meijer property there are three structures; Meijer, Culver’s and the Panda Express shopping center. All three are rectangular in shape and conventional. Our BIGGBY® COFFEE roof lines will look somewhat different yet still compatible and harmonious with Aldi, Cedar Valley condos, Genisys Credit Union, and FirstState Bank. All located on Rochester Road. See Fig. 3, 4, 5 & 6. We also wanted to make a correction in the motion regarding the material used in the manufacturing of the structure. Our manufacturer utilizes the following. CastWal™ is a beautiful and durable molded product of polymer modified cement. It is available in a split-face block pattern. Tough, impact-resistant and totally water resistant, CastWal™ requires no costly re-sealing or moisture-proofing. The special formulation eliminates efflorescence and there is no mortar to fail. With factory-finished CastWal™ products, you can always count on consistent, top-to-bottom, wall-to-wall quality. This same product and other products from Fullerton Finish Systems are used by the following brands and many more.
 - Dunn Brothers Coffee
 - McDonalds
 - Sonic
 - planet fitness
 - Holiday CompaniesIt is a building. Our manufacturer uses the same materials as ‘in place’ built structures. They do not utilize shipping containers.
- C. The proposal will not have a positive impact on the community since the chosen location within an existing parking lot could lead to potential traffic conflicts and restriction of access to adjoining businesses. This may be detrimental to both the customers of those businesses and the businesses themselves if they suffer a loss of customers.



- **Staff Recommendation:** The applicant submitted revised plans which show one entrance and exit to the southeast of the structure to address these concerns. The proposal will have a positive impact on the community by adding trees and offering employment opportunities.
 - **Our Response:** Again, we worked with our licensed engineering team from Fleis & Vandenbrink, BCubed Manufacturing representatives, and the Real Estate division of Meijer, our landlord, to ensure our project would improve traffic circulation and advance commerce to surrounding businesses. Together, we addressed the site plan to support vehicular circulation for adjoining uses, improve the number of stacking to exceed ordinance requirements and BIGGBY® COFFEE traffic flow. We were able to improve the project with curbing that will create a natural vehicular circulation that has always been lacking in this area. The space is currently not utilized by any adjoining uses so it delivers an excellent opportunity to a smaller square footage project like BIGGBY® COFFEE. Please see Fig. 2
- D. The proposed development is not served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal. There are significant concerns with regard to circulation and the potential for cars in excess of the planned drive-through queue which may interfere significantly with customer access to surrounding businesses and create traffic hazards for both drivers and pedestrians. Specifically, if cars in the drive-through queue “spill out” outside of the site plan shown to the south, they would be directly interfering with access and circulation of that two-way drive which may cause traffic conflicts, accidents, and difficulties in accessing adjoining businesses.
- **Staff Recommendation:** 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. The modular structure will utilize a holding tank for sanitary waste and a grinder pump before connecting to the sewer. The grinder pump which would be privately owned and maintained. The applicant submitted revised plans which show one entrance and exit to the southeast of the structure to address these concerns.
 - **Our Response:** As stated before, we worked with our licensed engineering team from Fleis & Vandenbrink, BCubed Manufacturing representatives and with the Real Estate division of Meijer, our landlord. In this meeting, together, we addressed the site plan to support vehicular circulation for adjoining uses, improve the number of stacking to exceed ordinance requirements and BIGGBY® COFFEE traffic flow. We were able to improve the project with curbing that will create a natural vehicular circulation that has always been lacking in this area. The commission was quite vocal that most drive-thrus in the City do not have adequate stacking. We heard this concern and increased our stacking on the designated property to 17, exceeding the ordinance requirement of 10. Please see Fig. 2. BIGGBY® COFFEE also utilizes a monitoring system that times the duration a car is in line from the menu/ordering speaker to the pick-up window. BIGGBY® COFFEE average time is 1:45, dependent upon customers’ orders.
- E. 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 existing land uses by restricting access to nearby



businesses or by creating traffic hazards for patrons of surrounding businesses, including drivers and any pedestrians. Surrounding businesses may be negatively harmed financially if they suffer a loss of business due to frustration of potential customers who experience such difficulties with access.

- **Staff Recommendation:** The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare. The applicant submitted revised plans which show one entrance and exit to the southeast of the structure to address these concerns.
 - **Our Response:** Additional stacking that exceeds ordinance requirements was created by re-routing traffic with access one-way in and one-way out with a minimum speed to window service of :30 and a maximum of 3:00. The proposal gives much needed direction through the parking lot and as one Commissioner stated the parking lot is hard to navigate and another pointed out one of the aisles is hazardous. Our proposal adds a landscaped area/barrier for traffic flow. Business owners nearby will benefit financially as BIGGBY® COFFEE will bring more potential customers. Meijer has expressed the favorability from both customers and employees when having a BIGGBY® COFFEE located in the parking for ease of accessibility and convenience.
- F. 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 circulation conflicts cause traffic accidents which require emergency response.
- **Staff Recommendation:** 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. There will be no additional requirements at a public cost for the public facilities and services that would be detrimental to the economic welfare of the community. As previously mentioned, the grinder pump for sanitary waste would be privately owned and maintained.
 - **Our Response:** This is the case anywhere and is irrelevant to the proposal if anything it will prevent the need for emergency response to discourage vehicles from haphazardly cutting through the two aisles of the parking lot.

Planning Commission Vice Chair Hooper cautioned his colleagues that by legislating based on their opinions they are changing the rules in the middle of the game. We could not agree more. We have followed the ordinance, Staff recommendations, and what can only be described as excessive requests of the planning commission. We want to bring BIGGBY® COFFEE to Rochester Hills. We want to support our community. We ask that you recognize how we have met every ordinance in addition to our efforts to comply with all recommendations and support us.

Thank you in advance for your consideration and support.

Sincerely,

Kyan Flynn
Deanna Richard



Fig. 1



Fig. 2

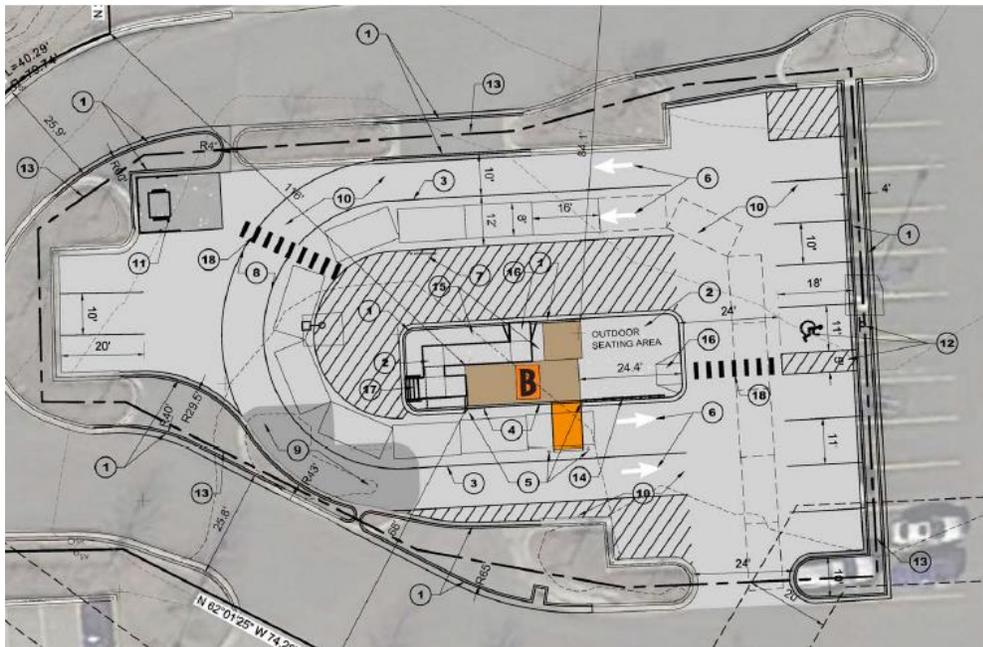


Fig. 3



Fig. 4





Fig. 5



Fig. 6

