

**NEW BUSINESS**

2012-0324 Public Hearing and request for Conditional Land Use Recommendation - City File No. 12-008 - For a drive-through to be constructed at a proposed Tim Hortons restaurant on .5 acre located on Rochester Rd., north of Avon (formerly a Dunkin' Donuts), Parcel No. 15-15-476-011, zoned B-2, General Business, Tim Hortons, Applicant

*(Reference: Staff Report prepared by James Breuckman, dated September 12, 2012 and Site Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Mark Kellenberger, Tim Hortons, 565 East Grand River Ave., Suite 101, Brighton, MI 48116.*

*Mr. Kellenberger stated that they were excited about the opportunity to present the proposed Tim Hortons redevelopment project. He noted that it was at the site of the vacant Dunkin' Donuts building on Rochester Road. They would like to redevelop the property, incorporating a drive-through. They had worked diligently with Staff to get a project that fit on the site and was in keeping with the City's Ordinances. There were some things in the Staff Report that needed consideration. The most restrictive item was the front yard setback. When they met with Staff, they discussed the B-2 zoning, but they decided to work with the FB-1, Flexible Business Overlay. If they used the normal setback from the right-of-way, the building would have to be placed too far back on the site. He advised that they had provided some pedestrian amenities - a bench, access to the sidewalk - and they would repave the sidewalk along the frontage. They would provide better landscaping along Rochester Road. The other consideration regarded the parking setback. They provided what they could, given the layout and size of the parcel. They put the majority of the greenbelt on the south side and provided buffers. The existing site was paved almost from property line to property line with some small landscaped areas in the middle, and they were trying to improve upon that. He felt that they had done a decent job of trying to fit within the FB-1 Ordinance given the parameters of the property size. He referred to the dimensional standards, and said that as far as the building frontage requirement, they were at 21%, where 40% was the desire. They tried to flip the building on its side, which would give better accommodation to the frontage requirement, but the drive-through would not work. The building was 56 feet long, and if they turned the building parallel to Rochester Rd., they could not get a good circulation pattern. They tried to provide more aesthetic qualities for the site, knowing they were a little short on the building frontage. He noted that they had provided a cross access as a*

future use. The owner to the north was not interested in it at this time, but they offered the easement. He concluded that he would be happy to answer any questions.

Mr. Breuckman said that Staff did meet with the applicant to discuss how to satisfactorily address the fact that there was a future right-of-way line that went through the site. It was skewed to the west side of Rochester Rd. near the Avon intersection. The future right-of-way line was there to accommodate a boulevard, which might happen someday, but he did not feel it was likely. Measuring the setback from the future right-of-way line resulted in a huge requirement in the front. The FB-1 district gave the ability to address that in a way that made sense and justified the modification for the minimum frontage requirement. He advised that the proposed layout would not increase the amount of paving on the site, which he felt would justify the side yard parking reduction. There was also a drop-off and concrete wall along the north property line, so it was hard to justify landscaping along that property line. He noted that there were motions in the packet, and said that he would be happy to answer any questions.

Chairperson Boswell asked why the City had a 40% requirement for the building frontage in the build-to area. Mr. Breuckman said that ideally, what the Flex Business district was supposed to be doing was transitioning places to be more walkable. In this case, it would allow the City to address a somewhat unfortunate Ordinance requirement at the site. The reason for a minimum frontage was because if there were big gaps between buildings, it would erode walkability. People would walk about 75 feet past a gap before they turned around, for instance. That was why the requirement was in the Ordinance. In the subject case, it would still function as a dimensional drive-through development, and he did not feel that the 40% made much sense there.

Mr. Yukon mentioned that he had considered that question also. He asked the hours of operation, and was told that it would be open 24 hours. Mr. Yukon clarified that the project did not require an Environmental Impact Statement, which would have addressed things like that. He asked about the distance for the truck turning radius by the dumpster location. Mr. Kellenberger said that he did not have it dimensioned angularly to the drive, but they put a garbage truck turning template on the Site Plan, and it made the turn and the travel pattern with a line of cars could be accommodated. Mr. Yukon said that Mr. Breuckman had stated that there would be a better layout using FB-1 standards rather than B-2. He asked if Mr. Breuckman could elaborate.

Mr. Breuckman responded that B-2 required a 50-foot front yard setback, and that would push the building really far back on the site. The effect of that was that the building would be pushed back behind the retail center to the north, and it could not be seen well. It would also cause the stack of cars in the drive-through to wrap further around the building, because there would be less stacking space behind the building.

Mr. Hooper asked where the signage would be and if there would be a ground mounted sign. Mr. Kellenberger agreed that there would be a ground mounted sign in the northeast corner of the site. Mr. Hooper said that relative to parking, and he knew the company knew their business better, he wondered if they needed 20 spaces. Mr. Kellenberger said that they did expect a lot of drive-through traffic. The dining room accommodated nine seats, and there would be about five employees per shift. He believed that 20 spaces would be appropriate. If they went too much under that, they would get into a pinch point. If they did well and did more of a dine-in business, that would take about 14 spaces. He said they could look at reducing it if it was an issue. He added that operationally, they would prefer to have more parking than not enough. Mr. Hooper said that he liked the concept of adaptive reuse rather than taking a storefront, and he was supportive of getting something that worked.

Mr. Schroeder felt that the proposal was the best they could do with the property. If they followed the restrictive rules, it would be a vacant lot for many years. He said that he was very familiar with the Tim Hortons in Troy, which was a much bigger restaurant with more walk-in people. He thought that the proposed project would mostly have drive-through business. Mr. Kellenberger agreed that it would primarily be. The size of the property dictated that they could not fit a full parking ensemble with a full, larger restaurant. Mr. Schroeder said that he noticed it would only have one bathroom. Mr. Kellenberger agreed, and said that it was because of the small dining area. Mr. Schroeder clarified that two were not required.

Ms. Brnabic asked if there would be seating for nine people or nine tables. Mr. Kellenberger said that there would be nine seats. Ms. Brnabic stated that she would prefer to see more brick on the building, noting that there was a fractional amount. Ideally, she said she would like to see full brick on the south side of the front and south side of the drive-through, and perhaps something on the bottom of the front entrance. She said that she had seen Tim Hortons that were fully bricked, and it struck her that a

*minimal amount of brick was proposed.*

*Mr. Kellenberger passed out some photos of another Tim Hortons. He related that about two years ago, they had a big undertaking. He sat through many marketing studies and focus groups to see what people thought of the business and product. He said that it was telling and disturbing at times and what came out of that was a rebranding for Tim Hortons Café & Bake Shop. They tried to get back to the coffee shop feel. They were building the 1,340 restaurant wherever they could with the siding. He felt it was a nice material with a nice look, and it gave a coffee shop feel and appearance. He noted that there were no design standards, and he understood it was a Conditional Use, but he said that they would like to propose the building as it was.*

*Ms. Brnabic said that siding on the sides did not bother her; she said she would rather see more brick on the south side of the front and drive-through. She thought they could add some to the front and not necessarily go all the way to the top of the building. She felt it would be much more appealing. Mr. Kellenberger indicated that the architectural character was kind of a personal thing. They liked it, and he would prefer to go with it. They had submitted plans to the Building Department, and they were trying to open, if approved, before December. If they had to resubmit, they would have to write that off, and it could not open this year.*

*Mr. Breuckman asked Mr. Kellenberger if they were proposing hardy board, which was confirmed. Mr. Breuckman felt that was an important consideration. It was not vinyl, and it was a good representation of wood and true to the architectural style. Mr. Kellenberger said that it was a fiber cement and a durable material. It had been very well received in other communities, and he did not feel that the architectural renderings did the building justice.*

*Mr. Kaltsounis said that personally, he wanted to have something in the City that he would also like. He referred to "siding monsters," and said it was something he did not feel the City needed. One thing that bothered him was the side of the building and what people were not seeing. Going north on Rochester Rd., he would see an ugly side of the building fully exposed. One of the signs on one corner of the building would face a shopping center, which would be pretty much covered. He felt that Mr. Kellenberger did need to take it back to his architects to redo the south elevation. Mr. Kaltsounis said that on the south side, the brick was stopped, and there was an expansive panel. If he drove up the street, he would not notice what was there. He felt they should add some awnings.*

*He stated that he could not vote for it because of what it looked like. He mentioned that McDonald's made some changes, and they were up and running with a nice little building. He reiterated that driving north, people would see a slab of brown, and he felt that needed to be broken up somehow. He understood the applicants would like to get going in October, but he did not like the south side the way it was.*

*Mr. Kellenberger said that they had added awnings in the area in front of the drive-through window at one time, but they kept getting ripped off by vehicles going through the drive-through. He said they could absolutely consider adding that. He asked if carrying the stone that was up front back further would work. Mr. Kaltsounis suggested that they should carry the stone through to the back.*

*Mr. Reece suggested that they eliminate the spandrel panels under the windows and replace them with stone. Mr. Schroeder agreed that would look better. Mr. Kaltsounis said that he would put a sign on the side of the building for more exposure. Mr. Kellenberger did not think they were allowed to put it on the side without a Variance.*

*Mr. Kaltsounis asked why they would have just three tables. Mr. Kellenberger said it was because of the size and layout. They had done a lot of research, and they came out with three new models about a year-and-a-half ago that were drive-through oriented. It was what they could fit while providing the necessities for baking and storage, etc., and 1,340 square feet was the standard size. Mr. Kaltsounis said he was curious about the trend towards drive-through and fewer seats. Mr. Kellenberger said that their business model would not support not doing a drive-through, and the size and proximity determined that 30 seats would not fit on the property.*

*Mr. Kaltsounis referred to the lighting plan, which showed 24-foot poles, and said that the plan showed lighting going well beyond the site's borders - in some cases up to 5.9 footcandles. Mr. Kellenberger said that on the north and south property lines the lights were in a small area between the curb and the property line. He said that they could adjust the lighting. Mr. Kaltsounis asked about adding a condition regarding that.*

*Mr. Breuckman said that it would be an additional condition, because the requirement for no light spilling over the property line only applied to residential properties and there were none around the site. He said they could add a condition, but technically, the plan met the Ordinance as it stood. Mr. Kaltsounis said that if that was the case that was o.k. He*

*acknowledged that they would probably help Miguel's and Sanyo with lighting. He summarized the changes they had discussed.*

*Chairperson Boswell clarified with Mr. Reece that every window should have brick work under it, and Mr. Reece agreed.*

*Mr. Dettloff said that given the size of the site, he felt the applicants had done a pretty good job with the layout. He noted the Dunkin' Donuts at 14 and Crooks, which had a similarly sized parcel. He said that it was impossible to maneuver, so he felt they had done a good job. He agreed with the modifications to the building. He asked if the business would be corporate or a franchise. Mr. Kellenberger advised that everything in Michigan was franchise. From Tim Hortons' perspective, an individual business owner would run it, but it would have corporate oversight. There were district managers that corporately looked after the stores. They kept things up from a maintenance standpoint, and they stayed on top of the businesses, and they were there to help them out as well. Mr. Dettloff asked if there would be a new owner or if he or she had other stores. Mr. Kellenberger said that he did not know; it would not be determined until they made it through the approval process. Mr. Dettloff said that he was not familiar with hardy board, and he asked if it was a relatively low maintenance material.*

*Mr. Breuckman said that it was. Mr. Kellenberger said it was a colored product, similar to a lap siding. Mr. Breuckman said that it was a good product that resulted in a really nice look. It had a very natural appearance, and it really resembled wood siding well. Mr. Dettloff confirmed that it would not look weathered in a short period of time. Mr. Breuckman said that he liked that they presented the building with all the right details with the trim board, adding that vinyl siding lacked those details.*

*Mr. Dettloff asked how many jobs would be created. Mr. Kellenberger said that there would be 20-25 jobs in a combination of management, full and part time. Mr. Dettloff asked if there were any other sites on Rochester Road they were considering. Mr. Kellenberger remarked that they would consider as many as they could. He had been with Tim Hortons about six years, and one of his first site tours was in and around Rochester Hills. It had taken this long to bring one forward, and they were happy with the site. They would love to add more in the future, but he did not have anything currently. Mr. Dettloff knew they were in a growth mode, and he said that was great. Mr. Kellenberger agreed that they had continued to grow, and they were building more this year than they had in*

the five previous, and each year had been more than the year before. He thought that was great in this economy. Mr. Dettloff asked if it was the first Tim Hortons in Rochester Hills, which Mr. Kellenberger confirmed. Mr. Dettloff thanked him for the opportunity of coming to Rochester Hills, and he said he was looking forward to working with him.

Chairperson Boswell explained that the first aspect of the site was a Recommendation to City Council of the Conditional Land Use, which required a Public Hearing. He opened the Public Hearing at 7:36 p.m. Seeing no one come forward, he closed the Public Hearing.

Hearing no further discussion, Mr. Schroeder moved the Conditional Land Use in the packet.

**MOTION** by Schroeder, seconded by Dettloff, in the matter of City File No. 12-008 (Tim Horton's Rochester Road) the Planning Commission **Recommends** to City Council **Approval** of the **Conditional Land Use**, based on plans dated received by the Planning Department on August 8, 2012, 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 hospital, 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.*

**A motion was made by Schroeder, 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 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated for the record that the motion had passed unanimously.*

**2012-0325** Request for Site Plan Approval - City File No. 12-008 - Tim Hortons, a proposed 1,393 square-foot restaurant with drive-through on Rochester Rd, north of Avon  
*Chairperson Boswell noted that the motion in the packet contained six findings and five conditions, and he read the added conditions as the Commissioners discussed.*

**MOTION** by Schroeder, seconded by Kaltsounis, in the matter of City File No. 12-008 (Tim Horton's Rochester Road), the Planning Commission **approves the site plan**, based on plans dated received by the Planning Department on August 8, 2012, with the following six (6) findings and subject to the following eight (8) 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 development meets the intent and standards of the Flex Business 1 overlay district, inclusive of a modified frontage requirement as part of this approval.*
3. *The reduced side yard parking setback is justified based on existing conditions on neighboring sites.*
4. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
5. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
6. *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. Provide a landscape bond for replacement trees in the amount of \$5,748 prior to issuance of a land improvement permit for this development.
3. Submittal of an irrigation plan, including irrigation of the Rochester Road right of way.
4. Submittal of a cross-access easement for City review and approval, and filing of the easement with the Register of Deeds.
5. Addressing all applicable comments from other City departments and outside agency review letters.
6. Continue the stone work along the south elevation from the front of the building to the rear of the building.
7. Eliminate the spandrel and replace it with stone work under each of the windows.
8. Add an orange ornamental feature above the front window on the south façade between the pick up window and the front of the building.

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

**Aye** 9 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece, Schroeder and Yukon

*Chairperson Boswell stated again for the record that the motion had passed unanimously. He thanked Mr. Kellenberger, and said that the proposal was a vast improvement over a vacant building. Mr. Dettloff asked if Tim Hortons owned the site and if it would be a land lease, and Mr. Kellenberger said that he would have to check with the real estate office.*

**2008-0663**

Request for Review and Recommendation of the Historic Districts Study Committee Report for the Twist Drill properties, located at 6841 and 6875 N. Rochester Rd., at the northeast corner of Rochester Rd. and Tienken, zoned I, Industrial, Parcel Nos. 15-02-300-004 and -015, as they relate to the City's Master Land Use Plan. (Eric Mozer and Fred Ferber, property owners)

**ANY OTHER BUSINESS**