

F. 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.

Conditions

1. City Council approval of the Conditional Use.
2. Public hours of operation for the tasting room will be between 9:00 a.m. - 6:00 p.m. Friday and Saturday, including special events.
3. The applicant must submit a revised and updated sketch to City staff for inclusion in the City Council packet, to address Planning Commission comments.

2021-0385

Public Hearing and request for Conditional Use Recommendation - City File No. 21-007 - to allow a restaurant with a drive-thru, as a part of a two-story mixed use building consisting of first floor commercial/retail space and office space on the second floor, for Rochester Avon Partners LLC, located at 945 and 975 S. Rochester Road, northeast corner of Rochester Rd. and Avon Rd., zoned B-2 General Business District and B-5 Automotive Service Business District with an FB-3 Flexible Business Overlay, Parcel Nos. 15-14-351-011 and 15-14-351-012, Doriad Markus, Rochester Avon Partners LLC, Applicant

Chairperson Brnabic introduced the request to allow a restaurant with a drive-through as part of a two story mixed use building, consisting of first floor commercial and retail space and office space on the second floor for Rochester Avon Partners LLC, at 945 and 975 S. Rochester Rd., at the northeast corner of Rochester and Avon Rd. The property is zoned B-2 General Business District, B-5 Automotive Service Business District, and with an FB-3 Flexible Business Overlay.

(Staff report dated September 16, 2021, site plans and elevations had been placed on file and by reference became a part of the record thereof).

Present for the applicant were Doraid Markus, Rochester Avon Partners; Rachel Smith with PEA Group, and Brian Burnham with Rogvoy Architects.

Ms. Kapelanski reviewed the request for a 27,000 sq. ft. two story mixed use building for the northeast corner of Rochester and Avon Rds. The current zoning designations are B-2, B-5 with the FB-3 overlay, and the applicant is developing under the FB-3 overlay, which permits the retail and office uses and require a conditional use approval for the proposed drive thru. She noted the applicant is requesting several modifications to the ordinance requirements including a greater front yard setback, and to allow façade transparency of less than 70% for the east and south facades. The plans presented show that the tree replacement requirements have been met.

Mr. Markus explained that the project site includes an existing Citgo gas station and a parcel that was obtained from Comerica Bank. They will be demolishing two structures, getting rid of the 1950s gas station and the old office building. The new building will be two stories, with retail on the bottom and offices on the top floor. There will be an entrance at the rear of the building for the offices. Parking in front of the building would be saved for the retail tenants. Mr. Markus said that they would keep access to the site from Avon Rd. but other driveways

would be removed. He commended City staff for working with him regarding the right-in/right-out and left-in/left-out access points. He stated that the drive through business would be a Starbucks, and these would also be a street food restaurant. He concluded that the project would be a benefit to the community.

Chairperson Brnabic noted that one of the Starbucks the applicant listed for comparison is actually located in Troy on south Blvd. She asked how the existing contamination on the site would be monitored and treated.

Mr. Markus stated they would be using the Michigan Underground Storage Tank Financial Aid (MUSTFA) fund for assistance to remove contaminated soils and underground storage tanks (USTs).

Ms. Roediger commented that the applicant has submitted their brownfield plan and the City's environmental consultant has reviewed it and they are satisfied with the level of cleanup proposed.

Chairperson Brnabic asked if there would be other tenants that are restaurants. She explained she is concerned that level of use may be a lot for the property and for the location, and with circulation with a Starbucks as a tenant. The property has been a gas station for years, and it hasn't had much activity. She noted however that the development would be a huge improvement to the corner.

Mr. Markus said there might be another restaurant or two, and that it would be a good mix of soft retail uses. He noted that City staff is supportive of the traffic study that was submitted.

Chairperson Brnabic referred to Sheet 3 of the plans, and asked to zoom in on the stacking spaces for the drive thru and traffic circulating all the way around the building. She pointed out the spot on the plan with a black line that says "no drive thru", and asked if that would be accomplished with signage or would there actually be something there that would block traffic.

Ms. Smith said this development would be a similar concept to the Starbucks drive through at Rochester and Auburn, they would have pavement paint and signage to direct people. Chairperson Brnabic asked the applicant if he feels that would be adequate.

Mr. Markus said the vast majority of customers would be entering from Rochester Rd. He explained that they have done numerous similar projects and the circulation will be self-policing.

Mr. Kaltsounis asked for clarification regarding the fire lane, and whether there are parking spaces on both sides of the fire lane. He noted that the length of the parking spaces is 16.5 ft., with 18 ft. drive aisles in between. Ms. Smith replied that they worked with the Fire Department regarding that layout, and the Fire Department asked for the marking of the designated fire lane. She noted that the ordinance allows for overhang with regard to the measurement of parking space length.

Ms. Kapelanski clarified that 2 ft. of overhang is allowed per the ordinance, into landscape or sidewalk areas.

Mr. Kaltsounis asked for clarification regarding whether with zero degree parking space layout, with a 24 ft. maneuvering lane, 8.5 ft. wide spaces is 22 ft. He suggested that staff should correct him if this is wrong. He asked because his truck is 18 or 19 ft. long.

Ms. Kapelanski explained that parallel spaces are required to be 22 ft. and all others are allowed to be 18 ft. long, with 2 ft. of overhang.

Mr. Struzik commented that this proposal checks a lot of boxes, in that he likes the shared parking and the mixed use. He expects that the City will see many more proposals like this. He said that this corner could really use a facelift. He said the reduction from seven to two driveways will make it much safer for pedestrians and bikers. He noted that the current sidewalk is in poor condition and it would be nice to see that corrected, especially for bikers. He also likes that access to the bank portion of the property is being maintained.

Mr. Dettloff commended the applicant for his job at the property at Auburn and Rochester, since there were a lot of concerns with that property. He asked if they have completed a Phase I Environmental Site Assessment for the property, and asked how many USTs there are. He noted that there is a lot of office space on the market now.

Mr. Markus replied that there are a few or several tanks, and they will all be removed. He said that there is a need for more specialty medical offices, and it would be a great synergy to have office workers on the second floor be able to go downstairs to get coffee or something to eat. He has a similar building at Maple and Orchard Lake Rd. in West Bloomfield and they've never had a vacancy, and the tenants like the set-up.

Mr. Dettloff commented that mixed use is a smart way to go, and said that the development will really enhance the corner. He asked for confirmation that Starbucks has committed as a tenant. Mr. Markus replied that Starbucks has committed.

Mr. Hooper agreed that the applicant did a great job with his Rochester and Auburn Rd. project. He noted that looking on Google maps at the Rochester and Auburn drive-thru restaurant, they had 15 cars stacking at that snapshot in time.

Mr. Markus explained that with the pandemic there was more stacking, there is a lot of asphalt on that property so the additional stacking could be accommodated. He said that the business issue now is staff shortages. He acknowledged that the stacking is a concern but said the issue will alleviate itself shortly, and people can adapt and learn to deal with overflow traffic.

Mr. Hooper commented that the building looks nice architecturally, and asked if there is an elevator.

Mr. Markus said there is an elevator at the southeast corner of the building, and also a secondary staircase. He showed sample façade materials, including stone for the bottom of the façade and brick for the endcaps.

Dr. Bowyer thanked the applicant for coming to Rochester Hills, and for taking care of the tanks and contamination at this property. She commented that the building looks great, reducing the number of entrances is positive, and the ideal mixed use of the building will be phenomenal.

Mr. Weaver asked if the metal finish on the façade will be a brushed metal. He asked whether the metal on the west facing façade will reflect into the sunlight.

Mr. Burnham noted that the metal will have a brushed matte finish.

Chairperson Brnabic Opened the Public Hearing.

Seeing no public in attendance wishing to speak, and no one on Zoom or email received, Chairperson Brnabic Closed the Public Hearing.

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Excused 1 - Gaber

Resolved, in the matter of City File No. 21-007 (Avon/Rochester Mixed Use Development), the Planning Commission recommends to City Council Approval of the Conditional Use to allow a restaurant with a drive-thru, based on plans dated received by the Planning Department on July 23, 2021 with the following findings.

Findings

- A. The use will promote the intent and purpose of the Zoning Ordinance.
- B. 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.
- C. The proposal will have a positive impact on the community by adding trees and offering employment opportunities.
- D. 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.
- E. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
- F. 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.

2021-0388

Request for a Tree Removal Permit - City File No. 21-007 - for the removal of as many as 12 regulated trees for the construction of a 26,575 sq. ft. two-story mixed use building consisting of first floor commercial/retail space, with a restaurant and drive-thru, and office space on the second floor, for Rochester Avon Partners LLC, located at 945 and 975 S. Rochester Road, northeast corner of Rochester Rd. and Avon Rd., zoned B-2 General Business District and B-5 Automotive Service Business District with an FB-3 Flexible Business Overlay, Parcel Nos. 15-14-351-011 and 15-14-351-012, Doriad Markus, Rochester Avon Partners LLC, Applicant

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Excused 1 - Gaber

Resolved, in the matter of City File No. 21-007 (Avon Rochester Mixed Use Development), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning Department on July 23, 2021 with the following findings and subject to the following conditions.

Findings

- A. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
- B. The applicant is proposing to remove 12 regulated trees and no specimen trees, with 18 replacement trees required, and with 9 replacement trees proposed to be installed.

Conditions

- 1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
- 2. Payment into the City's Tree Fund of \$2,706.00 for 9 trees, prior to temporary grade being issued by Engineering.

2021-0387

Request for Site Plan Approval - City File No. 21-007 - to construct a 26,575 sq. ft. two-story mixed use building consisting of first floor commercial/retail space, with a restaurant and drive-thru, and office space on the second floor, for Rochester Avon Partners LLC, located at 945 and 975 S. Rochester Road, northeast corner of Rochester Rd. and Avon Rd., zoned B-2 General Business District and B-5 Automotive Service Business District with an FB-3 Flexible Business Overlay, Parcel Nos. 15-14-351-011 and 15-14-351-012, Doriad Markus, Rochester Avon Partners LLC, Applicant

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Bowyer, Weaver, Neubauer and Struzik

Excused 1 - Gaber

Resolved, in the matter of City File No. 21-007 (Rochester/Avon Mixed Use Development), the Planning Commission approves the Site Plan, based on plans dated received by the Planning Department on July 23, 2021 with the following findings and subject to the following conditions.

Findings

- A. 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.
- B. Planning Commission modification to allow reduced front yard arterial setbacks.
- C. Planning Commission modification to allow reduced first floor non-residential transparency for the proposed facades.
- D. The proposed project will be accessed from Avon and Rochester Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
- E. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
- F. 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 bond in the amount of \$104,796, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.

ANY OTHER BUSINESS

Ms. Kapelanski presented the new Planning & Economic Develop map that is located on the City's website. She explained that many features have been consolidated into one map for the public to use. Users can turn on as many map layers as they want, and will no longer have to switch between maps to get multiple types of information. The map contains historical aerial imagery back to 1940, there are tools to do measurements and to filter zoning. Ms. Kapelanski concluded that this will be a great tool for potential business owners in the City.

Ms. Roediger demonstrated how the map connects to BS&A online, and tax and building department information can be obtained on a property all in one place. She said that this is a wealth of information that was previously only available to staff, and now it is available to the public.