

Center from April 15 to April 28, 2011, which will be forwarded to City Council as such.

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

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Kaltsounis and Reece

Absent 3 - Hetrick, Schroeder and Yukon

Chairperson Boswell stated for the record that the motions had passed unanimously and he wished the applicants good luck.

2011-0099

Request for Conditional Land Use Recommendation (Public Hearing) - City File No. 73-175.2 - to construct two drive-throughs along with the proposed demo and rebuild of the existing McDonald's on Rochester Road, north of Avon, Parcel No. 15-15-476-020, zoned B-2, General Business, Frank Martin, Dorchen/Martin Associates, Inc., applicant.

(Reference: Staff Report prepared by James Breuckman, dated May 3, 2011 and Site Plans, prepared by Frank Martin, had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Frank Martin, Dorchen/Martin Associates, Inc., 29895 Greenfield Rd., Suite 107, Southfield, MI 48076 ; Michael Kazarian, Construction Manager at McDonald's, 1021 Karl Greimel Dr., Brighton, MI 48116; and William Saputo, owner of McDonald's at 808 S. Rochester Rd., Rochester Hills, MI 48307.

Mr. Breuckman stated that there were four requests. He recalled that the applicant had been before the Commission once to hear about any issues, and he thought it would be best to let them talk about what they had done, where they were at and to respond to some of the issues from a month ago.

Mr. Martin noted the great feedback they received from the Commission when they were before them last month. In getting that feedback, they believed they addressed all of the items the Commissioners brought up. He pointed out a small change to the Buffer Modification motion. The Staff Report mentioned that on the south side there was 1.5 feet of landscape, but it should have been 3.75 feet. He indicated that they were anxious to move forward. The construction plans were in to Engineering, and they also had plans into the Building Department for review. They believed that they had been sensitive to the items brought up by Staff, including the pathway in front and in maintaining clearances. They were still going to provide easements for the walkway.

Chairperson Boswell pointed out that if anyone made a motion for the parking modification, it referenced 46 spaces, but it should be 44.

Ms. Brnabic asked the applicants to address the items they worked on from the Planning Commission's standpoint. She realized they had dealt with the various departments, but the Planning Commission had requests, such as asking them to check into additional employee parking. She asked Mr. Martin to address what they had dealt with.

Mr. Martin said that relative to the parking issue, Mr. Saputo had approached and gotten a letter from the tanning salon at the shopping center to the south. Mr. Saputo said that the gentleman who leased it was currently allowed five spaces. He approached Antonio's Pizza, and they were going to do an exchange for some of the existing décor in McDonald's for a couple of parking spaces, but the landlord would not allow it. He also spoke with the landlord directly, and he was not too reasonable with his price demands for using the spaces. Mr. Saputo mentioned that he misspoke at the last meeting. Ms. Brnabic had asked the highest number of parking spaces that he needed for employees. He had talked about a one-time event when a couple of busses came during peak time. He quoted 25 spaces, but the average needed was really 15-18 spaces. He was talking about the most people he had ever seen in the building, and he had brought in some extra staff to make sure they got through the crowd. Mr. Brnabic asked if the five spaces from the tanning salon were definite. Mr. Saputo said he got a note from the salon owner confirming it.

Mr. Martin advised that the real estate department at McDonald's contacted the owner of the shopping center and talked about the potential of utilizing eight or ten spaces furthest away from the buildings. The prices were outrageous. It would have given the landlord some money for snowplowing or something else, but he chose not to take it. They also went to McDonald's and asked for feedback in terms of the volume the store would do, which was 75% drive-thru traffic, and what kind of parking count they would require. They determined they would need 38-40 spaces. McDonald's was very comfortable with 44 spaces. There would be 100 seats throughout the facility, and it would have a play place to accommodate children, and most of those children would be in cars with their parents. They believed that one space for every two seats (50 in this case) was correct in terms of the Ordinance, but that 44 would be sufficient for their operations, and McDonald's and Mr. Saputo were comfortable with it. He reminded that Mr. Saputo would not benefit if his customers

could not find a place to park.

Ms. Brnabic also pointed out that Mr. Reece had requested that a pathway be added from the parking lot to the building. Mr. Martin said that towards the west side of the property, they added a pathway to get people to the sidewalk adjacent to the building and then to the front door.

Mr. Reece referred to Sheet C1 regarding future curb cut access - if they received property owner approval - and asked if the 44 spaces would include the loss of three spots if the curb cut went in. Mr. Martin said that they would end up losing one space overall if the curb cut went in. Mr. Reece observed that a catch basin was shown in the curb, and he asked if that would also have to be relocated. Mr. Martin said that the catch basin was being designed so that it would still be there even if there was a curb cut. He did not think it was in the curb, but rather in the drive. He agreed that it might have been set in the curb, but they would change the casting.

Mr. Kaltsounis asked how many table tops would be in the restaurant, and he was told 25-30. Mr. Kazarian, Construction Manager for McDonald's Corporate, said that typically, the table tops were for four. They had some twos and some sixes, but they would have closer to 25. He stated that there was a system for everything with McDonald's. He wanted to assure that they were not creating a number to be comfortable with - they did reach out to the corporate office. There was a formula used where they put in estimated sales and percentage of drive-thru traffic, and it equated the parking needs. That was how they got to the 38 Mr. Martin mentioned. He commented that the Saputos operated several outstanding restaurants and their input was used, but they also used a system.

Mr. Kaltsounis thought that if they had 50 tables, they would have trouble filling some of them. He felt a little more comfortable about the numbers. Mr. Kazarian said that they usually did not fill every table in a McDonald's, and that was directly related to the drive-thrus.

Mr. Kaltsounis asked why the lighting plan did not show zero footcandles at the lot lines, and Mr. Anzek answered that it did not abut residential. Mr. Kaltsounis asked if they could do something with the side of the building facing the parking lot (north elevation). He said he was disappointed with the lack of any accenting after the door, and he asked if there was any way to break up the plain brick wall. They discussed several versions of the building in other locations, one with a band around the top of the building and one that had some aluminum strips to dress it up. He said he did not see anything like that on the proposed plans. He

asked about adding a piece of limestone to the brickwork to dress it up, suggesting that there should be something more for that corner. Mr. Martin said there would be a rear arcade, and they thought that with the front of the building having cast stone with trellises and an accent band, that it was very attractive. Mr. Kaltsounis noted the extra building length, and he thought that a band would dress it. Mr. Karazian referred to the side with the drive-thrus and pointed out the shading of different-colored brick bands. He suggested that since they were already utilizing that brick, they could do it on the other side as an accent band. He did not feel it would be an issue with his boss. He also offered that they could run a band around two bricks high, which would be the same cost.

Mr. Reece clarified that the dumpster enclosure and storage area brick would match the building. Mr. Martin said that it would be the same brick material and color in a masonry unit size. Mr. Reece asked what would be stored. Mr. Martin advised that there would be snow shovels, landscaping tools and salt. Mr. Reece asked if they would store anything flammable, and Mr. Saputo stated that they would not.

Chairperson Boswell opened the Public Hearing at 7:56 p.m. Seeing no one come forward, he closed the Public Hearing. Mr. Kaltsounis then moved the following:

MOTION by Kaltsounis, seconded by Brnabic, in the matter of City File No. 73-175.2 (McDonald's), the Planning Commission recommends to City Council approval of the Conditional Land Use, based on plans and information dated received by the Planning Department on April 11, 2011, with the following six (6) findings.

Findings:

1. The use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-4.300 in particular.
2. The proposed development has been designed to be compatible, harmonious, and appropriate with the existing character of the general vicinity and adjacent uses of land. The drive-through will be built as an integral architectural element of the primary structure and use and building materials will be the same as those used in the primary structure.
3. 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.
4. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or

the public welfare. The drive-through will be located to the rear and side of the primary structure and set back a minimum of 10 feet from the front building wall of the primary structure. The drive-through is configured so that glare from headlights is obstructed from shining into a public right-of-way.

5. *The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*
6. *The project meets the requirements of Section 138.4.410 for drive-through facilities.*

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

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Kaltsounis and Reece

Absent 3 - Hetrick, Schroeder and Yukon

2011-0214 Request for Parking Modification (four spaces) - City File No. 73-175.2 - McDonald's.

MOTION *by Kaltsounis, seconded by Reece, in the matter of City File No. 73-175.2 (McDonald's), the Planning Commission approves the reduction in parking to 44 spaces, and approves a 9-foot width for employee parking, based on plans dated received by the Planning and Development Department on April 11, 2011, with the following three (3) findings:*

Findings:

1. *Sections 138-11.202 and 138-11.302 B allows the Planning Commission to approve reduced parking when it has been shown that offsite parking can be used to supplement in an appropriate location or the parking provided will be sufficient and allows approval of a reduction in the parking space width for employee parking.*
2. *The restaurant has a high percentage of drive-through customers.*
3. *The applicant has adequately demonstrated that the proposed parking will be sufficient to accommodate expected sit-down customer traffic.*

Chairperson remarked that he hoped the applicants were right about the parking.

Mr. Hooper recalled that when LifeTime Fitness was before them about ten years ago, the applicants requested a parking modification, showed national statistics, and stated that they knew their business, etc. A year

later, the place was completely jammed, and it was really hard to find a parking spot. He acknowledged that it had since tapered off. He agreed that they should defer to the owners regarding parking, because that was their lifeblood, and they would lose business if they did not have enough. The applicants would do what they needed to ensure they would not lose sales.

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

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Kaltsounis and Reece

Absent 3 - Hetrick, Schroeder and Yukon

2011-0231 Request for Buffer Modification - City File No. 73-175.2 - McDonald's, to allow a reduced buffer width on the southern and northern property lines.

MOTION by Kaltsounis, seconded by Brnabic, in the matter of City File No. 73-175.2 (McDonald's), the Planning Commission grants a Buffer Modification to reduce the buffer width along the north property line to seven feet and the south property line to 3.75 feet, based on plans dated received by the Planning and Development Department on April 11, 2011 with the following four (4) findings:

Findings:

1. The applicant is supplementing the buffer area with flowering trees.
2. The proposal is to reconstruct an already-developed parcel, limiting design options to comply with the buffer requirements.
3. The alternate width and type of buffer zone and landscaping provided therein will ensure compatibility with surrounding land uses and the development is by nature compatible with the surrounding neighborhood.
4. The proposed plan meets the criteria of Section 138-11.102(B)(3)(c) to allow the Planning Commission to modify or waive the buffer requirements for the proposed development.

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

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Kaltsounis and Reece

Absent 3 - Hetrick, Schroeder and Yukon

2011-0145 Request for Site Plan Approval - City File No. 73-175.2 - for a new rebuild of the McDonald's restaurant, located on Rochester Rd., north of Avon.

Mr. Reece mentioned that the tree along Rochester Rd. to the northeast concerned him from the standpoint of someone trying to exit left. Cars would pull up to the edge of the road to try to pull out, and he was concerned that it might end up blocking the view, rather than enhancing the aesthetics. He said he would rather see the tree moved to the area along the north property line. He was not sure what type of tree it was, and Mr. Saputo said it was an Armstrong Maple. Mr. Reece asked what type of trees would be put in along the access drive to LifeTime, and Mr. Saputo advised that they were Skyline Honey Locusts.

Ms. Brnabic pointed out that Parks and Forestry's memo did request that the Armstrong Maple be removed, because it was in the 25-foot clearance area. Mr. Breuckman noted that the Ordinance said that if there was an eight-foot height for branches, trees could be in the corner clearance. Mr. Reece said that he would like to substitute the Armstrong Maple for a Honey Locust, and added that he was not as concerned about the trees on the south of the drive. It was clarified that the trees on the access drive were Cleveland Pears.

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 73-175.2 (McDonald's), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning and Development Department on April 11, 2011, with the following five (5) findings and subject to the following ten (10) 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 development will be accessed by one ingress to and egress from Rochester Road and potentially have cross access to the Lifetime Fitness driveway.
3. Off-street parking areas have been designed to avoid common traffic problems and promote safety and to accommodate pedestrian circulation with crosswalks.
4. There appears to be a satisfactory and harmonious relationship with existing contiguous development and adjacent neighborhoods.
5. The proposed development should not have an unreasonably detrimental nor an 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. *Submittal of a revised plan addressing Staff comments in this and other department's memos.*
3. *That all applicable permits must be reviewed and approved by Engineering Services, prior to Construction Plan Approval.*
4. *Appropriate approvals from MDOT, if required for work in Rochester Rd., must be obtained prior to issuance of a Land Improvement Permit for this project.*
5. *The applicant shall obtain a Land Improvement Permit prior to starting any work on site.*
6. *A Storm maintenance Agreement with a maintenance schedule must be provided reflecting revised locations of pipes and structures prior to issuance of a Land Improvement Permit.*
7. *That the applicant receives a soil erosion permit from the Water Resources Commissioner, prior to issuance of a Land Improvement Permit.*
8. *Provide a landscape bond for replacement trees in the amount of \$44,030.50, prior to issuance of a Land Improvement Permit for this development.*
9. *Add a decorative band along the north façade of the building, using different colors of brick as discussed.*

10. *Revise Landscape Plan to remove the Armstrong Maple from the corner clearance and move it to the north property line and change it to a Cleveland Pear.*

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

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Kaltsounis and Reece

Absent 3 - Hetrick, Schroeder and Yukon

Chairperson Boswell stated after each that the motions had passed unanimously, and he wished the applicants good luck. Mr. Martin advised that they would run the band around the entire building, not just on the north side. He said they appreciated the give and take from the first meeting, and indicated that it was very helpful.

ANY OTHER BUSINESS

2010-0557 Complete Streets Legislation - Proposed Policy

Mr. Breuckman recalled that the Commissioners had reviewed some potential policies and ordinances from other communities, and it