

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

2012-0060 Request for Conditional Land Use Recommendation and Public Hearing - City File No. 12-002 - To construct a drive-through for a proposed 2,640 square-foot Taco Bell at Campus Corner Plaza, on one acre on Walton Blvd, east of Livernois, zoned B-3, Shopping Center Business, Parcel No. 15-15-101-026, WT Development Corp. for Taco Bell of America, LLC, Applicant

(Reference: Staff Report prepared by James Breuckman, dated March 2, 2012 and associated Site Plan and review documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Bill Beckett, WT Development Corp. for Taco Bell of America, LLC, 10223 E. Cherry Bend Rd., Suite A, Traverse City, MI 49684.

Mr. Breuckman advised that the request was for a Conditional Land Use and Site Plan Approval for a Taco Bell with a drive-through at the southeast corner of Walton and Livernois. He explained that the zoning was B-3, and drive-through restaurants required a CLU Approval. He noted that the proposed location for the Taco Bell was currently in a parking area next to the gas station. There were no new driveway accesses proposed; it would use the existing internal parking lot circulation system and the existing access to Walton.

Regarding specific Site Plan review considerations, Mr. Breuckman said that parking was probably the biggest thing. The plans noted that 79 people would be the maximum allowed, and the Zoning Ordinance required one parking space for every two people at maximum occupancy. That would require 40 spaces, and they were proposing 24 on site; however, it would be a land lease, not a separate parcel, and the applicant had submitted terms of the lease which provided for cross access between the shopping center and the Taco Bell site. He went to the site, and the parking requirement was 381 spaces for the shopping center, but the total spaces on site was 501, so there was plenty of parking according to Ordinance. The applicant had oriented the site so that stacking could be accommodated within the lease area without interfering with the circulation aisles. He had listed some comments for landscaping - a landscape bond and irrigation plan was to be provided, and there were some minor comments in Parks and Forestry's review about substituting a few ornamental tree species and the spacing requirements for trees. He felt that those conditions were easily met. The applicant was proposing 400-watt fixtures. The Ordinance specified a maximum of 250

watts, with the exception that the Planning Commission could permit 400-watt fixtures in cases where there was some hardship. He did not feel there was a hardship - they would probably have to add one more pole with 250-watt fixtures, and it would actually end up as more even and consistent lighting within the site. The lighting plan needed to be revised because it exceeded the maximum light intensities permitted by Ordinance, and also they needed cut sheets of the proposed fixtures.

Mr. Breuckman continued that there was existing stormwater management, and the Engineering Dept. had reviewed it and recommended approval. There was less impervious surface with the proposal than existing, so it should reduce stormwater runoff. The restaurant would be a custom adaptation of Taco Bell's standard design with some raised parapets. The site sat about nine feet below Walton Blvd., and the parapets were raised to screed the rooftop. There were a couple of site detail items, including the spikes on the proposed fences and the dumpster enclosure at the south of the Mobil station, which was currently oriented to the south. With the width of the circulation aisle, he was not sure if that would be easy for garbage trucks to get in and out. It would require a 90-degree turn, and he did not think that was possible, so he was recommending that the applicant rotate the dumpster enclosure towards the east. They should submit a turning radius with that to demonstrate whether it was feasible.

Mr. Breuckman referred to the memo from the Fire Department which was marked Disapproved. He noted that the four comments were very minor in nature, and they would not impact the site design or site layout. The Fire Department would not do an "approved with conditions" memo. He did not think it was fair to hold up the applicant for another month to submit revised plans with four notes and no layout changes. Staff was recommending any approval be conditioned so that the Fire Department would be able to re-review the plans prior to Staff Approval of the plans.

Mr. Breuckman advised that the motions in the Staff Report addressed all of the comments made with conditions, and he said he would be happy to answer any questions.

Mr. Beckett noted that the only Taco Bell in close proximity was the one at Hampton Village on Rochester Road. It was a very popular location, and Taco Bell was anxious to relieve some of the pressure on that store. They had looked at the proposed location for quite some time, and they were able to create a development lease parcel out of the existing shopping center. The center had ample parking. The site was able to be

developed without providing any new curb cuts. They would use the shopping center accesses off Walton and Livernois. The street was elevated about nine feet above the site, so there would be no headlight glare. There were no residents in the area, so any noise would be muffled. The building was about 2,640 square feet with 46 interior seats and stacking space for 10 cars. He showed building elevations, noting that it was not a typical Taco Bell, but a "Rochester Hills Special." They had designed the building footprint to work specifically with the parcel. It was fairly tight, and they designed the footprint and took Taco Bell's standard exterior elements and enhanced them. The materials on the building would be a stone wainscot around the base of the building and on the columns on the towers. The balance of the walls would be four-inch face brick. At the top of the towers would be a minor EFIS, stucco-type system. The building would be elevated so that pedestrian traffic on Walton Blvd. would not be able to see the roof top mechanical units. He added that the primary dining room entrances faced east and south.

Mr. Beckett stated that in terms of employment and impact on the community, Taco Bell would hire between 35 and 50 new employees. The hours of operation would be similar to the Rochester Rd. store, but Taco Bell would like to open it with no restrictions on the hours. They were introducing breakfast across the country, and it was slowly moving from west to east, so they expected some deviation from the typical business hours. They did not have an indication yet that it would be a 24-hour business.

Mr. Beckett said that the primary access would be from the south side - the shopping center - where there was a single driveway. There would be perpendicular parking along the south and east property lines and going north towards Walton, someone could enter the drive-through lane and it would become one-way traffic at that point. He noted that the order station would be fully screened with nice landscaping.

Mr. Hooper said that he was not really crazy about the location of the dumpster at the southwest corner. He asked Mr. Beckett if he had looked at any other locations on site. Mr. Beckett said that at one point, the dumpster was facing east. The drawback was that everyone who entered and exited the site would do so in full view of the dumpster. He offered that they might be able to look at the dumpster in relation to the setback along the common property line with Mobil and see if the depth of the trash enclosure could be deepened, which might allow them to orient the dumpster at a 45-degree angle.

Mr. Hooper asked if he had looked at the far north property line, inside the footprint of the site. Mr. Beckett said they did not look at that, but he thought that it could perhaps be a consideration. He noted that there was a 75-foot building setback to address. The dumpster would be an accessory structure, and he would need some guidance on how that might work.

Mr. Breuckman said that he would typically look for dumpsters to be in the rear or side yard and because of the access from the internal, the front yard was acting as a rear yard. He did not think moving it closer to Walton was something they would normally do. Mr. Beckett said that there were a row of parks immediately south of the drive aisle with a small landscape belt there. They might be able to work with the shopping center owner and open 25-30 feet of curbing that would allow the truck a more perpendicular access. That could cause the loss of three or four parking spaces, but there were ample spaces on site.

Mr. Hooper said that he did not see a great solution one way or the other. Mr. Breuckman said that there was actually a grade differential between the Mobil and the Taco Bell site, so that would actually help hide the dumpster because people would not see the back of it. It would only be seen from the side. He suggested that some additional landscaping would help conceal the sides and soften the appearance. He agreed that there was no really good answer for it. Mr. Hooper clarified that they did not want to put it closer to Walton because they considered it the front yard, even though it was the rear of the Taco Bell. Mr. Beckett said that if someone was using the sidewalks along Walton, he or she would have a direct view of the dumpster. He felt the southwest corner was the optimal location. He reminded that the enclosure would be masonry and match the building materials, and there would be no EFIS. The gates would be solid metal. They could enhance the landscaping, but he felt that the issue was truck access. He thought they could reorient the dumpster or work with the landlord to gain direct access.

Mr. Hooper emphasized that the front loading trash vehicles in Rochester Hills would not be able to make that turn, so he recommended that it would have to be changed.

Mr. Yukon asked how many patrons Mr. Beckett felt Taco Bell would be serving at its facility each day. He asked that because in looking at the footprint of the development, they could see the cars queued in the drive-up lane, but they could not see the cars coming into the site. He

was concerned about traffic flow through the development. He mentioned that he went to the shopping center at least once a week to shop at Kroger, and there was a lot of traffic there and a lot of congestion in the parking lot. He asked if there had been a traffic study done for the area.

Mr. Beckett responded that they had not done a traffic study. He felt that the internal dynamics of the site lent itself well to the existing shopping center. Mr. Yukon referred to the Taco Bell on Rochester Rd. and said that it had a tremendous amount of cars serviced every day, and the traffic flow at the proposed site was a concern. Mr. Beckett pointed out that there were three access ways to and from the shopping center. There could be a long stacking space; he showed where the tenth car would be from the window. He realized that the Rochester Rd. site stacked up fairly well internally, and they had a similar situation where they backed up to the shopping center access drive. He was not aware of ongoing issues at that location. Mr. Yukon reiterated that at this point, he had concerns about potential traffic congestion.

Mr. Dettloff asked Mr. Beckett how long the land lease would go. Mr. Beckett said that he was not the owner or operator, but he expected that it would be a 20-year lease with an option. Mr. Dettloff asked how the proposed site compared to the site on Rochester Rd., dimension-wise. Mr. Beckett said there was a little less parking at the proposed site, but he did not know how many acres the Rochester Rd. site was. The proposed site was an acre for Ordinance purposes. Mr. Breuckman advised that the Rochester Rd. site was comparable in size, but it laid out better. Mr. Dettloff asked if it would be corporate-owned and operated, which was confirmed. He asked if that was standard for all Taco Bells or if they had franchises. Mr. Beckett said that there was a substantial franchise base throughout the country. Mr. Dettloff asked what the standard hours would be. Mr. Beckett advised that they would generally be 10 a.m. until 2 or 3 a.m., except for the weekends, when they would usually stay open until 4 a.m. Mr. Dettloff asked about employee parking. Mr. Beckett answered that the employee parking would be offsite.

Ms. Brnabic indicated that she was glad that the employees would park offsite. She was concerned regarding safety because there would only be 24 spaces, and people would come in from Walton and Livernois just for the restaurant, so there would be traffic flowing from all over. She realized some people would walk in from Walton, but she felt it was unrealistic to expect people to park offsite. She was not sure if it would be safe for pedestrians and vehicles trying to use the site.

Ms. Brnabic asked if they planned to install an automatic sprinkler system in the building. Mr. Beckett advised that they planned to follow the International Building Code, and that did not require one for the occupancy load. Ms. Brnabic felt it would be a good idea to go over and above, even if it was not a requirement. She thought it would better protect the customers and people in the building. She referred to the condition about having an additional light pole and addressing the illumination. She clarified that it would only require one pole. Mr. Breuckman said it would most likely require one, but it depended how close to ten-foot candles the applicant wanted to get. Ms. Brnabic maintained that she would like to have seen several of the issues ironed out before it came to the Planning Commission - and noted the issues with the dumpster and the lighting. She mentioned the fact that a garbage truck might not have the turning radius required at its proposed location. She also mentioned that the site was short on parking. She did think there were a few issues that could have been straightened out beforehand. She realized there were some minor issues, such as adding notes to the plans, but there were issues that were too important not to have been worked out.

Mr. Reece felt that the big difference between the proposed site and the Rochester Rd. site was the fact that a lot of the volume for the proposed site would come from the high school across the street. That would change the dynamics regarding safety and the site circulation. He could see kids racing through the parking lot. He would consider a one-way flow through the site, so there was not someone trying to back out of a perpendicular space and into the opposite direction of the traffic coming in to the drive-through. He felt they should either do angled parking or make it a one-way flow, although they might lose a few spaces. That was one concern. When the lot was full, kids would not be cautious walking across the entrance drive off of Walton or the internal circulation drive. He would also be tempted to add some kind of curb cuts to give people a safe place to cross the access drives to get in to the site.

Mr. Beckett explained that they were extending the sidewalk from the public sidewalk from Walton, and there would be safety rails and barrier free access. Mr. Reece asked how someone would get into the building if they parked in the southern portion of the lot. Mr. Beckett clarified that there was a southern entrance. Mr. Reece asked the percentage of drive-through to dine in, and Mr. Beckett advised that drive-through was typically 60-70% of volume. Mr. Reece said that he agreed with Mr. Hooper about the dumpster location. He felt that needed some work and wondered if it could be turned to face east. He assumed trash pick-up

would be at an off hour, to which Mr. Beckett agreed. If it were facing east, Mr. Reece said that a truck could back in and access the dumpster, and they would not have to worry about the lack of an appropriate turning radius. He felt that the dynamics of the site, because of the high school, would change the project. He summarized that Mr. Beckett was given a lot of concerns about safety, and he felt that was a reason why it needed to be looked at in greater detail relative to the circulation and the kids getting from the parking lots surrounding the building into the site safely.

Mr. Kaltsounis agreed with his colleagues about the project being brought forward with a lot of loose ends. He noted that the stores on Rochester and Opdyke each had a dumpster next to their buildings on the north side. He recommended that it would be a better place for it for the proposed building. People might be able to see it from Walton, but people driving down Rochester could see the same thing, and he had not heard any complaints. People drove by it in the drive-through and never smelled anything. He would not like to see workers taking the garbage through the front lobby down into the middle of the road where there was no good sidewalks into a dumpster. He thought it would be safer to walk out the back door and put stuff in to the dumpster. He would like to see it moved to the north side, against the building. The other thing that concerned him was that people walking from the Kroger mall would have to walk in the street to get to Taco Bell. If he parked in front of Kroger, he would have to cross a median and the Taco Bell site was cut off from the rest of the development. He wished it would be more pedestrian-friendly. There was a stop sign at the end of the entrance from Walton, but the road in front was sort of a drag strip. He would like to see a 3-way stop at the intersection and a walkway across to the Taco Bell. Someone using the parking spaces directly to the south would have to get around the berm. He thought it would be nice to put a walkway through the berm to go to the site. They should try to keep the pedestrians away from the cars in the driveways. He remarked that he would be afraid to take his children to Kroger. He was not sure if Mr. Beckett would have to talk to the owner of the shopping center about it.

Mr. Beckett thought there were some good comments. They would have to work with the landlord and the traffic safety staff. Mr. Kaltsounis stressed that if there was one incident, the insurance rates would be more expensive than adding a sidewalk or stop signs. Mr. Beckett noted that the sidewalk they were installing would be in compliance with ADA access. Their survey might not extend far enough off site to determine whether ADA could be compliant through the shopping center, and there were existing grades and traffic patterns to work with. In terms of

pedestrian access to and from the main shopping center, it was not much different than the Rochester Rd. store, and there was actually less distance from the proposed building to Kroger than from Taco Bell to the primary anchors on Rochester Rd. He did not see the drive becoming a drag strip. Mr. Kaltsounis said he could verify that it was because he visited the site a lot. He would like to see a stop sign at the intersection and perhaps red brick to delineate the walkway from the Panera and the Kroger sites.

Mr. Hetrick echoed the comments about pedestrian traffic, which he felt should be a high priority, considering the fact that the parking spaces inside the area were below standard. It also suggested to him that if it could be one-way, although that might lose some parking spaces internally, it would be safer for traffic flow. Given that the drive-through business would be greater than the in-store business, the number of parking spaces might become less of an issue. He asked why they chose this location versus the recently demolished Big Boy location at the south end of the shopping center, which seemed to have far better access for vehicles and pedestrians.

Mr. Beckett said that he could not honestly answer that. The proposed was the site brought to him and what he had to work with. Chairperson Boswell asked if anyone of interest had looked at the old Big Boy site. Mr. Anzek said that someone looked at it and had discussions with the owner of the property, but the owner did not want a Taco Bell there, and he was pursuing something else. He added that there were two separate owners of the shopping center.

Mr. Schroeder asked if there would be exterior signage on the building. Mr. Beckett said they had rights to utilize the existing shopping center sign; however, there was no space available currently. Mr. Schroeder recommended that the internal traffic be a one-way loop. They would not lose any parking spots; they would just have to move the transition area down to the second parking spot from the bottom and angle all the rest of the spaces. He thought it would be too congested to have two-way traffic on the east and the south of the building. The cars would stack up past the door, and it would make it difficult for people to get out. He thought it was a very difficult site, but he felt that it would work better with the recommendations suggested.

Mr. Dettloff asked about peak hours. He assumed they would be at lunch and dinner and perhaps after hours, but because it was by the school, it might be different. He asked if there were defined peak hours for the

restaurant. Mr. Beckett said that for the typical Taco Bell, it would be 11a.m. to 1 p.m. for the lunch hour and about 5-7 p.m. for dinner. He did not know if the campus was an open campus, and he did not know if people were allowed off campus for lunch. He was informed that seniors were allowed to leave. Mr. Beckett agreed that the lunch hours could vary. Mr. Dettloff asked about the late night. Mr. Beckett said that late night varied by location and proximity to generators. He knew that because Crittenton was nearby, there would probably more late night. Mr. Dettloff mentioned that the Kroger used to be open 24 hours, but he believed it closed at midnight now.

Chairperson Boswell opened the Public Hearing at 8:07 p.m.

Stacy Bruglio, on behalf of Panera Bread, 37 S. Livernois, Rochester Hills, MI 48307. Ms. Bruglio stated that one of her particular concerns was the congestion in parking. They had been at that location for approximately 12 years, so they had seen a lot of traffic patterns in the area, and it was terribly congested. Regarding the high school, they did come over for lunch, and it got a little scary in the parking lot. The lot proposed for the Taco Bell had been used for overflow parking. At times of the day it was 50-60% full with overflow parking. There were other businesses next to Panera that shared their lot. There were times where there were near misses and almost accidents because there was only one stop sign entering the plaza. There was also a drive behind the Panera Bread for traffic coming into the plaza. Their biggest concern was parking, and it was mentioned that there was ample parking, but most of the parking occurred on the north side of the plaza. At the peak times, that area was incredibly busy with school traffic at lunch, with business people during the day, and most people entered from Livernois. They appreciated and welcomed new businesses into the area, but she had been District Manager of Panera for a while, and it could be a nightmare during the day.

Chairperson Boswell closed the Public Hearing at 8:09 p.m.

Mr. Kaltsounis recommended that the matter be postponed to a later meeting so some of the issues could be worked out. Chairperson Boswell asked if he wished to make a motion.

MOTION by Kaltsounis, seconded by Schroeder, in the matter of City File No. 12-002 (Taco Bell at Campus Corners Plaza) that the Rochester Hills Planning Commission hereby postpones the requests for Recommendation of a Conditional Land Use and Site Plan Approval

until the April or May 2012 meeting to work out the issues as discussed at the March 6, 2012 meeting.

Mr. Reece said that in light of the comments from Ms. Bruglio, he thought it would be a good idea for Mr. Beckett to sit by the site and get a feel for the traffic patterns and the kids coming and going to get a better idea of what they were talking about.

Mr. Hooper mentioned traffic calming and said that if there was truly a race way, he thought speed humps might be something to consider.

Chairperson Boswell summarized the issues, and said he thought that some speed humps and stop signs would be excellent ideas. The dumpster location needed to be reviewed and walkways were proposed. He said it seemed odd to him that the code for a fast food restaurant would not require sprinklers.

Chairperson Boswell remarked that Mr. Beckett had his assignment. Mr. Beckett added that he had noted the comments, and he would work on those and bring something back.

Discussed

2012-0061 Request for Site Plan Approval - City File No. 12-002 - Taco Bell Restaurant

Postponed

2012-0057 Request for Site Plan Approval - City File No. 10-005 - Alan D. Liquor Addition, a proposed 875 square-foot addition to the existing 1,971 square-foot store on .5 acres located at 2300 W. Auburn, at the northwest corner of Auburn and Midvale Rd., west of Crooks, zoned B-1, Local Business, Parcel No. 15-29-453-024, Alan D. Liquor, Applicant

(Reference: Staff Report prepared by James Breuckman, dated March 2, 2012 and Site Plan and review comments had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Bushra Dallo, Alan D. Liquor, 2300 W. Auburn, Rochester Hills, MI, 48309 and Ziad El-Baba, Ziad El-Baba Engineering, 674 Gauthier, Tecumseh, Ontario, N8N3P8 Canada.

Mr. Breuckman advised that the applicant wished to add a 925