



Rochester Hills

Minutes

Planning Commission

1000 Rochester Hills Dr
Rochester Hills, MI
48309
(248) 656-4600
Home Page:
www.rochesterhills.org

Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Marvie Neubauer, Scott Struzik and Ben Weaver
Youth Representative: Caroline Bull

Tuesday, June 14, 2022

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the June 14, 2022 Planning Commission meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 7 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Greg Hooper, Marvie Neubauer and Scott Struzik
Excused 2 - Anthony Gallina and Ben Weaver

*Also present: Sara Roediger, Director of Planning and Economic Dev.
Kristen Kapelanski, Manager of Planning
Jason Boughton, Utility Services Manager, DPS/Eng.
Paul Davis, Deputy Director/DPS-City Engineer
Jennifer MacDonald, Recording Secretary*

Chairperson Brnabic welcomed attendees to the June 14, 2022 Planning Commission meeting. She noted that if anyone would like to speak regarding an agenda item or during public comment for non agenda items to fill out a comment card, and hand that card to Ms. MacDonald. Members of public may also comment on an item by sending an email to planning@rochesterhills.org prior to the discussion of that item. She noted that all comments and questions would be limited to three minutes per person, and all questions would be answered together after each speaker had the opportunity to speak on the same agenda item.

APPROVAL OF MINUTES

[2022-0281](#) May 17, 2022 Worksession Meeting Minutes

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

Aye 7 - Bowyer, Brnabic, Denstaedt, Dettloff, Hooper, Neubauer and Struzik
Excused 2 - Gallina and Weaver

[2022-0280](#) May 17, 2022 Meeting Minutes

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

Aye 7 - Bowyer, Brnabic, Denstaedt, Dettloff, Hooper, Neubauer and Struzik

Excused 2 - Gallina and Weaver

COMMUNICATIONS

None.

PUBLIC COMMENT

None.

UNFINISHED BUSINESS

2022-0166 Request for Conditional Use Recommendation - File No. JNRNB2021-0026 - Starbucks - to construct a drive-through associated with a commercial development on approximately 0.7 acres located on the north side of Walton Rd. and west of Livernois Rd., zoned B-2 General Business District with an FB-2 Flexible Business Overlay, Parcel No. 15-09-476-030, Frank Arcori, Verus Development, Applicant

(Staff Report dated 6-14-22, P. Shumejko email of 6-6-22, draft Planning Commission minutes from 5-17-22, reviewed plans dated 6-9-22, traffic sight distances, and public comments received had been placed on file and by reference became a part of the record thereof.)

Present for the Applicant were Frank Acori, Verus Development Group, 36400 Woodward Ave., Suite 240, Bloomfield Hills, MI 48304, and Tim Ponton, Stonefield Engineering and Design, 607 Shelby Street, Suite 200, Detroit, MI 48226.

Chairperson Brnabic introduced this item and stated that the request is for the construction of a drive-through associated with a commercial development on approximately 0.7 acres located on the north side of Walton Road, west of Livernois Road, zoned B-2 General Business District, with an FB-2 Flexible Business Overlay.

Ms. Kapelanski stated that this item was before the Planning Commission at the May meeting, and it was postponed at that time. She noted that the applicant made one significant change in response to the traffic concerns expressed, and she explained that the access has been changed to a right-in-only entrance, and a full-access exit, made to address the left-turn conflict concerns on Walton. She pointed out that Engineering did recommend approval, but does prefer the full-access instead of the proposed right-in-only. She stated that they have talked to the Road Commission for Oakland County (RCOC), and the RCOC has deferred to the City on this item. She stated that the Planning Commission has been asked to consider the conditional use, the site plan and the tree removal permit this evening. She noted that Jason Boughton was in

attendance to address storm water and underground concerns, along with Paul Davis to speak to any traffic questions or concerns. She stated that she was having difficulties getting the applicant's presentation displayed on the screen and asked them to review the changes.

Mr. Arcori thanked the Commission for allowing them the opportunity to be before them this evening. He commented that while they have had a bit of an uphill battle, there are positive approvals supporting the new plan. He noted that he was able to reach out to the neighboring property owners, one being a Trustee representing the owner of 1344 Walton Blvd., and he noted that while they were in support of the project, they were not willing to grant cross-access. The property owner at 1400 Walton provided a letter of support and was excited about the proposed development; however, they also were not willing to grant cross access through their site.

He stated that Mr. Ponton would discuss the details and logistics of the new design. Following that, he would then speak on some of the efficiencies that the new Starbucks design will have and implement.

Mr. Ponton stated that the biggest concern of the project is access. He commented that the last time they were before the Commission, the discussion went back and forth. He explained that the developer and design team went back and approached Starbucks; and after a number of conversations with them, got them to agree to a left-in restriction. He noted that what is in front of the Commission today is a left-in restriction plan which would be accommodated by what is referred to as a pork-chop within the driveway to prevent driving in and making the left without driving over a curb. He noted that Starbucks has agreed to make the three parking spaces directly upon the entrance of the site employee-only spaces so that those vehicles would only be changing twice a day for a morning shift and a later shift.

Mr. Arcori asked if the Commissioners had received the updated plan with Starbucks' comments.

Ms. Kapelanski noted that the plan in the packet was dated June 9, and did not have Starbucks' comments on it.

Mr. Arcori explained that Starbucks provided some bullet points on the overall efficiencies of their new prototype. He stated that a certain amount of spaces for this location will be allocated to MOP (mobile ordering and payment). He noted that these customers do not use the drive-through and are accustomed to ordering on their phone, pulling into the parking lot, walking into the store and then leaving. He explained that their turnaround time is much quicker than the traditional drive-through. He mentioned that a newly-designed espresso warming and cold beverage station is now being implemented in all of their new store prototypes, along with an improved digital order screen that will help display the customer's order reducing feedback time and increasing through-put speed. He commented that the redesigned back of the house is sized to meet anticipated customer demand and product capacity. He stated that with the increased proposed Starbucks throughout the community, three new locations and a couple that have been recently improved, Starbucks has identified the

demand in the community and the success that they have. The thought is that with added locations it will take away from some of the bottleneck that takes place at the other locations, whether it is the drive-through or in-store. He stated that they are excited to increase or expand their footprint.

He commented that Starbucks prides themselves on being a great member of the community, and will provide an opportunity for high school students to get involved in the community providing a positive experience.

Mr. Ponton stated that Starbucks does not see this location as attracting regional highway-commercial traffic and is seen as more local community. The display screens were now working in the auditorium, and he pointed out the existing and proposed drive-through locations. He noted that one store currently does not have a drive-through. He stated that while there will be an increase in customer base, they do not see it as significant and they see the customers dispersed over the locations reducing a part of the bottleneck.

He commented that obviously there were staffing issues during quarantine and whether people were allowed in the stores during the pandemic influenced backups. He stated that studies are now showing that there are not as many people going to the office now; and somewhere around 40 percent nationally are now working from home. He commented that people will still go out and get coffee, but peak times are changing significantly and are being distributed over a larger period of time.

He displayed what the pork chop entry would look like in restricting the left turn in. He commented that they were here to have another conversation after trying their best to address the Commission's traffic concerns.

Chairperson Brnabic asked what the height would be for the raised island or pork chop, noting that she would see people, especially young drivers, driving over it.

Mr. Ponton stated that it would meet the County standard and would be a six inch mountable curb. He noted that it cannot be something that would cause an accident if a car hit it such as a bollard.

Chairperson Brnabic stated that she has seen larger ones such as in place at Auburn and Rochester with grass in the middle and commented that it makes it more obvious.

She noted that at the last meeting the Commission held a public hearing and she did not have to call for one this evening; however, she stated that two emails were received, one from a Tracy Gruber, who stated that she knew that students were going to love having Starbucks so close, but as the Rochester PTA Safe Routes Chair, Ms. Gruber was asking that the Planning Commission keep in mind the safety of the students of Rochester High who will be walking, biking and driving to and from the Starbucks. Ms. Gruber wrote that she liked the idea of a right-turn-only entry.

Chairperson Brnabic stated that an email was received from the owners of the

Rochester Hills Plaza located at 1400 Walton Blvd., and their email stated that they feel that the presence will enhance the corridor in a positive way and they look forward to the completion of the development.

Dr. Bowyer expressed her thanks to the applicants for redoing the plans and going for that right-in only, and she noted that they also want to have the ability for a left turn out. She asked Mr. Davis to review Mr. Shumejko's comments regarding the compliance for a right turn to exit the site.

Mr. Davis noted that there was an error in Mr. Shumejko's original email and the third point of his comments should have read with left turns out of the drive approach permitted. He stated that on this item it comes to competing interests. He stated that there are concerns with the Road Commission and the City regarding compliance for a raised island in this driveway. He noted that this is why stop signs are not installed if not warranted, as if there is low compliance it can become more dangerous. He commented that the low compliance will present a problem with enforcement. He noted that the Fire Department does not want signage or any type of bollard on the island to hinder their access. He stated that the compromised best situation for this entrance is probably a situation where you have to compare the left turn lockup in the morning versus the rest of the 23-1/2 hours in the day where it is probably not a problem, but could have low compliance because people will just turn left out of there. He stated that this is why the second item in the email recommends full access, the third item is if that was unacceptable, they still think that a left-turn out is still in preference to a right-in and right-out only.

Dr. Bowyer questioned whether they could have grass on the pork chop to give a color difference, or if it could be painted green.

Mr. Davis agreed that a contrast would be a good thing. He stated that a little strip of grass might be a nuisance to maintain in that area; however, a contrast to differentiate the driveway was warranted. He noted that it might not be a deterrent to someone who still wants to turn left into it.

Dr. Bowyer stated that while she would love to see a sign, she does understand that the Fire Department does not want to see a sign there. She stated that she definitely does not want to see full access. She asked if Starbucks provided an access time for every vehicle, such as 30 seconds. She asked how many MOP spots would be allowed.

Mr. Ponton responded that they will not publish actual times as people will try to hold them to it.

Mr. Arcori noted that three spots are called out on the plan.

Dr. Bowyer commented that this will reduce people coming in and plugging up the drive-through.

Mr. Ponton stated that there will be a sign and the sign for no left turn would be located farther west. He commented that if the sign were located in the island it would almost be too late as someone would already be in the left turn lane.

Mr. Davis stated that the Road Commission said that there will be a sign; although he is not sure how visible or effective it will be. He pointed out that in order to write a ticket there must be a regulatory sign. He commented that if there would be tickets written for non-compliance here, it would be an additional burden or weight on the Sheriff's Office to be there at certain times to enforce it in order for it to be effective.

Dr. Bowyer expressed appreciation that the applicants reached out to the neighbors, and commented that while 1400 Walton expressed support, they did not grant access. She stated that she would have liked to see access to Livernois through Lucky's.

Mr. Ponton pointed out that there is approximately a ten foot change in grade between the two sites. He commented that they are looking at this for a number of permitted uses and because Starbucks is such a pattern in peoples' daily lives and is such a learned behavior, they really do think that it will be the same people that visit this site every day. He commented that if it is a no-left-in they may take an alternate path just to be able to make the right. He stated that if it were more sporadic or a different type of use, compliance would not be higher.

Dr. Bowyer thanked them for making the employees the first three spots so they will not conflict with traffic coming in. She stated that as it is, with that option, and painting the porkchop green so that it is a definite different color in the summer it would be great.

Mr. Struzik expressed his thanks to the applicants for responding to their previous feedback, reaching out to the adjacent property owners to try to find a more creative solution, and for making changes to the plan in response. He suggested that the first two spots should not only be employee only but being a compact car only. He expressed concern that a large F-150 in the first spot would impede traffic coming in if there was left-turn traffic waiting to go out. He commented that he put a lot of weight into Mr. Shumejko's email where his first preference was to not permit this type of heavy use drive-through at this location. He noted that back in May when this was first reviewed, Engineering recommended for denial with the main reason cited as the traffic conflicts with the high school and also secondarily those first two parking spots. He stated that in the packet this month Engineering is recommending for approval if the in and out is reverted back to what we saw in May, and he asked if that was accurate.

Mr. Davis responded that staff has had much discussion on this item both internally and the Road Commission as to what they would be willing to approve or not approve. He stated that when it was discussed further, although it might differ from what was recommended initially, this is what is recommended now after the discussions. He pointed out that if recommending denial, there should be a position given as to what they would accept. He mentioned that first item as to not allowing that type of heavy use, and he stated that he did not know if that was an engineering option to recommend. He stated that if it fits the zoning and fits engineering criteria for driveway geometry, and the Road Commission is willing to agree to permit this because it is the main entrance into the site, they

had to reconsider whether they should continue to recommend denial.

Mr. Struzik stated that it seems that they had a change in decision making, but for the most part the plan has remained the same, just addressing the first two parking spots. What Engineering is recommending is the full access with left in and right-and-left out.

Mr. Davis responded that in their opinion that would be preferable to what is being proposed; however, what is being proposed is not unacceptable also. He stated that they also had feedback from the Road Commission that this is the case from their opinion as well.

Mr. Struzik commented that Mr. Shumejko's email was very thorough and with regard to putting bollards, those little breakaway blockers, there are sites all over the city where they would be gone in no time. It would be a temporary feature and then ultimately it would be gone. He stated that he liked Dr. Bowyer's idea of having some sort of contrast to make the pork chop more visible, although he does not like the idea of grass because that would pose an issue with the Fire Department as the whole idea is that the Fire Department needs to be able to pull over that pork chop and that would be a soft surface that could pose an issue. He stated that he still has a lot of concerns with the left-turn a.m. traffic, but at the same time he likes the idea of the site being redeveloped, so he is rather torn.

Mr. Dettloff expressed his thanks to the applicants for listening to their concerns. He questioned how access will be monitored, and noted that traffic around the high schools is a madhouse and where does the burden lie for monitoring.

Mr. Ponton responded that it would be like any other traffic violation and it would be police enforcement. If someone wants to break the law and make an illegal left-in they are at risk of getting a ticket.

Mr. Dettloff questioned whether the Oakland County Sheriff's Office would provide the on-site person to monitor this on a day-to-day basis.

Mr. Ponton stated that it would be out of anyone else's jurisdiction; however, he would expect that if the City called the County and said we're opening a new Starbucks and make sure it's safe, could we have some police presence for the first couple of weeks to issue tickets, it would deter a lot of people from making that decision.

Mr. Dettloff stated that if an example were set, word would get out. He questioned the hours of operation for the Starbucks.

Mr. Arcori responded that at this point they have not been identified; however, customarily speaking it is anywhere from 5 a.m. to 10 p.m., plus or minus a couple of hours based on the community that they reside in.

Mr. Dettloff stated that the existing structure is coming down; and asked if that site would be completely leveled as there is a slope in there.

Mr. Ponton commented that it is an odd site; and stated that the site would be leveled and a five to seven foot retaining wall would be installed in the back to make the site flatter.

Mr. Dettloff asked if the new items Starbucks would be incorporating into the building are relatively standard and this is not a new conceptual type of Starbucks.

Mr. Arcori stated that the four walls plus or minus a few feet are the same; however, the makeup of the back of the house has continued to improve and evolve, especially with the new education of the pandemic and influx in traffic that their stores have seen over the last couple of years. He pointed to a slide which showed the MOP spaces and commented that they could be dictated for a different placement throughout the site. He stated that the first three spaces on the southeast portion would be allocated to employees only. He added that what is typical of all Starbucks in today's world, they account for nine cars in their drive-through at any point, and this site allows for six to eight additional cars. He stated that their MOP in Starbucks' mind is another form of drive-through customer that is coming in and out of their location. They touch on their newly-designed espresso warming and cold beverage station, which has been updated and incorporated into their new stores as of last year, and commented that they have seen from an operational standpoint the improvement of the efficiencies of the service, new digital ordering screens reducing feedback time and through-put speed, and redesigning and enlarging the back-of-house to meet anticipated customer demand and product capacity.

Ms. Neubauer expressed her thanks for the revisions, noting that they are a big improvement. She stated that she is still concerned about the kids, and commented that school starts at 7:22 p.m. and gets out at 2:22 p.m., and suggested Starbucks be informed that those are the times that they may need extra staffing in order to get things moving and get people out faster so any backup would be reduced and wouldn't interfere with the high school traffic. She commented that while people are staying home, it should be noted that this is a Starbucks across from a high school with newer drivers, half of whom are driving on restricted licenses. She stated that while everyone loves Starbucks, they are just concerned about the kids and want this to be made as safe as possible.

She noted Paul Shumejko's email and questioned item number three, asking if there would be anything that could be done that would help address the situation or work with the traffic.

Mr. Arcori responded regarding staffing for peak hours, and commented that Starbucks invests in the community and they do a great job attracting talent from the local surrounding area. He commented that it will be very important for Starbucks and their team to address concerns; but it will also be a huge part of the team hired to run their operation every single day. He stated that Starbucks as a whole has done a great job with attention to detail, and what has made them so successful and set them apart from other fast food or fast casual concepts is their willingness and ability to take the extra step. He stressed that they have

created entrepreneur programs, jobs and opportunities that allow for their staff to grow within their organization and will naturally evolve to be a well-operated Starbucks in the community.

Ms. Neubauer questioned when the development would be completed if approved.

Mr. Arcori stated that they will still have to go before City Council, with the hopes of starting construction sometime in the fall. In a perfect world, he would hope to be open by Christmas break.

Ms. Neubauer stated that experience from having her own boys tells her that kids would rather take the risk of being five minutes late for first period to get their drink, and then rush to school, to take the tardy because they know they can get five tardies. She commented that as a mother she is just worried about the fact that even though Starbucks makes good decisions they are literally planting themselves in front of a group of people who are known to make the poorest decisions they can make.

Mr. Ponton stated that they have so much respect for Ms. Neubauer as a mother, and it is very natural for her to feel that way.

Ms. Neubauer stated that she wants it to be a successful business, but not at the cost of the community and the kids.

Mr. Ponton commented that of all of the bullet point assumptions, he would think that six of them are not factual. He noted that they are someone's opinion and they may happen but they may never happen. He stated that he owns an engineering firm and they have done 6,000 or 7,000 applications and have constructed sites across 30 different states or more, and what he can say is that this is a great community and the kids will make good decisions. He stated that if the parents are concerned about the kids going to Starbucks they will have a conversation with them and address it in the home when they should get their coffee, and left turns. He commented that it is making assumptions that they are the worst drivers. He pointed out that while they are the most inexperienced drivers, sometimes they are the most cautious.

Mr. Arcori stated that by right he has the ability to do a number of different uses within the existing building or footprint where they don't need to come back for approval. That could also cause a deterrent from any high school student whether it is a tobacco shop or liquor store; however, at the end of the day they are proud to be before them with a use that has been so well received globally. Starbucks has bent over backwards to accommodate requests and are making the sacrifice to eliminate all left hand turns. He commented that it is a tribute to the community.

Ms. Neubauer stated that this is why she thanked them for the accommodations they made.

Mr. Ponton stated that brokers call them to do conceptual plans or change the name on the building so they can go back to tenants and try to shop a location,

and what he has seen over the past month was a vape store, tobacco store, urgent care. He noted that all of those things are permitted by right. He commented that this is when they pushed Starbucks for the no-left turn ingress. He commented that it is not comparing Starbucks or nothing, it is comparing Starbucks with something else.

Chairperson Brnabic stated that this is exactly why a drive-through requires a conditional use permit because just as has been discussed at the last meeting they have to consider all that and if Starbucks is appropriate for that location, and whether there are safety issues or concerns, or stacking concerns. She commented that she is in the middle on this; however, she does appreciate the work that has been put in to make the changes they did.

Mr. Dettloff asked for clarification asking whether they are a management group for Starbucks.

Mr. Arcori responded that they act as the developer. They are the landowner and have engaged Mr. Ponton from Stonefield Engineering for design, he is the civil engineer who designed what is before the Commission today. They will build the building and will ultimately lease it back to Starbucks. He stated that they are vested and if Starbucks decides to close this location in five years, the no-left-turn into their site is now his problem. He stressed that they believe in the site and the community and want to be here long term. He stated that they invest in communities that they want to be in forever.

Mr. Dettloff questioned whether this will be corporate owned and operated.

Mr. Arcori responded that was correct. He explained that they do not franchise but do what is called licensed stores. Those are in unique situations such as hospitals or big grocery stores. He stated that the traditional brick-and-mortar retail operations are all corporate-owned.

Ms. Denstaedt stated that she appreciates all the design changes and efforts to listen to their concerns. She commented that she questions concerns regarding stacking spilling out onto Walton in the mornings or afternoons, and the fact that the exit on the drive-through if they are not pulling over far enough they could have bottleneaking in that area.

Mr. Ponton stated that Starbucks' typical requirement is for ten cars, and the City's requirement is for ten cars as well. They provide stacking for 15 which is 50 percent greater. He mentioned that they counted both of the Starbucks in the city on a couple of different days and based on those observations, they never saw that either of those existing locations exceeded 15 cars.

Ms. Denstaedt stated that she has seen the one on Rochester Road back all the way around the building so that it has gone in front of the restaurants. She commented that she knows it is all timing but stated that it is still a concern of hers.

Mr. Hooper questioned whether the applicants have read the motions in the packet with the findings and conditions, and he read Condition #3 which allows

the Planning Commission to periodically evaluate on-site traffic management and if the Planning Commission determines that on-site capacity and traffic management is inadequate, or that traffic generated by the site is causing undue traffic conflicts based on generally accepted traffic engineering industry standards, principles and practices, congestions or hazards on Walton, the Planning Commission reserves the jurisdiction to notify the applicant to reappear before the Planning Commission to show cause why the Planning Commission should not modify or supplement these conditions of approval to solve or remedy such traffic problems and such remedies may include requiring the applicant to add more land or area for vehicle parking or overflow traffic, adding signage, reconfiguring parking or drive-through lanes, hiring parking lot attendants or police to direct or waive traffic entering the site, closure of driveways when the parking lot area is full or other appropriate measures deemed necessary to alleviate and rectify the situation.

Mr. Ponton stated that this is a confusing statement and asked if this is something that the City has ever enforced in its history.

Mr. Hooper stated that it is a condition for all the drive-throughs in the past year.

Mr. Ponton stated that they read it and understand it, but question what enforcement means in the future and how that takes place and what it means from a legal perspective, he has no idea.

Mr. Hooper stated it puts them on notice that there is potential that they could lose the right for the drive-through should this traffic cause the issues that are raised. He asked if they were good with the addition.

Mr. Ponton commented that the fact that the conditions of approval are being discussed is a step in the right direction.

Mr. Hooper moved the motion in the packet for the conditional use approval, and changed condition #3 adding the words, "specifically on school days between 7:00 and 7:30 a.m.," after the words "congestion or hazards on Walton Road". The motion was seconded by Ms. Neubauer.

Mr. Ponton questioned who exactly would determine this.

Mr. Hooper responded City staff, Sheriff's Department, and it would come back to the Planning Commission.

Mr. Davis stated that he would guarantee that staff will review the site if there are a number of accidents occurring on Walton Road. He stated that they have worked with other existing businesses that have had accidents near their entrances and worked on them to further restrict those access points when accidents have been a concern. He noted that regarding Mr. Shumejko's points, a comment was made that some of them are negative; and he explained that professional judgment is used by professional engineers all the time on sites, and this is his professional opinion on knowing the history of what Walton traffic is, what we see on a daily basis. He commented that he drives by that site every day and used to go to Pizza Hut. He stated that this will be different

than Pizza Hut or any of the other uses that were mentioned. He noted that in their professional judgment this is why these points were listed by Mr. Shumejko.

Dr. Bowyer commented that she wants the pork chop painted.

Mr. Hooper stated that he would add that to the site plan motion.

Chairperson Brnabic restated the motion and called for a roll call vote. After the vote, Chairperson Brnabic announced that the motion passed five votes to two.

Mr. Hooper moved the motion in the packet for the site plan approval, adding a third condition of painting the island green in a color that would stand out in large contrast. The motion was seconded by Ms. Neubauer.

Chairperson Brnabic restated the motion and called for a voice vote. After the vote, Chairperson Brnabic announced that the motion passed unanimously.

Mr. Hooper moved the motion in the packet to approval the Tree Removal Permit. The motion was seconded by Ms. Neubauer.

Chairperson Brnabic restated the motion for the tree removal permit, and called for a voice vote. After the vote, Chairperson Brnabic announced that the motion passed unanimously.

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

Aye 5 - Bowyer, Denstaedt, Dettloff, Hooper and Neubauer

Nay 2 - Brnabic and Struzik

Excused 2 - Gallina and Weaver

Resolved, in the matter of File No. JNRNB2021-0026 (Starbucks on Walton), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a drive-through, based on plans received by the Planning Department on January 13, 2022, February 11, 2022 and May 27, 2022 and the Traffic Impact Study Addendum letter dated March 23, 2022, with the following findings:

Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. 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.
3. The proposal will have a positive impact on the community by adding trees and offering employment opportunities.
4. 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.

5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.

6. 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. If, in the determination of City staff, the intensity of the drive-through changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

3. Approval is recommended based on information provided and representations made by the applicant's representatives that the site design and the traffic management plan for the site are adequate to address and avert concerns that have been expressed about increased traffic that is expected will be generated by this land use and associated traffic problems including blockages, backup-ups, crashes, and congestion overflowing offsite and onto and affecting Walton Road. The Planning Commission may periodically evaluate on-site traffic management, and if the Planning Commission determines that on-site capacity and traffic management is inadequate or that traffic generated by this site is causing undue traffic conflicts, based on generally accepted traffic engineering industry standards, principles and practices, congestion or hazards on Walton Road, specifically on school days between 7:00 a.m. and 7:30 a.m., the Planning Commission reserves jurisdiction to notify the applicant to reappear before the Planning Commission to show cause why the Planning Commission should not modify or supplement these conditions of approval to solve or remedy such traffic problems. Such remedies may include requiring the applicant to add more land or area for vehicular parking or overflow traffic, adding signage, reconfiguring parking or drive-thru lanes, hiring parking lot attendants or police to direct or wave-off traffic entering the site, closure of driveway(s) when the parking area is full, or other appropriate measures deemed necessary to alleviate/rectify the situation.

4. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff, specifically with regard to the full access ingress/egress.

2022-0167

Request for Site Plan Approval - File No. JNRNB2021-0026 - Starbucks - a commercial development with a drive-through on approximately 0.7 acres located on the north side of Walton Rd. and west of Livernois Rd., zoned B-2 General Business District with an FB-2 Flexible Business Overlay, Parcel No. 15-09-476-030, Frank Arcori, Verus Development, Applicant

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

Aye 7 - Bowyer, Brnabic, Denstaedt, Dettloff, Hooper, Neubauer and Struzik

Excused 2 - Gallina and Weaver

Resolved, in the matter of File No. JNRNB2021-0026 (Starbucks on Walton), the Planning

Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on January 13, 2022, February 11, 2022 and May 27, 2022 and the Traffic Impact Study Addendum letter dated March 23, 2022 with the following findings and subject to the following 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 project will be accessed from Walton Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. 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 \$23,576.00, plus inspection fees, as adjusted by staff as necessary, prior to the preconstruction meeting with Engineering.
3. Island to be painted green in a color to stand out in large contrast.

2022-0172

Request for Approval of a Tree Removal Permit - File No. JNRNB2021-0026 - for the removal and replacement of three regulated trees associated with the review of a commercial development for Starbucks, located on the north side of Walton Rd. and west of Livernois Rd., zoned B-2 General Business District with an FB-2 Flexible Business Overlay, Parcel No. 15-09-476-030, Frank Arcori, Verus Development, Applicant

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

Aye 7 - Bowyer, Brnabic, Denstaedt, Dettloff, Hooper, Neubauer and Struzik

Excused 2 - Gallina and Weaver

Resolved, in the matter of File No. JNRNB2021-0026 (Starbucks on Walton) the Planning Commission **grants a Tree Removal Permit**, based on plans received by the Planning Department on January 13, 2022, February 11, 2022 and May 27, 2022 and the Traffic Impact Study Addendum letter dated March 23, 2022 with the following findings and subject to the following conditions:

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove three regulated trees. Three replacement

regulated trees and four specimen trees, as approved by Parks and Natural Resources, are required; otherwise the applicant must pay into the City's tree replacement fund as required.

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. A Land Improvement Permit must be issued prior to any trees being removed.

(Planning Commission recessed from 8:03 p.m. to 8:10 p.m.)

NEW BUSINESS

2022-0269 Public Hearing and Conditional Use Recommendation - File No. PCU2022-0003 - to allow alcoholic beverage sales for on-premises consumption at Tee Times, 2612 S. Rochester Rd., located south of Wabash Rd. in the Hawthorne Plaza., zoned B-2 General Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-27-477-060, Brendon Shaya, Applicant

(Staff Report dated 6/8/22, Floor Plan dated 4/17/22, EIS and PHN had been placed on file and by reference became a part of the record thereof.)

Present were Brandon Shaya, 1130 Prescott Dr., Rochester Hills, co-owner of Tee Times, applicant, and also the owner of CJ Mahoney's Sports Bar and Grill; along with Alex Raphael, co-owner of Tee Times, resident of Rochester Hills.

Chairperson Brnabic introduced this item and stated that it was for a public hearing and conditional use recommendation to allow alcoholic beverage sales for on-premise consumption at Tee Times, 2612 S. Rochester Road, located south of Wabash in the Hawthorne Plaza, zoned B-2 General Business District with an FB-3 Flexible Business Overlay.

Ms. Kapelanski stated that this is a conditional use request for alcohol sales, and there are no exterior changes proposed to the site. It is only here for the conditional use. She explained that it will be for a golf simulator use and they would move on to City Council after recommendation from the Planning Commission.

Mr. Shaya noted that these drawings were done by a family friend of theirs, John Miller, who was supposed to be in attendance, however, he passed away yesterday. He stated that this was a dream of his and he and Mr. Miller actually started this five years ago, and it is bittersweet that he is not here. He stated that he thinks that Tee Times is a great thing. He explained that he does business in the city and lives in the city, marrying and moving into the city with his wife 12 years ago. He stated that he has owned CJ Mahoney's in Rochester Hills for about ten years and he thinks that Rochester Hills is the greatest golf community and has some of the best golf courses in the state. He mentioned that he is a member at Great Oaks and at Oakland University and plays a lot of golf. He stated that he started to research this and go down this path, and Tee Times is a place that they definitely think will fit in the city of Rochester Hills. He

showed an illustration for the golf simulator facility with 12 bays, each bay using state of the art equipment from a company named Golf Zone. Each simulator will cost them approximately \$100,000 for installation. These simulators are state of the art in that the floor actually undulates to mimic your lie on the golf course, there are different hitting surfaces, it has its own caddy. He stated that while someone can go play a round of golf, they see this for corporate events, or camps for kids. He noted that there will be two PGA professionals on site.

He commented that indoor golf is expanding at massive rates, there are four million indoor golf users, half of which do not play golf on an individual course. He explained that the machines can provide much information, including swing speed, club face, and more. Because it is such a large community, the most you will get in here at capacity is 48 golfers, with four golfers in each bay. He stated that there is a need for this and with their background in the restaurant business, they believe that they will not only be able to provide that opportunity but put out a really good product for people to play, eat and enjoy themselves.

He noted that this is primarily a business for winter and fall, and they will not be as busy during the summer months; however, a lot of people still want to play golf all year long and this is the opportunity to do it. This will be done first class, and he noted that they will be the first installation of the Vision simulator in the United States.

Dr. Bowyer stated that she loves to play golf and lives right around the corner. She asked which unit they will be going into in this plaza.

Mr. Shaya explained that it is not the end cap unit but everything to the left of the boxing place. He noted that Tony's Shoe Repair is gone and the Fantastic Sams has been moved to where Liberty Tax is. He added that it is 9,000 square feet, approximately 120 by 75.

Mr. Raphael stated that it is 75 foot frontage by 120 feet.

Dr. Bowyer questioned how long someone will be renting a simulator.

Mr. Shaya responded that it could be rented in increments of a half hour or an hour. Players can go in on the website or call in to book a time. Players can show up with their clubs or they will have clubs people can use.

Dr. Bowyer questioned whether players will be able to play famous courses such as St. Andrews Course.

Mr. Shaya responded that there are over 150 courses to use, with 50 of them specific to the United States, and they are all state-of-the-art.

Dr. Bowyer stated that it seems really awesome and the location should be perfect in that plaza.

Ms. Neubauer expressed sympathy for the loss of Mr. Shaya's friend. She stated that she loves the project and commented that she failed miserably by buying a Top Golf gift card for her husband that he can never use because it is

always booked. She commented that this is great to come into Rochester Hills, and commented that her husband takes the baseball teams to Top Golf and it is hard to get a reservation because it is so high in demand. She stated that she wanted to be the one to make the motion for this as she wants to be able to tell her husband that she did it.

Mr. Raphael stated that the core of the business is the golf simulation, and the company they partner with is the number one golf simulator in the world, they have over 6,000 outlets worldwide and they approximately 66,000 rounds per day in golf simulation. He commented that this is definitely something that has been tested and was voted number one in Golf Digest for five years in a row. He stated that it is much more realistic than hitting in a golf simulator.

Ms. Neubauer stated that this is a great idea and she doesn't believe they will have any issue getting this approved.

Mr. Dettloff commented that it is a great idea and asked if it is franchised.

Mr. Shaya responded that it will be the very first one.

Mr. Dettloff asked if they are looking for a Class C license and asked if they had one in mind.

Mr. Shaya responded that they will be applying for a quota license as well and their application is expected to go in tomorrow. He stated that hopefully they will get it, and if not they will be looking for a Class C license.

Mr. Dettloff asked if they have had a conversation with the Liquor Licensing Commission, and what the liability would do to this kind of business.

Mr. Shaya responded that they have had conversations, and he commented that there is a premium for insurance for any establishment that sells alcohol. He explained that he owns two restaurants with liquor licenses, and confirmed that they will have liquor liability insurance as it will be required.

Mr. Dettloff suggested they carve out a little spot in the building to bring back Tony from the shoe repair to do golf shoe repairs. He asked who owns the plaza.

Mr. Shaya responded that Ralph Forenzo owns the plaza and commented that he is also the landlord for CJ Mahoney's.

Mr. Struzik commented that it is walking distance from his neighborhood, and noted that this parking lot is underutilized and has a lot of empty spaces. He stated that getting more people in there will benefit the other businesses. He pointed out that the shopping center lost a major tenant and still expanded on either side of it, and it is exciting to see tenants flocking to it as it is a great location and is well-maintained. He commented that he shares the excitement of his fellow commissioners.

Mr. Shaya pointed out that none of those tenants are really night time tenants,

and they will be open until probably 11 p.m. He commented that they do not anticipate there being an issue and mentioned that there is a lot of parking behind the center for staff.

Ms. Neubauer moved the motion in the packet, which was supported by Mr. Struzik.

Chairperson Brnabic noted that this item requires a public hearing. Seeing no one in attendance wishing to speak and no communications, she closed the Public Hearing at 8:26 p.m.

After the voice vote, Chairperson Brnabic noted that the motion passed unanimously.

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

Aye 7 - Bowyer, Brnabic, Denstaedt, Dettloff, Hooper, Neubauer and Struzik

Excused 2 - Gallina and Weaver

Resolved, in the matter of City File No. PCU2022-0003 (Tee Times), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents received by the Planning Department on May 3, 2022 with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The building 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.
3. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs.
4. 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.
5. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. 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 restaurant will be between 9:00 a.m. - 11:00 p.m. daily.

2022-0270 Public Hearing and Conditional Use Recommendation - File No. PCU2022-0004 - to allow alcoholic beverage sales for on-premises consumption at Baldwin's Brasserie, 3784 S. Rochester Rd., located between South Blvd. and M-59., zoned B-3 Shopping Center Business District with an FB-3 Flexible Business Overlay, Parcel No. 15-34-477-018, Emily D'Agostini Kunath, Applicant
(Staff Report dated 6/8/22, Floor Plan dated 4/5/22, Elevations, Marketing Materials, EIS, Public Comment and PHN had been placed on file and by reference became a part of the record thereof.)

Present were applicant Emily D'Agostini Kunath, D'Agostini Companies, 38700 Van Dyke, Suite 200, Sterling Heights, Michigan, 48312, Rose Marie Baldwin, Chief Operating Officer, Baldwin Restaurant Group, and Jeffrey Baldwin, resident of Harrison Township. Mr. Baldwin noted that they own two restaurants, one in Harrison Township and one in Clinton Township.

Chairperson Brnabic introduced this item and noted that it was a request for a conditional use recommendation to allow alcoholic beverage sales and consumption at Baldwin's Brasserie, 3784 South Rochester Road, located between South Boulevard and M-59, zoned B-3 Shopping Center Business District with an FB-3 Flexible Business overlay.

Mr. Kapelanski explained that this request is similar to the previous request this evening, as it is a Conditional Use request for alcohol sales on-premises, and no exterior changes are proposed. She noted that this is at Gateway Development, which is near the corner of South Boulevard and Rochester, currently under construction.

Chairperson Brnabic noted that she will open the public hearing and stated that she sees no one in the audience and no cards for anyone wishing to speak. She noted that she had one email from Janet Salisbury who is opposed to approval of the conditional use to allow sales for on-premise alcohol. She then closed the Public Hearing at 8:29 p.m.

Mr. Hooper stated that he presumes that this is going on the north half of the retail center, and commented that when this was put forth for development it was noted that this would be a restaurant site. He questioned whether they will be bringing in a liquor license into the community.

Mr. Baldwin responded that they are applying for a Class C quota license and would not be bringing one in.

Mr. Hooper noted that this would be subject to obtaining the quota license, which may or may not happen. He mentioned that he and his wife have eaten at J. Baldwin's and had a very enjoyable experience, so he can attest to the quality of the food.

Mr. Baldwin responded that they have had that location for 18 years now.

Chairperson Brnabic stated that she supports the Conditional Use for on-premise alcohol sales. She commented that it is nice to see them all

working together as a family.

Ms. Denstaedt questioned what the seating capacity will be and if they will take reservations.

Ms. Baldwin responded that it will be approximately 175 and they will take reservations. She explained that both restaurants take reservations and noted that the whole culture in hospitality since Covid has led to consumers wanting reservations, which has been fantastic operationally and helped the industry out greatly.

Mr. Dettloff questioned whether they have encountered the labor situation in restaurants and if they anticipate any issues.

Ms. Baldwin responded that they have much loyalty with their staff members as an independent restaurant group and is proud to note that their managers receive full health care, 401K, and paid vacations. She added that they are now opening up paid vacations to the hourly employees, and they have the 401K options. She noted that they close on holidays, including Fourth of July, Labor Day, and Thanksgiving, and mentioned that this year they closed for the first time on Easter Sunday. She explained that it is holidays that they themselves want to enjoy. She commented that they are there to make the employees' lives wonderful and they will have their loyalty. She stated that their turnover is very low compared to the industry standard.

Mr. Dettloff questioned whether there will be an outdoor patio.

Ms. Baldwin responded that there are plans to do an outdoor patio and explained that there is an outdoor patio at both of their current restaurants. She stated that they are very successful, and noted that Baldwin's opens panels up in the summer where Testa Barra keeps them closed. She commented that they have plans with the patio and plans with the design, and have looked at the floorplan very strategically so that the path that serves the customer is very close to where the kitchen will be located.

Mr. Dettloff expressed his thanks for their consideration of Rochester Hills, and he welcomed them to Oakland County.

Mr. Baldwin stated that they both grew up in Oakland County and moved to the east side in 1994, and they are looking forward to being in Oakland County.

Ms. Baldwin stated that this project has been in the works in conversations with Ms. D'Agostini for four years.

Ms. D'Agostini stated that they came before this Commission in 2018, and that year they were approved. She noted that her father Gene had the pleasure of meeting Rose and Jeff at a wine dinner in 2018 and have been working on this relationship ever since. She stated that she envisions a showpiece restaurant at this center that is not a chain, and is well-run locally. She stated that Covid only made them stronger. She noted that both of their restaurants competed for Hour Magazine's number one restaurant this year, and one won the top spot.

She commented that some of the children have been on Food Network and competed successfully.

Ms. Baldwin stated that she has two children in the business, and her son Jeffrey, Director of Operations, has gone through the sommelier program. She noted that they fund the program and they are learning their wine and beverage skills and stated that they now have 11 sommeliers in their company, with four making it to level two, which is very hard to do. She commented that they believe in education for their staff, and noted that their managers are sent to Dale Carnegie. She stated that they win because their team is more knowledgeable. She mentioned that Michael and Gabriele have been with the team since they met at the Culinary Institute in New York, and came in as young, spirited good cooks, and Testa Barra made them chefs. She stated that they want to nurture the second generation and do something in Oakland County.

Mr. Baldwin stated that this is the first A+ location that they have had.

Dr. Bowyer stated that she is impressed with how they treat their employees and the success that they have had. She noted that they are unique and not a chain and it will be a great location. She mentioned that they have four quota licenses for the next four years, and commented that this would be the first one that they would perhaps entertain granting. She stated that if they come to Council and show that they have all those extra reasons that they will be a destination and will bring people to the city, it will be more of what Council is interested in. She asked if they have a chef's table.

Ms. Baldwin responded that they will have a chef's table and will have the signature calamari that Jeff created at the Whitney restaurant. She commented that if they opened up an Asian or Spanish restaurant or a Brasserie, which is a modern American with French overtones to it, they would have calamari on the menu.

Mr. Struzik stated that he appreciates that the business will be closed on holidays for the workers. He commented that they try not to go to those businesses on those days because they do not want to encourage them to be open. He stated that this is a great concept for the site and for the city and he looks forward to seeing their business in Oakland County.

Mr. Hooper moved the motion in the packet, which was supported by Ms. Neubauer.

After the voice vote, Chairperson Brnabic announced that the motion passed unanimously.

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

Aye 7 - Bowyer, Brnabic, Denstaedt, Dettloff, Hooper, Neubauer and Struzik

Excused 2 - Gallina and Weaver

Resolved, in the matter of City File No. PCU2022-0004 (Baldwin's Brasserie), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption, based on documents received by the Planning Department on May 24 and 25, 2022 with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The building 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.
3. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering jobs.
4. 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.
5. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. 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 restaurant will be 3:00 p.m. - 11:00 p.m. Tuesday - Thursday, 3:00 p.m. - 12:00 a.m. Saturday, 11:00 a.m. - 9:00 p.m. Sunday, and closed Mondays.

ANY OTHER BUSINESS

Ms. Roediger noted that this is the last meeting for Ms. Kapelanski, as she has accepted the position as Community Development Director for the City of Berkley. She explained that Ms. Kapelanski lives in Berkley and has been the Planning Commission Chair there, and desires to work in the community that she lives in.

Chairperson Brnabic stated that she will be missed and offered her congratulations.

Ms. Kapelanski stated that it has been really great to work with everyone and wishes the best of luck to all and to the City.

NEXT MEETING DATE

- July 19, 2022 Regular Meeting

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Ms. Neubauer, seconded by Ms. Denstaedt, Chairperson Brnabic adjourned the Regular Meeting at 8:45 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*