

## NEW BUSINESS

**2013-0145** Public Hearing and Request for Recommendation of a Conditional Land Use - City File No. 13-002 - to construct a drive-thru facility at a proposed ATM for Fifth Third Bank at the Rochester Hills Plaza on Walton Blvd., west of Livernois, zoned B-3, Shopping Center Business, Parcel No. 15-09-476-033, Gerald G. Weber, Applicant

*(Reference: Staff Report prepared by James Breuckman, dated April 25, 2013 and Site Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Gerald G. Weber, Weber Architecture, 13711 Madison Ave., Lakewood, Ohio, 44107.*

*Mr. Weber introduced himself as the architect on the project representing Fifth Third Bank. He summarized that the banking industry was changing with the roll-out of internet and smartphone banking, so they were starting to see less of a need for an actual walk-in bank. Fifth Third had a bank in Rochester, and there was another one nine miles to the west, and they wanted to put a free-standing ATM in the middle. It would dispense money, take deposits and transfer money. He claimed that it was the next best thing to talking to a teller, but there was still an opportunity to use a nearby branch. Mr. Weber advised that the proposed site was at the Rochester Hills Plaza on Walton Blvd. He pointed out the area the ATM would go, and said they would take out about eight parking spaces. The parking required for the center was 236 spaces, and there were 424 spaces, so they were well within the code. They liked to have an ATM away from the main traffic at the buildings, and it would be in an area where traffic was not interfering with cross traffic on site. He showed the side of the ATM that would face the street with signage on the canopy and the minor signage on the ATM, and asked if there were any questions or comments.*

*Chairperson Boswell asked Mr. Breuckman if he had anything to add. Mr. Breuckman stated that the project was compliant with the Ordinance requirements for parking, canopy structure and setbacks. It was considered an accessory structure to the principal shopping center, so the setback requirements applicable to a building were not applicable to the ATM. He noted that a Conditional Land Use was a discretionary decision by City Council after the Planning Commission's recommendation.*

*Chairperson Boswell asked Mr. Weber if they put ATMs in various places*

around the country. Mr. Weber said that was correct. Chairperson Boswell observed that the rendering in the packet showed one person using the ATM and one person stacked behind, waiting to use it. He asked how often there was stacking behind. Mr. Weber responded that the typical busy time for an ATM was between 5-6:00 p.m. Monday through Friday, and there might be two cars waiting. It was very rare to have several people waiting. Chairperson Boswell said that he understood it might be rare, but when he looked at the rendering, the car of the person next in line was sticking out into the drive aisle. He could envision someone driving a little carelessly and running into that car. If there was a second car behind the one waiting, it might totally block someone who was parked. He asked if that happened very often or if it was not something that should concern him.

Mr. Weber stated that it did not happen very often. He said that one of the reasons they put the ATM as far away from the building as possible was because those spaces were the last to get taken. Also, usually employers asked their employees to park in that area, so they would not be coming in and out. They looked at it from the standpoint that there were always cars pulling in and out, and people needed to be diligent. He maintained that it would be no different than the conditions that were there currently.

Mr. Kaltsounis stated for the record that he banked at Fifth Third Bank, but he thought it was the same thing as eating at a Taco Bell. He continued that he was not aware of too many similar situations (with ATMs) in the City. There was a Comerica ATM at the building his family had owned on Auburn and Crooks, but it was right up against the building. He likened the proposed ATM to a neighbor's trailer that someone did not want to see right up against the lot line. He had a problem with the location. He did not have a problem with the ATM; he just wished they had done a better job of negotiating the location. He noted that in Kentucky where he traveled for work, there was an ATM in a parking lot of a restaurant. It was not up against the road - it was a couple of rows in, and although it was there, it did not appear to be there. He reiterated that he would really rather not see the ATM right against the road.

Mr. Weber mentioned that they had just received approval for an ATM in Troy at the Oakland Plaza (14 Mile and John R), and it was almost identical to the proposed. Mr. Kaltsounis said that personally, he would be happier if it were moved on the other side of the adjacent aisle.

Mr. Reece said that he was not as concerned about the location, but he was concerned about site circulation, as he frequented the center quite a

*bit. He referred to the main entrance off of Walton to the east of the proposed ATM, and said that on a Saturday or Sunday, there was a lot of east/west cross traffic on the main drive. If people wanted to access the ATM and they came in from Walton, they would have to make a turn somewhere to orientate themselves to enter the ATM. It could potentially cause a lot of congestion when it was busy, and the center was currently about only about three quarters full. He noted the sign at the center which was also adjacent to the proposed location for the ATM. He felt that could cause issues as far as people pulling out and traffic coming in and people trying to make a left-hand turn onto the drive aisle. He suggested that the ATM could be moved to the west a little further. He asked what would happen with the ATM if Fifth Third was bought out by another bank, and who would take it down. He stated that he would not want to see it just sitting there.*

*Mr. Weber said that it was in the lease that if the ATM was no longer used, Fifth Third would be responsible for returning the area to its original condition.*

*Mr. Schroeder stated that he was also concerned about the stacking. He recalled that when Whole Foods was in the center, the center was very congested everywhere, and the parking areas were full. He agreed that there would be congestion at the intersection, and he felt that there should be more stacking - at least for two or three cars. He also did not think it would be a good idea to have a car sticking out into the north-south parking lane.*

*Chairperson Boswell said that he realized Mr. Weber was not a banker, but there had been articles in the paper and on television about the new, smarter ATMs where someone could actually deal with a teller. If Fifth Third started to use one of the more modern ATMs where people did various types of banking, he definitely thought that they would need more stacking. Mr. Weber agreed that Chairperson Boswell was probably right. Mr. Weber had not personally heard about a remote teller in an ATM, but he believed that it could happen someday.*

*Mr. Dettloff asked how long the land lease was. Mr. Weber believed that it was for five years with an option for another five. Mr. Dettloff indicated that there was a considerable amount of vacancy in the center now, but he hoped that would be changing with the market. He thought that the stacking issue was certainly worth some consideration. Mr. Weber said that he would talk to his client about adding stacking, as the Bank had agreed to it before. They would have to go back to the landlord to get it*

*approved, and that would be the only issue that would prohibit it. Mr. Dettloff asked if stand-alone ATMs were becoming a trend, as opposed to banks. Mr. Weber said that was what he had been hearing from the Bank. They were working on being able to use a phone I.D. instead of an ATM card, similar to a boarding pass.*

*Mr. Kaltsounis referred to the ATM at his building on Auburn and said that on a payday Friday, there could easily be four people waiting to use it. He suggested that Mr. Weber might even have to consider a stop sign. People would have to go around the entire parking lot to get to the ATM, and he was not sure they could stop people from making a u-turn.*

*Mr. Weber was not sure, but they had discussed that once a customer knew where to go, the problem tended to go away. He would use Rochdale rather than fight traffic by Walton. He mentioned that in Troy, the Bank ended up putting in room for four cars - one at the ATM and three for waiting.*

*Ms. Brnabic agreed with the other Commissioners that there was a need for more stacking. She asked if the reasoning behind bringing the ATM was the distance between branches, and the fact that it would be a convenience for customers. Mr. Weber agreed. Ms. Brnabic said that in considering the future changes in banking, she could see where there would be a need for more stacking. With a full service bank, there could be two ATMs with two and three cars at each one, so it would stand to reason that there could be several cars no matter what day of the week, although she realized that it might be worse on a late Friday.*

*Mr. Anzek said that hearing the Commissioners' comments about stacking and conflicts, he suggested that if the ATM were shifted slightly to the west, people could go north through the one-way aisle and loop around and enter into the stack. They could take up a few more spaces and get a couple more cars in line. Ms. Brnabic thought that people would figure out that it would be easier to turn down Rochdale and use that entrance to the center.*

*Chairperson Boswell asked if there were any comments regarding Mr. Anzek's suggestion. Mr. Schroeder and Mr. Reece spoke up and agreed it could be a good idea.*

*Chairperson Boswell opened the Public Hearing at 7:28 p.m. Seeing no one come forward, he closed the Public Hearing. He asked if there was a motion for the Conditional Land Use.*

*Mr. Hooper thought that they might need to add a condition about revising the Site Plan to reflect the verbal description of asking for additional stacking. Chairperson Boswell understood what Mr. Hooper was saying. The motion read that the CLU was based on plans dated received on April 25, 2013; however, the applicant would be modifying the plans. They could add that the Recommendation was subject to the revisions made by the Planning Commission on April 30, 2013. Mr. Reece presumed that it would have to be subject to the landlord's approval as well. Mr. Breuckman advised that the matter would not go to City Council without revised Site Plans, so he suggested changing the wording in the motion. Chairperson Boswell determined that they would take out the date of the plans received.*

***MOTION*** by Schroeder, seconded by Brnabic, in the matter of City File No. 13-002 (Fifth Third Bank ATM at Rochester Hills Plaza) the Planning Commission **Recommends** to City Council **Approval** of the **Conditional Land Use** with the following seven (7) findings.

*Findings*

- 1. The proposed structure and landscaping meet or exceed the standards of the Zoning Ordinance.*
- 2. The new structure will promote the intent and purpose of the Zoning Ordinance.*
- 3. The proposed structure has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the hospital, the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.*
- 4. The proposal should have a positive impact on the community as a whole and the surrounding area by expanding the options for banking services.*
- 5. The proposed ATM should generate no net impact on public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
- 6. The proposed development should not be detrimental, hazardous, or*

*disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*

7. *The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

**A motion was made by Schroeder, seconded by 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, Reece and Schroeder

**Nay** 1 - Kaltsounis

**Absent** 2 - Hetrick and Yukon

2013-0174

Request for Site Plan Approval - City File No. 13-002 - Fifth Third Bank ATM, a proposed stand alone ATM at the Rochester Hills Plaza, located on Walton Blvd., west of Livernois, zoned B-3, Shopping Center Business, Parcel No. 15-09-476-033, Gerald G. Weber, Applicant.

*Mr. Kaltsounis said that he prefaced his previous vote not on the fact that he did not want an ATM, but rather that he did not want it so close to the road. He recommended that they have four spaces, including three for stacking. Ms. Brnabic asked if the Planning Commission needed to re-review the plans before it went to Council. Mr. Dettloff thought they could add a condition including that Staff would have final approval. Mr. Reece pointed out the location he felt the ATM should be moved, which was agreeable to everyone.*

**MOTION** by Schroeder, seconded by Dettloff, in the matter of 13-002 (Fifth Third Bank ATM at Rochester Hills Plaza), the Planning Commission **Approves the Site Plan**, based on plans dated received by the Planning Department on April 25, 2013, with the following four (4) findings and subject to the following four (4) 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. *Circulation and off-street parking areas have been designed to avoid common traffic problems and promote safety.*

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. *City Council approval of the Conditional Land Use.*
2. *Provide a landscape bond for proposed landscaping in an amount to be determined by Planning Staff.*
3. *Add "Not to be used as Construction Drawings" to all sheets, prior to Final Approval by Staff.*
4. *Move the ATM to the west and add 3 stacking spaces, subject to staff review and approval for traffic flow on site.*

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

**Aye** 6 - Boswell, Brnabic, Dettloff, Hooper, Reece and Schroeder

**Nay** 1 - Kaltsounis

**Absent** 2 - Hetrick and Yukon

**2012-0142**

Public Hearing and request for Approval of Master Land Use Plan Amendments including adoption by reference of the Rochester Road Access Management and the M-59 Corridor Plans; a statement addressing the Complete Streets Policy; a statement regarding the Tree Conservation Ordinance and designation of two parcels on Old Orion Court from One-Family Residential to Business/Flex 1 on the Future Land Use Map.

*(Reference: Memo prepared by James Breuckman, dated April 25, 2013 and amendments and MLUP map had been placed on file and by reference became part of the record thereof.)*

*Mr. Breuckman advised that the matter was sent out to appropriate agencies for comment, and he received no comments. When City Council approved the distribution of the amendments for comment, it asserted the right to also adopt the amendments. If the Planning Commission passed the motion, it would then be sent to Council. He summarized the amendments including the plans to be adopted by*