

NEW BUSINESS

2014-0063 Public Hearing and request for Conditional Land Use Recommendation - City File No. 13-024 - to construct a drive-thru at a proposed Tim Hortons restaurant at the northwest corner of Crooks and Avon Industrial Dr., south of Hamlin, Parcel No. 15-29-228-004, zoned B-3, Shopping Center Business, Tim Hortons, Applicant

(Reference: Staff Report prepared by James Breuckman, dated February 21, 2014 and Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Patrick Bell, Tim Hortons, 565 E. Grand River Ave., Suite 101, Brighton, MI 48116.

Mr. Bell stated that he was very pleased to be in front of the Commission to present a new proposed location for a restaurant at Crooks and Avon Industrial. He added that it would be one of their flagship restaurants, and they had been redone over the years to make a more enjoyable dining experience with soft seating, a fireplace, flat screen t.v., and free wi-fi. They also brought some of the baking activities out front so their guests could see them. The site would include outside patio seating, and they were really looking forward to getting the site opened.

Mr. Breuckman advised that a drive-thru use required a Conditional Land Use (CLU) recommendation and approval, and the standards for CLU approval were listed in the Staff Report. Under Site Plan Review Considerations, it was noted that Tim Hortons secured two Variances for the project, which allowed it to be located as it was. The aerial map showed the proposed building in relation to the existing footprint of the Bank of America building, which had been torn down. The Tim Hortons building was more perpendicular to Crooks.

Mr. Breuckman said that Staff and the applicants went through a number of iterations to try to get the optimal layout. The proposed layout matched much better with the strip center behind it, particularly the layout of the parking. When the bank was there, the parking was rather odd, and it did not have anything to do with the layout of the strip center and created poor circulation. The new layout would allow the circulation to flow much better between the Tim Hortons facility and the strip center. The bigger Variance was from Avon Industrial Drive. That allowed the applicant to push the building a little further to the south, eliminating parking between Avon Industrial and the building and adding parking to the north side, closer to the entrance and where most of the cars would enter. Regarding

the Site Plan, the applicants had met the critical requirements. There were a few things that had to be addressed. He noted that the fieldstone should continue along the entire base of the building, similar to the Rochester Road site. That was provided on the colored elevations, but on the black and white drawings stapled to the Site Plan, it was not shown. The dumpster enclosure detail needed to be provided. The note on the Plan talked about having a masonry wall to match the rear building wall, but there was no masonry on the rear building wall.

Mr. Breuckman continued that the applicant was proposing to not construct a sidewalk along Avon Industrial at this time. Staff was not opposed to that because there was no sidewalk anywhere along Avon Industrial. Also, there were a number of mature pine trees that would have to be cut down to put in a sidewalk. In this case, Staff was suggesting that in lieu of, a payment into the City's Pathway Fund would be a reasonable way forward. It had been discussed with the applicant. The cost is \$20 per linear foot as the standard for a five-foot wide sidewalk, which would come out to about \$4,680.00. Mr. Breuckman advised that the landscape plan met all ordinance requirements. Due to County restrictions on tree planting in the right-of-way (ROW), the applicant was proposing to pay into the City's Tree Fund instead of planting eight ROW trees. An irrigation plan needed to be completed, which could be submitted for final approval by Staff. A photometric plan was also required. Having been through this with the Rochester Road site, Staff was entirely confident that the applicant could meet the lighting requirements. He summarized that there were motions in the packet, and that he would be happy to answer any questions.

Chairperson Boswell asked Mr. Breuckman if the letter from the Engineering Department (February 2014 handed out with Communications) had any bearing. Mr. Breuckman did not feel it had any bearing on Site Plan Approval. It might be considered as to how Tim Hortons wanted to proceed with the site, but it would not change the layout. It dealt with an existing driveway, and that was something Tim Hortons needed to negotiate with the County Road Commission. He felt that they could proceed, with the understanding that Tim Hortons needed to get a County Road permit, which was not the City's issue.

Mr. Yukon said that in looking at the driveway off of Avon Industrial Drive, where cars would be queuing for the drive-thru, it appeared that there was a 12-foot access shown between the driveway and the fourth car queued. He asked if Staff felt comfortable with that distance. Mr. Breuckman agreed it was as tight as it possibly could be, but there was 12 feet of

ingress lane and another 10 feet. There was a little extra width on the driveway as cars moved further through the lane.

Mr. Dettloff asked Mr. Breuckman if the proposed Tim Hortons would be the exact size as the one on Rochester Road. Mr. Breuckman replied that it was much larger. Mr. Dettloff asked the size of the Rochester Road location and Mr. Bell advised that it was 1,340 s.f. with seating for nine. The proposed would be 1,950 s.f. with seating for about 32.

Chairperson Boswell opened the Public Hearing at 7:14 p.m. He announced that if anyone wished to comment, there were cards to be filled out and brought to the Secretary. Seeing no one come forward, he closed the Public Hearing.

Hearing no further discussion, Mr. Schroeder moved the CLU motion, which was seconded by Mr. Dettloff.

MOTION by Schroeder, seconded by Dettloff, in the matter of City File No. 13-024 (Tim Hortons Crooks Road) the Planning Commission **recommends** to City Council **approval of the conditional land use**, based on plans dated received by the Planning Department on February 4, 2014, with the following seven (7) findings.

Ms. Brnabic asked Mr. Bell if he agreed with all the conditions stated in the Staff Report with regard to the dumpster enclosure and the fieldstone base, etc. Mr. Bell said that he did, and the only question he had was about the City's Tree Fund because he did not know what the fee was. Mr. Breuckman advised that it was \$200 per tree. Mr. Bell indicated that they had no concerns with any of the conditions. Ms. Brnabic confirmed that Mr. Bell had received the full Staff Report, and he concluded that there was nothing they felt they could not meet.

Chairperson Boswell asked if there was any further discussion. Seeing none, he called for a vote.

Findings

1. The proposed building and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.
2. The expanded use will promote the intent and purpose of the Zoning Ordinance.

3. *The proposed building 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 further offering jobs and another dining option.*
5. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
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 Dettloff, that this matter be Recommended for Approval to the City Council Regular Meeting,. The motion carried by the following vote:

Aye 7 - Boswell, Brnabic, Dettloff, Hooper, Reece, Schroeder and Yukon

Absent 2 - Hetrick and Kaltsounis

Chairperson Boswell stated for that record that the motion had passed.

2014-0064

Request for Site Plan Approval - City File No. 13-024 - Tim Hortons, a proposed 1,950 square-foot restaurant with drive-thru located on Crooks, south of Hamlin (former bank site), Parcel No. 15-29-228-004, zoned B-3, Shopping Center Business, Tim Hortons, Applicant

Mr. Reece pointed out that the colored renderings showed an elevation for the dumpster enclosure on the last page. It looked as if it had lap siding, and he asked if Staff wanted that changed to masonry. Mr. Breuckman said that typically, masonry was the standard, such as split face block. Mr. Reece asked Mr. Bell if that was a variance that would be acceptable. Mr. Bell said they could do that, but he suggested doing a stone to match the building. They could do the lap siding so it matched the building and add stone around the bottom. Mr. Breuckman did not

have a problem with that, and Mr. Reece and Chairperson Boswell thought it would look fine and match the building better.

Mr. Reece wondered if the Commission had asked for an awning at the Rochester Road site on the drive- thru side. Mr. Breuckman said that they did, and it was over the second window for the drive-thru.

Hearing no further discussion, Mr. Schroeder moved the Site Plan motion adding condition nine below, which was seconded by Mr. Reece.

Mr. Hooper said that following up on Mr. Reece's comments, he thought it would be a great idea to add an awning to the southern exposure if the applicant was in agreement. Mr. Bell said that it absolutely would not be an issue to do that, and condition ten was added.

Mr. Reece mentioned the amount of the landscape bond identified in one of the conditions, and that the Fire Department had disapproved the first Site Plan. The Fire Department was looking for the location of a fire hydrant on Sheet TH-04 and calculations that a fire flow of 1,500 gpm could be provided, and Mr. Reece wanted to make sure the applicant was aware. Mr. Bell said that they were aware of the bond, and they already had the calculations from the Fire Department. Mr. Schroeder and Mr. Reece both concurred with the additional conditions.

MOTION by Schroeder, seconded by Reece, in the matter of City File No. 13-024 (Tim Hortons Crooks Road), the Planning Commission **approves the site plan**, based on plans dated received by the Planning Department on February 4, 2014, with the following four (4) findings and subject to the following ten (10) conditions.

Findings

1. *The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.*
2. *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. *Addressing building comments noted in item 3 under Site Plan Review Considerations, above.*
3. *Planning Commission approval of a sidewalk waiver, and payment of \$4,680 into the City's pathway fund in lieu of constructing the sidewalk along Avon Industrial Drive.*
4. *Payment into the City's tree fund in lieu of 8 required right-of-way trees.*
5. *Provide a landscape bond for replacement trees in the amount of \$36,970.00, as adjusted as necessary by Staff, plus inspection fees, prior to issuance of a Temporary C of O for this development.*
6. *Submittal of an irrigation plan, including irrigation of the Crooks and Avon Industrial rights of way, prior to final approval by staff.*
7. *Submittal of a photometric plan prior to final approval by staff.*
8. *Addressing all applicable comments from other City departments and outside agency review letters and securing all necessary City and Road Commission permits.*
9. *The dumpster enclosure shall be made of the same materials as the main building as approved by Staff.*
10. *Add a matching awning on the eastern-most window on the southern elevation.*

Chairperson Boswell asked if there were any further comments. Hearing none, he called for a vote.

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

Aye 7 - Boswell, Brnabic, Dettloff, Hooper, Reece, Schroeder and Yukon

Absent 2 - Hetrick and Kaltsounis

Chairperson Boswell stated for the record that the motion had passed. Mr. Dettloff asked the timeframe for the project. Mr. Bell advised that they would like construction to start in April, and he added that it would take about 80-90 days to complete. Mr. Dettloff asked how many jobs were expected, and Mr. Bell replied that there should be 20-25 full and part time jobs. Mr. Breuckman notified Mr. Bell that the matter would be taken to City Council on March 17th.

2013-0357 Public Hearing and request for Conditional Land Use Recommendation - City File No. 13-012 - to construct two restaurant drive-thrus at a proposed 8,095 square-foot retail outlot building at the Campus Corners shopping center, located on the east side of Livernois, between Walton and Avon, Parcel No. 15-15-101-024, zoned B-3, Shopping Center Business, Campus Corner Associates, Inc., Applicant

(Reference: Staff Report prepared by James Breuckman, dated February 21, 2014 and Site Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Stuart Frankel, Campus Corners Associates, 1334 Maplelawn, Troy, MI 48084.

Mr. Frankel stated that he was the owner of Campus Corners Phase II, which was the portion of the center from the CVS south. The proposed site was previously occupied by a Big Boy restaurant, which was vacated a number of years ago. The building was not suitable for use, so it was removed and they were proposing to build an 8,100 s.f. free-standing facility in approximately the same location the Big Boy was. He said that he would be happy to answer any questions.

Mr. Breuckman noted that there were two drive-thrus proposed for the building. He advised that the proposed facility would occupy pretty much the cleared footprint of the Big Boy restaurant, including the landscaped areas. They would use the existing driveways in and out of the site. The drive-thrus would be on the south and north sides of the building. The circulation patterns on and around the site that existed were by and large being preserved. The site met all parking and stacking requirements, and that was for the entirety of both phases of Campus Corners.

Mr. Breuckman pointed out the Site Plan Review Considerations in the Staff Report. In terms of parking, they still needed dimensions on the Plan for the bay of parking in between the building and the street, showing 18-foot parking spaces with a 24-foot wide circulation aisle. Cost