

*Chairperson Boswell announced that the item under Any Other Business would be postponed at the applicant's request.*

**2014-0451** Public Hearing and request for Conditional Land Use Recommendation - City File No. 87-823.2 - to construct a drive-thru at a proposed 1,929 square-foot Tim Hortons in conjunction with demolition and reconstruction of a new, 5,391 square-foot gas station and convenience store on a .92-acre parcel at 2995 Walton Blvd., located at the southeast corner of Walton Blvd. and Adams, zoned B-5, Automotive Business, Parcel No. 15-17-102-003, Sean Awdish, Applicant

*(Reference: Staff Report prepared by Sara Roediger, dated October 17, 2014 and Site Plans had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Sean Awdish, 3853 Spanish Oaks Dr., West Bloomfield, MI 48323; Ghassan Abdelnour, G.A.V. & Associates, Inc., 24001 Orchard Lake Rd., Suite 180A, Farmington, MI 48336; and Teon Sujak, Sujak Engineering PLC, 4031 Coolidge Hwy., Troy, MI 48098.*

*Ms. Roediger stated that the proposal was a request for a fuel center/convenience store and a Tim Hortons at the southeast corner of Walton and Adams. The parcel was just under an acre and zoned B-5, Automotive Business, and it currently housed a Mobil station. The underground storage tanks would be removed and relocated as part of the project. The only thing that would remain would be the existing wall along the south and east property lines. The applicant was proposing a 7,320 square-foot building. Ms. Roediger pointed out the drive-through stacking lanes, which would be along the south and east property lines. Staff had worked with the applicant to try to improve access to the site. It currently had four curb cuts - two on Adams and two on Walton Blvd. - and the applicant had agreed to close the northern most driveway on Adams and convert the two existing driveways on Walton. The westerly one would be in-only and the easterly would be out-only. Ms. Roediger advised that parking modifications would be requested, as the parking was short five spaces over what was required. Tim Hortons had provided a letter showing evidence as to why they believed they could function with less parking. The restaurant had a heavy drive-through clientele (80%), and the gas station users pumped gas and perhaps went in to pay or pick up something and left. Regarding the elevations, the building appeared to be two stories with primarily brick and brick veneer with almost a quarter of block on the rear and east façades, and 15% glass and EFIS being used only as an accent. She felt that it was a very nice looking building for a gas station use. Ms. Roediger noted that because of the drive-through,*

*the project required a Public Hearing for a Conditional Land Use Recommendation to City Council. She concluded that she would be happy to answer any questions.*

*Chairperson Boswell asked the applicants if they wished to add anything. Mr. Abdelnour thanked Staff for working with them through the process, and he said that they were very excited about the project. Mr. Awdish also thanked Staff for helping them get the site up to Code.*

*Mr. Schroeder asked if it would be a one-story building. Mr. Abdelnour agreed. It had a mezzanine in the back for storage, so it looked like a two-story building. Mr. Schroeder asked if there would be public access to the mezzanine, and Mr. Abdelnour agreed that there not be. Mr. Schroeder asked how many employees there would be in total. Mr. Awdish estimated two employees for the convenience store and three for the Tim Hortons. Mr. Schroeder was considering the parking. Mr. Abdelnour said that they were providing 27 spaces and the requirement was 32. Mr. Schroeder did not believe that all the seats in the restaurant would be filled, and he felt satisfied with the number. He noticed that they had straightened out the potential traffic problems by eliminating a driveway.*

*Mr. Dettloff asked Mr. Awdish if he owned and operated any similar concepts in the area. Mr. Awdish answered that they had four other fuel stations, including one in Bloomfield and one at Walton and Livernois. He added that the one in Bloomfield was recently renovated.*

*Mr. Schroeder commented that they might want to think about putting a reverse loop at the one-way out drive. Someone could not make a left because it was one-way only, but he suggested that it would discourage anyone from trying.*

*Mr. Hetrick noted that off to the side, there was a spot for a truck to dispense things to the store. It seemed like it would be hard for someone to push a Pepsi cart into the store from there. He asked if they considered the possibility of putting the spot near the curb cut. He wondered if it would fit there and if cars would still be able to get into the stacking lane for Tim Hortons.*

*Mr. Abdelnour said that it would be tough, because the loading area would be used as a dual use. It was for the store and for the fuel deliveries. They wanted it kept off to the side so it would not interfere with circulation. Mr. Hetrick did not realize it was also for fuel deliveries. In*

terms of flow-through, he noticed that there was a stacking lane and a dumpster in the same place. Mr. Abdelnour said that they could schedule a time for the trash pick up. Mr. Awdish added that they would schedule a 2 or 3 a.m. pickup. Mr. Hetrick agreed that would help.

Chairperson Boswell opened the Public Hearing at 10:46 p.m.

**Patricia Luis, 33 Kirks Ct., Rochester Hills, MI 48309** Ms. Luis remarked that they were very bothered with McDonald's, Burger King and Bootlegger's traffic turning right onto Meadowbrook to get to Adams, and she wondered if a traffic study had been done before considering the proposal. Her main concern was the fact that there was already so much traffic on Meadowbrook, and she wondered if a sign could be installed prohibiting certain hours that people could drive through on Meadowbrook.

**Diane Dingman, 2835 Trailwood, Rochester Hills, MI 48309** Ms. Dingman stated that she had been a resident of Meadowbrook Hills of Avon condos for 35 years. She lived southeast of the intersection of Walton and Adams, which put them directly behind the Mobil station. Her great concern was traffic. There was a terrific amount now, and there would be more. She had talked with Planning Staff and the Traffic Engineer. She commented that she was appalled to hear that there had not been any kind of a traffic study, although she was told that one would be done before it went to City Council. It seemed to her that a great deal of time, effort and work had already been done, and if they considered the traffic pattern first, it might not have been necessary to do what they had done so far. Ms. Dingman said that it was generally agreed that there was little likelihood of ever seeing any change to Adams Rd. in that area, unless it was initiated by Oakland University. A week or so ago, she related that there was an article in the paper welcoming the new President at the University. He made a point of saying that one of his goals was to expand student housing along Meadowbrook Dr. She stated that it would obviously change Adams if that happened. There would be six in/out driveways from Adams to Meadowbrook going into businesses, and Meadowbrook was a City street. Someone could turn right at the corner of Adams and Walton and take Meadowbrook Dr. and then make another right turn and go back to Adams. The problem there was exiting out of Meadowbrook onto Adams. The traffic backed up all the way to the traffic light, particularly the curb lane that moved forward for a right turn on red at Walton. It was almost impossible most hours of the day to make a left turn from Meadowbrook to proceed south towards Avon. If they took into consideration that there were two lanes of traffic moving northward towards

Walton and if there were people coming south on Adams that wanted to patronize Tim Hortons, they would have to make a left turn. The left turn into the proposed approach to Tim Hortons would force those left hand turn people to go through two lanes of traffic to complete the turn. She was asking them to please consider all those things, and she thanked them.

**Roger Dingman, 2835 Trailwood, Rochester Hills, MI 48309** Mr. Dingman said that his wife spoke for him.

**Mike Ross, 2941 Meadowbrook Dr., Rochester Hills, MI 48309** Mr. Ross noted that he and his wife lived in the condos about ½ block from Adams Rd. He said that currently, at least 60% of the traffic on Meadowbrook was from people cutting through to bypass the light at Adams and Walton. He thought a solution might be to add a gradual speed bump. It was not ugly, and it was marked, and it would slow the traffic down. Cars could now speed along Meadowbrook at 40 m.p.h., and he stated that someone would get killed one of these days. He commented that his wife loved coffee and would be over at Tim Hortons quite a bit. He expressed that something needed to be done to Meadowbrook before they started construction.

**Scot Beaton, 655 Bolinger St., Rochester Hills, MI 48307** Mr. Beaton reiterated that the project required a Conditional Land Use. He recalled that the City went through a CLU with the truck depot on Dequindre, when there were a room full of residents who were very concerned about property values and traffic. He said that the Planning Commission listened to the residents and told the applicant that the City would not have the truck depot. Mr. Beaton stated that a Conditional Use had to do with the health, safety and welfare of the community. Although there might be a headline that said it was a gas station, he claimed that there was no money in selling gas. The most a gas station would make per gallon would be 1-2 cents. They would add a donut store. The donut store would bring in good revenue to make it a successful project. He thought that a donut store was actually a very good idea, but he asked if the Commissioners had looked at the floor plans. There was an elephant in the room that even the residents did not know about, and he stated that they should. There would be a walk-in cooler filled with beer and liquor kiddy corner to a University, and it would be kept open 24 hours. If the Commissioners wanted to vote yes for a gigantic, two-story liquor store, he told them to "be his guest," but he stated that he certainly did not like the idea.

*Chairperson Boswell closed the Public Hearing at 10:55 p.m.*

*Mr. Anzek spoke to Mr. Ross and said that regarding the speed humps, he could contact Mr. Anzek and he would get him in touch with the City's Traffic Engineer. Those requests were taken under consideration, and they could possibly work something out for Meadowbrook Dr.*

*Chairperson Boswell observed that the biggest issue was traffic. As he read over the documents, he was not sure why Tim Hortons would want to be on that corner, because it would be difficult to get a cup of coffee there. There were a lot of Michigan lefts people would have to make. If he was coming west down Walton or south on Adams, there was no way he would stop and get a cup of coffee, because he would have to turn around and around. He could cut through someone's subdivision, which did not sound like a good idea. He agreed that a traffic study was not done; it was already a gas station, so they knew what the traffic would be.*

*Mr. Hooper said that there was a similar situation with the Tim Hortons on Rochester Rd., north of Avon. A CLU was required for that drive-through. He could see that for that location, the business was about 98% drive-through, and the drive-through was always packed. Chairperson Boswell responded that it was an easy one to get to. Mr. Hooper said that no one would make a left out of it - if someone was southbound, they would turn right onto Rochester Rd. Chairperson Boswell said that he did not understand why Tim Hortons would think it was a good idea because of how difficult it would be to access the site. Mr. Hooper said that the market would determine it. If it was inconvenient, people would not do it. Mr. Hooper said that people going south on Adams could go to the one at Avon and Industrial Dr. It would be an easy in and out.*

*Mr. Awdish said that they were not looking to pick up people from a distance. They wanted to gain the customers who were driving by. Mr. Schroeder noted that northbound Adams and eastbound Walton traffic would not have an issue. Mr. Hooper stated that the owner of the property had a right to develop, and the gas station use was not changing. They would just be adding coffee drinkers going through a drive-through.*

*Hearing no further discussion, Mr. Kaltsounis moved the following, seconded by Mr. Schroeder:*

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 87-823.2 (A-Star Convenience Fuel/Tim Hortons Drive-Through) the Planning Commission recommends to City Council approval of the

*conditional land use for the drive-through operation, based on plans dated received by the Planning Department on October 2, 2014, with the following seven (7) findings.*

Findings

1. *The proposed building and other necessary site improvements meet or exceed the standards of the Zoning Ordinance.*
2. *The proposed project will promote the intent and purpose of the Zoning Ordinance.*
3. *The proposed project 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 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 Kaltsounis, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Regular Meeting,. The motion carried by the following vote:**

**Aye** 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

**Absent** 1 - Yukon

2014-0452

Request for Site Plan Approval - City File No. 87-823.2 - A-Star Fuel and Convenience Station, a proposed 7,320 square-foot gas station and

convenience store remodel with Tim Hortons located at the southeast corner of Walton Blvd. and Adams, zoned B-5, Automotive Business, Parcel No. 15-17-102-003, Sean Awdish, Applicant

*Chairperson Boswell stated that the record passed unanimously.*

*Mr. Kaltsounis mentioned that other Tim Hortons in the area were "siding monsters," and he had been disappointed with the look of some of them. He thought that the proposed building looked very nice on the outside, and he said that he appreciated it, and he wished the other Tim Hortons would follow the same standards. Chairperson Boswell clarified that the parking modification was addressed as a finding.*

**MOTION** by Kaltsounis, seconded by Schroeder, in the matter of City File No. 87-823.2 (A-Star Convenience Fuel/Tim Horton's), the Planning Commission approves the site plan, based on plans dated received by the Planning Department on October 2, 2014, with the following seven (7) findings and subject to the following six (6) 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 requested 10 foot reduced rear yard setback is justified as it will allow for better development and will be compatible with adjoining properties due to the presence of an existing masonry wall and enhanced with required buffer landscaping.*
3. *Based on evidence submitted by the applicant, the requested reduction from 32 to 27 parking spaces is justified due to the nature of the drive-through business and in consideration of the shared use of the site as illustrated on the proposed site plan. Should the uses change or expand, this modification may be reconsidered.*
4. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
5. *The proposed loading space in the front yard on this site is appropriate as a loading area, provided it is screened from both Adams and Walton Roads, as the city recognizes that a loading area is needed for this site, but is not required, and the design of the site, combined with the fact that the site is located on a corner*

*provides no other feasible location for the loading area.*

6. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
7. *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. *Submittal of a photometric plan, prior to final approval by Staff.*
3. *Barrier free parking spaces and aisles be adjusted to meet ordinance requirements.*
4. *Submittal of a landscape plan that meets ordinance requirements, prior to final approval by Staff that includes cost estimates to determine the bond amount, prior to issuance of a land improvement permit for this development.*
5. *Submittal of an irrigation plan and cost estimate, prior to Final Approval by Staff.*
6. *Addressing all applicable comments from other City departments and outside agency review letters, prior to final approval by Staff*

*Mr. Reece asked if there was any lighting proposed. Ms. Roediger said that it would be part of the final plans. Mr. Reece said that he would be curious to see how the lighting turned out.*

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

**Aye** 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Kaltsounis, Reece and Schroeder

**Absent** 1 - Yukon

*Chairperson Boswell stated that the motion had passed.*