



Rochester Hills

Minutes

Planning Commission

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*William Boswell, Deborah Brnabic, Gerard Dettloff, Kathleen Hardenburg, Greg Hooper,
Nicholas O. Kaltsounis, David A. Reece, C. Neall Schroeder, Emmet Yukon*

Tuesday, February 5, 2008

7:30 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson William Boswell called the Regular Planning Commission Meeting to order at 7:30 p.m. in the auditorium.

ROLL CALL

Present 9 - Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Kaltsounis, Reece, Schroeder and Yukon

APPROVAL OF MINUTES

2008-0052 January 22, 2008 Special Meeting

A motion was made by Kaltsounis, seconded by Schroeder, that this matter be Approved as Presented.

The motion CARRIED by the following vote:

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

COMMUNICATIONS

- A) Planning & Zoning News dated January 2008
- B) Ordinance repealing not accepting applications for developments on Steep Slopes

NEW BUSINESS

2007-0443 Revised Conditional Land Use Recommendation (Public Hearing) - City File No. 89-144.2 - Taco Bell, a proposed demo of the existing building and reconstruction of a 3,098 square-foot, drive-through restaurant at Hampton Village, off Rochester Road, north of Auburn, zoned B-3, Shopping Center Business, Parcel No. 15-26-351-005, WT Development Corporation, applicant.

(Reference: Staff Report, prepared by Ed Anzek, dated February 5, 2008 had been placed on file and by reference

became part of the record thereof.)

Present for the applicant were Bill Beckett, WT Development Corp., 10223 E. Cherry Bend Road, Suite A, Traverse City, MI 49684; Jim Metko, Construction Manager, YUM! Brands, Inc., 6427 E. Decorah, Oshkosh, WI 54902.

Mr. Beckett advised that Taco Bell was proposing to scrape and rebuild at the existing location at Hampton Village on Rochester Rd., north of Auburn. He further advised that the existing restaurant was about 19 years old and 2,750 square feet, and was being replaced with a new state-of-the-art, 3,098 square-foot building. He stated that the building was being customized with a brick exterior and stone wainscot, minimizing the E.I.F.S and the drivet accent band at the top of the building. The Site Plan largely mimicked the existing site, so there would be very little change to traffic patterns and access. The access was off the shopping center service drive, and was a two-lane traffic flow, with one way at the north entrance and angled parking. There were 55 parking spaces required and they were providing 58 spaces. The restaurant was designed to accommodate drive-thru business, with ten-car stacking and a bypass lane. There was a preview menu board and an order station, and two windows on the store - a pre-pay window for sales transactions and a pick-up window to get the food. He pointed out the dumpster location, which was in a similar location as the existing, and said that it would be enclosed with materials to match and compliment the building. He noted that the landscaping would utilize seven of the existing trees, and that they were replacing seven, and that they met the requirements for perimeter and interior landscaping. He had brought samples of the building materials, and pointed out that the lower portion would have Coronado stone. There was a stone wainscot

that would wrap around the exterior of the building, and there would be two different colors of brick. At the top of the building would be a drivet, or stucco-type, multi-colored accent band that would blend with the brick and stone. He concluded that in light of the Staff Report, which recommended approval, he would end the presentation and answer any questions.

Mr. Anzek noted that per the Zoning Ordinance, a drive-thru restaurant required approval of a Conditional Land Use (CLU), even though the building was only 300 feet larger. He advised that all departments had signed off and approved the plans. He added that the Fire Department was very pleased to see the bypass lane.

Chairperson Boswell acknowledged the bypass lane, but commented that there would still be a bottleneck getting into the site. Mr. Anzek agreed, but said that if cars needed to get out, they could get to the service drive on the east side and into Hampton Village.

Chairperson Boswell clarified that the new building would be longer and narrower than the present building, and that the handicap spaces had been moved next to the building. He asked if there were any other changes to the driveway besides the double lane, and was told there were none. Chairperson Boswell asked if the driveway on the west would be the same width, which was confirmed.

Mr. Dettloff asked whether, referring to a new Taco Ball at 23 Mile and Schoenherr in Chesterfield Township, the exterior materials and colors would similar to the proposed. Mr. Metko said it was very similar, although not a clone. Mr. Dettloff said he liked the way it looked. He asked how long the land lease was. Mr. Beckett responded that the existing lease was up for renewal in a year, and he believed it would

be ten years with two five-year extensions.

Ms. Brnabic referred to the Acme-colored brick and asked if it would be used for the Burnt Orange and Golden Sunset colors, and she confirmed that it all would be brick. She had observed that the light poles were 26.5 feet, but she advised that, to reduce light pollution, the Commission had, in the past, requested applicants to lower light poles to 20 feet. She said she would like to see the poles lowered. Mr. Beckett said they could lower them, and that they would submit a new photometric because the pole spacing would probably change.

Mr. Schroeder said that the colored drawings showed the south elevation as the north elevation and vice versa. Mr. Beckett said that was correct. Mr. Schroeder asked if the top would be a painted wall or if it would be colored brick all the way to the top. Mr. Beckett said it would be brick up to the multi-colored band, which would be painted. Mr. Schroeder asked if they really needed the accent band. Mr. Beckett said that people either liked it or they did not, and he noted that it was their national design standard. He recommended that they take a drive by the location at 23 Mile, because he did not believe it would be as objectionable as perceived. Mr. Schroeder asked if the building at Dequindre and Long Lake was the same, but Mr. Beckett said he was not involved with that project.

Mr. Schroeder referred to the dumpster location, saying it would be visible on all four sides. He also wondered how much of the ladders and downspouts would be seen from the mall side. Mr. Beckett said that due to the topography, which was lower, the top portion would be seen, but not much else. They would have quite a bit of landscape screening behind the building. He added that the ladder and downspouts would be painted to match the building.

Mr. Schroeder said he was glad that they were doing well, and he appreciated that they were investing in the City, but he wished the trim could be left off.

Ms. Hardenburg said she had a little bit of an issue with the parking and drive-up. She realized there was not a lot they could do about it, and that they were meeting the minimum requirements of the Ordinance, but she remarked that they were probably aware it was not enough. She asked if they had looked at any other ways they could position the building and drive-up window. She stated that she had waited 20 minutes in line before and she had been in front of the north side of the building, waiting to get around to the window. There were cars trying to get in and out at the same time. She agreed with Chairperson Boswell that even though there was a lane for the Fire Department, it would not do the patrons any good because it would still back up.

Mr. Beckett said that the existing Taco Bell was designed 20 years ago, and it was not designed for the volume and growth that occurred in the area. The new building had a brand new design, and from the time the deliveries came and went in the kitchen door, everything was efficient and stored well. The building was designed for high volume and there would be three lines and two windows for speed of service. Ms. Hardenburg clarified that because of the interior design of the current building, cars became backed up. She noted that the existing building had two windows also. Mr. Beckett said that the existing building had inefficiencies, which restricted how fast the service was. Mr. Metko said that with the cooking space and interior equipment, their national objective was to be able to order and pick up food in no more than two minutes and ten seconds, which should alleviate the backup. Mr. Metko said that their speed of service had improved even over

what McDonald's provided. Ms. Hardenburg said that most places had a drive-thru and parking, but she saw an issue with parking on both sides of the driveway, which was not common. Mr. Metko said that between 70-80% of their business was drive-thru. Ms. Hardenburg related that every time she had gone there, she had to wait in a long line. Mr. Beckett said he understood her concern, but he felt they had adequately addressed it with the new design.

Ms. Hardenburg recalled that several years ago, they reviewed a site (Barclay Square) and tried to get a curb cut to the service drive of Hampton Village. The owner said there were issues with tenants, and they did not want to grant it because they might remodel. She asked Mr. Anzek about it. Mr. Anzek had reviewed the original Site Plan for Hampton Village. When Salsa's changed hands and the new facility was built, the owners of Barclay Square were willing to grant cross access, but the owners of Hampton Village said they would agree to it when they redid the center. He said it would eventually happen, but that it did not affect the Taco Bell location. Ms. Hardenburg said it was on the service drive, and she wondered if there was some way to ask the owners to grant it. Mr. Anzek said he did not address the issue because he did not think it was related. Ms. Hardenburg thought it would make it easier for someone visiting Taco Bell to not have to go onto Barclay. Mr. Anzek said they could pursue it, but he noted that there had not been any complaints.

Ms. Hardenburg asked if the elevations should be changed so they were shown facing the correct way, and Mr. Anzek said they would request revised sets.

Mr. Reece asked if the brick shown was the Acme Burnt Pumpkin, which was confirmed. He clarified that it would be placed at the entrance projections, and that the Golden

Sunset color would be the predominant face brick on the building. He thought that the rendered elevations gave them a different opinion of the building colors, rather than what it would really look like. He thought that the multi-colored parapet band would probably be more muted than what was shown in the colored rendering, and that it would not look as dramatic as the renderings. They were really more earthen tones, even the purple. Mr. Beckett agreed that there was some distortion with the digitized colored renderings. Mr. Reece said he was glad they brought samples, because if not, by just going off the renderings, they would have had a much more difficult time. He asked if the material of the trim banding would be E.I.F.S, which was confirmed. He wondered if they knew the height of the existing light poles. He said he agreed with Mr. Schroeder about the south elevation being shown as the north. He asked about the plantings to the north and east sides of the trash enclosure and how high they could expect them to grow. Mr. Beckett said that the junipers and the dwarf bushes would be about three feet tall, and that there would be Arbor Vitaes around the trash enclosure. Mr. Reece commented that the jury would be out on the drive-thru, because they could all attest that it was a problem.

Mr. Kaltsounis referred to the production lines Mr. Beckett had mentioned earlier. They currently had two lines, and Mr. Beckett advised that the new building would have three, more efficient lines. Mr. Kaltsounis said the plan showed a dry, dual production line, but he did not see the third. Mr. Beckett said he was looking at the floor plan, not the equipment plan, but along the drive-thru wall, between the exhaust hood and the drive-thru window, there would be an I-line, a production line meant to service the drive-thru. Mr. Kaltsounis observed that there were some very large evergreen trees currently in the drive-thru lane and asked if

they would be moved. Mr. Beckett said that the deciduous trees would be protected, and that the large evergreens would be removed. Mr. Kaltsounis asked why they were moving them. Mr. Beckett said that it came up during one of the plan reviews with Staff. Their original proposal kept them, but after discussion, it was determined that it would improve site visibility and safety. Mr. Kaltsounis said that according to the Ordinance, they would be allowed to remove the trees, but he wondered if there was some way to move them. He next referred to the renderings of the west side of the building, and said that they did not really show the dumpster. He questioned what it would look like, noting that they were usually hidden. He stated that from Rochester Road, the dumpster would be very visible. Mr. Beckett referred to page C2.1, dumpster detail, and said that it showed it would be masonry brick on the exterior. Mr. Kaltsounis asked about the front, and Mr. Beckett said there would be painted steel gates, which would match the brick. Mr. Kaltsounis reminded that in front of the dumpster, people would be able to see the grease buildup on the walkway, and he said it would not look very "appetizing." Mr. Beckett commented that it was a necessary evil that had to be somewhere on the site, and they were able to add some plantings to screen it. Mr. Kaltsounis said it could still be seen from the street.

Mr. Kaltsounis referred to the drive-thru traffic flow, noting that there were two lanes coming in to the site at the north end that would both be one-direction. He said that no one ever followed the directions, and that it was a mess. He said he had never personally gone around the building and looped back to Famous Dave's. He always made a right turn at the north and exited the site. He wondered why there would be two lanes coming in to the site that had to merge to the drive-thru lane. If someone was on the west side of the building, there was two-way traffic, and if the

driveway backed up, people would not go in one direction. He asked Mr. Anzek if it made sense to keep the traffic pattern the way it was.

Mr. Anzek said that the existing site had a forced taper that required everyone to go left, but he acknowledged that they did not do that. Unless the land lease restricted it to an entrance only, he felt there could be an entrance/exit at the northern end. It met the width for people exiting the drive-thru, and they could turn right and be on to the main drive. He felt the traffic flow could be revisited. Mr. Kaltsounis wondered why they would keep the northern driveway as an entrance only if it were wide enough for two lanes. Mr. Anzek agreed that a right turn exit after going through the drive-thru would keep people from doubling back around the facility. He suggested to Mr. Beckett that they revisit it. Mr. Beckett suggested that they could change some radii for the pavement striping. Mr. Kaltsounis believed that with one-way, people would get trapped at the northwest corner. Mr. Anzek surmised that if someone went beyond the front of the building, they would be into the flow, and people who parked perpendicular would have to exit to the south. Mr. Reece stressed that if someone exited the drive-thru and went right, and traffic was backed up at the stop sign to the north, it would really cause a problem for traffic trying to get out of the drive-thru. If it was in and out there, he thought they would lose the angled parking, so they might be making the situation worse by having the drive-thru traffic turn right. Chairperson Boswell pointed out that they all exited to the right now. Mr. Reece noted that the ring road had quite a bit of traffic, particularly during lunchtime. Chairperson Boswell said that if someone turned right out of the Taco Bell, which was not allowed, and which most people did, it would be best to make another right onto the ring road. If people tried to go left, it would start to back up the traffic. Mr. Anzek said they

could make the exit a right turn only, to which Mr. Reece agreed. Mr. Beckett said they would not want to create a worse situation than what currently existed. Mr. Kaltsounis asked that they add a condition about revisiting the northeast driveway. Mr. Schroeder suggested that they could put in an island to force people to go right. Mr. Kaltsounis said that 99% of the day the problem was overlooked, and he did not want it overlooked again.

Mr. Kaltsounis mentioned the drive-thru, and that the subject Taco Bell was one of the nation's busiest. He had seen the drive-thru lane wrapped around the whole building. He understood there were minimum standards in the Ordinance, but it did not mean they had to be followed, and he remarked that owners needed to protect their businesses. He read the requirement for drive-thru queuing spaces: A minimum of ten spaces for the order station and the service station queuing lane. He noted that the applicant provided five spaces from the order station, which did not follow the Ordinance. They showed ten spaces from the pick-up station, but the Ordinance talked about the order station, and he thought they needed five additional spaces.

Mr. Anzek said that the interpretation was ten spaces from the delivery window. He thought ten spaces was a combination of the order station and the service lane, or ten spaces from where the food was picked up to where a vehicle was secure and out of traffic. Ms. Hardenburg said that for most places, that worked fine, but the subject site was extremely busy, and it did not work there. Mr. Anzek agreed it was busy, and he thought they might want to build another one in the area. Mr. Kaltsounis recommended that they also look at the issue with the new Zoning Ordinance. Mr. Anzek suggested that if they added menu board to the description, there would only be two spaces, but they took it

from the total operation of ordering and receiving to get ten spaces.

Mr. Kaltsounis asked about the current delivery time, and Mr. Metko said he really did not know. He stated that it was greater than what it was now. He reiterated that their drive-thru business had changed dramatically in the last 20 years. Mr. Kaltsounis said he really did not see anything different than what they were now doing. Mr. Metko said that the preparation of food was significantly different. Mr. Kaltsounis said they had three lanes now. Mr. Metko explained that the production itself and the older equipment were not conducive. Mr. Kaltsounis believed that the applicant should look at everything again, to see if they could do better than to just meet the minimums.

Mr. Anzek referred to exiting from the drive-thru onto the main drive, and suggested that they could defer to the City's Traffic Engineer to monitor the situation and propose a solution, whether it was adding a pork chop island onto the main drive, directing traffic to go southbound, or continuing with dual lefts and remaining on site. Ms. Hardenburg did not think anyone would want to go back into the site after sitting in the drive-thru for 20 minutes.

Chairperson Boswell stated that there were issues with the entire Hampton Village shopping center. It would come back before the Commissioners some day and things would change. Once that happened, issues such as they were discussing would, hopefully, get settled.

Ms. Brnabic agreed with the exiting suggestions. She brought up the three handicap parking spaces, noting that there were hatch marks next to two of the spaces for room for people to get in and out of their vehicles. She wondered why there was not one more to the right of the

southern-most spot. Mr. Beckett advised that the handicap spaces were dictated by the ADA requirements. With 55 parking spaces, 50 spaces required two handicap spaces and 55 required three. The third space would be car accessible, not van. Ms. Brnabic thought that markings should have been provided next to the third space because it was still a handicap spot. Most often, a handicapped person would exit the vehicle using a walker or wheelchair. When they opened the door, they would be into a full parking spot allowed for other cars. There would not be enough room, and people would be right in the line of traffic. She stated that it was a safety issue, and that it was not convenient. Mr. Beckett asked if she meant adding a fourth barrier free space, or if there should be another aisle. Ms. Brnabic said they should add the line design for more room. Mr. Beckett said they could address that because they had more parking than required by the Ordinance, and they would be happy to do so. Mr. Anzek said he understood Ms. Brnabic's point - the door swing for the passenger side would need to have more room. Ms. Brnabic asked about the ramps, and Mr. Beckett said they were detailed on the drawings and shown on the plans. Ms. Brnabic pointed out that sometimes what met the standards was not always what worked the best for people that were handicapped. If they were going to provide handicap spots, they had to look out for the best interest of the people who used them. She had a personal situation she never had to deal with before with someone who had to use a walker, and it created a new awareness for her.

Mr. Dettloff asked the timeframe from demolition to completion of the new facility. Mr. Metko said it would be about 90 days. Mr. Dettloff asked if would be done by June 2008, and Mr. Metko said it should be this summer, depending on the approval process, and he declared that he would rather build during the summer.

Chairperson Boswell opened the Public Hearing at 8:25 p.m. Seeing no one come forward, he closed the Public Hearing. Hearing no further discussion, Mr. Kaltsounis moved the following:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 89-144.2 (Taco Bell), the Planning Commission recommends to City Council approval of the Conditional Land Use, based on plans and information dated received by the Planning Department on January 16, 2008, with the following six (6) findings.

Findings:

- 1. The new building is replacing an existing building/business, which received Conditional Land Use Approval from City Council on October 25, 1989.*
- 2. The use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-568(9) in particular.*
- 3. The proposed development has been designed to be compatible, harmonious, and appropriate with the existing character of the general vicinity and adjacent uses of land.*
- 4. 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.*
- 5. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.*

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

Mr. Yukon asked the applicants if they were going to use rooftop ventilation units, which was confirmed, and if they would be screened. Mr. Metko said they raised the parapet walls to fully screen the HVAC units.

A motion was made by Kaltsounis, seconded by Dettloff, that this matter be Recommended for Approval.

The motion CARRIED by the following vote:

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

2007-0444 Revised Site Plan Approval - City File No. 89-144.2 - Taco Bell at Hampton Village

MOTION by Kaltsounis, seconded by Brnabic, in the matter of City File No. 89-144.2 (Taco Bell), the Planning Commission approves the Site Plan, based on plans dated received by the Planning Department on January 16, 2008 with the following six (6) findings and subject to the following twelve (12) 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 location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site, and on adjoining streets.*

3. *Automobile parking areas have been designed to avoid common traffic problems and promote safety.*
4. *There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.*
5. *The proposed development does not have an unreasonably detrimental, nor an injurious effect upon the natural characteristics and features of the parcel being developed and the larger area of which the parcel is a part.*
6. *The development will have improved landscaping and an updated exterior building elevation.*

Conditions:

1. *City Council approval of the Revised Conditional Land Use.*
2. *Address comments in Building Department memo of January 22, 2008, prior to issuance of a Building Permit.*
3. *All landscaping is to be warranted for a period of two (2) years from final acceptance by the City of Rochester Hills Landscape Architect.*
4. *Provide a performance guarantee in the amount of \$35,515.00, as adjusted if necessary by the City's Landscape Architect, to ensure the proper installation of replacement trees, island trees and shrubs, and other landscaping. Such guarantee to be provided by*

the applicant prior to issuance of a Land Improvement Permit.

5. *Tree Protection Fencing must be installed, inspected, and approved by the City's Landscape Architect prior to issuance of the Land Improvement Permit for this development.*
6. *Revise cost estimates on Landscape Plans per Ms. Dinkins' (City's Landscape Architect) memo of January 24, 2008, prior to Final Approval by Staff.*
7. *Soil Erosion Permit must be obtained from Oakland County Drain Commissioner prior to issuance of a Land Improvement Permit.*
8. *Add a note to the Site Plan, prior to Final Approval by Staff, that all signage must be approved by the Building Department.*
9. *The applicant shall receive a Land Improvement Permit from the City's Engineering Services Department prior to any construction.*
10. *The light poles shall be lowered to 20 feet and a new photometric plan to be submitted for approval, prior to Final Approval by Staff.*
11. *The City's Traffic Engineer and applicant to revisit northeast entrance, to consider best exit alternatives from drive-thru, prior to Final Approval by Staff.*
12. *Staff and applicant to look at handicap parking alternatives, to allow sufficient space for exiting and entering vehicles, prior to Final Approval by Staff.*

A motion was made by Kaltsounis, seconded by Brnabic, that this matter be Approved.

The motion CARRIED by the following vote:

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

Chairperson Boswell stated for the record that the motions had passed unanimously. He advised that Mr. Anzek would hopefully get the issues settled before the City Council meeting, and that he would bring the results to the Commission. Chairperson Boswell reminded that at that point the Site Plan would be approved, so any objections might be mute.

2008-0051

Request for Acceptance of the Historic District Study Committee's Report for 56187 Dequindre, Rochester Hills, MI.

(Reference: Memo prepared by Derek Delacourt, dated January 25, 2008 and Study Committee Report had been placed on file and by reference became part of the record thereof.)

There were no representatives from the Historic Districts Study Committee (HDSC) present.

Mr. Delacourt explained that the Historic Districts Study Committee worked directly for City Council, studying potential historic resources within the City. The City's Ordinance and State Enabling Legislation allowed cities to form the committee do this research. The Law required that the reports regarding delisting or modifying districts be provided to the Planning Commission, prior to going to City Council, for review and comment in relation to planning issues. He advised that the subject house was currently listed as a historic resource, but that as part of ongoing survey efforts, it was reviewed and determined that it no longer met the criteria for designation. The HDSC