



Department of Planning and Economic Development

Staff Report to the Planning Commission

February 21, 2014

Tim Horton's Crooks/Avon Industrial	
REQUEST	Site Plan Approval Conditional Land Use Recommendation
APPLICANT	Tim Horton's 585 East Grand River Avenue, Suite 101 Brighton, MI 48116
AGENT	Mark Kellenberger
LOCATION	Northwest Corner of Crooks and Avon Industrial Dr.
FILE NO.	13-024
PARCEL NO.	15-29-228-004
ZONING	B-3 Shopping Center Business
STAFF	Jim Breuckman, AICP, Manager of Planning

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Summary

The applicant proposes to construct a new 1,950 square-foot Tim Horton's restaurant with drive-through on a portion of the 4.4 acre site of the Crooks Crossing shopping center on Crooks Road. The site is the location of the former Bank of America. Tim Horton's is proposing to demolish the existing building and construct a new building with associated site improvements. The site will be accessed from Crooks and Avon Industrial Drive.

Adjacent Land Uses and Zoning

Drive-thru restaurants may be permitted in the B-3 Shopping Center Business if conditional land use approval is granted by the City Council after a Planning Commission recommendation. The site is surrounded by I – Industrial zoning to the west, O-1 – Office Business to the north, B-5 - Automotive Business and B-3 – Shopping Center Business to the south; and I, Industrial to the east across Crooks Road.

Requested Actions

Specific actions are site plan approval and a recommendation of conditional land use approval to City Council.

General Requirements for Conditional Land Uses (Section 138-2.302)

There are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional land use. They are:

1. Will promote the intent and purpose of (the Ordinance).
2. Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.
3. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
4. Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
5. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Site Plan Review Considerations

1. **Front Yard Setback (Corner Lot).** The applicants appeared before the Zoning Board of Appeals on January 8, 2014 to request Variances to reduce the front yard setbacks on Crooks and Avon Industrial. The ZBA granted Variances of 1.44 feet from Crooks and 43.22 from Avon Industrial.
2. **Site Layout.** The applicant has worked through a number of site layout iterations with staff, and we believe the current layout is optimal for the use. The layout aligns with the parking layout on the overall site, and eliminates the oddities of the existing bank site layout with odd and misaligned circulation patterns.
3. **Building.**
 - a. The fieldstone base should continue along the entire base of the building, as was done at the Rochester Road site. This includes underneath the storefront window systems where opaque panels of indeterminate material are currently shown along the bottom of the storefront window systems, and also along the entire length of the north and south facades.
 - b. A detail of the dumpster enclosure is not provided. Note #2 on Sheet TH04 indicates that "all trash receptacles shall be screened by masonry walls to match rear building walls and have solid wood gates..." However, the rear façade is proposed to be cementitious siding, not masonry. The City generally does not accept notes as acceptable descriptions of dumpster enclosures, so the applicant should add a detail drawing of the proposed dumpster enclosure.
4. **Sidewalk Waiver.** The applicant is proposing to not construct the sidewalk along Avon Industrial at this time. Given the location of existing mature trees where the sidewalk would go, and also the

fact that no sidewalk exists anywhere else along Avon Industrial, justification exists for granting the waiver.

One option that the Planning Commission may want to consider is requiring the applicant to pay into the City's pathway fund in lieu of constructing the sidewalk. The City uses \$20 per linear foot as our cost estimate for sidewalks, and the Avon Industrial frontage is 234 feet, so an appropriate payment in lieu of would be \$4,680.

5. **Landscaping.** The proposed landscape plan meets all ordinance requirements. Due to County restrictions on tree plantings in the right-of-way, the applicant is proposing to pay into the City's tree fund in lieu of planting 8 required right-of-way trees.
6. **Irrigation.** The applicant must submit an irrigation plan for the irrigation of all landscape areas on the site, including the Crooks Road right-of-way adjacent to the site.
7. **Lighting.** A photometric plan demonstrating compliance with the lighting requirements of Article 10, Chapter 2 of the Zoning Ordinance must be provided prior to final approval by staff. The photometric plan should also include cut sheets of all proposed exterior light fixtures.

The site complies with all other ordinance requirements.

Site Plan Summary

As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable city departments. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees the development will be harmonious and compatible in appearance with the existing development, staff recommends approval of the following motions relative to City File No. 13-024 (Tim Horton's Crooks Road).

Conditional Land Use Motion

MOTION by _____, seconded by _____, 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 findings.

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.

Conditions

Insert any applicable conditions.

Site Plan Approval Motion

MOTION by _____, seconded by _____, 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 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. 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.

Attachments: *Site Plans, dated received February 4, 2014: Cover Sheet; Topographic Survey, Sheet TH02; Demolition Plan, Sheet TH03; Site Plan, Sheet TH04, prepared by Zeimet Wozniak; Landscape Plan, Sheet TH-05, prepared by Allen Design Utility Plan, Sheet TH06 Grading and Drainage Plan, Sheet TH07; Soil Erosion Plan, Sheets TH08 and TH09, prepared by Zeimet Wozniak; Floor Plan, Sheet A1; and Exterior Elevations, Sheets A5 and A5.1 and Colored Renderings, prepared by Shremshock Architect.*

Assessing Department memo dated 01/08/14; Building Department memo dated 02/11/14; Fire Department memo dated 01/22/14; Public Services Department memo dated 02/18/14; Parks & Forestry memo dated 02/12/14; Letter from OCWRC, dated 01/15/04; ZBA Minutes dated 01/08/14; and PHN

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