

**UNFINISHED BUSINESS**

**2012-0060** Request for Conditional Land Use Approval - City File No. 12-002 - To construct a drive-through for a proposed 2,640 square-foot Taco Bell at Campus Corner Plaza, on one acre on Walton Blvd, east of Livernois, zoned B-3, Shopping Center Business, part of Parcel No. 15-15-101-026, WT Development Corp. for Taco Bell of America, LLC, Applicant

*(Reference: Staff Report prepared by James Breuckman, dated April 13, 2012 and Revised Site Plan had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was William Beckett, WT Development for Taco Bell of America, 10223 E. Cherry Bend Rd., Suite A, Traverse City, MI 48684.*

*Mr. Anzek advised that since the last meeting, Staff met with Mr. Beckett and went over all the concerns expressed by the Planning Commissioners. Mr. Beckett worked out some various alternatives that Mr. Breuckman and he reviewed, and they believed he had come up with some good concepts. They also brought Mr. Paul Shumejko, the City's Traffic Engineer, to their meetings to deal with the issue on the east/west roadway just south of the proposed site. He asked Mr. Beckett to walk through the changes to the proposed plan.*

*Mr. Beckett stated that he took the comments and concerns of the Commissioners and addressed the improvements with Staff. He noted for anyone new that the Taco Bell was planned for the southeast corner of Walton and Livernois, just east of the Mobil gas station. The primary entrance from Walton Blvd. was in a north/south orientation. The landlord also noted the comments and added stop signs at the T-intersection off of Walton. Mr. Beckett referred to the concerns regarded traffic calming. He believed they could add pavement striping during the construction review.*

*Mr. Beckett advised that the original site had 23 parking spaces, and the new site had 21 spaces. The entrance was moved a few feet to the west, and they created a one-way flow through the site. When they did that, they eliminated the interior potential conflicts between inbound and outbound traffic. There were several 90-degree parking spaces that were changed to angled parks. The drive-through stack remained the same at ten. The interior circulation had been improved for traffic and pedestrian safety. They reviewed the service drive aisle south of the site, which ran east and west. There was a lot of discussion about pedestrian safety at the last meeting and about the fact that so many of the customers and employees of Panera used the proposed site for parking. They added a pedestrian*

*sidewalk all the way along the north side of the island next to the south service drive. The service drive was 30-feet wide, and by adding a five-foot sidewalk, they narrowed the drive aisle to be more in line with a typical street rather than a raceway. In addition, they reconfigured the pedestrian sidewalk and put barrier-free ramps in a crosswalk from the Taco Bell site to the new sidewalk on the south. Kroger or Panera could pick up on it from the point it ended. The third area of concern was with the trash enclosure and its orientation and access for service trucks. The trash enclosure was re-oriented to a 45-degree angle to the service drive. They added some concrete turning pads in front of it. The trash enclosures would be fully landscaped and screened with materials that matched the building architecture. He concluded that those were the improvements he worked on with Staff, and he said he would be happy to discuss them.*

*Mr. Schroeder said that he was happy to see the traffic improvements. He thought that Mr. Beckett did a very good job. Chairperson Boswell asked if there was any change to the lighting. Mr. Beckett said that it was brought into compliance with the Ordinance. There had been a couple of spots where the footcandles were too high.*

*Mr. Anzek added that as he mentioned, Mr. Beckett met with Mr. Shumejko and they had quite a discussion about how to create a traffic-calming device for the east-west movement. They felt that adding a five-foot sidewalk was a good solution to that problem, because it narrowed the lane, which would slow the traffic, and it would create a pedestrian-safe movement to Kroger's. They looked at locating the dumpsters elsewhere on the site, but they felt that where they were proposed was a good location. They were adjacent to the dumpsters for the gas station, and they would be tucked back a little further into the hill. They went to the site and noticed that the dumpsters for Panera were actually out at the south end of the building and not really screened. He felt that everything Mr. Beckett had done addressed the Planning Commission's concerns.*

*Mr. Hetrick said that what had been submitted incorporating the Commission's feedback was great. From his perspective, he was very pleased, and he did not have any issues.*

*Mr. Dettloff concurred with Mr. Hetrick. He felt that Mr. Beckett had done the homework, and that it looked good. He asked how employee parking would be handled. Mr. Beckett said that the employees and some overflow peak hour parking would be to the west of the site. Mr. Dettloff*

*noted that there were a few spots in front of Kroger designated for pharmacy customers, and he wondered if there would be signage designating employee parking. Mr. Beckett suggested that he could work with the landlord. He did not really want to restrict it, and he advised that there was a cross access parking agreement with the shopping center.*

*Ms. Brnabic mentioned that she had brought up the fact that the building was not slated to have an automatic sprinkler system at the last meeting, and Mr. Beckett said they planned to follow the International Building Code. She asked if the Code required a sprinkler system in at least the kitchen area.*

*Mr. Beckett advised that there would be a fire suppression system for the exhaust hood, which was required by Code. Ms. Brnabic thought that with the size of the building, that the expense for a sprinkler system would not be extensive. She was a little surprised that a restaurant would not have that system, and it seemed they would want to make safety a high priority. She questioned whether the expense was extensive or if it was more that Taco Bell just felt they needed to follow the Building Code and that was enough. Mr. Beckett said that Taco Bell had taken those comments under advisement, and he did not have the final response. On a national basis and working with them over the years, they complied with all Building Codes, ADA requirements and Planning and Zoning Ordinances, and he did not see something changing regarding the sprinkler system at this location. Ms. Brnabic acknowledged that they would follow those requirements, but she said adding the sprinkler system would be going above and beyond the requirements, which she felt would be a good idea for safety reasons. She hoped Taco Bell would step up and choose to add that. She reminded that there was a fire at the McDonald's on Rochester Rd. last year, and they ended up demolishing the building, so she was expressing concern.*

*Ms. Brnabic asked the hours of operation for the proposed Taco Bell. Mr. Beckett explained that Taco Bell was in the process of rolling breakfast out. He thought that they probably would not be ready to do it in this part of the country by the time it opened, so it would open at 10:00 a.m., and the dining room would close at 11:00 p.m. or midnight. The drive-through would go to 2:00 a.m. or extend beyond that depending on the local business. Ms. Brnabic agreed that he had done a very good job with the changes from the discussion they had previously.*

*Mr. Dettloff asked about the project's start to finish timeframe. Mr. Beckett said that once they broke ground, it would be an 80-90 day construction.*

*Mr. Dettloff asked how many new jobs it would generate for the area. Mr. Beckett replied that there would be between 40-50 full and part-time jobs created.*

*Mr. Yukon said that Mr. Beckett stated in his presentation that he was considering putting in a second painted crosswalk. He asked him to indicate again on the drawing where it would be. Mr. Beckett pointed out the crosswalk from the pedestrian sidewalk to the south. Mr. Yukon thought he was going to add two crosswalks, but Mr. Beckett said they were proposing one. He felt it was the best location for pedestrians and people with ADA issues.*

*Chairperson Boswell thought that what Mr. Yukon was looking for was something coming from Kroger over to the sidewalk on the south. Mr. Anzek said they could stripe it. Mr. Beckett said that he was unsure of the existing condition to know if any ramps were there. Mr. Yukon said he would be in favor of striping it from a pedestrian perspective and also a traffic-calming perspective. He thought that cars would slow if they saw that. Chairperson Boswell reminded that it would trigger ADA requirements, and they would have to make a ramp and take out the curb. Mr. Anzek suggested that they could work with the shopping center owner about it in a subsequent upgrade. Mr. Yukon asked if it should be added as a condition, and Mr. Anzek did not believe so.*

*Mr. Reece also felt that Mr. Beckett did a great job of picking up all the comments. The only concern he still had was that the high school was right around the corner, and they would have their hands full with the site. He thought that with just one lane of traffic around the perimeter of the building, when kids came over at lunchtime, it would be even more of a handful. He did not know if it compared as favorably with the location on Rochester Rd. because there was no high school traffic, although there was mall traffic. In the back of his mind, it seemed as if they were trying to shoehorn it in to the site. They had done a great job with the development; he was just not sure if it was the right site for the building based on the location. He clarified that they had 21 parking spaces and 49 seats in the building. Mr. Beckett said that a typical ratio for a fast food restaurant was 2.2 seats per parking space, so they were close. They lost two spaces with the redesign. Mr. Beckett reminded that they had ample parking in the center. Mr. Reece said that was good, but he was just concerned with the congestion it would cause. People would pull in and not be able to find a space to park and try to pull out. It would change the dynamics of the traffic flow of the corner of the site, which was the busy corner of the shopping center. He acknowledged that it was what it was.*

*Mr. Beckett felt that some of Mr. Reece's concerns might be valid at the beginning, when the store opened and it was new to everyone. There would be a learning curve, and it would take three weeks or a month to shake out where people could figure where to park and how to access. Mr. Reece asked Mr. Beckett if he knew the average turnaround time for a car from when they placed an order to when they pulled out. Mr. Beckett said that he honestly did not know.*

*Mr. Yukon concurred with Mr. Reece's concerns about the number of patrons they would have, especially at lunch time. Even though there was ample parking south of the site, and there was a crosswalk, he was still very concerned for pedestrians and drivers at that time of day. He said he appreciated all the changes that were made, but he still had concerns about safety.*

*Mr. Hetrick agreed there would be a lot of students' cars coming to the site, however, he felt they would figure out pretty quickly that it was easier to walk there than to drive. Hearing no further discussion, he moved the following motion:*

**MOTION** by Hetrick, seconded by Dettloff, in the matter of City File No. 12-002 (Taco Bell at Campus Corners) the Planning Commission **recommends to City Council Approval of the Conditional Land Use**, based on plans dated received by the Planning Department on March 22, 2012, 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 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 Hetrick, seconded by Dettloff, 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, Hetrick, Hooper and Schroeder

**Nay** 2 - Reece and Yukon

**Absent** 1 - Kaltsounis

**Resolved**, that the Rochester Hills City Council hereby approves the Conditional Land Use for Taco Bell at Campus Corners, located east of Livernois, south of Walton, zoned B-3, Shopping Center Business, part of Parcel no. 15-15-101-026, WT Development Corp. for Taco Bell of America, LLC, Applicant

*Chairperson Boswell stated for the record that the motion had passed six to two.*

**2012-0061** Request for Site Plan Approval - City File No. 12-002 - Taco Bell Restaurant

**MOTION** by Schroeder, seconded by Hetrick, in the matter of City File No. 12-002 (Taco Bell at Campus Corners), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on March 22, 2012, with the following five (5) findings and subject to the following five (5) 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 proposed addition will be accessed by existing driveways, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. Walkways have been incorporated to promote safety and convenience of pedestrian traffic.*
3. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*
4. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as*

*existing development in the adjacent vicinity.*

5. *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 replacement trees in the amount of \$38,821.50, prior to issuance of a Land Improvement Permit for this development.*
3. *Appropriate approvals from the Oakland County Water Resources Commissioner must be obtained prior to issuance of a Land Improvement Permit for this project.*
4. *Address comments Parks and Forestry memo dated February 22, 2012 prior to final site plan approval by Staff.*
5. *Address comments from Building Department memo dated February 22, 2012 and DPS/Engineering memo dated February 23, 2012 prior to construction plan approval.*

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

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

**Nay** 2 - Reece and Yukon

**Absent** 1 - Kaltsounis

*Chairperson Boswell again stated for the record that the motion had passed six to two, and he wish Mr. Beckett good luck.*

## **NEW BUSINESS**

**2012-0058** Request for Site Plan Approval - City File No. 05-016.2 - Avon Wellness Center, a proposed one-story, 79,680 square-foot nursing home facility on 9.58 acres, located on Meadowfield Dr., west of Rochester, zoned SP, Special Purpose, Parcel No. 15-22-226-016 (formerly approved as Meadowfield PUD), Daniel DeRemer, JW Design Architectural Studio, Applicant

*(Reference: Staff Report prepared by James Breuckman, dated April 13, 2012 and Site Plan and associated documents had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Daniel DeRemer, JW Design Architectural Studio, 412 S. Washington, Royal Oak, MI 48067, David LeClair, Livingston Engineering, 3900 Old US 23, Brighton, MI 48116, and Kenneth Weikal, Kenneth Weikal Landscape Architecture, 33203*