

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

estimates for landscaping were still needed. The landscape plan was fairly small, because there was a lot of existing landscaping that met the City's requirements. He added that an irrigation plan would also need to be submitted. Mr. Breuckman said that building plans had been provided, including a page with a colored rendering, but the applicant needed to clarify the appearance of the rectangular elements behind the sign band and above the storefront glass system. A traffic impact study had been required by the City's Traffic Engineers. The results were included in the packet, and they were also discussed in the Engineering review memo. Mr. Breuckman indicated that he had no particular concerns with traffic. He referred to the Engineering review dated February 4, 2014, which did not recommend approval, but he clarified that the comments regarding underground detention could be addressed without impacting the site design. It was forwarded to the Commissioners because that issue could be addressed during Construction Plan review. He noted the motions in the packet, and mentioned that condition three of the Site Plan motion should include posting of the required landscape bond.

Mr. Schroeder asked if Staff reviewed the drive-up window with one lane for two restaurants. He thought there could be the potential of one window holding up traffic for the other.

Mr. Breuckman agreed that Staff did review it, and the Plan met the required ten stacking spaces. He reminded that Conditional Land Uses were discretionary, but having met the Ordinance requirements, Staff did not see a reason to hold up the project or require anything above and beyond until the Planning Commission could review it.

Mr. Schroeder asked Mr. Frankel if he had considered having a dual lane going up to the end of the building so if there were cars stacked up to the window on the south side, people could go around to the window on the north side. Mr. Frankel responded that there were two lanes behind the building. There was a stacking lane and circulation behind the stacking lane. Mr. Schroeder was satisfied that had answered his question.

Chairperson Boswell announced that a Conditional Land Use recommendation to City Council required a Public Hearing for anyone that wished to speak on this issue, and he then opened the Public Hearing at 7:35 p.m. Seeing no one come forward, he closed the Public Hearing.

Hearing no further discussion, Mr. Schroeder moved the CLU motion,

seconded by Mr. Yukon.

MOTION by Schroeder, seconded by Yukon, in the matter of City File No. 13-012 (Campus Corners Outlot Retail Building) the Planning Commission **recommends** to City Council **approval** of the **conditional land use** to permit two drive-through facilities based on plans dated received by the Planning Department on February 20, 2014, with the following 5 findings.

Findings

- 1. The traffic generated by the proposed development is not expected to be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
- 2. The proposed building and other necessary site improvements meet the standards 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 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 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.*

Mr. Reece clarified that they were approving two drive-thru locations.

Mr. Schroeder asked Mr. Frankel if he would eliminate one drive-thru if there was only one restaurant that required a drive-thru. Mr. Frankel said that he had one agreement in place with a restaurant that required a drive-thru, and they were talking to two other restaurants that required a drive-thru. He maintained that in order to be competitive in today's marketplace, drive-thrus were becoming an important part of the merchandising scheme. He needed to provide a competitive location. He agreed that if someone did not need one, it would not be installed.

Chairperson Boswell asked the Commissioners if they had ever seen a building with two drive-thrus. Mr. Reece said he had not, and that was why he asked the question. He thought that the layout was somewhat forced and contrived by having one drive-thru exiting where people were entering the other drive-thru. He said that he would support one drive-thru, but not the layout as it was currently.

Chairperson Boswell said that in answer to Mr. Schroeder's question, for the southern drive-thru, people could pull out and around, but it appeared to Chairperson Boswell that if someone wanted to pull in to the second (north) drive-thru at the same time that someone wanted to pull out of the first (south) drive-thru, there would be a conflict. Mr. Reece stated that was exactly what he was concerned about. Chairperson Boswell asked if there were comments from any other Commissioners.

Mr. Schroeder indicated that if one were a McDonald's, which had tremendous drive-thru traffic, it probably would not work out. Mr. Frankel said that he did not anticipate a restaurant being larger than 3,000 s.f., and it would be mainly for breakfast or coffee.

Chairperson Boswell called for a roll call vote:

Ayes: Hooper, Schroeder, Yukon

Nays: Boswell, Brnabic, Dettloff, Reece

Absent Hetrick, Kaltsounis

MOTION FAILED

Chairperson Boswell said that he had actually anticipated that happening, but he did not anticipate what he would do next. It was something that they had never seen before, and it bothered him that there would be traffic conflict. He understood that everything met Ordinance requirements, but he thought that there was too much opportunity for conflict. He asked if any other designs were brought forward.

Mr. Breuckman said that the applicant had always been striving to get two drive-thrus, and Staff worked with him to get a technically compliant plan to bring forward. He was not sure if Mr. Frankel wanted to go back to the drawing board and come back with something else or if the Commission should just make its recommendation to City Council, and they would see what the decision was ultimately.

Mr. Frankel stated that they had worked diligently with the Planning Department to come up with a number of alternatives to solve the

problem of having two drive-thrus. The one he had presented was the best approach that they had collectively agreed upon that met the Ordinance for 10 stacking cars and for circulation around the building.

Chairperson Boswell knew, from Mr. Frankel having come before the Planning Commission previously, that he had done the best he could. However, personally, Chairperson Boswell was bothered by it. They could send it to Council and see what they had to say. Mr. Breuckman said that Mr. Frankel probably wanted to, and Mr. Breuckman did not feel there was any sense in delaying it. If they sent a recommendation to deny, it would be appropriate for the Commission to add a finding or two describing why they were recommending denial. He explained that it would be important to have findings in the motion.

Mr. Hooper referred to the southeast corner, where the conflict was, and he asked if there was a way to add some type of curb or island to force the eastbound drive-thru to turn to the south and the northbound drive-thru would have to come in at an angle so the cars would not have a conflict. He wondered if there was a workable solution such as that.

Mr. Breuckman thought that could be done, but in order to make the ten-space stacking requirement work, those windows had been pushed to the far southeast and northwest corners of the buildings, and the one on the south side of the building would have to be pulled west. That would back all of the stacking spaces up, and the tail end of the drive-thru window would go into the circulation aisle. It was possible to reduce the stacking requirements, but that would be subject to providing some kind of evidence based on who the user was. They would need to demonstrate what the stack was during peak times. On a speculative basis, the Planning Commission could not really reduce the stacking requirement.

Mr. Hooper said that for the northern drive-thru, if the stacking was reduced and some kind of curb element was introduced in the southeast corner so the cars had to go around a curb in order to come back in, the east bound lane could leave and there would be no conflict. He felt that was feasible, but there would have to be a waiver of the stacking requirements. Mr. Breuckman thought they would have to reduce one of the drive-thrus by two spaces or each by one. Mr. Hooper asked Mr. Frankel if he had any thoughts regarding that.

Mr. Frankel was not sure how the Commissioners wanted him to respond. Mr. Hooper said that he was just trying to find a solution, and Mr. Frankel said that he appreciated it. He did not have a user for the north drive-thru

presently. He had Potbelly's for the south side, which was a national sandwich shop. He had not asked them what their requirements were for stacking. Mr. Hooper suggested that when Mr. Frankel sought tenants, that he could tell them that there was an eight car stacking requirement. Mr. Frankel said he could live with that. Mr. Dettloff thought that was reasonable. Mr. Frankel said the same thing could work on the south side. He could perhaps make both tens nines or one ten eight and leave the other at ten, depending on who the drive-thru user was. Mr. Hooper added that a curb or landscaped island element could be used to physically separate the two, and Mr. Frankel said that he would be happy to do that.

Mr. Reece said that if the use dictated that there could be less stacking, he would still be concerned that the north side drive-thru primary stacking lane would be up against the service entrance of the building. He assumed that would be the same entrance where deliveries would be made. He asked where the delivery trucks would park to make deliveries into the individual tenants, noting that the drive-thru lane would essentially be right at the service door.

Mr. Frankel suggested that deliveries could be made through the front as opposed to the rear, and they would probably be very early in the morning before the restaurants opened. Typically, deliveries were made on a daily basis, usually between four and five o'clock in the morning. There would not be deliveries for those types of facilities at nine or ten o'clock in the morning. Sometimes they were done at midnight when the stores were closed. He saw that with Jimmy John's and many other restaurants.

Mr. Hooper believed that with previous CLU approvals, the Commission had put restrictions on delivery times, specifically for drive-thrus. Mr. Frankel thought that would be a workable solution. Chairperson Boswell indicated that some places were open 24 hours a day, but he did not think that was the type of client Mr. Frankel was looking for. Mr. Hooper also did not think there would be 8 cars stacked from 12:00 a.m. to 6:00 a.m.

Ms. Brnabic commented that deliveries did not usually occur through front doors. She thought they could work with delivery times, though. Mr. Frankel said that they would be happy to do that. Mr. Schroeder suggested restricting deliveries to times when stores were not open. Mr. Yukon said they would have to be careful, with multiple tenants, so that they operated at the same hours. Mr. Frankel said that some stores got deliveries through UPS, and those would come through the front door. He said that he would be happy to agree to some restrictions on the

restaurant use, including the possible elimination of a stacking space for each drive-thru or for two at either end if that was satisfactory to the Planning Commission.

Chairperson Boswell asked Mr. Breuckman if that was possible. Mr. Breuckman advised that the Ordinance gave the Commission the option to waive the ten-space stacking requirement, but certain conditions needed to be met before it could be approved. Mr. Breuckman said that technically, the easiest way forward would be to ask for some type of analysis for Potbelly and what their drive-thrus did. Mr. Schroeder asked if they could put in a condition stating that it would be worked out at the time the tenant was known. Mr. Breuckman said that if the Commission was comfortable delegating Staff to review the evidence at the time a tenant was identified, they could do that.

Chairperson Boswell said that if Potbelly were to scoff at the idea of ever having ten cars in the stacking lane, he would like to see the pickup window moved back so the conflict was eased a little bit. He knew that Mr. Frankel wanted to get busy on his building, and he would not know where to put the pickup window. If Potbelly said they often had ten cars, they would have an issue again.

Mr. Dettloff suggested that as a way of not bogging things down, Staff had heard the Commissioners' concerns, and he would feel comfortable having Staff deal with it. Mr. Breuckman felt that he had a good handle on the concern, and he asked if Mr. Frankel could provide a revised Site Plan showing the island that would push the traffic coming out of the south driveway back to the south and for the north driveway coming in to separate the conflict point. If there was a condition when the tenants were identified that Mr. Frankel had to demonstrate that they would not be over stacking the site based on evidence from other similar sites, Staff could review that.

Chairperson Boswell said that he doubted that Potbelly would have ten cars stacking, and he hoped he would not hear them say they had ten cars all the time. He asked if they would install an island with the window so close. Mr. Breuckman agreed that the window would have to be pushed back to get the island there. Mr. Breuckman said they would end up with eight or nine stacking spaces. Mr. Reece said that the window location was usually predicated on the kitchen layout, and they were generally in the back half of the stores, not up front, where the window would have to be moved.

Ms. Brnabic indicated that she would like to see the Plan come back, because there were quite a few question marks, even with all the things they just discussed. She was a little concerned about the policies with deliveries. The Commissioners could ask for deliveries to stop at 6:00 a.m., but it depended on the business and its own policy and regulations. She thought that perhaps they could have a condition regarding it, but with the way the vote went, she thought there should be more thought given to it, and that a revised plan should be submitted for review by the Commissioners.

Mr. Frankel said that it would create the chicken and egg theory, which meant that he would have to get all the tenants lined up before he could determine how they should operate. That would not allow him to build the building on a timely basis. He would like to be able to build it and work out the mechanics of the drive-thrus with the Planning Department. At least he could get one tenant in for sure and work through the second one. That was important to him. If he had to wait to find a tenant for the north end of the building, there was a possibility that it might not be a restaurant that needed a drive-thru. For example, it could be a coney island, which did not need a drive-thru. He had laid out the plan for the worst case scenario, and if he got to the point where he got two drive-thrus and then had a problem with the stacking, he would like to work with the Planning Department to see what they could do to accommodate the site to make it work. If he could not work it out with the Planning Staff, he could not, but at least he could get the building up and operating.

Chairperson Boswell said that at the present time, they would not need to know if anyone or who was in the north facility. They needed to know if Potbelly ever had ten cars stacked in a drive-thru.

Mr. Frankel said that he had not asked them that. Mr. Breuckman suggested that if it was close, even if they pushed the drive-thru window back on the north side of the building to a more reasonable location, he thought they could get eight cars stacking and nine on the south side pretty comfortably. He also suggested that they could put some criteria around what Staff could approve, and when the tenant came, they could show the drive-thru stats from three comparable locations. If it was clear that the demand would not outstrip the number of stacking spaces, Staff would approve it. He explained that if it was close, they would bring it back to the Planning Commission for review. If it was clear, he had no problem approving it, but if it was close, Staff would not be comfortable approving it. He indicated that it was a potential way to address it.

Mr. Hooper summarized three potential conditions. The first would be to restrict rear door deliveries for the interior tenants to non-operating hours of drive-thru restaurants. The second would be to reduce stacking for drive-thrus to eight on the northbound drive-thru and nine on the southern drive-thru, with proof for the specific tenant, as approved by Staff. The third would be to place an island at the southeast corner to separate drive-thru conflicts, as approved by Staff.

Mr. Reece suggested that as a possible solution to move things forward, he asked Mr. Frankel if he would consider the motion being revised to permit a drive-thru on the south elevation and make a condition of approval that should he have a tenant on the north elevation that desired a drive-thru, he would come back for Site Plan approval based on that tenant and its impact on the site. That would allow him to get the building built. He would not be putting a window in yet because he did not have a tenant to even design around. If that north tenant had a drive-thru, the Planning Commission could look at the impacts on the site.

Mr. Frankel said that if he could satisfy the three conditions Mr. Hooper mentioned as criteria, he would be happy to do that. If he could demonstrate that his tenant only needed eight, he would be happy to do that. He just did not want to have another set of criteria so that in three to four months they had to revisit the issue. As long as he knew what he had to work with, he could live with it.

Mr. Reece clarified that Mr. Frankel's preference was that the motion remained with two drive-thrus based on Mr. Hooper's recommendations. Mr. Frankel agreed, and said that he would accept one drive-thru now, and if he needed a second drive-thru and satisfied Mr. Hooper's three conditions, it could be approved. He reiterated that he was just trying to avoid another set of criteria. Mr. Reece said that he could appreciate that, but the Planning Commission was trying to avoid a bad site layout situation that would cause accidents. Mr. Frankel said that he understood. Mr. Dettloff reminded that Mr. Frankel might or might not have a tenant that would require a drive-thru.

Hearing no further discussion, Mr. Schroeder moved the CLU motion in the packet.

Ms. Brnabic clarified that with the new motion, they would still be approving two drive-thrus, but the northern drive-thru would be reviewed by Staff, and if they felt there was still too much of a question mark, it would return to the Planning Commission. Chairperson Boswell agreed.

Mr. Hooper felt that was accurate, and that the applicant had the ability to reduce the stacking lane to eight cars, with proof, and they would add an island to separate conflicts.

Ms. Brnabic confirmed that no matter what, the northern drive-thru would be reviewed in the future. There was currently no tenant, but once one was secured, she wanted to make sure that the northern drive-thru would go through a review process. Chairperson Boswell added that the northern tenant would have to demonstrate that the restaurant could get by with eight stacking cars.

There was a question about whether the Commissioners should be voting on the Site Plan motion. Mr. Breuckman believed they were voting on the CLU motion. Chairperson Boswell said that they had voted on the CLU recommendation, and unless one or more of the no votes wanted to change their vote and ask for a re-vote, they could not vote on the CLU. Mr. Breuckman felt that it would be better if they had an affirmative recommendation. They really did not have a recommendation on the CLU; they had a motion that failed. The three new conditions were really more appropriate being attached to the CLU. Chairperson Boswell asked if any of the no votes wished to call for a re-vote.

Mr. Dettloff called for a re-vote on the CLU. Ms. Brnabic advised that without a CLU approval, Mr. Frankel would not be permitted to have any drive-thrus, even if they approved the Site Plan. Chairperson Boswell called for a re-vote, and Mr. Schroeder moved that the Planning Commission have a re-vote for the Conditional Land Use recommendation, seconded by Mr. Dettloff. Chairperson called for a voice vote:

Ayes: All

Nays: None

Absent: Hetrick, Kaltsounis

MOTION CARRIED

Chairperson Boswell stated that the motion had passed. Mr. Schroeder then moved the following, seconded by Mr. Yukon.

MOTION *by Schroeder, seconded by Yukon, in the matter of City File No. 13-012 (Campus Corners Outlot Retail Building) the Planning Commission **recommends** to City Council **approval** of the **conditional land use** to permit two drive-through facilities based on plans dated received by the Planning Department on February 20, 2014, with the following five (5) findings and subject to the following three (3) conditions:*

Findings

1. *The traffic generated by the proposed development is not expected to be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
2. *The proposed building and other necessary site improvements meet the standards 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 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 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

1. *Deliveries to the restaurants' back doors will be restricted to non-operating hours.*
2. *Reduce the stacking lanes for the northern restaurant to eight spaces and to the southern restaurant to nine spaces based upon proof provided to and approved by staff or brought back to the Planning Commission for review to ensure those numbers are satisfactory.*
3. *Place an island on the southeast corner of the building to reduce traffic conflict.*

A motion was made by Schroeder, seconded by Yukon, 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, Hooper, Schroeder and Yukon

Nay 1 - Reece

Absent 2 - Hetrick and Kaltsounis

Chairperson Boswell stated for the record that the motion passed six to one

2013-0358 Request for Site Plan Approval - City File No. 13-012 - Campus Corners Outlot Retail Building, a proposed 8,095 square-foot multi-tenant retail and restaurant building on Livernois, south of Walton Blvd., Campus Corners Associates, Inc., Applicant

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

Aye 6 - Boswell, Brnabic, Dettloff, Hooper, Schroeder and Yukon

Nay 1 - Reece

Absent 2 - Hetrick and Kaltsounis

Mr. Frankel thanked the Commissioners. Mr. Breuckman advised that the matter should be on the March 17, 2014 City Council meeting.

2008-0053 Request for Adoption of the Rochester Hills Architectural Design Standards - James Breuckman, Manager of Planning

(Reference: Memo dated February 20, 2014 and Architectural Guidelines dated February 25, 2014, prepared by James Breuckman, had been placed on file and by reference became part of the record thereof.)

Mr. Breuckman stated that the packet included two versions of the Guidelines; one was the clean version or the form to be used if approved, and the other was a redline version to show where changes and updates were made. There were a couple of changes made to the administrative standards, clarification to some graphics and diagrams and percentages added for the amount of vinyl building material that would be allowed. Mr. Breuckman noted that on the back of his memo was a resolution of adoption for consideration, which would then become part of the guideline packet.

Chairperson Boswell asked if there was any further discussion. Hearing none, Mr. Dettloff moved the motion in the packet to approve the Architectural Guidelines. He thanked Mr. Breuckman for his hard work, noting that the Planning Commission had looked at it quite a lot, and that Mr. Breuckman had done a great job. Mr. Reece seconded the motion,